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CHAPTER 2 – COMMISSIONS AND BOARDS

Article 1 – Library Board

SECTION 2-101: LIBRARY; OPERATION AND FUNDING

The city owns and manages the city library through the Library Board. The City Council, for the purpose of defraying the cost of the management, purchases, improvements, and maintenance of the library, may each year levy a tax not exceeding the maximum limit prescribed by state law on the actual valuation of all real estate and personal property within the city that is subject to taxation. The revenue from the said tax shall be known as the library fund and shall include all gifts, grants, deeds of conveyance, bequests, or other valuable income-producing personal property and real estate from any source for the purpose of endowing the library. The library fund shall at all times be in the custody of the city treasurer. (Neb. Rev. Stat. §51-201, 51-202, 51-211)

SECTION 2-102: MEMBERS; TERMS

The Library Board shall have control and management of the library. The City Council shall appoint the members of the Library Board by a majority vote. The board shall consist of five members who are residents in the city. Each board member shall serve a term of four years and shall be limited to a maximum of two terms. In case of vacancy for any reason, the council shall fill such vacancy for the unexpired term. Vacancies in the membership shall be filled for the unexpired term in the same manner as the original appointment. Any member may, after a public hearing before the City Council, be removed by a majority vote of the council for inefficiency, neglect of duty, malfeasance in office or other good and sufficient cause. No City Council member shall be a member of the Library Board. No board member shall receive any pay or compensation for any services rendered as such member. (Neb. Rev. Stat. §51-202) (Am. by Ord. No. 673, 11/10/15)

SECTION 2-103: OFFICERS; MEETINGS

The Library Board shall meet at such times as the City Council may designate. At the time of the first meeting in December of each year, the members shall organize by selecting from their number a president, secretary, and such other officers as may be necessary. No member of the Library Board shall serve in the capacity of both chairman and secretary. It shall be the duty of the secretary to prepare an agenda for all regular and special meetings, 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 within ten working days or before the next board meeting, whichever is earlier. A majority of the board members shall constitute a quorum for the transaction of business. Special meetings may be held upon the call of the chairman or any three board members. (Neb. Rev. Stat. §51-204)

SECTION 2-104: POWERS AND DUTIES

The Library Board shall have the authority to appoint a librarian and all other library employees. It shall be the duty of the board to have general charge of the city library and to establish appropriate rules and regulations for the management, operation, and use of the same. The board shall have supervisory authority over all employees of the library including the librarian. All actions of the board shall be subject to the review and supervision of the City Council. The Library Board shall be responsible for making such reports and performing such additional duties as the council may designate from time to time. (Neb. Rev. Stat. §51-205, 51-211)

SECTION 2-105: ANNUAL REPORT TO CITY COUNCIL

The Library Board shall, on or before the second Monday in February in each year, make a report to the City Council of the condition of its trust on the last day of the prior fiscal year. The report shall show all money received and credited or expended; the number of materials held, including books, video and audio materials, software programs, and materials in other formats; the number of periodical subscriptions on record, including newspapers; the number of materials added and the number withdrawn from the collection during the year; the number of materials circulated during the year; and other statistics, information, and suggestions as the Library Board may deem of general interest or as the City Council may require. The report shall be verified by affidavit of the proper officers of the Library Board. (Neb. Rev. Stat. §51-213) (Am. by Ord. No. 510, 7/7/98)

SECTION 2-106: LIBRARY; RULES AND REGULATIONS

The Library Board shall establish rules and regulations for the governing of the city library and for the preservation and efficient management thereof. By general rules it shall fix and impose penalties and forfeitures for injury to the library grounds, rooms, books, or other property or for failure to return a book. All fees, penalties and forfeitures may be collected in civil action in the event of failure, neglect or refusal to pay the said assessments. (Neb. Rev. Stat. §51-205, 51-211)

