

## COMMISSIONS AND BOARDS

### CHAPTER 2

#### COMMISSIONS AND BOARDS

##### ARTICLE 1. STANDING COMMITTEES

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

At the organizational meeting of the Governing Body, the Chairperson shall appoint members of such standing committees as the Governing Body may by ordinance, or resolution, create. The membership of such standing committees may be changed at any time by the Chairperson. The Chairperson 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 unless changed by the Chairperson:

- Community Building
- Keno
- Park
- Safety
- Sewer
- Street
- Water
- Cable

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### ARTICLE 2. COMMISSIONS AND BOARDS

#### §2-201 PLANNING COMMISSION

The Governing Body shall appoint the Planning Commission which shall consist of up to nine (9) members who shall represent, insofar as is possible, the different professions or occupations in the Municipality and who shall be residents of the Municipality. However, two (2) of such members may be residents of the area over which the Municipality is authorized to exercise extraterritorial zoning and subdivision regulations.

The members of the Commission shall serve a three (3) year term of office unless reappointed by the Governing Body. The terms of office shall be staggered in such a way that one-third (1/3) of the Commission members shall be newly appointed or reappointed every calendar year.

At the time of the Commission's first (1<sup>st</sup>) meeting in December of each year, the Commission shall reorganize by selecting from its membership a Chairperson and Secretary. It shall be the duty of the Secretary to keep the full and correct minutes and records of all meetings. Those same minutes shall be filed with the Municipal Clerk either in written form or on audio tape recordings if their length compels such formats. If the records are on audio tape, the Municipal Clerk shall transcribe and distribute copies to the appropriate parties. Copies shall also be kept on file in the Municipal Clerk's office where they shall be available for public inspection at any reasonable time.

The Planning Commission shall be funded by the Governing Body from time to time out of the General Fund. A majority of the Commission shall constitute a quorum for the purpose of doing business. Special meetings may be held upon the call of the Chairperson of the Commission, or any three (3) members of the Commission.

It shall be the duty of the Commission to 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 the Municipality. All actions by the Commission shall be subject to the review and supervision of the Governing Body. Recommendations from the Commission shall be received by the Governing Body within 30 days after the Commission renders a decision 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 Governing Body may, from time to time, designate.

No member of the Governing Body, or other Municipal Official, except where otherwise specifically provided, shall serve as a member of the Planning Commission

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while serving any other term of office. No member of the Planning Commission shall serve in the capacity of both the Chairperson and Secretary of the Commission.

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 resolutions, transactions, findings and determinations which shall be public record. It shall have all powers provided by Nebraska Statute now existing or hereinafter amended. (*Ref. 19-924 to 19-929 RS Neb.*)

### **§2-202 BOARD OF ADJUSTMENT**

The Governing Body shall appoint the Board of Adjustment which shall consist of five (5) 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 of Adjustment shall serve a term of three (3) years, unless reappointed, and shall be removable only for good and sufficient cause by the Governing Body upon written charges and after a public hearing. Vacancies shall be filled for the unexpired term of any member whose term has become vacant.

The members of the Board of Adjustment shall serve without compensation and may be required, in the discretion of the Governing Body, to give a bond in a sum set by resolution of the Governing Body, and conditioned upon the faithful performance of their duties. One (1) member of the Board of Adjustment shall be at the same time a member of the Planning Commission at all times. Upon the loss of membership on the Planning Commission, the said member shall also lose his membership on the Board of Adjustment.

The Board of Adjustment shall reorganize at its first (1<sup>st</sup>) meeting in December of each year and elect from its membership a Chairperson and Secretary. It shall be the duty of the Secretary to keep complete and accurate minutes of all Board of Adjustment meetings and to file the same at the office of the Municipal Clerk for examination at any reasonable time by the public. The Board of Adjustment shall adopt rules in accordance with the provisions of any ordinance adopted pursuant to §§ 19-901 to 19-914, NRS, as amended from time to time. The Chairperson, or in his or her absence the acting Chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public.

