

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.

Article 2. Commissions and Boards

§2-201. LIBRARY BOARD. The Library Board shall be appointed. The nominated members must receive a majority vote of the Governing Body. The Board shall consist of five (5) members who shall be residents of the Municipality. The members of the Library Board shall serve a four (4) year term of office as specified by Nebraska Statutes. The Board 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. At the time of the Board's first (1st) meeting in December of each year, the Board shall organize by selecting from their number a 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 Municipal Clerk where they shall be available for public inspection at any reasonable time. 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 chairman, or any three (3) members of the Board. The Library Board shall have the authority to appoint a librarian and all other employees. It shall be the duty of the Board to have general charge of the Municipal 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 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. No member of the Governing Body shall serve as a member of the Library Board while serving a term of office as a member of the Governing Body. No member of the Library Board shall serve in the capacity of both the chairman and secretary of the Board. (*Ref. 51-202 RS Neb.*)

§2-202. PLANNING COMMISSION. (1) The Planning Commission shall consist of nine (9) regular members 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 City Council. Two (2) 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 is a sufficient number of residents in the area over which the Municipality exercises extraterritorial zoning and subdivision regulation, one (1) 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 five hundred (500) residents. The term of each regular member shall be three (3) years, except

that three (3) regular members of the first Commission shall serve for terms of one (1) year, three (3) for terms of two (2) years, and three (3) for terms of three (3) 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 members elected to the City Council, 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) All regular members of the Commission shall serve without compensation and shall hold no other Municipal office except when appointed to serve on the Board of Adjustment as provided in section 19-908 RS Neb. All members of the Commission 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. The Commission shall elect its Chairperson and a Secretary from its members and create and fill such other of its offices as it may determine. The term of the Chairperson and the Secretary shall be one year, and they shall be eligible for reelection. No member of the Commission shall serve in the capacity of both the Chairperson and Secretary of the Commission. It shall be the duty of the Secretary to keep the full and correct minutes and records of all meetings and to file them with the Municipal Clerk where they shall be available for public inspection during office hours. The Commission shall be funded by the City Council from time to time out of the General Fund. The expenditures of the Commission, exclusive of gifts, shall be within the amounts appropriated for that purpose by the City Council; and no expenditures nor agreements for expenditures shall be valid in excess of such amounts. A number of Commissioners equal to a majority of the number of regular members appointed to the Commission shall constitute a quorum for the transaction of any business. The Commission shall hold at least one regular meeting in each calendar quarter, except the City Council may require the Commission to meet more frequently and the Chairperson of the Commission may call for a meeting when necessary to deal with business pending before the Commission. Special meetings may also be held upon the call of any three (3) members of 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. The Commission shall 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, and shall carry out the other duties and exercise the powers specified in section 19-929 RS Neb. All actions by the Commission shall be subject to the review and supervision of the Mayor and City Council. The Commission shall make its recommendations to the City Council so that they are received by the City Council within thirty (30) days after the Commission begins consideration of a matter relating to the comprehensive development plan, capital improvements, building codes, subdivision development, the annexation of territory, or zoning. The Commission shall be responsible for making such reports and performing such

other duties as the City Council may, from time to time, designate.

(3) The Mayor, with the approval of a majority vote of the elected members of the City Council, shall appoint one (1) alternate member to the Commission. The alternate member shall serve without compensation and shall hold no other Municipal office. The term of the alternate member shall be three (3) 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 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. *(Ref. 19-924 through 19 929 RS Neb) (Amended by Ord. Nos. 421, 8/2/94; 444, 7/6/95; 466, 11/5/96; 528, 8/4/98)*

§2-203. BOARD OF ADJUSTMENT. (A) The Mayor shall appoint, with the consent of the City Council, a Board of Adjustment, which shall consist of five (5) regular members plus one (1) 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 shall be appointed for a term of three (3) years and shall be removable for cause by the Mayor upon written charges and after public hearings. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. One (1) member only of the Board of Adjustment shall be appointed from the membership of the Planning Commission, and the loss of membership on the Planning Commission by such member shall also result in his or her immediate loss of membership on the Board of Adjustment and the appointment of another Planning Commissioner to the Board of Adjustment. If the Board does not include a member who resides in the extraterritorial zoning jurisdiction of the city, the first vacancy occurring on the Board of Adjustment after the effective date of this section 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 two hundred (200) persons reside within such area. Thereafter, at all times, at least one (1) member of the Board of Adjustment shall reside outside the corporate boundaries of the City but within its extraterritorial zoning jurisdiction. Neither the Mayor nor any member of the City Council shall serve as a member of the Board of Adjustment.

