

## Chapter 2

### COMMISSIONS AND BOARDS

#### Article 1. Standing Committees

##### **§2-101 STANDING COMMITTEES; GENERAL PROVISIONS:**

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

The following standing committees shall be appointed or reappointed each year until changed by the Governing Body:

- Parks, Pool and Fire
- Sewer
- Streets, Street Lights and Crossings
- Water

## Article 2. Commissions and Boards

### **§2-201 LIBRARY BOARD:**

(1) The Library Board shall consist of five (5) appointed members who shall be residents of the Municipality and who shall serve terms of four (4) years. The Governing Body shall appoint the members of the Library Board by a majority vote. Neither the Mayor nor any member of the Governing Body shall be a member of the Library Board. The terms of members serving on the effective date of a change in the number of members shall not be shortened, and any successors to those members shall be appointed as the terms of those members expire. In case of any vacancy by resignation, removal, or otherwise, the Governing Body shall fill the vacancy for the unexpired term.

(2) No member shall receive any pay or compensation for any services rendered as a member of the Library Board. The Governing Body may require the members of the Library Board to give a bond in a sum set by resolution of the Governing Body and conditioned upon the faithful performance of their duties.

(3) At the time of the Board's first meeting in October of each year, the Board shall organize by selecting from their number a Chairperson and Secretary. No member of the Library Board shall serve in the capacity of both the Chairperson 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 Municipal Clerk where they shall be available for public inspection at any reasonable time.

(4) A majority of the Board members shall constitute a quorum for the transaction of business. The Board shall meet at such times as the Governing Body may designate. Special meetings may be held upon the call of the Chairperson, or a majority of the members of the Board.

(5) The Library Board shall have the authority to appoint a Librarian and all other employees. The Board shall have supervisory authority over all employees of the Library including the Librarian.

(6) The Library Board shall have general charge of the Municipal Library and shall establish appropriate rules and regulations for the management, operation, and use of the Library. All actions of the Board shall be subject to the review and supervision of the Governing Body. The Board shall be responsible for making such reports and performing such additional duties as the Governing Body may designate from time to time. *(Ref 51-202 RS Neb) (Amended by Ords 449, 10/26/81; 726, 10/26/98)*

### **§2-202 BOARD OF HEALTH:**

(1) The Governing Body shall appoint a Board of Health which shall consist of four (4) members. The members of the Board shall include the Mayor, who shall serve as Chairperson, a member of the City Council, and two (2) other members. One (1) 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, the Chief of Police shall serve on the Board as Secretary and quarantine officer. The members of the board shall serve, without compensation, a one (1) year term of office, unless reappointed, and shall reorganize at the first meeting in December of each year. No member of the Board of Health shall hold more than one (1) Board of Health position.

(2) The Secretary shall keep full and correct minutes and records of all meetings and file the same with the Municipal Clerk where they shall be available for public inspection during office hours. The Board of Health shall be funded by the Governing Body 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 Governing Body may designate. Special meetings may be held upon the call of the Chairperson, or any two (2) members of the Board.

(3) The Board shall enact rules and regulations, which shall have the full force and effect of the law, to safeguard the health of the people of the Municipality. 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 laws of the State of Nebraska and ordinances of the Municipality 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 Governing Body may direct. All members of the Board shall be responsible for making such reports and performing such other duties as the Governing Body may, from time to time, designate. *(Amended by Ords 408, 10/24/78; 699, 11/24/97; 885, 1/24/11)*

## **§2-203 JOINT HOUSING AUTHORITY:**

A Joint Ordinance of the City of Falls City, Nebraska and the City of Pawnee City, Nebraska, establishing the Southeast Nebraska Housing Partnership, A Regional Housing Agency pursuant to section 71-1581 Neb. Rev. Stat.; Establishing procedures for the Appointment and Removal of the Commissioners of such Housing Agency by each Municipality; Setting certain procedures of the Regional Housing Agency; Providing for the Dissolution of the Local Housing Agencies and providing for the Repeal of Ordinances in conflict herewith.

