Chapter 2.30

CLERK-TREASURER

Sections:

2.30.010 Duties of Clerk-Treasurer. That the duties of the clerk-treasurer are as follows: It shall be the duty of the clerk-treasurer:

(1) To receive all moneys that come to the city or town, either from taxation or other wise, and to pay the same out on the warrant of the mayor, countersigned by the clerk-treasurer, drawn in accordance with law.

(2) To perform such duties in the collection of taxes, licenses or assessments as are or may be prescribed by law or ordinances.

(3) To present on the first Thursday of each month to the council a full and detailed statement of the amounts of money belonging to the city or town received by him, and by him disbursed, during the preceding month, and the state of each particular fund, which statement must be verified by his oath.

(4) To keep the books and accounts of the city or town in such manner as to correctly present the condition of the finances thereof, which must always be open to the inspection of the mayor, council or any member thereof.

(5) To keep a separate account of each fund or appropriation and the debits and credits thereof.

(6) To give every person paying to him money as treasurer, a receipt therefore, specifying the date of payment, the amount and for what paid.

(7) To render at any time an account to the council showing the money on hand and the condition of the treasury.

(8) To keep a register of all warrants paid, called "The Registery Bond", which must show the date, amount and number, and the person to whom and the fund from which the same was paid, and deliver and file with the city clerk all vouchers, warrants or orders paid by him.

(9) To annually make out and submit to the city council, at its last meeting prior to May first, a detailed account of all receipts and expenditures during the past fiscal year, published in some newspaper in the city or town, or if none is published, such abstract must be posted in the room or building occupied by the council.

(10) To pay out in the order which they are registered all warrants presented for payment, when there are funds in the treasury to pay the same.

(11) No money must be transferred from one fund to another except by ordinance or resolution of the council.

(12) To deposit all public moneys in his possession and under his control, excepting such as may be required for current business in any solvent bank or banks located in such city or town, subject to national supersession or state examination, as the council shall designate and no other, and the sum so deposited shall bear interest at the rate of not less than two and one-half (2½) percent per annum payable quarter annually.

2.30.020 Taking of Bonds. The clerk-treasurer shall take from such banks such security in public bonds or other securities or indemnity bonds as the council may prescribe, approve and deem fully sufficient and necessary to incure the safety and prompt payment of all such deposits on demand.

2.30.030 Distributing of Deposits. When more than one such bank be available in any city or town, such deposits shall be distributed rateably among all such banks qualifying therefore sustantially in proportion to the paid in capital of each such bank willing to receive such deposits under the terms of this act, and it shall be the duty of the treasurer to pro-rate all such deposits among all the banks in such city or town qualified to receive same as in this act provided, to the end that an equitable distribution of such deposits be maintained, but the amount so deposited in any bank shall at no time exceed the amount of paid in capital of such bank.

2.30.040 Qualifing for Deposits. If no such bank exists in the city or town or if any bank or banks existing therein fails or refuses to qualify under the terms of this act to receive such deposits, then and in such case, or in either of such cases, such moneys or any portion thereof shall be deposited under the terms of this act in the bank or banks most convenient to such city or town willing to accept such deposits under the terms of this act and qualified as above provided.

2.30.050 Receiving Deposits. Any bank or banks receiving such deposits shall, through its president and cashier, make a statement quarter annually of account under oath, showing all such moneys that have been deposited with such bank during the quarter, the amount of daily balances in dollars, and the amount of interest by such bank or banks credited or paid therefore, and showing that neither such bank or any officer thereof, nor any person for said bank, has paid or given any consideration of emolument whatsoever to the clerk-treasurer or to any other person other than the interest provided for herein, for or on account of the making of such deposits with any such bank. All such deposits shall be subject to withdrawal by the treasurer in such amounts as may be necessary from time to time, and no deposit of funds shall be made or permitted to remain in any bank until the security for such deposits shall have been first approved by the council and delivered to the clerk-treasurer. All interest paid and collected on such deposits shall be credited to the general fund of the city or town.

2.30.060 Loss of Deposits. When moneys shall have been deposited in accordance with the provisions of this act, the treasurer shall not be liable for loss on account of any deposit that may occur through damage by the elements, or for any other cause or reason occasioned through means other than his own neglect, fraud or dishonorable conduct.

2.30.070 Collection of City Taxes. Taxes of the city may be collected by the county treasurer for the city in a manner and form as provided in Section 3356, Revised Codes of the State of Montana, and in compliance with any acts or act amendatory thereof, and any of the laws of the State of Montana, relating to the collection of taxes, until such time as the city council may desire the collection thereof by the city clerk-treasurer to collect all such taxes, assessments for improvements when the same may be provided for by ordinance or resolution.

2.30.080 Annual Accounting and Settlement. On the first Tuesday after the first regular meeting in each fiscal year the committee on finance of the city council shall examine the books, accounts and vouchers and papers of the city clerk-treasurer, ascertain the money and the city warrants on hand, make a final settlement to the end of the fiscal year and report their proceedings to the city council at the next meeting. If said report is approved by the council and the clerk-treasurer's books showing the settlement, they shall then cancel all warrants included in the settlement and all cancelled warrants shall remain in the custody of the city clerk-treasurer until ordered destroyed by the council; but no warrant shall be destroyed until five years after it's date.

2.30.090 Warrants. Warrants paid in order of presentation. Every fund in the hands of the city clerk-treasurer, shall be paid out in the order in which warrants are presented for payment, and in case there are not funds in the hands of said clerk-treasurer applicable for the payment of said warrant the clerk-treasurer shall endorse on the same "not paid for want of funds", and thereafter said warrants shall bear interest at the rate of six percent per annum until there are funds in the hands of the city clerk-treasurer to pay for the same. No funds shall be transferred from one fund to another, except by authority of an ordinance or resolution of the city council.

2.30.100 Personal use of City Funds Prohibited. The city clerk-treasurer is hereby expressly prohibited from using directly or indirectly the money or property of the city for his own private gain or profit, or that of any other person or persons, and it shall be a violation of the clerk-treasurer's bond if he shall use the moneys of the city or if he shall deal in, use or speculate upon, directly or indirectly, either by intent or by associating himself in business with a partner or partners by buying or selling, or in any manner dealing in city warrants or other evidences of indebtedness of said city.

2.30.110 Other Duties. The other duties of the city clerk-treasurer are such as are specified by the laws of the State of Montana or may hereafter be provided for by law or the ordinances of the city, and as vested in the combined office of the city clerk-treasurer.

2.30.120 Official Bond. The city clerk-treasurer shall, before entering upon his duties as afore said, and within ten days after receiving notice of his election, execute an official bond to be approved by the council to the city in the sum of five thousand dollars ($5000) with good and sufficient sureties, conditioned that he will faithfully and truly account for all moneys coming into his hands as clerk-treasurer, and that he will pay over to his successors in office all moneys and property belonging to the city which may be in his hands as such treasurer, and that he will well and truly perform all the duties of his office prescribed by the laws of the State of Montana, and the ordinances of the city in the resolutions and orders of the city council and such other conditions as may be by law required, which bond shall be filed with the city clerk; all of which said bonds before being presented to the city council must be passed upon by the city attorney as to the sufficiency in form and accompanied by his written opinion addressed to the city council.

2.30.130 Oath of Office. The city clerk-treasurer shall, before entering upon his duties as aforesaid, and within ten days after receiving notice of his election, take and subscribe an oath of office and file the same in the office of the city clerk-treasurer.

2.30.140 Compensation. The city clerk-treasurer shall receive as full compensation for all the services performed by him as such city clerk-treasurer, as provided for annually by resolution of the city council.