SECTION 2-107: LIBRARY; COST OF USE; VIOLATION OF RULES

Use of the public library shall be free for the inhabitants of the city. The City Council may exclude from the use of the library and reading rooms any person who shall willfully violate or refuse to comply with the rules and regulations established for the government thereof. (Neb. Rev. Stat. §51-201, 51-212)

SECTION 2-108: LIBRARY; BOOKS ISSUED

The librarian shall keep or cause to be kept a register of all books issued and returned at the time of issuance and return. None of the books shall be loaned out for more than 14 days without being renewed. No book may be renewed more than two consecutive times without the special permission of the librarian or an authorized employee of the library. (Neb. Rev. Stat. §51-211)

SECTION 2-109: LIBRARY; BOOK REMOVAL

It shall be unlawful for any person not authorized by the regulations made by the Library Board to take a book from the library without the consent of the librarian or an authorized employee of the library. Any person removing a book from the library without properly checking it out shall be deemed guilty of an offense. (Neb. Rev. Stat. §51-211)

SECTION 2-110: LIBRARY; LOST AND DAMAGED MATERIALS

Any person who injures or fails to return any item checked out from the library shall forfeit and pay not less than the value of the item in addition to any replacement costs and penalty which the Library Board may assess. (Neb. Rev. Stat. §51-211)

SECTION 2-111: LIBRARY; SALE, EXCHANGE OR DISPOSAL OF BOOKS

The Library Board may authorize the sale, exchange, or disposal of any surplus, damaged, defective, obsolete, or duplicate books in the Library. Records shall be kept of any such books so disposed of. (Neb. Rev. Stat. §51-207)

Article 2 – Board of Health

(Am. by Ord. No. 474, 6/3/97)

SECTION 2-201: MEMBERS; TERMS

The City Council shall appoint a Board of Health consisting of four members, including the mayor, who shall serve as chairman, 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 medical advisor. If the City Council has appointed a police chief, he or she may be appointed to the Board of Health and serve as secretary and quarantine officer. The members of the board shall serve, without compensation, one-year terms of office unless removed by the mayor with the advice and consent of the City Council. (Neb. Rev. Stat. §17-208)

SECTION 2-202: OFFICERS; MEETINGS

The members of the Board of Health shall reorganize at the first meeting in December of each year. No member of the board shall hold more than one board position. 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 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 City Council may designate. Special meetings may be held upon the call of the chairman or any two members of the board.

SECTION 2-203: DUTIES

It shall be the duty of the Board of Health to 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 shall actively enforce all laws of the State of Nebraska and ordinances of the city relating to nuisances and 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. The board shall be responsible for making such reports, prescribing such penalties, and performing such other duties as the council may designate from time to time. All actions of the Board of Health shall be subject to the review and supervision of the council. (Neb. Rev. Stat. §17-208)

SECTION 2-204: ENFORCEMENT OFFICIAL

The police chief, if appointed as the quarantine officer, shall be the chief health officer of the city. It shall then be his duty to notify the City Council and the Board of Health of health nuisances within the city and its zoning jurisdiction. (Neb. Rev. Stat. §17-208)

SECTION 2-205: STATE RULES

The publication *Rules and Regulations Relating to Public Health*, Department of Health of the State of Nebraska, is hereby incorporated by reference when the same is applicable to the city, in its present form and as it may hereafter be amended. One copy of the said publication shall be filed at the office of the city clerk, available for public inspection during office hours. (Neb. Rev. Stat. §18-132)

SECTION 2-206: COUNTY HEALTH BOARD

It shall be the duty of the Board of Health to work closely with the County Health Board in protecting the health and welfare of the residents of the city.

Article 3 – Park Board

SECTION 2-301: PARKS; OPERATION AND FUNDING

A. The city owns and operates the city parks and other recreational areas through the Park Board. The City Council, for the purpose of defraying the cost of the care, management, and maintenance of the city parks, may each year levy a tax not exceeding the maximum limit prescribed by state law on the actual valuation of all real estate and personal property within the corporate limits that is subject to taxation. The revenue from the said tax shall be known as the park fund and shall remain in the custody of the city treasurer.

