

ORDINANCES

MILES CITY, MONTANA

ORDINANCE NO. 1204

AN ORDINANCE AMENDING SECTIONS 2-128, 2-177 AND 8-4 OF THE CODE OF ORDINANCES OF THE CITY OF MILES CITY, MONTANA RELATING TO THE PROVISION OF BONDS BY THE CITY CLERK, CITY TREASURER AND CITY COURT JUDGE, AND CORRECTING REFERENCES TO SUCH OFFICES.

WHEREAS, §2-128, §2-177 and §8-4 of the Miles City Code of Ordinances all require the provision of a bond by specified City of Miles City officers;

AND WHEREAS, the premiums for such bonds are paid by the City of Miles City;

AND WHEREAS, the City of Miles City currently maintains insurance coverage which provides for coverage of theft or other defalcation by any of the officers and employees of the City of Miles City, including the officers specified in §2-128, §2-177 and §8-4;

AND WHEREAS, so long as the City of Miles City maintains such insurance coverage, the provision of such bonds at the expense of the City is an uneconomical and unnecessary duplication of expense by the City of Miles City;

BE IT ORDAINED by the City Council of the City of Miles City, Montana as follows:

Section 1. Section 2-128 of the Code of Ordinances of the City of Miles City, Montana is amended to read as follows:

“Sec. 2-128. Oath of office; bond; surrender of records to successor.

Before entering upon the duties of the office and within ten days after receiving notice of appointment to the office, the city clerk (ex officio city collector) shall become eligible for the office by qualifying for and executing to the city, subject to the approval of the city council, a bond in a sum reasonably commensurate to the financial duties of the office, conditioned on the faithful and proper performance of the duties of the office of city clerk and ex officio city collector, and shall take the official oath of office. So long as the City maintains insurance coverage which expressly includes coverage of theft or other defalcation of city funds by the city clerk, such bond shall not be required. The city clerk shall deliver over in proper form to a successor in office all records, documents, papers and other things pertaining to the office and which belong to the city. Such bond, if required, and oath of office shall be filed with the city treasurer.”

Section 2. Section 2-177 of the Code of Ordinances of the City of Miles City, Montana is amended to read as follows:

“Sec. 2-177. Bond; oath of office; delivery of city moneys; surrender of records to successor.

Before entering upon the duties of the office and within ten days after receiving notice of appointment to the office, the city treasurer shall become eligible for the office by qualifying for and executing to the city, subject to the approval of the city council, a bond in a sum reasonably commensurate to the financial duties of the office, conditioned on the faithful and proper performance of the duties of the office of city treasurer, and shall take the official

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oath of office. So long as the City maintains insurance coverage which expressly includes coverage of theft or other defalcation of city funds by the city treasurer, such bond shall not be required. The treasurer shall pay over and render a full and true account, whenever required by the city council, mayor or other authorized person, of all money received by the office of city treasurer and belonging to the city; and shall deliver over to a successor in office or other authorized person all money, books, papers and other things pertaining to the office and which belong to the city. Such bond, if required, and oath of office shall be filed with the city clerk. If the bond furnished as provided in this section is a surety bond, the premium on the bond shall be a proper charge against the city."

Section 3. Section 8-4 of the Code of Ordinances of the City of Miles City, Montana is amended to read as follows:

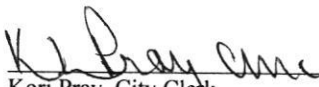
"Sec. 8-4. Judge's bond and oath of office; delivery of records to successor.

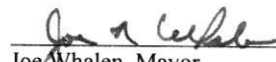
Before entering upon the duties of the office and within ten days after receiving notice of appointment to the office, the city judge shall become eligible for the office by qualifying for and executing to the city, subject to the approval of the city council, a bond in a sum reasonably commensurate to the financial duties of the office, conditioned on the faithful and proper performance of the duties of the office of city judge, and shall take the official oath of office. So long as the City maintains insurance coverage which expressly includes coverage of theft or other defalcation of city funds by the city judge, such bond shall not be required. The city judge shall render a just and true account at least once a month, or more often if required to do so by the city council, of all money received by the office of city judge and belonging to the city; and shall deliver over to a successor in office, or to any person authorized by law or the ordinances of the city to receive the same, all books, papers, records and other things pertaining to the office which belong to the city. Such bond, if required, and oath of office shall be filed with the city clerk."

Section 4. These amendments shall become effective thirty (30) days after the final passage of this Ordinance.

Said ordinance read and put on its passage this 11th day of May, 2010.

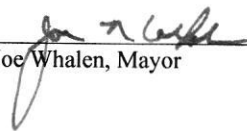
ATTEST:


Kori Pray, City Clerk


Joe Whalen, Mayor

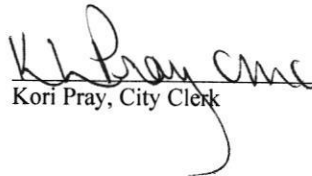
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FINALLY PASSED AND ADOPTED this 13th day of July, 2010.



Joe Whalen, Mayor

ATTEST:



Kori Pray, City Clerk

Affidavit of Publication

STATE OF MONTANA }
County of Custer } ss.

Mary Halvorson, being duly sworn on her oath,
says that she has been the principal clerk of the
printer of the MILES CITY STAR, a daily
newspaper of general circulation, printed and
published at Miles City, in said County and
State. That The Legal Notice Ordinance . A
printed and true copy which, cut from the
columns of said newspaper, is hereto attached,
and made a part hereof, was printed and
published in said newspaper, in the regular and
entire issue of every number of the paper during
the period, May 17, 24, 2010.

Signed Mary Halvorson

Subscribed and sworn to before me this 26th

day of May, 2010

Sharon Cline

LEGAL NOTICE
NOTICE IS HEREBY GIVEN that the City Council of the City of Miles City will conduct a public hearing on May 25th, 2010 at 7:00 p.m. on consideration of Ordinance 1204; An Ordinance Amending Sections 2-128, 2-177, and 8-4 of the Miles City Code of Ordinances to the provision of bonds by the City Clerk, City Treasurer and City Court Judge, and correcting references to such offices.

The above Ordinance is on file and available for public inspection at the City Clerk's Office at City Hall, 17 S. 8th St., Miles City, MT. You are further notified that objections to the final adoption of the Ordinance will be heard by the City Council in the Council Chambers at City Hall on May 11th, 2010 at 7:00 p.m.

For information or questions you may contact the City Clerk at 234-3462.

BY ORDER OF
THE CITY COUNCIL

Kori Pray
City Clerk

(Published May 17, and 24, 2010)

