Chapter 2

COMMISSIONS AND BOARDS

Article 1. Commissions and Boards

§2-101 **LIBRARY BOARD**. 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 board members shall be appointed by a majority vote of the members of the City Council. Neither the Mayor nor any member of the City Council 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 cases of vacancies by resignation, removal, or otherwise, the City Council shall fill the vacancy for the unexpired term. No member shall receive any pay or compensation for any services rendered as a member of the Library Board. (Neb RS 51-202)

The City Council may require the members of the Library Board to give a bond in a sum set by resolution and conditioned upon the faithful performance of their duties.

The members of the Library Board shall immediately after their appointment meet and organize by electing from their number a President, a Secretary, and such other officers as may be necessary. A majority of the members of the Library Board shall constitute a quorum for the transaction of business. (Neb RS 51-204)

No member of the Board shall serve in the capacity of both the President 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.

The Board shall meet at such times as the Board may designate. Special meetings may be held upon the call of the President or a majority of the 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 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.

§2-102 **PLANNING COMMISSION**. The Governing Body shall appoint the Planning Commission, 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. At least four (4) regular members shall be residents of the Municipality and one (1) regular member and the alternate shall live within the jurisdictional limits of the Municipality. The members of the Commission, including the alternate shall serve a three (3) year term of office unless reappointed. 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 State Statute 19-908. The Commission 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 Commission's first (1st) meeting in January of each year, the Commission shall organize by selecting from its membership a Chairman and Vice-Chairman. An accurate record of all proceedings of meetings and hearings of the commission shall be kept, and 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 membership of the Commission shall constitute a quorum for the purpose of doing business. Special meetings may be called by the Chairman. It shall also be the duty of the Chairman to call such meeting when requested to do so in writing by a majority of the commission members. It shall be the duty of the Commission to make and adopt plans for the physical development of the municipality as well as those areas within the jurisdictional limits of the Municipality. All actions by the Commission shall be subject to the review and supervision of the Governing Body. 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 while serving any other term of office. *(Ref. 19-925 through 19-933 RS Neb.)*

The legislative body shall receive the advice of the planning commission before taking definite action on any contemplated amendment, supplement, change, modification, or repeal. No such regulation, restriction, or boundary shall become effective until after separate public hearings are held by both the planning commission and the legislative body in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be given by publication thereof in a paper of general circulation in such municipality at least one time ten days prior to such hearing. *(Ref. 19-904 RS Neb.)*

§2-103 **BOARD OF ADJUSTMENT.** The Governing Body shall appoint the 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 of the Board 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. The members of 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. 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 shall organize at its first (1st) meeting in June of each year and elect from its membership a Chairman and Secretary. It shall be the duty of the Secretary to keep complete and accurate minutes of all Board 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 be funded from time to time out of the General Fund by the Governing Body. Meetings of the Board shall be held at such times as the Governing Body may designate, or at such other times as the Chairman may, in his discretion call a meeting. 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. It shall be the duty of the Board to hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination made by a Municipal official based on any zoning ordinance of the Municipality; to hear and decide in accordance with the provisions of any zoning ordinance, requests for interpretation of any map or decision relating to zoning regulations; and authorize a variance from the strict application of any zoning ordinance if it is found that a specific piece of property, due to exceptional specifications existing at the time of passage of the said ordinance, would result in exceptional difficulties and undue hardship; provided, that no variance shall be granted if the undue hardship appears to affect the property in the district generally, or if the situation of the property concerned appears to be so general or recurring in nature as to make reasonably practicable, the formulation of a general regulation to be adopted by the Governing Body as an ordinance. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision, or determination made by a Municipal official on any matter which was governed by any Municipal zoning ordinance. The Board shall be responsible for making such reports and performing such other duties as the Governing Body may designate. No member of the Governing Body shall serve as a member of the Board of Adjustment. No member of the Board of Adjustment shall serve in the capacity of both Chairman and Secretary of the Board.

