

ORDINANCE NO. _____

1 AN ORDINANCE amending Section 4.24.070 of the Lincoln Municipal Code relating to
2 the powers and duties of the Lincoln Electric System Administrative Board to authorize the
3 Lincoln Electric System to provide Telecommunications Service; and repealing Section 4.24.070
4 of the Lincoln Municipal Code as hitherto existing.

5 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

6 Section 1. That Section 4.24.070 of the Lincoln Municipal Code be amended to read as
7 follows:

8 **4.24.070 Powers and Duties; Specifically.**

9 The Board shall:

10 (a) Fix the salaries and other employment benefits of all officers or employees of the
11 Lincoln Electric System and establish a system governing the selection, promotion, and retention
12 of the officers and employees of said system.

13 (b) Purchase and contract for all materials, parts, services, supplies, and equipment
14 required by Lincoln Electric System; provided, however, the board shall not enter into any
15 contract for the purchase of a capital asset including a generating facility in whole or in part
16 unless the City Council, by resolution, has previously approved the contract prior to formal
17 execution by the board, or unless the City Council has approved a previous budget without
18 limitation which authorizes the spending of sufficient monies to satisfy the requirements of the
19 proposed contract though not designated specifically.

20 (c) Deposit all sums of money received by the Lincoln Electric System in such
21 separate funds and accounts as may be established by ordinance of the City or by resolution of
22 the Board from time to time for money of the Lincoln Electric System. The Board or its designee
23 shall:

24 (1) Credit each such fund or account in accordance with the requirements of

1 each such ordinance or resolution in the amount, at the times, and for the purposes required by
2 each such ordinance or resolution, and

3 (2) Make disbursements from the proper funds and accounts for the payment
4 of obligations of the Lincoln Electric System in accordance with each such ordinance or
5 resolution. The Mayor and Finance Director shall issue warrants pursuant to Article XI, § 28 of
6 the Charter drawn upon such funds and accounts of the Lincoln Electric System for such amounts
7 as are certified by the Board or personnel authorized by the Board.

8 (d) Do all other acts necessary to carry out the provisions of this ordinance save and
9 except:

10 (1) The matter of establishing retail electric rates which authority shall be
11 vested solely in the Lincoln City Council; and

12 (2) No contracts requiring the commitment of the City of Lincoln to the
13 issuance of bonds, notes, or other forms of similar long-term borrowings shall be entered into by
14 the board unless such contract has previously been approved by the City Council, by resolution,
15 prior to formal execution of said contract by the Lincoln Electric System Administrative Board.

16 (e) Possess the authority to provide such Telecommunications Service, as defined in
17 Section 5.17.020 of this Code, as may be determined by the board from time to time to be in the
18 best interest of the City of Lincoln; to apply for and hold such permits, certificates, or other
19 authorizations as may be required to lawfully provide such services; and to take any other action
20 as may be necessary to effectuate the provisions of this Section.

21 (f) Do and perform all other acts necessary to efficiently maintain and operate the
22 Lincoln Electric System including the management of the property, personnel, facilities and
23 finances of the Lincoln Electric System, except those otherwise limited by the provisions of the
24 ordinance.

25 (g) No contract for the total operation and management of the Lincoln Electric
26 System shall be entered into by the board until it has received the approval of the City Council to

1 so contract and to execute any and all documents necessary to effect such contracts.

2 Section 2. That Section 4.24.070 of the Lincoln Municipal Code as hitherto existing be
3 and the same is hereby repealed.

4 Section 3. That this ordinance shall take effect and be in force from and after its passage
5 and publication according to law.

Introduced by:

Approved as to Form and Legality:

City Attorney

Approved this ___ day of _____, 2003:

Mayor