B. The Park Board shall have the authority to adopt rules and regulations for the efficient management of the city parks and other recreational areas of the city. The board shall not enter into a contract of any nature which involves an expenditure of funds unless the contract has been approved by resolution of the majority of the members of the City Council prior to contractual agreement.

SECTION 2-302: MEMBERS; TERMS

The City Council shall appoint the Park Board, which shall consist of no fewer than three members who shall be residents of the city. The board shall have charge of all parks and recreational facilities belonging to the city and shall have the power to establish rules for the management, care, and use of the same. Each member shall serve a three-year term of office unless reappointed. No member of the City Council shall serve as a member of the Park Board while serving a term of office as a member of the council. The board members shall serve without compensation. Where such board has been appointed and qualified, all accounts against the park fund or park and recreation fund, as the case may be, shall be audited by such board. Warrants against the fund shall be drawn by the chairman of the board, and warrants so drawn shall be paid by the city or city treasurer out of the fund. (Neb. Rev. Stat. §17-952)

SECTION 2-303: OFFICERS; MEETINGS

The Park Board shall meet at such times as the City Council may designate. At the time of its first meeting in December of each year, the commissioners shall organize by selecting from their membership a chairman and secretary. No member of the Park Board shall serve in the capacity of both chairman 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 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. Special meetings may be held upon the call of the chairman or any two board members.

SECTION 2-304: DUTIES

The Park Board shall establish appropriate rules and regulations for the management, use, and operation of the city parks and recreation areas. All employees of the city doing work in or for the park shall be under the supervision and direction of the Park 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.

Article 4 – Swimming Pool

SECTION 2-401: OPERATION AND FUNDING

A. The city owns and manages the swimming pool. The City Council, for the purpose of defraying the cost of the management, maintenance, and improvements of the swimming pool, may each year levy a tax not exceeding the maximum limit prescribed by state law on the actual valuation of all real estate and personal property within the city that is subject to taxation. The revenue from the said tax shall be known as the swimming pool fund and shall include all gifts, grants, deeds of conveyance, bequests, or other valuable income-producing personal property and real estate from any source for the purpose of endowing the swimming pool. The swimming pool fund shall at all times be in the custody of the city treasurer.

B. The City Council shall manage the swimming pool and shall have the power and authority to hire and supervise the swimming pool manager and such employees as it may deem necessary, and shall pass such rules and regulations for the operation of the swimming pool as may be proper for its efficient operation.

(Neb. Rev. Stat. §17-948, 17-951, 17-952)

SECTION 2-402: RULES AND REGULATIONS

The City Council shall have the power and authority to enact bylaws, rules, and regulations for the protection of those using the swimming pool and for the efficient management thereof. Suitable penalties may be provided for the violation of such bylaws, rules, and regulations, subject to review and supervision. (Neb. Rev. Stat. §17-949)

SECTION 2-403: ADMISSION CHARGE

The City Council may, for the purpose of defraying the expenses involved in maintaining, improving, managing, and beautifying the swimming pool, make a reasonable admission charge for its use by any person. The said charges shall be on file at the office of the city clerk and shall also be posted in a conspicuous place at the pool for public inspection. Such rates may be structured for classes of persons in a reasonable manner; provided, nothing herein shall be construed to permit or allow discrimination on the basis of race, creed, color, or national origin in the classification of persons for admission charges. (Neb. Rev. Stat. §17-949)

SECTION 2-404: RENTALS

The City Council shall have the authority to rent the swimming pool to such organizations and other persons as it may in its discretion see fit. The board shall prescribe rules and regulations for such rentals and shall require an appropriate number of qualified lifeguards to be in attendance during the rental period. Such fees and other costs shall be on file at the office of the city clerk and posted in a conspicuous place at the pool. (Neb. Rev. Stat. §17-949)