The Board of Adjustment shall be funded from time to time out of the General Fund by the Governing Body. Meetings of the Board of Adjustment shall be held at such times as the Governing Body 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 (3) members of the Board of Adjustment. A majority of the Board of Adjustment shall constitute a quorum for the purpose of doing business.

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The Board of Adjustment shall, be subject to such appropriate conditions and safeguards as may be established by the legislative body, have only the following powers: (a) To hear and decide appeals when it is alleged there is error in any order, requirement, decision, or determination made by an administrative official or agency based on or made in the enforcement of any zoning regulation or any regulation relating to the location or soundness of structures, except that the authority to hear and decide appeals shall not apply to decisions made under subsection (3) of section 19-929 NRS or its successor; (b) to hear and decide, in accordance with the provisions of any zoning regulation, requests for interpretation of any map; and (c) when 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 enacted regulation under this section and sections 19-901, 19-903 to 19-904.01, and 19- 908 NRS or successor, 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.

No such variance shall be authorized by the Board unless it finds that: (a) The strict application of the zoning regulation 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.

In exercising the powers granted, the Board may, in conformity with sections 19-901 to 19-915 NRS or successor, 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 the 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 administrative 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.

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In the event that the Governing Body fails or neglects to appoint the appropriate number of Board members, the Governing Body shall constitute the Board of Adjustment and shall have the same duties, powers, and authority as provided herein. No member of the Governing Body shall serve as a member of the Board of Adjustment except as herein provided. No member of the Board of Adjustment shall serve in the capacity of both Chairperson and Secretary of the Board. (Ref. 19-907 to 19-912.01 RS Neb.)

### **§2-203 BOARD OF HEALTH**

The Board of Trustees shall also appoint a Board of Health consisting of three members, the duties and constitution of which are set forth in §1-201 of the Municipal Code.

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. The Board shall be funded by the Governing Body from time to time from 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 chairman, or any two (2) members of the Board. 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 Municipality relating to matters of sanitation which affect the health and safety of the people. The Board of Health shall enforce the same and provide fines and punishments for violations. The Board shall regularly inspect such premises and businesses as the Governing Body may direct. 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 other duties as the Governing Body may designate. No member of the Board of Health shall hold more than one (1) Board of Health position. (Ref. 17-208 RS Neb.)

### **§2-204 PARK AND RECREATION COMMISSION**

The Governing Body may appoint a Park and Recreation Commission. The standing committee of the Governing Body (Park Board) shall be ex-officio members of the Commission. The Commission shall have at least three (3) regular members who shall be residents of the Municipality or surrounding area of Municipal jurisdiction. The Commission members shall serve without compensation and may be required, in the discretion of the Governing Body, to give a bond in the sum set by resolution of the Governing Body, and conditioned upon the faithful performance of their duties.

At the time of the Commission's first (1<sup>st</sup>) meeting in December of each year, the Commission shall reorganize by selecting from its membership a Chairperson and Secretary. It shall be the duty of the Secretary to keep the full and correct minutes

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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. A majority of the Commission members shall constitute a quorum for the transaction of business. The commission shall seek out the directions that the community desires the park to evolve into and then inform the Governing Body of those ideas.

The Commission shall meet at such times as the Governing Body may designate or as prescribed by the Chairperson of the Committee. Special meetings may be held upon the call of the Chairperson, or any two (2) members of the Commission. The Commission shall be responsible for making such reports and performing such other duties as the Governing Body may, from time to time, designate. No member of the Governing Body shall serve as a member of the Recreation Commission other than in an ex officio status while serving a term of office as a member of the Governing Body. No member of the Recreation Commission shall serve in the capacity of both the Chairperson and Secretary of the Commission. *(Ref. 17-952 RS Neb.)*

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### 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 five hundred (\$500.00) dollars for each offense. A new violation shall be deemed to have been committed every twenty-four (24) hours of such failure to comply. (*Ref 17-207 NRS Neb.*)