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CHAPTER 2 – COMMISSIONS AND BOARDS

Article 1 – Standing Committees

§2-101 GENERAL PROVISIONS

(1) At the organizational meeting of the City Council, the Mayor shall appoint members of such standing committees as the Council may by ordinance or resolution create. The membership of such standing committees may be changed at any time by the Mayor, who shall be a member ex officio of each standing committee. The members of the standing committees shall serve a term of office of one year, unless reappointed.

(2) The following standing committees shall be appointed or reappointed each year until changed by the City Council:

Public Affairs and Public Safety
Streets, Public Improvements and Public Property
Public Accounts and Finances
Public Works
Parks and Recreation

(Neb. Rev. Stat. §17-707)

Article 2 – Commissions and Boards

§2-201 LIBRARY BOARD

(1) The Library Board shall be comprised of at least five members nominated by the Mayor and appointed by a majority vote of the City Council. The members of the Library Board shall serve staggered four-year terms so that at any given time the Board shall be comprised of at least one member with four years remaining on his or her term, at least one member with three years remaining on his or her term, at least one member with two years remaining on his or her term, and at least one member with one year remaining on his or her term. Neither the Mayor, any member of the City Council nor any compensated employee of the city library may serve on the Library Board.

(2) Members of the Library Board may be removed by a majority vote of the City Council at any time for any reason.

(3) Vacancies on the Library Board shall be filled by nomination by the Mayor and appointment by a majority vote of the City Council.

(4) No member of the Library Board shall receive any pay or compensation for any services rendered as a member of the Library Board.

(5) The Library Board shall be required to make and adopt bylaws, regulations and rules governing the operation of the library and governance of the Library Board. Copies of all such bylaws, regulations and rules shall be provided to the City Council within 30 days of their adoption or revision. Any individual serving as Treasurer of the Library Board or having any check-writing or disbursement authority on behalf of the Board shall give a bond in a sum determined by the City Council and conditioned upon the faithful performance of his or her duties.

(6) On or before the first Thursday of each calendar month, the Board shall prepare and submit a written report to the City Council showing both for the month and year-to-date a total of all account balances; all money received and expended; the number of books and periodicals on hand, subscribed to and ordered; the number of lost or missing books; and such other information as the City Council or Mayor may require. Such written report shall be verified by affidavit by at least one officer of the Library Board. Upon request of the Council or Mayor, a Library Board representative shall appear at any meeting of the Council to address any issue involving operation of the library or activities of the Library Board.

(Am. by Ord. No. 969, 11/20/03)

§2-202 PLANNING COMMISSION

(1) The Planning Commission shall consist of seven regular members who shall represent, insofar as is possible, the different professions or occupations in the City and shall be appointed by the Mayor by and with the approval of a majority vote of members of the City Council. Two of the regular members may be residents of the area over which the City is authorized to exercise extraterritorial zoning and subdivision regulation. When there are a suffi-

cient number of residents in the area over which the City exercises extraterritorial zoning and subdivision regulation, one regular member of the Commission shall be a resident from such area. If it is determined by the City Council that a sufficient number of residents resides in the area subject to extraterritorial zoning and subdivision regulation and no such resident is a regular member of the Commission, the first available vacancy on the Commission shall be filled by the appointment of such an individual. For purposes of this section, "a sufficient number of residents" shall mean 500 residents. The term of each regular member shall be three years, except that approximately one-third of the regular members of the first Commission shall serve for terms of one year, one-third for terms of two years, and one-third for terms of three years. All regular members shall hold office until their successors are appointed. Any member may, after a public hearing before the City Council, be removed by the Mayor with the consent of a majority vote of the council members for inefficiency, neglect of duty, malfeasance in office, or other good and sufficient cause. Vacancies occurring otherwise than through the expiration of term shall be filled for the unexpired portion of the term by the Mayor.