(B) The members of the Board shall serve without compensation and may be required, in the discretion of the City Council, to give a bond in a sum set by resolution of the City Council and conditioned upon the faithful performance of their duties. The Board shall organize at its first meeting each year after the City Council meeting when appointments are regularly made and shall elect from its membership a Chairperson and Secretary. No member of the Board of Adjustment shall serve in the capacity of both Chairperson and Secretary of the Board.

(C) The Board shall adopt rules in accordance with the provisions of this section

and sections 19-901 to 19-914 RS Neb. Meetings of the Board shall be held at the call of the chairperson and at such other times as the Board may determine. Special meetings may be also held upon the call of any three (3) members of the Board. A majority of the Board shall constitute a quorum for the purpose of doing business. 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. It shall be the duty of the Secretary to keep complete and accurate minutes of the Board's proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and to keep records of the Board's examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be public record. The Board shall be responsible for making such reports and performing such other duties as the Mayor and City Council may designate.

(D) Appeals to the Board may be taken by any person aggrieved or by any officer, department, board, or bureau of the City affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the officer from whom the appeal is taken and with the Board a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board, after the notice of appeal shall have been filed with him or her, that by reason of facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application on notice to the officer from whom the appeal is taken and on due cause shown. The Board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.

(E) The Board shall have only the following powers:

(1) 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 by the City Council or Planning Commission regarding a conditional use or special exception;

(2) To hear and decide, in accordance with the provisions of any zoning regulation, requests for interpretation of any map; and

(3) 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 zoning regulation would result in peculiar and exceptional practical difficulties to or exceptional and undue hardships upon the owner of such property, to authorize, upon an appeal relating to the property, a variance from such strict application so as to relieve such difficulties or hardship, if such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of any ordinance or resolution.

(F) No such variance shall be authorized by the Board unless it finds that:

(1) The strict application of the zoning regulation would produce undue hardship;

(2) Such hardship is not shared generally by other properties in the same zoning district and the same vicinity;

(3) 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

(4) 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.

(G) In exercising the powers granted in this section, the Board may, in conformity with sections 19-901 to 19-915 RS Neb., 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 (4) 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.

(H) Appeals from a decision by the Board may be taken as provided in section 19-912 RS Neb.

(I) Sections 41.1208, 41.1209, 41.1210 and 41.1211 of the Zoning Regulations are hereby repealed. (*Amended by Ord. Nos. 467, 11/5/96; 563, 1/4/05*)

§2-204 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, the President of the City Council, and two (2) other members. One member shall be a physician or health care provider, if one can be found who is willing to serve. Such physician or health care provider, if appointed, shall be the Board's medical advisor. If the Mayor has appointed a Chief of Police, 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 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. (*Ref. 17-121 RS Neb*) (*Amended by Ord. No. 492, 8/5/97*)

§2-205 BOARD OF PARK COMMISSIONERS. The Governing Body shall appoint the Board of Park Commissioners. The Board shall consist of not less than three (3) members, who shall be resident freeholders in the Municipality. The members of the Board shall serve a one (1) year term of office unless reappointed. The Board 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. At the time of the Board's first (1st) meeting in December of each year, the Board shall organize by selecting from their number a 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 Municipal Clerk where they shall be available for public inspection at any reasonable time. 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 Chairman, or any two (2) of the Board members. It shall be the duty of the Board to take the immediate charge of all parks and recreational facilities belonging to the Municipality. The Board shall establish appropriate rules and regulations for the management, use, and operation of the same. All employees of the Municipality doing work in, or for the Municipal park shall be under the supervision and direction of the Board. All actions of the Board shall be subject to the review and control of the Governing Body. The Board 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 Park Commission while serving a term of office as a member of the Governing Body. No member of the Park Commission shall serve in the capacity of both the Chairman and Secretary of the Board. (*Ref. 17-952 RS Neb.*)