The Board of Zoning Adjustment shall have the power to hear and decide appeals where 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, to interpret any map, to grant variances on sidewalk matters covered by sections 8-201 through 8-206 of the David City Municipal Code, or to grant variances on fences or related matters. *(Ref. 19-907 thru 19-912; 19-912.01 RS Neb.)*

§2-104 <u>BOARD</u> <u>OF</u> <u>HEALTH</u>. (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.)*

§2-105 HOUSING AUTHORITY; CONTINUED EXISTENCE. The local housing authority established under prior state law and in existence on January 1, 2000, shall have continued existence as a housing agency under the Nebraska Housing Agency Act. The local housing agency shall conduct its operations consistent with the Nebraska Housing Agency Act. All property, rights in land, buildings, records, and equipment and any funds, money, revenue, receipts, or assets of the authority belong to the agency as successor. All obligations, debts, commitments, and liabilities of the authority are obligations, debts, commitments, and liabilities of the successor agency. Any resolution by the authority and any action taken by the authority prior to January 1, 2000, and which resolution or action is lawful under state law as it existed prior to January 1, 2000, is a lawful resolution or action of the successor agency and binding upon the successor agency and enforceable by or against the agency notwithstanding that such resolution or action is inconsistent with, not authorized by, or prohibited under the provisions of the Nebraska Housing Agency Act. All Commissioners of the local housing agency and all officers, legal counsel, technical experts, directors, and other appointees or employees of the agency holding office or employment by virtue of any such prior law on January 1, 2000, shall be deemed to have been appointed or employed under the Nebraska Housing Agency Act. *(Ref. 71-1576 RS Neb.)*

§2-106 TREE BOARD; CREATION AND ESTABLISHMENT. There is hereby created and established a City Tree Board for the City of David City, Nebraska, which shall consist of five (5) members, to include 1) the Street Superintendent, 2) the Electric Supervisor, 3) the Park Supervisor, 4) one city council member, and 5) one citizen appointed by the Mayor with the approval of the City Council.

The term of office of the tree board members shall be two years. In the event that a vacancy shall occur during the term of any member, a successor shall be appointed for the unexpired portion of the term. Members of the City Tree Board shall serve without compensation. It shall be the responsibility of the City Tree Board to develop and administer a written plan for the maintenance, planting and removal of all street and park trees and shrubs. Such plans, which may be updated or amended as need requires, will be presented to the City Council and upon their acceptance and approval shall constitute the official “Comprehensive City Tree Plan” for the City of David City, Nebraska.

The Tree Board, when requested by the City Council, shall research and make recommendations on any special matter within the scope of its duties. The City Tree Board shall keep a journal of its proceedings. The Tree Board shall hold quarterly meetings as a minimum. The Tree Board does not make decisions but will make suggestions and recommendations to the City Council. (Ordinance #1162 12/14/11)

§2-107 **PARK AND RECREATION ADVISORY BOARD**. The Park and Recreation Advisory Board shall consist of five (5) appointed members [the Park Superintendent and four David City residents] who have an interest in park and recreational activities. The Board will advise the City and Park Superintendent on park and recreational related activities. The Park Superintendent shall serve as a consent member of the Board. The first two (2) appointed members of the board shall be appointed to serve a one (1) year term. The remaining two (2) appointed members shall be appointed to serve a three (3) year term. All five (5) members shall serve without pay. The board members shall be appointed by the Mayor with the advice and consent of the City Council.

The Park Superintendent shall call the meetings for the Board on a regular basis, not less than one (1) every two (2) months on a schedule to be established and published by the Park Superintendent as required by the Nebraska Open Meetings Act. The Park Superintendent, with input from Board Members, shall set the agenda for Board meetings. The Park Superintendent may call a special meeting of the Board whenever, in his/her opinion, the business of the Board may require it. Notice of special meetings shall be made in conformance with the Nebraska Open Meetings Act. A majority of the members of the Board shall constitute a quorum and be necessary for the transaction of business. If a quorum is not present, those in attendance shall be named and shall adjourn to a later time. Members of the Board, at the first meeting of the year, shall elect one of its own members as chairman of the Board and elect one member as a vice-chairman of the Board. All meetings of the Board shall be open to the public.