(2) All regular members of the Commission shall serve without compensation and shall hold no other city office except when appointed to serve on the Board of Adjustment as provided in Neb. Rev. Stat. §19-908. All members of the Commission may be required, in the discretion of the Mayor and City Council, to give bond in a sum set by resolution of the City Council and conditioned upon the faithful performance of their duties. The Commission shall elect its Chairperson and a Secretary from its members and create and fill such other of its officers as it may determine. The term of the Chairperson and the Secretary shall be one year and they shall be eligible for reelection. No member of the Commission shall serve in the capacity of both Chairperson and Secretary. It shall be the duty of the Secretary to keep the full and correct minutes and records of all meetings and to file them with the City Clerk, where they shall be available for public inspection during office hours. The Commission shall be funded by the City Council from time to time out of the General Fund. The expenditures of the Commission, exclusive of gifts, shall be within the amounts appropriated for that purpose by the Council and no expenditures nor agreements for expenditures shall be valid in excess of such amounts. A number of Commissioners equal to a majority of the number of regular members appointed to the Commission shall constitute a quorum for the transaction of any business. The Commission shall hold at least one regular meeting in each calendar quarter, except that the City Council may require the Commission to meet more frequently and the Chairperson of the Commission may call for a meeting when necessary to deal with business pending. Special meetings may also be held upon the call of any three commission members. The Commission shall adopt rules and regulations for the transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which shall be a public record. The Commission shall make and adopt plans for the physical development of the City, including any areas outside its boundaries which, in the Commission's judgment, bear relation to the planning of the City and shall carry out the other duties and exercise the powers specified in Neb. Rev. Stat. §19-929. All actions by the Commission shall be subject to the review and supervision of the Mayor and City Council. The Commission shall make its recommendations to the Council so that they are received within seven days after the Commission begins consideration of a matter relating to the comprehensive development plan, capital improvements, building codes, subdivision development, the annexation of territory,

or zoning. The Commission shall be responsible for making such reports and performing such other duties as the Mayor and City Council may from time to time designate.

(3) The Mayor, with the approval of a majority vote of the City Council, shall appoint one alternate member to the Commission. The alternate member shall serve without compensation and shall hold no other city office. The term of the alternate member shall be three years and he or she shall hold office until a successor is appointed and approved. The alternate member may be removed from office in the same manner as a regular member. If the alternate member position becomes vacant other than through the expiration of the term, the vacancy shall be filled for the unexpired portion of the term by the Mayor with the approval of a majority vote of the City Council. The alternate member may attend any meeting and may serve as a voting and participating member of the Commission at any time when less than the full number of regular commission members is present and capable of voting.

(Neb. Rev. Stat. §19-924 through 19-929)

§2-203 BOARD OF ADJUSTMENT

(1) The Mayor shall appoint, with the consent of the City Council, a Board of Adjustment which shall consist of regular members plus one additional member designated as an alternate who shall attend and serve only when one of the regular members is unable to attend for any reason. Each member of the Board shall serve a term of three years, unless reappointed, and shall be removable only for cause by the City Council upon written charges and after a public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. One member only of the Board of Adjustment shall be appointed from the membership of the Planning Commission and the loss of membership on the Planning Commission by such member shall also result in his or her immediate loss of membership on the Board of Adjustment and the appointment of another Planning Commissioner to the Board of Adjustment. After the effective date of this section, the first vacancy occurring on the Board of Adjustment shall be filled by the appointment of a person who resides in the extraterritorial zoning jurisdiction of the City at such time as more than 200 persons reside within such area. Thereafter, at all times, at least one member of the Board of Adjustment shall reside outside the corporate boundaries of the City but within its extraterritorial zoning jurisdiction. No member of the City Council shall serve as a member of the Board of Adjustment.

(2) The members of the Board shall serve without compensation and may be required, in the discretion of the City Council, to give a bond in a sum set by resolution of the City Council and conditioned upon the faithful performance of their duties. The Board shall organize at its first meeting in June of each year and elect from its membership a Chairperson and Secretary. No member of the Board of Adjustment shall serve in the capacity of both Chairperson and Secretary of the Board. It shall be the duty of the Secretary to keep complete and accurate minutes of all Board meetings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be public record. All meetings of the Board shall be open to the public and shall be held at such times as the City Council may designate or at such other times as the Chairperson may in his or her discretion call a meeting. Special meetings may be also held upon the call of any three members of the Board. A majority of the Board shall constitute a quorum for the

purpose of doing business. The Board shall adopt rules in accordance with the provisions of Neb. Rev. Stat. §19-901 to 19-914.