§2-206 CEMETERY BOARD. The Governing Body shall appoint the Cemetery Board which shall consist of six (6) members who are residents of the Municipality and who shall serve without compensation for a term of three (3) years. Two (2) members shall be appointed each year 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. At the first (1st) meeting in December of each year, the Board shall organize by selecting from its membership a Chairman and Secretary. The Secretary shall keep the 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 at any reasonable time. A majority of the Board members 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 three (3) members of the Board. The Board shall have the general care, management, and supervision of the Municipal 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. 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. All actions of the Board shall be subject to the review and supervision of the Governing Body and it shall be responsible for making such reports and performing such additional duties as the Governing Body may designate. No member of the Governing Body shall serve as a member of the Board while serving a term of office as a member of the Governing Body. No member of the Cemetery Board shall hold more than one (1) Cemetery Board office. (*Ref. 12-401 through 12-403 RS Neb.*)

§2-207 YOUTH CENTER BOARD. (*Repealed by Ord. No. 407, 12/8/92*)

§2-208 HOUSING AUTHORITY BOARD. The Governing Body shall appoint five (5) persons who shall constitute the Housing Authority and such persons shall be called the Commissioners. One (1) Commissioner shall be appointed each year. Each Commissioner shall serve a five (5) year term of office or until his successor is duly appointed; provided, that all vacancies shall be filled for the unexpired terms. The Governing Body may appoint one (1) of its members to serve as one of the five (5) members of such Housing Authority for such term as the Governing Body may determine. No person shall serve as a

Commissioner unless he or she resides within the area of operation of that Housing Authority. A certificate of the appointment or reappointment of any Commissioner shall be filed with the Municipal Clerk and such certificate shall be conclusive evidence of the proper appointment of such Commissioner. A Commissioner shall receive no compensation for his services, but he shall be entitled to the necessary expenses, including travel expenses, incurred in discharge of his duties. A majority of Commissioners shall constitute a quorum of the Authority for the purpose of conducting its business, exercising its powers, and for all other purposes. Action may be taken by the Authority upon the vote of the majority of the Commissioners present unless in any case the bylaws of the Authority shall require a larger number. The Commissioners shall elect a Chairman and vice-Chairman from among the Commissioners and shall have the power to employ an executive director who shall serve as ex officio Secretary of the Authority. The Authority may also employ legal counsel, or it may call upon the chief law officer of the Municipality, 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. During his tenure, and for one (1) year thereafter, no commissioner, officer, or employee of the Municipal Housing Authority shall voluntarily acquire any interest, direct or indirect, in any project or in any property included or planned to be included in any project, or in any contract or proposed contract relating to any housing project. If any such commissioner, officer, or employee involuntarily acquires any such interest, or voluntarily or involuntarily acquired any such interest prior to appointment or employment as commissioner, officer, or employee, he shall immediately disclose his interest in writing to the Authority, and such disclosure shall be entered upon the minutes of the Authority, and he shall not participate in any action by the Authority relating to the property or contract in which he has any such interest; provided, that nothing herein shall apply to the acquisition of any interest in notes or bonds of the Authority issued in connection with any housing project, or to the execution of agreements by banking institutions for deposit or handling of funds in connection with a project or to act as trustee under any trust indenture'. or to utility services, the rates for which are fixed or controlled by a governmental agency. 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 notice shall contain a statement containing the charges against him. Unless within ten (10) days from the receipt of such notice, such Commissioner files with the Clerk a request for a hearing before the Governing Body, the Commissioner shall be deemed as removed from office. If a request for a hearing is filed with the Clerk, the Governing Body of the Municipality shall hold a hearing at which the Commissioner shall have the right to appear in person or by counsel and the Governing Body shall determine whether the removal shall be disapproved or upheld. If the removal is disapproved, the Commissioner shall continue to hold his position. 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

Governing Body on all such information. (*Ref. 71-1524 through 71-1526, 71-1552 RS Neb.*)

§2-209 HOUSING AUTHORITY; OPERATION AND MANAGEMENT. The Authority shall at all times observe the following duties with respect to rentals and tenant selection:

1. It may rent or lease dwelling accommodations therein only to persons of low income, elderly or handicapped persons of low income, and displaced persons in need.
2. There shall be no discrimination in the eligibility or occupancy of tenants on the basis of race, sex, marital status, religion, color, creed, national origin, or ancestry.
3. The Authority shall not accept any person as a tenant in any dwelling in the housing project if the persons who occupy the dwelling have an aggregate annual income which equals or exceeds the amount which the Authority has conclusively determined to be sufficient to enable one to secure, safe, sanitary, and uncongested dwelling accommodations within the area served by the Authority and to provide an adequate standard of living.
4. The Authority may rent or lease to a tenant a dwelling consisting of a number of rooms which is deemed necessary to provide safe and sanitary accommodations to the occupants without overcrowding.
5. The Authority shall fix income limits for occupancy and rents after taking into consideration:
 - a. The family size, composition, age, physical handicaps, and other factors which might affect the rent-paying ability of the person.
 - b. The economic factors which affect the financial stability and solvency of the project.
6. The Authority may accept as a tenant any displaced person or persons in need, regardless of income, but in no event shall such person or persons remain as a tenant or tenants of the Authority for more than a period of six (6) months unless such persons also qualify as persons of low income, elderly, or handicapped persons of low income.
7. All persons of low income, elderly, or handicapped persons of low income, or displaced persons in need, shall be entitled to the benefits of this Article and the Authority may establish rules and regulations consistent with the purposes of this Article concerning eligibility and occupancy of the housing project or other such shelter.
8. Nothing herein shall prohibit the right of the Authority to inquire into the financial condition, family composition, medical, personal, and employment history of any

tenant or prospective tenant.

9. The Authority shall prohibit subletting by tenants.

The Authority may establish from time to time rules and regulations consistent with federal and state laws and regulations and the purposes of this Article concerning the termination of tenancy. Any tenant so terminated shall be sent a written notice of termination setting out the reasons for such termination and any tenant served with a notice shall be given the opportunity to contest the termination in an appropriate hearing, except that tenants who have created or maintained a threat constituting a serious and clear danger to the health or safety of other tenants or Authority employees need not be given such a hearing by the Authority. Such notice may provide that if the tenant fails to pay his or her rent or comply with any covenant or condition of his or her lease, or the rules and regulations of such Authority, or cure a violation or default thereof, as the case may be, as specified in such notice, or follow the procedure for a hearing as set forth in the notice, all within the time or times set forth in such notice, the tenancy shall then be automatically terminated and no other notice or notices need be given of such termination or the intent to terminate the tenancy, and upon such termination, and without any notice other than as provided for in this section, the Authority may file suit against any tenant for recovery of possession of the premises and may recover the same as provided by law.

The Authority may establish from time to time rules and regulations consistent with the purposes of this Article concerning personal property of tenants and other persons located in projects of the Authority, and if such personal property is not removed from a dwelling unit at the time of the termination of the lease, at the time of vacation or abandonment of the dwelling unit, or at the time of the death of any tenant, then the Authority may remove the same and store such property at the tenant's risk and expense. In the event that possession of such personal property is not taken by the tenant or other person authorized by law to take possession within forty-five (45) days after such termination, vacation, or abandonment, and any storage removal charges remain unpaid, then the Authority may, at its option, dispose of the personal property in any manner which the Authority deems fit, except that any proceeds from the disposal of such personal property shall be paid to the general fund of the body which created the Authority. No tenant or other person shall have any cause of action against the Authority for such removal or disposition of such personal property. (*Ref. 71-1536 RS Neb.*)

§2-210 HOUSING AUTHORITY; REPORTS. The Housing Authority shall keep an accurate account of all its activities and of all its receipts and disbursements and shall make an annual report at the second (2nd) regular meeting in January of each year to the Governing Body. Such report shall include all mortgages and other interests in real property held by the Housing Authority, including options to purchase and land sale contracts; a listing of all bond issues and their essential terms and obligations; and all other financial obligations of the Housing Authority over fifty thousand dollars (\$50,000.00). Such reports shall be considered public records. If there has been no change from the last

report in the status of any of the items reported pursuant to this section, the Housing Authority may file a statement to that effect in lieu of the report. (*Ref. 71-1552 RS Neb.*)

§2-211 HOUSING AUTHORITY; RULES AND REGULATIONS. The Housing Authority may establish from time to time rules and regulations consistent with the purposes of this Article concerning the priority of eligible applicants for occupancy. The Authority may give preferential treatment to applicants who are servicemen or veterans, relatives of servicemen or veterans, to disabled servicemen or veterans, the elderly or disabled, those in urgent need of adequate housing or who have no adequate source of income; provided, that in any such system of priority, displaced persons in need shall have a priority ahead of all other persons; and provided further, that no tenant in good standing then in occupancy and qualified for continued occupancy shall have his tenancy terminated in order to provide dwelling units for classes or categories of applicants as the Authority may establish. (*Ref. 71-1547 RS Neb.*)