Article 5 – Cemetery Board

SECTION 2-501: CEMETERY; OPERATION AND FUNDING

The city owns and manages the city cemetery through the Cemetery Board. The City Council, for the purpose of defraying the cost of the care, management, maintenance, and beautification of the cemetery, may each year levy a tax not exceeding the maximum limit prescribed by state law on the actual valuation of all real estate and personal property within the city that is subject to taxation. The revenue from the said tax shall be known as the cemetery fund and shall include all gifts, grants, deeds of conveyance, bequests, money, stocks, bonds, or other valuable income-producing personal property and real estate from any source for the purpose of endowing the cemetery. The cemetery fund shall at all times be in the trust and custody of the city clerk, who shall also serve as the cemetery treasurer as provided in Section 2-503. The City Council shall have the power and authority to hire and supervise such employees as it may deem necessary and to pass such rules and regulations for the operation of the cemetery as may be proper for its efficient operation. (Neb. Rev. Stat. §12-301 thru 12-403) (Ord. No. 617, 10/13/08)

SECTION 2-502: CEMETERY; PERPETUAL FUNDS; PURPOSES

A. The mayor and City Council may set aside the proceeds of the sale of lots as a perpetual fund to be invested as provided by ordinance. The income from the fund may be used for the general care, management, maintenance, improvement, beautifying, and welfare of the cemetery. The principal of the perpetual fund may be used for the general care, management, maintenance, improvement, beautifying, and welfare of the cemetery as long as no more than 20% of the principal is so used in any fiscal year and no more than 40% of the principal is so used in any period of ten consecutive fiscal years. The principal of the perpetual fund may also be used for the purchase and development of additional land to be used for cemetery purposes as long as no more than 25% of the principal is so used in any fiscal year and no more than 35% of the principal is so used in any period of ten consecutive fiscal years.

B. The mayor and City Council may receive money by donation, bequest, or otherwise for credit to the perpetual fund to be invested as provided by ordinance or as conditioned by the donor. The income therefrom may be used for the general care, management, maintenance, improvement, beautifying, and welfare of the cemetery as the donor may designate. The principal therefrom may be used for the general care, management, maintenance, improvement, beautifying, and welfare of the cemetery as the donor may designate as long as no more than 20% of the principal is so used in any fiscal year and no more than 40% of the principal is so used in any period of ten consecutive fiscal years. The principal therefrom may also be used for the purchase and development of additional land to be used for cemetery purposes as the donor may designate as long as no more than 25% of the principal is so used in any fiscal year and no more than 35% of the principal is so used in any period of ten consecutive fiscal years.

C. This section does not limit the use of any money that comes to the city by

donation, bequest, or otherwise that is not designated to be credited to the perpetual fund or that allows greater use for purchase or development of additional land to be used for cemetery purposes.

(Neb. Rev. Stat. §12-402)

SECTION 2-503: MEMBERS

The City Council shall appoint the Cemetery Board, which shall consist of six members who are residents of the city and who shall serve without compensation for terms of three years each. Two members shall be appointed each year.

SECTION 2-504: OFFICERS; MEETINGS

A. At the first meeting in January of each year, the Cemetery Board shall organize by selecting from its membership a chairman and secretary. No member of the board shall hold more than one board office. The secretary shall prepare an agenda for all regular and special meetings and file it with the city clerk at least 24 hours in advance of the meeting, keep the 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.

B. The city clerk shall serve as cemetery treasurer and shall be an ex-officio member of the Cemetery Board unless he or she is appointed by the mayor and approved by the City Council to serve as a Cemetery Board member. Service on the board will not preclude the city clerk from receiving compensation for duties performed as the city clerk, city treasurer or cemetery treasurer. The clerk may delegate any or all responsibilities of the cemetery treasurer's position to the deputy city clerk or other office staff as deemed necessary. The city clerk shall conduct the maintenance of the cemetery fund in the same manner as prescribed in Section 1-505 (City Treasurer) herein.

C. A majority of the board members shall constitute a quorum for the purpose of doing business. Special meetings may be held upon the call of the chairman or any three board members.

