

ORDINANCE NO. 594.

An ordinance relating to the Federal Old Age and Survivors Insurance System established by Title II of the Social Security Act and designated Public Law 734 (81st Congress, 2nd Session) cited as the "Social Security Act Amendments of 1950", and accepting on behalf of the city of Lexington, Nebraska, its officers, appointees and employees, except as specifically excluded herein their dependents and survivors, the provisions, benefits and protection of such act and subsequent amendments thereto; authorizing the President of the Council of this city to make and enter into the required agreements with the administrator of said system for the State of Nebraska, or such other state agency for the purpose as may be hereafter designated or created, to bring such eligibles within the provisions and benefits of said system; providing that such agreement shall be effective July 1, 1951; providing for withholdings from the salaries and wages of eligible officials, appointees and employees for the Social Security Fund herein created; providing for the segregation of such fund, contributions thereto by the municipality and the payment of such fund from time to time to the state administrator as may be required by state or federal law or pertinent regulations; excluding from the provisions of this act such officials, appointees or employees as are covered or authorized to be covered by other municipal retirement or pension plans to the extent required by state or federal law; providing for the levy of a tax in addition to all other taxes in order to defray the cost of this city in meeting the obligation arising by reason of the agreement or agreements aforesaid; providing a saving clause in case of the invalidity of any section or portion of this ordinance; repealing all ordinances in conflict herewith and providing an effective date for this act.

BE IT ORDAINED by the President of the Council and Council of Lexington, Nebraska;

Section 1; The city of Lexington, Nebraska, hereby accepts for itself and on behalf of its officials, appointees and employees, except such as are hereinafter excluded from the provisions hereof, their dependents and survivors, the provisions, benefits and protection of the Federal Old Age and Survivors Insurance System, hereinafter designated the "System", established by Title II of the Social Security

Act, the same being Public Law 734 (81st Congress, 2nd Session, H.R. 6000) and to be cited as the "Social Security Act Amendments of 1950".

The term "employee" as used herein shall mean an employee as defined by said Social Security Act and shall include both officers and appointees of this city.

Section 2; The President of the Council of this city is hereby authorized and directed to enter into such contracts and make such agreements and stipulations with the administrator of said system in and for the State of Nebraska, or such other state agency for the purpose that may hereafter be designated or created, as may be deemed necessary or expedient by said administrator, or other state agency authorized in the premises, as the case may be, or as required by general law, state or federal, or any applicable regulations of said state or federal agency, to extend the benefits and protection of such system to the eligible employees of this city, their dependents and survivors. Such contracts, agreements or stipulations shall be executed in duplicate by the President of the Council attested by the signature of the city clerk with the seal of the city attached thereto, one copy thereof to be filed with and become a part of the permanent records of such municipality. Such agreement shall be effective July 1, 1951, in all respects.

Section 3: The employees, or classes of employees, of this city shall include all such employees as are not excluded from participation in said system by the provisions of Section 4 hereof, and are hereby determined to be within and entitled to the benefits and protection of said system.

Section 4: The following employees are hereby determined to be excluded by the terms of this ordinance from participation in said system:

(a) Any employee whose services on the effective date hereof are employed in a position which is covered by an existing municipal retirement or pension system, or authorized to be so covered by general law.

(b) Any employee with respect to any position not authorized for coverage by applicable state or federal laws or regulations of the federal administrative agency.

Section 5: Withholdings from the compensation of eligible employees of this city as found and determined by Sections 3 and 4 hereof are hereby authorized, and the city shall impose upon such employees as to services covered by this ordinance such withholdings to be made in amounts and at such times as may be required by general law, state or federal, and applicable regulations promulgated with respect thereto by state or federal administrative agencies.

Section 6: There is hereby created, and the city treasurer is hereby authorized and directed to set up an account to be known as the "Social Security Fund", into which the withholdings authorized by Section 5 hereof shall be paid; also the proceeds from the tax levy as hereinafter authorized, together with any appropriations from available funds that might be made from time to time by municipal authority for the benefit of said fund. Said fund shall be kept segregated and shall be used for no other purposes than the provisions and obligations of this act, as herein provided to be accomplished by such fund.

Section 7: The moneys in the Federal Security Fund aforesaid shall be paid over to the Tax Commissioner designated by law as the administrator of the Social Security Act for the state of Nebraska, as authorized and provided by regulations promulgated to that end by such administrator.

Section 8: The city treasurer and this city shall keep such records and make such reports relevant to the administration of the Social Security Act as may be required by general law, state or federal, or as provided by regulations promulgated by either the state or federal administrator of the system.

Section 9: The President of the Council and Council shall levy a tax, in addition to all other taxes, of not to exceed one mill upon the dollar of the actual value of real and personal property in this city in order to defray the cost of the city in meeting the obligations arising by reason of the contracts, agreements or stipulations authorized under Section 2 hereof; provided, the revenue raised by such special levy shall be used for no other purpose.

Section 10: If any provision of this ordinance, or any section or sections thereof, or the application thereof to any person or circumstance is held to be invalid, the remainder of the ordinance and the application of such provisions, section or sections to other persons or circumstances shall not be affected thereby.

Section 11: Any ordinances, or parts of ordinances, in conflict herewith are hereby repealed, and this ordinance shall be in full force and effect upon its passage, approval and publication as provided by law.

Passed and approved this 12th day of June, 1951.

(Signed)

Bernard Boland
President of Council.

SEAL

ATTEST:

J. J. Gillan
Clerk.

lt.