§2-212 HOUSING AUTHORITY; OWNERSHIP. The Municipal Housing Authority is owned by the Municipality and operated through the Housing Authority Commission. The Housing Authority shall constitute a body corporate and politic, and shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of the Nebraska Housing Authority Law. (*Ref. 71-1529 RS Neb.*)

§2-213 HOUSING AUTHORITY DEFINITIONS. Except as otherwise specifically provided, the definitions and terms set out in the Nebraska statutes relating to Housing Authorities under the Nebraska Housing Authority Law are hereby adopted by reference as they now exist or may hereafter be amended. (*Ref. 71-1522 RS Neb.*)

§2-214 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 on the first (1st) Tuesday 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 through 3-514 RS Neb.*) (*Amended by Ord. No. 370, 12/6/88*)

§2-215 TREE BOARD; CREATION AND ESTABLISHMENT. There is hereby created and established a City Tree Board for the City of Red Cloud, Webster County, Nebraska, which shall consist of five (5) members, citizens and residents of this city, who shall be appointed by the Mayor with the approval of the City Council. (*Ord. No. 437, 1/3/95*)

§2-215.01 TREE BOARD; TERM OF OFFICE. The term of the four persons to be appointed by the Mayor shall be one year. In the event that a vacancy shall occur during the term of any member, a successor shall be appointed for a new one year term. (*Ord. No. 437, 1/3/95*)

§2-215.02 TREE BOARD; COMPENSATION. Members of the Tree Board shall serve without compensation and shall not be entitled to receive remuneration, gifts, or compensation from any person whomsoever as a result of the performance of any of his or her duties on the Tree Board. (*Ord. No. 437, 1/3/95*)

§2-215.03 TREE BOARD; DUTIES AND RESPONSIBILITIES. It shall be the responsibility of the Tree Board to study, investigate, counsel and develop and/or update annually, and administer written plans (annual and long range) for the care, replacement, maintenance, and removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plans will be presented annually to the City Council and upon their acceptance and approval shall constitute the official comprehensive city tree plan for the City of Red Cloud, Webster County, Nebraska. The Tree Board, when requested by the City Council, shall consider, investigate, make findings, report and recommend upon any special matter or question relating to trees. (*Ord. No. 437, 1/3/95*)

§2-215.04 TREE BOARD; OPERATION. The Tree Board shall choose its own officers, make its own rules and regulations and keep a Minute Book of its proceedings. A majority of the members shall constitute a quorum for the transaction of business. (*Ord. No. 437, 1/3/95*)

§2-215.05 INTERFERENCE WITH CITY TREE BOARD. It shall be unlawful for any person to prevent, delay or interfere with the City Council, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying or removing of any street trees, park trees or trees on private grounds, as authorized in this Article. (*Ord. No. 437, 1/3/95*)

§2-215.06 TREE BOARD; REVIEW BY CITY COUNCIL. The City Council shall have the right to review the conduct, acts and decisions of the City Tree Board. Any person may appeal from any ruling or order of the City Tree Board to the City Council, which may hear the matter and make final decision. (*Ord. No. 437, 1/3/95*)

§2-216 COMMUNITY REDEVELOPMENT AGENCY. (1) *Creation of Agency.* The Mayor and City Council of the City of Red Cloud, Nebraska, deem it necessary and advisable to create a Community Redevelopment Agency consistent with the legislative findings and declarations set forth in section 18-2102 RS Neb. It hereby being found and declared that there exists in the City areas which have deteriorated and have become substandard and blighted because of unsafe, unsanitary, inadequate, overcrowded conditions of dwellings, therein, or because of inadequate planning of the area, or excessive land coverage by the buildings therein, or the lack of proper light and air and open space, or because of defective design arrangements of the buildings thereon, or faulty street or lot layout, or congested traffic conditions, or economically or socially undesirable land uses. Because such conditions shall result or continue to result in making such areas economic or social liabilities harmful to the social or economic well being of the community, it is hereby declared that the creation of a Community Redevelopment Agency in accordance with the Nebraska Community Development Law, sections 18-2101 et seq. RS Neb., is in the best interests of the City. The Community Redevelopment Agency of Red Cloud, Nebraska (hereinafter "Agency") is hereby created.