SECTION 2-505: DUTIES

A. The Cemetery Board shall have the general care, management, and supervision of the city cemetery with the power and authority to limit and regulate the number of cemetery lots that may be owned by the same person; to prescribe rules for enclosing, adorning, and erecting monuments and tombstones on cemetery lots; and to prohibit any diverse or improper use thereof; provided, no religious tests shall be made as to the ownership of lots, the burial therein, and the ornamentation of graves.

B. The board shall pass rules and regulations for the proper use of the cemetery and prescribe penalties and fines for violations thereof. The board shall use all revenue

received from the sale of lots, gifts, or by devise for the care, management and administration of the cemetery.

SECTION 2-506: CEMETERY; SEXTON

The Cemetery Board shall have the authority to appoint a sexton, who shall perform such duties and make such reports as the board shall direct. It shall be the duty of the sexton to locate and direct the applicant to the correct lot and to dig and excavate or cause the same to be dug and excavated in compliance with the rules and regulations of the board. (Neb. Rev. Stat. §12-403)

SECTION 2-507: CEMETERY; CONVEYANCE OF LOTS

The City Council may convey cemetery lots by certificate signed by the mayor and countersigned by the city clerk under the city seal, specifying that the person to whom the same is issued is the owner of the lot described therein by number for the purpose of interment. The said certificate shall give a right in fee simple to the proprietor, his or her heirs, and assigns. The certificate shall then be recorded in the office of the county clerk. (Neb. Rev. Stat. §17-941)

SECTION 2-508: CEMETERY; FORFEITURE OF LOTS

When any lot has been transferred by warranty deed or by a deed conveying a fee simple title but there has been no burial in any such lot or subdivision thereof and no payment of annual assessments for a period of three years, the Cemetery Board, with the sanction of the City Council, may reclaim the unused portion of such lot or subdivision after notifying the record owner or his or her heirs or assigns, if known, by certified mail and publishing notice of its intention to do so. Such notice shall be published once each week for four weeks in a newspaper of general circulation throughout the county in which the cemetery is located, shall describe the lot or subdivision proposed to be reclaimed, and shall be addressed to the person in whose name such portion stands of record or, if there is no owner of record, to all persons claiming any interest in such lot or subdivision. If no person appears to claim such lot or subdivision and pay all delinquent assessments with interest within 15 days after the last date of such publication, the Cemetery Board may by resolution reclaim such lot or subdivision. Such reclamation shall be complete upon a filing of a verified copy of such resolution, together with proof of publication, in the office of the county register of deeds. (Neb. Rev. Stat. §17-938) (Ord. No. 276, 9/2/86)

SECTION 2-509: CEMETERY; LOT TRANSFERS

Any person who wishes to transfer a certificate may do so by surrendering the original certificate to the city clerk. Charges for transfer of certificates and for perpetual care of burial spaces shall be set by the Cemetery Board. Upon receipt of the application for transfer and payment of the transfer fee and perpetual care fee, the city clerk shall issue a new certificate. (Neb. Rev. Stat. §17-946)

SECTION 2-510: CEMETERY; PERPETUAL CARE

The city treasurer shall allocate and set apart a percentage of the entire amount paid for lots or burial spaces if the said lots or burial spaces are to be endowed with perpetual care. The fund shall be permanent in nature and as it accumulates shall be invested in such interest-bearing securities as are authorized by state law. The income earned thereon shall be used solely for the purposes of perpetual care for the cemetery lots. Any lot owner who, prior to the purchase of his or her lot, shall not have endowed his or her holdings with perpetual care may do so by paying to the city clerk such sum of money as the Cemetery Board may in each case fix and determine. Thereafter, the owner shall not be liable for the payment of an annual maintenance assessment.