Be it Ordained by the Mayor and City Council of the City of Falls City, Nebraska and the Mayor and City Council of the City of Pawnee City, Nebraska:

Section 1. That there is a need for a regional housing agency to provide decent, safe and sanitary housing that is affordable to persons of low and moderate income residing in a mal-jurisdictional area and that this need will be more efficiently served by the establishment of a regional housing agency.

Section 2. Upon adoption of this Ordinance by both the City of Falls City, Nebraska and the City of Pawnee City, Nebraska, the regional housing agency shall be established and shall have perpetual existence unless dissolved in accordance with law.

Section 3. That the name of the Regional Housing Agency shall be the Southeast Nebraska Housing Partnership.

Section 4. The Southeast Nebraska Housing Partnership shall be governed by a Board of Commissioners. The initial board shall consist of 6 members. The Mayor of each City with the consent of the city council shall appoint three members to the commission. Two of each City's appointments shall be at large members and one appointment shall be a resident of a facility managed by the agency within the Municipality.

Section 5. Each Commissioner shall serve a 5-year term or until their successor is appointed except the initial commissioners shall be designated at the time of appointment to serve a 2,4- & 5-year term. If during any term a vacancy exists, the appointment shall be by the Mayor with approval of the City Council of the city who appointed the original commissioner and shall be for the unexpired term. The Mayor may appoint one (1) of members of the City Council to serve as one of the members of the commission. No person shall serve as a Commissioner unless he\she resides

within the Municipality, appointing them. 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. The Commissioner shall receive no compensation of his/her services, but he/she shall be entitled to the necessary expenses including travel expense, incurred discharge of his/her duties as provided by Section 81-1174 thru 81-1177, R.R.S. A majority of Commissioners shall constitute a quorum of the Agency for the purpose of conducting its business, exercising its powers, and for all other purposes. Action may be taken by the Agency upon the vote of the majority of the Commissioners present and voting. The Commissioners shall elect a Chairperson and Vice-Chairperson from among the Commissioners and shall have the power to employ an executive director who shall serve as ex-official secretary of the Agency. The Agency may also employ legal counsel for such services as it may require. It may employ accountants, appraisers, 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 Agency may delegate such other powers and duties to its agents or employees, as it may deem proper. During his/her tenure and for one year thereafter, no Commissioner, officer or employee of the Housing agency 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 related 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/she shall immediately disclose his/her interest in writing to the Agency, and such disclosure shall be entered upon the minutes of the Agency, and he/she shall not participate in any action by the Agency relating to the property or contract in which he/she has any such interest. Any violation of the provisions of this section shall constitute misconduct in office. This prohibition shall not apply to the acquisition of any interest in notes or bonds of the Agency issued in connection with any housing project or to the execution of the 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 utility services, the rates for which are fixed or controlled by a governmental agency. This section shall not be constructed to preclude, regulate or restrict the participation of any tenant of the Agency from serving, if appointed, as a commissioner of such authority, but he/she may not participate in any decision solely affecting his/her individual interest.

Section 6. One Commissioner appointed by each Municipality to be known as the Resident Commissioner, shall be appointed to the Commission by the Mayor subject to confirmation or denial by the council. To select the initial Resident Commissioner, or to fill subsequent vacancies in the position, the Housing Agency shall notify any Resident Advisory Board or other Resident Organization and all adult persons directly assisted by such Agency, to the effect that the position of Resident Commissioner is open and that if any such person is interested in being considered as a candidate for the position, such person should notify the Housing Agency, in writing, within 30 days of the person's willingness to be considered and to serve as Resident Commissioner. The names of all persons interested who have notified the Housing Agency of their interest in so serving shall be forwarded to the Mayor and the Resident Commissioner shall be appointed from the list of names, subject to confirmation by the council. Upon the appointment of a Resident Commissioner, the Certificate of Appointment shall state the term is for five (5) years or when no longer an eligible resident whichever occurs first. In the event that no qualified person has submitted his or her name to the Housing Agency as being interested as a candidate for the position, the Housing Agency has

received no notifications of interest in serving as a Resident Commissioner by any person, no Resident Commissioner shall be required to be selected. In the event a Resident Commissioner is appointed and resigns from the position prior to completion of the appointed term, or is no longer an eligible resident, or is otherwise disqualified or removed from the Board, and a vacancy is create, the Housing Agency shall solicit new candidate(s) for the position following the same procedure set forth above, In the event that no Resident Commissioner is selected and the position is unfilled, the Agency shall renotify all adult persons directly assisted by the Agency that the position of Resident Commissioner is open and solicit these persons for candidates for the position not lets than once annually.