(3) It shall be the duty of the Board (a) to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by a city official based on or made in the enforcement of any zoning regulation or any regulation relating to the location or soundness of structures; (b) to hear and decide, in accordance with the provisions of the zoning regulations, requests for interpretation of any map; and (c) where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of the zoning regulations or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to or exceptional and undue hardships upon the owner of such property, to authorize, upon an appeal relating to the property, a variance from such strict application so as to relieve such difficulties or hardship, if such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of any ordinance or resolution.

(4) No variance shall be authorized by the Board unless it finds that: (a) the strict application of the zoning regulations would produce undue hardship; (b) such hardship is not shared generally by other properties in the same zoning district and the same vicinity; (c) the authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance; and (d) the granting of such variance is based upon reason of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit, or caprice. No variance shall be authorized unless the Board finds that the condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the zoning regulations.

(5) In exercising the above-mentioned powers, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all powers of the officer from whom the appeal is taken. The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision, or determination of any such city official or to decide in favor of the applicant on any matter upon which it is required to pass under any such regulation or to effect any variation in such regulation.

(6) The Board shall be responsible for making such reports and performing such other duties as the City Council may designate.
(Neb. Rev. Stat. §19-907 through 19-910)

§2-204 BOARD OF HEALTH

(1) The City Council shall appoint a Board of Health which shall consist of four members. The members of the Board shall include the Mayor, who shall serve as Chairperson; the

President of the City Council; and two other members. One member shall be a physician or health care provider, if one can be found who is willing to serve. Such physician or health care provider, if appointed, shall be the Board's medical advisor. If the Mayor has appointed a Chief of Police, he shall serve on the Board as Secretary and Quarantine Officer. The members of the Board shall serve, without compensation, one-year terms of office unless reappointed and shall reorganize at the first meeting in January of each year. No member of the Board of Health shall hold more than one Board of Health position.

(2) The Secretary shall keep full and correct minutes and records of all meetings and file the same with the City Clerk, where they shall be available for public inspection during office hours. The Board of Health shall be funded by the City Council from time to time out of the General Fund. A majority of the Board shall constitute a quorum for the purpose of doing business. The Board shall meet at such times as the Council may designate. Special meetings may be held upon the call of the Chairperson or any two members of the Board.

(3) The Board shall enact rules and regulations, which shall have the full force and effect of law, to safeguard the health of the people of the City. The Board shall enforce the rules and regulations and provide fines and punishments for any violations thereof. It may regulate, suppress, and prevent the occurrence of nuisances and enforce all state laws and city ordinances relating to nuisances and to matters of sanitation which affect the health and safety of the people. The Board shall regularly inspect such premises and businesses as the City Council may direct. All members of the Board shall be responsible for making such reports and performing such other duties as the City Council may from time to time designate.

(Neb. Rev. Stat. §17-121)

§2-205 PARK BOARD

The City Council shall appoint the Park Board, which shall consist of not less than five members who shall be resident freeholders in the City. The members of the Board shall serve one-year terms of office unless reappointed. The board members shall serve without compensation and may be required, in the discretion of the City Council, to give bond in a sum set by resolution of the Council and conditioned upon the faithful performance of their duties. No member of the City Council shall serve as a member of the Park Commission while serving a term of office as a member of the Council. At the time of the Board's first meeting in January of each year, the members shall organize by selecting from their number a Chairman and Secretary. No member of the Park Commission shall serve in the capacity of both Chairman and Secretary of the Board. It shall be the duty of the Secretary to keep the full and correct minutes and records of all meetings and to file the same with the City Clerk, where they shall be available for public inspection during office hours. A majority of the board members shall constitute a quorum for the transaction of business. The Board shall meet at such times as the City Council may designate. Special meetings may be held upon the call of the Chairman or any two of the board members. It shall be the duty of the Board to take the immediate charge of all parks and recreational facilities belonging to the City. The Board shall establish appropriate rules and regulations for the management, use, and operation of the same. All employees of the City doing work in or for the city park shall be under the supervision and direction of the Board. All actions of the Board shall be subject to the review and control of the City Council. The Board shall be responsible for making such reports and performing such other

duties as the Council may from time to time designate. (Neb. Rev. Stat. §17-952)