SECTION 2-511: CEMETERY; DESTRUCTION OF PROPERTY

Any person who shall willfully destroy, mutilate, deface, injure, or remove any tomb, monument, or gravestone placed in the cemetery or any fence, railing, or other work for the protection or ornamentation of the cemetery or who shall willfully destroy, cut, break or injure any tree, shrub, or plant shall be deemed to be guilty of an offense. (Neb. Rev. Stat. §17-946)

Article 6 – Housing Authority

(Neb. Rev. Stat. §71-1572 through 71-1580)

SECTION 2-601: CONTINUED EXISTENCE AS HOUSING AGENCY

A. The local housing authority established under prior state law and in existence on January 1, 2000, shall have continued existence as a housing agency under the Nebraska Housing Agency Act.

B. The local housing agency shall conduct its operations consistent with the Nebraska Housing Agency Act. All property, rights in land, buildings, records, and equipment and any funds, money, revenue, receipts, or assets of the authority belong to the agency as successor. All obligations, debts, commitments, and liabilities of the authority are obligations, debts, commitments, and liabilities of the successor agency.

C. Any resolution by the authority and any action taken by the authority prior to January 1, 2000, with regard to any project or program which is to be completed within or to be conducted for a 12-month period following January 1, 2000, and which resolution or action is lawful under state law as it existed prior to January 1, 2000, is a lawful resolution or action of the successor agency and binding upon the successor agency and enforceable by or against the agency notwithstanding that such resolution or action is inconsistent with, not authorized by, or prohibited under the provisions of the Act.

D. All commissioners of the local housing agency and all officers, legal counsel, technical experts, directors, and other appointees or employees of the agency holding office or employment by virtue of any such prior law on January 1, 2000, shall be deemed to have been appointed or employed under the Act.

(Neb. Rev. Stat. §71-1576) (Ord. No. 548, 5/89/00)

SECTION 2-602: MEMBERS

A. The City Council shall appoint five persons who shall constitute the Housing Authority, called the commissioners. One commissioner shall be appointed each year. Each commissioner shall serve a five-year term of office or until his or her 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.

B. 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 or her services but shall be entitled to the necessary expenses, including travel expenses, incurred in discharge of his or her duties.

(Neb. Rev. Stat. §71-1594, 71-1596, 71-1598)

SECTION 2-603: CONFLICT OF INTEREST

During his or her tenure and for one year thereafter, no commissioner, officer, or employee of the 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 or she shall immediately disclose such interest in writing to the authority and such disclosure shall be entered upon the minutes of the authority. Said person shall not participate in any action by the authority relating to the property or contract in which he or she 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 having rates which are fixed or controlled by a governmental agency.

SECTION 2-604: DUTIES

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. The authority may 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.

SECTION 2-605: MEETINGS

The commissioners shall elect a chairman and vice-chairman and shall have the power to employ an executive director who shall serve as an officio secretary of the authority. 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. (Neb. Rev. Stat. §71-1594, 71-1595)

SECTION 2-606: REMOVAL OF MEMBER

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 which shall contain a statement containing the charges against him or her. Unless within ten days from the receipt of such notice said commissioner files with the clerk a request for a hearing before the City Council, the commissioner shall be deemed removed from office. If a request for a hearing is filed with the clerk, the 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 or her position. (Neb. Rev. Stat. §71-15,105)

Article 7 – Board of Adjustment

SECTION 2-701: MEMBERS

A. The mayor shall appoint, with the consent of the City Council, a Board of Adjustment which shall consist of five 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. No member of the City Council shall serve as a member of the Board of Adjustment. 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. 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. 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 council and conditioned upon the faithful performance of their duties.

B. 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. Any vacancy shall be filled for the unexpired term of any member whose term becomes vacant.

SECTION 2-702: OFFICERS; MEETINGS

The Board of Adjustment shall organize at its first meeting in January of each year and elect from its membership a chairman and secretary. No member of the board shall serve in the capacity of both chairman and secretary. 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 chairman 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.