Minutes of all regular and special meetings shall be recorded by the Park Superintendent and maintained in the office of the City Clerk. The minutes shall reflect the date; time and place of the meeting; members recorded as either present or absent; a general description of all matters proposed, discussed or decided; and a record of any votes taken. Minutes of all meetings shall be taken. Approval of minutes shall be considered at the next regular meeting of the Board. Copies of approved minutes shall be provided to the City Council, Mayor, and the City Administrator.

The Board shall function as an advisory body to the Mayor and City Council and shall have no authority to adopt, amend, modify, alter or rescind any rule, regulation or ordinance for the management, governance, or use of the David City Municipal Park and Recreational facilities. Duties of the Board shall include making recommendations on all park related concerns and issues for the purpose of planning, promoting, and maintaining a diverse park system for residents of all ages. Functions of the Board include holding neighborhood meetings, receiving resident input, conducting surveys, addressing funding strategies, evaluating and recommending capitol improvements for new and existing park facilities, reviewing Residential, Commercial, and Industrial developments for park dedication, and conducting public meetings and workshops for citizen involvement in the park planning process. The Board shall have no financial and budgetary authority. The Board shall prepare an annual budget for submission to the City Council. (Ordinance #1043 3/14/07)

§2-108 <u>AIRPORT ADVISORY BOARD;</u> The purpose of the Board shall be to advise the City on Airport related activities. Members shall be appointed by the Mayor with the advice and consent of the City Council. Membership of this Board shall be comprised of five (5) members. The required five (5) members shall consist of two (2) pilots, one (1) City Council Member, one (1) Planning Commission Member and the Airport Manager. Members of the Board shall be appointed to serve a three (3) year term. All five (5) members shall serve without pay. Any vacancies on said Board shall be filled by the Mayor's appointment with the advice and consent of the City Council.

The Airport Manager shall call the meetings for the Board on a regular basis, not less than one (1) every two (2) months on a schedule to be established and published by the Airport Manager as required by Nebraska Open Meetings Act. The Airport Manager shall set the agenda for Board meetings. The Airport Manager may call a special meeting of the Board whenever, in his opinion, the business of the Board may require it. Notice of special meetings shall be made in conformance with the Nebraska Open Meetings Act. A majority of the members of the Board shall constitute a quorum and be necessary for the transaction of business. If a quorum is not present, those in attendance shall be named and shall adjourn to a later time. All meetings of the Board shall be open to the public. Minutes of all regular and special meetings shall be recorded by the Airport Manager and maintained in the office of the City Clerk. The minutes shall reflect the date, time and place of the meetings; members recorded as either present or absent; a general description of all matters proposed, discussed or decided; and a record of any votes taken. Minutes of all meetings shall be taken. Approval of minutes shall be considered at the next regular meeting of the Board. Copies of approved minutes shall be provided to the City Council, Mayor and the City Administrator.

The Board shall function in an advisory capacity only and shall have no authority to adopt, amend, modify, alter or rescind any rule, regulation or ordinance for the management, governance or use of the David City Municipal Airport. The Board shall make recommendations regarding aeronautical operations and maintenance, involving technical aviation and safety matters, to the Airport Manager. The Board shall have no financial and budgetary authority. The Board shall prepare an annual budget for submission to the City Council.

Duties of the Board shall include, but not limited to, the following: The Board shall study the actual operation of the airport with the view of improving existing standards, or establishing new standards, and the possibility of incorporating the new standards in this Airport Advisory Board ordinance. It shall study existing and future leases or drafts of leases entered into between the City and private parties regarding the operation of the airport or portions thereof or any facilities thereon. It shall study the relationship of the airport manager to the City and its citizens with the view towards the maximum protection of the public health, welfare, and safety as well as the establishment of a line of communication and the maintenance of good public relations; and the Board shall study economic feasibility of various land uses of adjacent property and, in particular, the use of said land for industrial, recreational, or airport expansion. The Board shall attempt to find informal resolution of grievances with a view related to operations and maintenance and, if necessary, make recommendations to the City Council for the resolution of grievance. (Ordinance #1041 4/11/07)

Article 2. Penal Provision

§2-201 <u>VIOLATION</u>; <u>PENALTY</u>. 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 one hundred dollars ($100.00) for each offense. A new violation shall be deemed to have been committed every twenty-four (24) hours of such failure to comply.