§2-206 HOUSING AUTHORITY BOARD

(1) The City Council shall appoint five persons who shall constitute the Housing Authority and such persons shall be called the Commissioners. One Commissioner shall be appointed each year. Each Commissioner shall serve a five-year term of office or until his successor is duly appointed; provided, all vacancies shall be filled for the unexpired terms. The City Council may appoint one of its members to serve as one of the five members of the Housing Authority for such term as the Council may determine. No person shall serve as a Commissioner unless he or she resides within the area of operation of the Housing Authority. A certificate of the appointment or reappointment of any Commissioner shall be filed with the City Clerk and such certificate shall be conclusive evidence of the proper appointment of such Commissioner. A Commissioner shall receive no compensation for his services, but he shall be entitled to the necessary expenses, including travel expenses, incurred in discharge of his duties.

(2) A majority of Commissioners shall constitute a quorum of the Authority for the purpose of conducting its business, exercising its powers, and for all other purposes. Action may be taken by the Authority upon the vote of the majority of the Commissioners present unless in any case the bylaws of the Authority shall require a larger number. The Commissioners shall elect a Chairman and vice-Chairman from among the Commissioners and shall have the power to employ an executive director who shall serve as ex officio Secretary of the Authority. The Authority may also employ legal counsel or it may call upon the chief law officer of the City for such services as it may require. It may employ technical experts and such other officers, agents, and employees as it may require and shall determine their qualifications, duties, compensations, and terms of office. The Authority may delegate such other powers and duties to its agents or employees as it may deem proper.

(3) During his tenure and for one year thereafter, no Commissioner, officer, or employee of the City Housing Authority shall voluntarily acquire any interest, direct or indirect, in any project or in any property included or planned to be included in any project or in any contract or proposed contract relating to any housing project. If any such Commissioner, officer, or employee involuntarily acquires any such interest or voluntarily or involuntarily acquired any such interest prior to appointment or employment as Commissioner, officer, or employee, he shall immediately disclose his interest in writing to the Authority and such disclosure shall be entered upon the minutes of the Authority; and he shall not participate in any action by the Authority relating to the property or contract in which he has any such interest; provided, nothing herein shall apply to the acquisition of any interest in notes or bonds of the Authority issued in connection with any housing project or to the execution of agreements by banking institutions for deposit or handling of funds in connection with a project or to act as trustee under any trust indenture or to utility services, the rates for which are fixed or controlled by a governmental agency.

(4) The Mayor may remove a Commissioner for neglect of duty or misconduct in office in the manner prescribed hereinafter. The Mayor shall send a notice of removal to such

Commissioner containing a statement of the charges against him. Unless within ten days from the receipt of such notice such Commissioner files with the City Clerk a request for a hearing before the City Council, the Commissioner shall be deemed as removed from office. If a request for a hearing is filed with the Clerk, the City Council shall hold a hearing at which the Commissioner shall have the right to appear in person or by counsel and the Council shall determine whether the removal shall be disapproved or upheld. If the removal is disapproved, the Commissioner shall continue to hold his position.

(5) The Housing Authority shall keep an accurate account of all its activities and of all its receipts and disbursements and shall make a report to the City Council on all such information.