SECTION 2-703: POWERS AND DUTIES; APPEALS

A. It shall be the duty of the board (1) to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by a

municipal official based on or made in the enforcement of any zoning regulation or any regulation relating to the location or soundness of structures; (2) to hear and decide, in accordance with the provisions of the zoning regulations, requests for interpretation of any map; and (3) 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 recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the zoning regulations.

B. 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 municipal 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.

C. 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) (Am. by Ord. Nos. 432, 12/5/95; 585, 2/8/05)

Article 8 – Planning Commission

(Neb. Rev. Stat. §19-924 through 19-929) (Ord. No. 620, 2/10/09)

SECTION 2-801: MEMBERS

The Planning Commission shall consist of five or seven 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 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 is a sufficient 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 reside 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 200 residents. 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.

SECTION 2-802: ALTERNATE MEMBER

The mayor, with the approval of a majority vote of the City Council, may by ordinance provide for the appointment of one alternate member to the commission, who 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 his or her 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 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.

SECTION 2-803: TERMS; VACANCIES

The term of each regular Planning Commission member shall be 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 or malfeasance in office, or other good and sufficient cause. Vacancies occurring other than through the expiration of term shall be filled for the unexpired portion of the term by the mayor.

SECTION 2-804: OFFICERS; MEETINGS

The Planning Commission members shall elect a chairman from their members and create and fill such other offices as they may determine. The term of the chairman shall be one year and he or she shall be eligible for reelection. The commission shall hold at least one regular meeting in each calendar quarter, except the City Council may require the commission to meet more frequently and the chairman of the commission may call for a meeting when necessary to deal with business pending before the commission. 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 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.

SECTION 2-805: FUNDING

The City Council may provide the funds, equipment and accommodations necessary for the work of the Planning Commission but its expenditures, exclusive of gifts, shall be within the amounts appropriated for that purpose by the board; and no expenditures nor agreements for expenditures shall be valid in excess of such amounts.

SECTION 2-806: POWERS AND DUTIES; APPEAL

A. Except as provided in Neb. Rev. Stat. §19-930 to 19-933, the Planning Commission shall (1) 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 such city and including a Comprehensive Development Plan as defined by Neb. Rev. Stat. §19-903; (2) prepare and adopt such implemental means as a capital improvement program, subdivision regulations, building codes, and a zoning ordinance in cooperation with other interested municipal departments; and (3) consult with and advise public officials and agencies, public utilities, civic organizations, educational institutions, and citizens with relation to the promulgation and implementation of the Comprehensive Development Plan and its implemental programs. The commission may delegate authority to any such group to conduct studies and make surveys for the commission, make preliminary reports on its findings, and hold public hearings before submitting its final reports. The City Council shall not take final action on matters relating to the Comprehensive Development Plan, capital improvements, building codes, subdivision development, the annexation of territory, or zoning until it has received the recommendation of the Planning Commission. The City Council shall by ordinance set a reasonable time within which the recommendation from the commission is to be received. A recommendation from the commission shall not be required for subdivision of existing lots and blocks whenever all required public improvements have been installed, no new dedication of public rights-of-way or easements is involved, and such subdivision complies with the ordinance requirements concerning minimum areas and dimensions of such lots and blocks, if the City Council has designated, by ordinance, an agent pursuant to Neb. Rev. Stat. §19-916.

B. The commission may, with the consent of the City Council, in its own name (1) make and enter into contracts with public or private bodies, (2) receive contributions, bequests, gifts, or grant funds from public or private sources, (3) expend the funds appropriated to it by the city, (4) employ agents and employees, and (5) acquire, hold, and dispose of property. The commission may on its own authority make arrangements consistent with its program, conduct or sponsor special studies or planning work for any public body or appropriate agency, receive grants, remuneration, or reimbursement for such studies or work, and at its public hearings, summon witnesses, administer oaths, and compel the giving of testimony.

