

LEGISLATIVE BILL 5

Approved by the Governor January 29, 1971

Introduced by C. W. Holmquist, 16th District

AN ACT to amend sections 16-201 and 16-325, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the first class; to eliminate provisions relating to cities of the second class and incorporated villages; to harmonize the provisions with previous legislation; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 16-201, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

16-201. Each city of the first and-second class ~~and each incorporated village~~ shall be a body corporate and politic, and shall have power (1) to sue and be sued; (2) to purchase, lease, lease with option to buy, or acquire by gift or devise, and to hold real and personal property within or without the limits of the city or village, for the use of the city or village, and real estate sold for taxes; (3) to sell and convey, exchange, or lease any real or personal property owned by the city or village, including park land, in such manner and upon such terms and conditions as may be deemed in the best interests of the city or village; Provided, that real estate owned by the city or village may be conveyed without consideration to the State of Nebraska or to the Nebraska Armory Board for state armory sites, or if acquired for state armory sites, shall be conveyed in the manner strictly as provided in sections 18-1001 to 18-1006; (4) to make all contracts and do all other acts in relation to the property and concerns of the city or village necessary to the exercise of its corporate powers; and (5) to exercise such other and further powers as may be conferred by law.

Sec. 2. That section 16-325, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

16-325. (1) There may be in each city a board of public works which shall consist of three members, each having a five-year term of office, the number to be set by ordinance, which members shall be residents of

said city and be appointed by the mayor, by and with the assent of the council. When such board is first established, one member shall be appointed for a term of one year, one for two years, and one for three years and, in the case of a five member board, an additional member shall be so appointed for four years and another for five years. Thereafter, as their terms expire, all members shall be appointed for a full term of three or five years as the case may be. The mayor, by and with the assent of the council, shall designate one of the members of such board to be the chairman thereof.

~~(2) The salary of the members of such board of public works shall be fixed by ordinance, and the salary of each of the members shall not exceed one hundred dollars per annum; Provided, in any city wherein the active direction and supervision of any system of waterworks, streets and alleys, power plant, sewer, heating or lighting plant, and the erection and construction of the same, has been conferred upon the board of public works, the salary of each member of such board may be fixed at not more than five dollars for each regular or special meeting attended by the respective members of said board.~~

~~(3)~~ (2) Each of the members of the board of public works shall, before entering upon the discharge of his duties, take an oath to discharge faithfully the duties of his office. No member of such board shall ever be directly or indirectly interested in any contract entered into by the board on behalf of such city nor be interested, either directly or indirectly, in the purchase of any material to be used or applied for municipal purposes.

~~(4)~~ (3) It shall be the duty of the board of public works to (a) make contracts on behalf of the city for the performance of all such work and erection of all such improvements in the manner provided in section 16-321, (b) superintend the performance of all such work and the erection of all such improvements, (c) approve the estimates of the city engineer, which may be made from time to time, of the value of the work as the same may progress, (d) accept any work done or improvements made when the same shall be fully completed according to contract, subject to the approval of the mayor and council, and (e) perform such other duties as may be conferred upon such board by ordinance.

(5) (4) Any member of the board of public works may at any time be removed from office by the mayor and a majority of the council, and the proceedings in regard

thereto shall be entered in the journal of the council.

Sec.3. That original sections 16-201 and 16-325, Reissue Revised Statutes of Nebraska, 1943, are repealed.