(Neb. Rev. Stat. §71-1524 through 71-1526, 71-1552)

§2-207 HOUSING AUTHORITY; CONTINUED EXISTENCE

The City Housing Authority established under state law prior to December 25, 1969, shall have continued existence after that date under the Nebraska Housing Authority Law. All Commissioners of such Authority and all officers, legal counsel, technical experts, directors, and other appointees or employees of such authority holding office or employment by virtue of prior state law on December 25, 1969 shall be deemed to have been appointed or employed by the Mayor under the provisions of the Nebraska Housing Authority Law and shall from that date forward conduct their operations consistent with the provisions of that Act. (Neb. Rev. Stat. §71-1527)

§2-208 HOUSING AUTHORITY; OWNERSHIP

The City Housing Authority is owned by the City and operated through the Housing Authority Commission. The Housing Authority shall constitute a body corporate and politic and shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of the Nebraska Housing Authority Law. (Neb. Rev. Stat. §71-1529)

§2-209 HOUSING AUTHORITY; DEFINITIONS

Except as otherwise specifically provided, the definitions and terms set out in the Nebraska statutes relating to Housing Authorities under the Nebraska Housing Authority Law are hereby adopted by reference as they now exist or may hereafter be amended. (Neb. Rev. Stat. §71-1522)

§2-210 HOUSING AUTHORITY; OPERATION AND MANAGEMENT

The Authority shall at all times observe the following duties with respect to rentals and tenant selection:

(1) It may rent or lease dwelling accommodations therein only to persons of low income, elderly, or handicapped persons of low income, and displaced persons in need.

(2) There shall be no discrimination in the eligibility or occupancy of tenants on the

basis of race, religion, color, creed, national origin, or ancestry.

(3) The Authority shall not accept any person as a tenant in any dwelling in the housing project if the applicant has an annual income which equals or exceeds the amount which the Authority has conclusively determined to be sufficient to enable one to secure, safe, sanitary, and uncongested dwelling accommodations within the area served by the Authority and to provide an adequate standard of living.

(4) The Authority may rent or lease to a tenant a dwelling consisting of a number of rooms which is deemed necessary to provide safe and sanitary accommodations to the occupants without overcrowding.

(5) The Authority shall fix income limits for occupancy and rents after taking into consideration:

(a) The family size, composition, age, physical handicaps, and other factors which might affect the rent-paying ability of the person.

(b) The economic factors which affect the financial stability and solvency of the project.

(6) The Authority may accept as a tenant any displaced person or persons in need regardless of income but in no event shall such person or persons remain as a tenant or tenants of the Authority for more than a period of six months unless such persons also qualify as persons of low income, elderly, or handicapped persons of low income.

(7) All persons of low income, elderly, or handicapped persons of low income or displaced persons in need shall be entitled to the benefits of this article and the Authority may establish rules and regulations consistent with the purposes of this article concerning eligibility and occupancy of the housing project or other such shelter.

(8) Nothing herein shall prohibit the right of the Authority to inquire into the financial condition, family composition, medical, personal, and employment history of any tenant or prospective tenant.

(9) The Authority shall prohibit subletting by tenants.
(Neb. Rev. Stat. §71-1536)

§2-211 HOUSING AUTHORITY; RULES AND REGULATIONS

The Housing Authority may establish from time to time rules and regulations consistent with the purposes of the Nebraska Housing Authorities Law concerning the priority of eligible applicants for occupancy who are entitled to the benefits of status as a member of the armed forces or a veteran or as a disabled member of the armed forces or veteran and the applicant's age or disability, housing conditions, urgency of housing need, and source of income. In any such system of priority, displaced persons in need shall have a priority ahead of all other such persons who may be entitled to the benefits of the law. No tenant in good standing in occu-

pancy and qualified for continued occupancy shall have his or her tenancy terminated in order to provide dwelling units for classes or categories of applicants as the authority may establish. (Neb. Rev. Stat. §71-1537)

§2-212 HOUSING AUTHORITY; REPORTS

The Housing Authority shall keep an accurate account of all its activities and of all its receipts and disbursements and shall make an annual report at the second regular meeting in January of each year to the City Council. (Neb. Rev. Stat. §71-1552)

Article 3 – Penal Provision

§2-301 VIOLATION; PENALTY

Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this chapter, set forth at full length herein or incorporated by reference, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$500.00 for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply. (Am. by Ord. No. 870, 5/3/00)