Section 7. The Mayor of each City may remove a Commissioner which they have appointed for neglect of duty, misconduct in office, or conviction of any felony, in the manner prescribed hereinafter. The Mayor shall send a notice of removal to such Commissioner, which shall set forth the charges against him/her. Unless within the ten (10) days from the receipt of such notice, the Commissioner files with the Clerk a request for a hearing before the 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 not sooner than ten (10) days after the date a hearing is requested, at which time the Commissioner shall have the right to appear in person or by counsel and the council shall determine whether the removal shall be upheld. If the removal is not upheld, the Commissioner shall continue to hold his/her office.

Section 8. The Southeast Nebraska Housing Partnership political subdivision, independent from the City of Falls City and the City of Pawnee City. The Southeast Nebraska Housing Partnership shall constitute a public 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 Agency Act.

Section 9. Except as otherwise herein specifically provided, the definitions, terms, provisions and conditions set forth in the Nebraska Statues under the Nebraska Housing Agency Act are hereby adopted by reference, as they now exist, or may hereafter be amended, for the operation and management of the Southeast Nebraska Housing Partnership and the Southeast Nebraska Housing Partnership shall fully comply with and be governed by the terms of the Nebraska Housing Agency Act.

Section 10. The Southeast Nebraska Housing Partnership shall adopt and promulgate fair and equitable policies establishing a plan for selection of applicants. The plan shall include standards for eligibility, procedures for prompt notification of eligibility or disqualification, and procedures for maintaining a waiting list of eligible applicants for whom vacancies are not immediately available. Eligible applicants shall be offered available vacancies as provided in such policies.

Section 11. The Southeast Nebraska Housing Partnership may adopt, promulgate, and enforce rules and regulations related to carrying out the purposes of the regional housing agency and exercising its powers and to amend or repeal such rules and regulations from time to time.

Section 12. Within six months after the end of the Housing Agency's fiscal year, the Housing Agency shall prepare an annual report. This report shall contain financial statement and the results of the operations. The report shall be approved by the Board of Commissioners and signed by the Chairperson. The annual report of the Housing Agency shall be a public record and available for inspection and copying by members of the general public at the Southeast Nebraska Housing

Partnership. The Annual report shall be placed on file with the City Clerk of each City upon completion thereof.

Section 13. All of the real and personal property and assets owned, managed and controlled by the Falls City Housing Agency and the Pawnee City Housing Agency shall be transferred to the Southeast Nebraska Housing Partnership.

This transfer shall include but not limited to all property rights and land, buildings, records and equipment and any funds, money, revenue receipts of assets of each local housing authority. In consideration of the receipt of such assets the Southeast Nebraska Housing Partnership shall be assigned and shall assume all obligations, debts, commitments and liabilities of the Falls City Housing Authority and the Pawnee City Housing Authority.

Section 14. The City Council of the City of Falls City, Nebraska and the City Council of the City of Pawnee City, Nebraska hereby each consent to the Dissolution of their local Housing Agency following the transfer of all assets and liabilities of the Falls City Housing Agency and the Pawnee City Housing Agency to Southeast Nebraska Housing Partnership. Each local Housing Agency shall hold a final meeting adopting a written resolution to dissolve setting forth in such Resolution that the transfer of all assets and liabilities to the Southeast Nebraska Housing Partnership has been completed and winding up of the affairs of local housing authority and dissolving the local housing authority in compliance with §21-15,108 Neb. Rev. Stat. Such resolution shall be delivered to the City Clerk and an Ordinance prepared to repeal the sections of each municipal code relate to the local housing agency.