C. The commission may grant conditional uses or special exceptions to property owners for the use of their property if the City Council has, through a zoning ordinance or special ordinance, generally authorized the commission to exercise such powers and has approved the standards and procedures adopted by the commission for equitably and judiciously granting such conditional uses or special exceptions. The granting of a conditional use permit or special exception shall only allow property owners to put their property to a special use if it is among those uses specifically identified in the zoning ordinance as classifications of uses which may require special conditions or requirements to be met by the owners before a use permit or building permit is authorized. The power to grant conditional uses or special exceptions shall be the exclusive authority of the commission, except that the City Council may choose to retain for itself the power to grant conditional uses or special exceptions for those classifications of uses specified in the zoning ordinance. The council may exercise such power if it has formally adopted standards and procedures for granting such conditional uses or special exceptions in a manner that is equitable and will promote the public interest. An appeal of a decision by the commission or City Council regarding a conditional use or special exception shall be made to the District Court.

Article 9 – Community/Senior Center Advisory Board

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SECTION 2-901: MEMBERS; OPERATION

A. The City Council shall appoint the Community/Senior Center Advisory Board, which shall consist of nine members comprised of the following persons: (1) the mayor; (2) a City Council member; (3) the Blue Hill superintendent of schools; (4) a senior citizen, being a person 65 years or older, who is a resident of the city; (5) two at-large members who are residents of the city; (6) two at-large members who are residents of the rural community outside of the city; and (7) a member of the Blue Hill School Board.

B. The members of the board shall serve four-year terms. Every vacancy shall be filled by the City Council for the unexpired term. A vacancy of the following members' positions will occur upon termination of their office or position: mayor, City Council member, Blue Hill superintendent of schools and Blue Hill School Board member.

C. The board 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. Members shall be removable only for good and sufficient cause by the council upon written charges and after public hearing.

D. The board shall organize at its first meeting in January each year and elect from its membership a chairman, vice-chairman, 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 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.

E. The board shall meet at such regular times as the members may designate. Special meetings may be held upon the call of the chairman or any three board members. The board shall be funded by the City Council from time to time out of the general fund. It shall be the duty of the board to have charge of the city's community senior center building and to establish appropriate rules and regulations for the management, use, and operation of the same. The board shall have supervisory authority over all operations of said facility. The board shall be responsible for making such reports and performing such additional duties as the City Council may designate. All actions of the board shall be subject to the review and control of the council

(Ord. No. 321, 5/1/90)

Article 10 – Community Betterment Advisory Committee

(Ord. No. 679, 8/9/16)

SECTION 2-1001: MEMBERS

A. The City Council shall appoint the Community Betterment Advisory Committee, which shall consist of eight members comprised of the following persons: (1) a City Council member; (2) a senior high student from Blue Hill; (3) a senior citizen, being a person 65 years or older, who is a resident of the city; (4) two at-large members who are residents of the city; (5) two at-large members who are residents of the rural community outside of the city; and (6) a member of the Blue Hill Business District.

B. The members of the committee shall serve three-year terms. Every vacancy shall be filled by the City Council for the unexpired term. A vacancy of the following members' positions will occur upon termination of their office or position: (1) City Council member and (2) Blue Hill Senior High student.

C. The committee shall serve without compensation. Members shall be removable only for good and sufficient cause by the council or upon written request of a member.

SECTION 2-1002: MEETINGS

The committee shall organize at its first meeting each year and elect from its members a chairman and secretary. It shall be the duty of the secretary to document and record the recommended recipients and to file such with the city clerk before the close of the agenda for the regularly scheduled May meeting for council approval. A majority of the committee members shall constitute a quorum for the transaction of business. The committee shall meet at such regular times as the members may designate. Special meetings may be held upon the call of the chairman or any three committee members.

SECTION 2-1003: DUTIES

It shall be the duty of the committee to review applications and to recommend use of monies generated from the city lottery keno funds and from time to time review and appropriate the rules and regulations for the management, use, and operation of the same. The committee shall be responsible for performing such additional duties as the City Council may designate. All actions of the committee shall be subject to the review and control of the council,

Article 11 – Penal Provision

SECTION 2-1101: 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.