(2) *Members.* The Agency's members shall be comprised of the membership of the City Council of the City in accordance with section 18-2101.01 RS Neb. The Agency's members may adopt rules for the transaction of its business and shall keep a record of its resolutions, transactions, findings and determinations, all of which shall be made available for public inspection at the City offices during regular business hours.

(3) *Directive.* The Agency shall provide for maximum opportunity, consistent with the sound needs of the City as a whole, to the rehabilitation or redevelopment of community redevelopment areas, designated by the governing body, by private enterprises. On the designation of certain portions of the community as blighted and substandard in accordance with the Nebraska Community Development Law, the Agency shall prepare redevelopment plans in the manner set forth in the Nebraska Community Development Law.

(4) *Powers.* The Agency is hereby directed to provide the maximum opportunity, consistent with the sound needs of the City as a whole, to the rehabilitation and redevelopment of the community redevelopment areas by private enterprises. The Agency is directed to formulate for the entire Municipality a workable program for utilizing appropriate private and public resources to eliminate or prevent the development or spread of urban blight, discourage needed urban rehabilitation, to provide for the redevelopment of substandard and blighted areas, or to undertake such fore said activities, and other feasible municipal activities as may be suitably employed to achieve the objectives of such workable program. Such program shall be provided for in accordance with the Act. The

Agency is hereby empowered to make such expenditures as may be necessary to carry out the purposes of the Nebraska Community Development Law; and to make expenditures from funds obtained from the federal government without regard to any other laws pertaining to the making and approval of appropriation expenditures consistent with state and federal law. A report of whether any tax shall be levied for the succeeding fiscal year for community redevelopment purposes in accordance with section 18-2107(11) RS Neb. shall also be provided as required by law.

(5) *Director.* The Agency may select a person to serve as Director and Ex-Officio Secretary of the Agency and that person shall perform such duties as may be assigned by the Agency, including necessary administrative functions as described in the Act.

(6) *Effective Date.* Any ordinance passed and approved prior to the passage, approval of publication or posting of this section in conflict with this provision is hereby repealed. This section shall be published within fifteen (15) days after its passage, in accordance with Nebraska law. This section shall become effective upon the completion of said publication.

(7) *Severance of Provisions.* The provisions of this section are severable and the invalidity of any phrase, clause or part of this section shall not affect the validity or effectiveness of the remainder of the section. (*Ord. No. 579, 7/5/05*)

Article 3. Assisted Living Facility Board

§2-301 ASSISTED LIVING FACILITY BOARD. The Governing Body shall appoint the Assisted Living Facility Board. The Board shall consist of six (6) members who are residents of the city. No member of the Governing Body shall serve as a member of the Assisted Living Facility Board while serving a term of office as a member of the Governing Body. The members of the Board shall serve a two (2) year term of office unless reappointed. Said appointments shall be made by the Governing Body at the first regularly scheduled meeting in the month of January of each year, PROVIDED that members of the first board shall be appointed for the following terms: 3 members to serve until January 1, 2012, and 3 members to serve until January 1, 2013; and further PROVIDED that thereafter 3 members shall be appointed each year. The Board shall serve without compensation and may be required, in the discretion of the Governing Body, to fix a bond in a sum set by resolution of the Governing Body, and conditioned upon the faithful performance of their duties.

At the time of the board's first meeting in January of each year, the Board shall organize by selecting from its membership a chairperson, secretary and financial officer. The chairperson shall not vote except in case of a tie. 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 financial officer shall act as a liaison between the Assisted Living Facility Board and the Governing Body with respect to issues involving Assisted Living Facility funds and investments. The responsibilities of the financial officer shall be to provide information to the Governing Body, however, the ultimate responsibility for making decisions on all financial issues shall continue to be that of the Mayor and City Council. A majority of 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 any (3) members of the Board. It shall be the duty of the board to (1) have general charge of the Municipal Assisted Living Facility, (2) to establish appropriate rules and regulations for the management, operation, and use of the same; and (3) to audit all claims and accounts against the facility fund and approve such as are reasonable and proper, warrants for which shall then be drawn by the chairperson and paid by the City Treasurer out of the facility fund.

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, from time to time, designate. No member of the Assisted Living Facility Board shall serve in more than one office for the Board. (*Ref. §17-966 RS Neb.; Ord. No. 595, 6/16/09*)