Section 15. Following the establishment of the Southeast Nebraska Housing Partnership additional cities or counties may elect to participate if the requirements of §71-1585 Neb. Rev Stat. or its successor are met. (*Ref 71-1520, 71-1522 thru 71-1524 RS Neb*) (*Ord 465, 9/13/82; Ord 991, 10/13/2020*)

#### **§2-204 AIRPORT AUTHORITY BOARD:**

The Airport Authority Board shall have the full and exclusive jurisdiction and control over all facilities owned or hereafter acquired by the Municipality for the purpose of aviation operation, air navigation, and air safety operation. The Board is a body corporate and politic, constituting a public corporation, and an agency of the Municipality. The Board shall consist of five (5) members. Members of the Board shall be nominated and elected in the manner provided by law for the election of other elected officials and shall take office at the first (1st) regular City Council meeting in December of each Municipal election year. Members of the Board shall be residents of the Municipality and shall serve a term of six (6) years. Two (2) members of the Board shall be elected in each Municipal election year; provided, that in each third (3rd) election year, one (1) member only shall be elected to the Airport Authority Board. Any vacancy on the Board resulting from any other cause than the expiration of a term of office, shall be filled by temporary appointment by the Mayor, with the approval of the City Council, until a successor can be elected at the next general Municipal election to serve the unexpired portion of the term. A member of the Board may be removed from office for incompetence, neglect of duty, or malfeasance in office. An action for the removal of such officer may be brought, upon resolution of the City Council, in the District Court of the County. The Board shall have such other powers and duties as may be prescribed by State law. (*Ref 3-501 thru 3-514 RS Neb*) (*Ord 546, 9/26/88*)

**§2-205 PLANNING COMMISSION:**

(A) (1) If the governing body adopts zoning or other regulations pursuant to Neb RS 19-901 *et seq.*, the Planning Commission shall consist of five, seven or nine regular members, as specified by the governing body by ordinance, who shall represent, insofar as is possible, the different professions or occupations in the municipality and shall be appointed by the Mayor, by and with the approval of a majority vote of the members elected to the governing body. Two of the regular members may be residents of the area over which the municipality is authorized to exercise extraterritorial zoning and subdivision regulation. When there are 500 residents in the area over which the municipality 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 governing body that 500 residents reside in the area subject to extraterritorial zoning or 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. 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. All regular members of the Commission shall serve without compensation. The term of each regular member shall be three years, except that 1/3 or fewer of the regular members of the first commission to be so appointed shall serve for terms of one year, 1/3 or fewer for terms of two years, and the remaining members 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 governing body, be removed by the Mayor with the consent of a majority vote of the members elected to the governing body for inefficiency, neglect of duty, or 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) The Mayor may, with the approval of a majority vote of the elected members of the governing body, appoint one alternate member to the Planning Commission. The alternate member shall serve without compensation. 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 vote of the elected members of the governing body. 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.

(3) A regular or alternate member of the Planning Commission may hold any other municipal office except:

- (a) Mayor
- (b) A member of the governing body;
- (c) A member of any community redevelopment authority or limited community redevelopment authority created under Neb RS 18-2102.01; or
- (d) A member of any citizen advisory review committee created under Neb RS 18-2715. (*Neb RS 19-926*)

(B) The Commission shall elect its Chairperson from its members and create and fill such other of its offices as it may determine. The term of the Chairperson 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 governing body 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 before the Commission. 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. (*Neb RS 19-927*)

(C) No member of the Commission shall serve in the capacity of both the Mayor and Secretary of the Commission. The Secretary shall keep the full and correct minutes and records of all meetings and file them with the Municipal Clerk where they shall be available for public inspection during office hours.

(D) The governing body may provide the funds, equipment, and accommodations necessary for the work of the Commission, but the expenditures of the Commission, exclusive of gifts, shall be within the amounts appropriated for that purpose by the governing body; and no expenditures nor agreements for expenditures shall be valid in excess of such amounts. (*Neb RS 19-928*)

(E) (1) (a) Except as provided in Neb RS 19-930 to 19-933, the Planning Commission shall:

(i) Make and adopt plans for the physical development of the municipality, including any areas outside its boundaries which in the Commission's judgment bear relation to the planning of such municipality and including a comprehensive development plan as defined by Neb RS 19-903;

(ii) Prepare and adopt such implemental means as a capital improvement program, subdivision regulations, building codes, and a zoning ordinance in cooperation with other interested municipality departments; and

(iii) 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.

(b) The governing body 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, provided that the Planning Commission shall make its recommendation so that it is received by the governing body within 60 days after the Commission begins consideration of a matter or within such other number of days as the governing body has set by ordinance.

(c) A recommendation from the Planning 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 governing body has designated, by ordinance, an agent pursuant to Neb RS 19-916.

(2) (a) The Commission may, with the consent of the governing body, in its own name (i) make and enter into contracts with public or private bodies, (ii) receive contributions, bequests, gifts,

or grant funds from public or private sources, (iii) expend the funds appropriated to it by the municipality, (iv) employ agents and employees, and (v) acquire, hold, and dispose of property.

(b) 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.

(3) (a) The Commission may grant conditional uses or special exceptions to property owners for the use of their property if the governing body 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.

(b) The power to grant conditional uses or special exceptions shall be the exclusive authority of the Commission, except that the governing body 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 governing body may exercise such power if it has formally adopted standards and procedures for granting such conditional uses or special exceptions in a manner than is equitable and will promote the public interest.

(c) An appeal of a decision by the Commission or governing body regarding a conditional use or special exception shall be made to the district court. (*Ref 19-924-19-929 RS Neb*) (*Ord 662, 2/26/96*) (*Amended by Ords 727, 10/26/98; 953, 3/12/2018*)

## **§2-206 TREE BOARD:**

(1) *Creation and Establishment.* There is hereby created and established a City Tree Board for the City which shall consist of four (4) members, citizens and residents of this City, who shall be appointed by the Mayor with the approval of this Commission.

(2) *Term of Office.* The term of the four (4) persons to be appointed by the Mayor shall be four (4) years except that the term of two (2) of the members appointed to the first Board shall be only for two (2) years. In the event that a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion of the term by the Mayor with the consent of the City Council.

(3) *Compensation.* Members of the Board shall serve without compensation.

(4) *Duties and Responsibilities.*

(a) It shall be the responsibility of the Board to study, investigate, counsel and develop a written plan for the care, preservation, trimming, planting, replanting, removal or disposition of trees and shrubs in public ways, streets and alleys. Such plan will be presented to City Council and upon their acceptance and approval shall constitute the official comprehensive City Tree Plan for the City (Chapter 8, Article 5). The Board shall review annually and update if needed the comprehensive City Tree Plan. The Board shall prepare and present an annual work plan to the City Council for their acceptance and approval.

(b) The Board when requested by the City Council, shall consider, investigate, make finding, report and recommend upon any special matter or question coming within the scope of its work.

(5) *Operation.* The Board shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business. (*Ord 846, 9/10/07*)

**§2-207 COMMUNITY DEVELOPMENT AGENCY:**

(1) The City hereby creates the Community Development Agency of the City with all rights and obligations provided for Community Redevelopment Authorities in the Nebraska Community Redevelopment Law, section 18-2101 et seq. (the "Act"). The Agency shall consist of the Mayor and City Council.

(2) The Agency hereby created shall function under the direction of its chair and its authorized members and shall exercise the powers herein described or referred to and as determined by resolution or ordinance duly adopted from time to time by the Agency.

(3) The Mayor of the City is hereby authorized and directed to implement this section.

(4) The Agency shall exercise all rights and powers granted to Community Development Agencies pursuant to the Act. (*Ord 825, 6/26/06*)

Article 3. Penal Provision

**§2-301 VIOLATION; PENALTY:**

(1) Any person, or any person's agent or servant, who violates any of the provisions of this chapter, unless otherwise specifically provided herein, shall be deemed guilty of an offense and upon conviction thereof shall be fined in any sum not exceeding five hundred dollars (\$500.00). A new violation shall be deemed to have been committed every twenty-four (24) hours of failure to comply with the provisions of this chapter.

(2) (a) Whenever a nuisance exists as defined in this chapter, the Municipality may proceed by a suit in equity to enjoin, abate, and remove the same in the manner provided by law.

(b) Whenever, in any action, it is established that a nuisance exists, the court may, together with the fine or penalty imposed, enter an order of abatement as a part of the judgment in the case. *(Ref 17-505, 18-1720, 18-1722 RS Neb) (Amended by Ord 756, 8/28/00)*