

## **CHAPTER 2 – COMMISSIONS AND BOARDS**

### **ARTICLE 1. STANDING COMMITTEES**

2-101 GENERAL PROVISIONS

### **ARTICLE 2. COMMISSIONS AND BOARDS**

2-201 LIBRARY BOARD

2-202 PLANNING COMMISSION

2-203 BOARD OF ADJUSTMENT

2-204 BOARD OF HEALTH

2-205 NURSING HOME BOARD

2-206 HOUSING AUTHORITY BOARD

2-207 TREE BOARD

2-208 PARKS AND RECREATION BOARD

### **ARTICLE 3. PENAL PROVISION**

2-301 VIOLATION; PENALTY



## CHAPTER 2 – COMMISSIONS AND BOARDS

### Article 1. Standing Committees

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

A. At the organizational meeting of the City Council, the Mayor shall appoint members of such standing committees as the Council may create by ordinance or resolution. 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 year, unless reappointed.

B. The following standing committees shall be appointed or reappointed each year until changed by the City Council:

- Buildings and Grounds
- Parks and Recreation
- Streets and Alleys
- Water and Sewer



## **Article 2. Commissions and Boards**

### **§2-201 LIBRARY BOARD.**

A. The Library Board shall be appointed by the Mayor and confirmed by a majority vote of the City Council. No member of the City Council shall serve as a member of the Library Board while serving a term of office as a member of the Council. The Board shall consist of five members who shall be residents of the City. The members of the Library Board shall serve a four-year term of office as specified by Nebraska statutes. No member of the Library Board shall serve more than two complete consecutive terms. The Board shall serve without compensation and may be required, in the discretion of the City Council, to give a bond in a sum set by resolution of the Council and conditioned upon the faithful performance of their duties.

B. 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 city library and to establish appropriate rules and regulations for the management, operation, and use of the same. The Board shall have supervisory authority over all employees of the library including the librarian. All actions of the Board shall be subject to the review and supervision of the City Council. The Board shall be responsible for making such reports and performing such additional duties as the City Council may designate from time to time.

C. At the time of the Board's first meeting in July of each year, the Board shall organize by selecting from their number a Chairman and Secretary. No member of the Library Board shall serve in the capacity of both the chairman 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 City 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 City Council may designate. Special meetings may be held upon the call of the Chairman, or any three members of the Board. (Ref. 51-202 RS Neb.)

D. The Library Board shall, on or before the second Monday in February in each year, make a report to the City Council of the condition of its trust on the last day of the prior fiscal year. The report shall show all money received and credited or expended; the number of materials held, including books, video and audio materials, software programs, and materials in other formats; the number of periodical subscriptions on record, including newspapers; the number of materials added and the number withdrawn from the collection during the year; the number of materials circulated during the year; and other statistics, information, and suggestions as the Board may deem of general interest or as the City Council may require. The report shall be verified by affidavit of the President and Secretary of the Board. (Neb. RS 51-213) (Ord. No. 605, 12/13/04)

### **§2-202 PLANNING COMMISSION.**

A. The City Council shall appoint the Planning Commission, which shall consist of

five members who shall represent, insofar as is possible, the different professions or occupations in the City and who shall be residents of the City. However, one of such members may be a resident of the area over which the City is authorized to exercise extraterritorial zoning and subdivision regulations. No member of the City Council or other city official, except where otherwise specifically provided, shall serve as a member of the Planning Commission while serving any other term of office. The members of the Commission shall serve a three-year term of office unless reappointed. The Commission members 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 Planning Commission shall be funded by the City Council from time to time out of the General Fund.

B. At the time of the Commission's first meeting in June of each year, the Commission shall organize by selecting from its membership a Chairman and Secretary. No member of the Planning Commission shall serve in the capacity of both Chairman 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 the same with the City Clerk, where they shall be available for public inspection at any reasonable time. 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 Chairman or any three members of the Commission.

C. It shall be the duty of the Commission to make and adopt plans for the physical development of the City, including any areas outside its boundaries which, in the Commission's judgment, bear relation to the planning of the City. All actions by the Commission shall be subject to the review and supervision of the City Council. The Commission shall be responsible for making such reports and performing such other duties as the Council may, from time to time, designate.

(Ref. 19-924 through 19-929 RS Neb.)

## **§2-203 BOARD OF ADJUSTMENT.**

A. The City Council shall appoint the Board of Adjustment, which shall consist of five regular members plus one additional member designated as an alternate who shall attend and serve only when one of the regular members is unable to attend for any reason. No member of the City Council shall serve as a member of the Board of Adjustment except as herein provided. Each member of the Board shall serve a term of three years, unless reappointed, and shall be removable only for good and sufficient cause by the City Council 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 Council, to give a bond in a sum set by resolution and conditioned upon the faithful performance of their duties. One 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/her membership on the Board of Adjustment. The Board shall be funded from time to time out of the General Fund by the City Council.

B. Meetings of the Board shall be held at such times as the City Council may desig-

nate, or at such other times as the Chairman may call in his/her discretion. Special meetings may be also held upon the call of any three members of the Board. The Board shall organize at its first meeting in June of each year and elect from its membership a Chairman and Secretary. No member of the Board of Adjustment shall serve in the capacity of both Chairman and Secretary of the Board. 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 City Clerk for examination at any reasonable time by the public. A majority of the board shall constitute a quorum for the purpose of doing business.

C. 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 city official based on any zoning ordinance of the City; to hear and decide in accordance with the provisions of any zoning ordinance, requests for interpretation of any map; 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, 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 City Council as an ordinance. The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision, or determination made by a city official on any matter which was governed by any city zoning ordinance. The Board shall be responsible for making such reports and performing such other duties as the City Council may designate. (Ref 19-907 through 19-910, 84-155 Neb.)

## **§2-204 BOARD OF HEALTH.**

A. The City Council shall appoint a Board of Health which shall be funded by the City Council from time to time out of the General Fund and shall consist of four members. The members of the Board shall include the Mayor, who shall serve as Chairman; the Police Chief, who shall serve as Secretary and quarantine officer; a physician who shall serve as the medical advisor; and the President of the City Council. The members of the Board shall serve a one-year term of office without compensation, unless reappointed.

B. The Board shall meet at such times as the City Council may designate. Special meetings may be held upon the call of the Chairman or any two board members. The Board shall reorganize at the first meeting in June of each year. No member of the Board of Health shall hold more than one Board position. It shall be the duty of the Secretary to keep the full and correct minutes and records of all meetings and to file the same with the City Clerk, where they shall be available for public inspection at any reasonable time. A majority of the Board shall constitute a quorum for the purpose of doing business.

C. It shall be the duty of the Board to enact rules and regulations which shall have the full force and effect of law, to safeguard the health of the residents of the City. Included in the duties of the Board shall be to enforce the said rules and regulations and to provide fines and punishments for any violations thereof. It may regulate, suppress, and prevent the occurrence

of nuisances and shall actively enforce all laws of the State and ordinances of the City relating to matters of sanitation which affect the health and safety of the people. The Board shall regularly inspect such premises and businesses as the City Council may direct. All members of the Board shall be responsible for making such reports and performing such other duties as the City Council may, from time to time, designate.

(Ref 17-121 RS Neb.)

#### **§2-205 NURSING HOME BOARD.**

A. The City Council shall appoint the Nursing Home Board, which shall consist of five residents of the City. The members of the Board shall serve a five-year term of office and one member shall be appointed or reappointed each year. Terms shall expire on December 31 of each year and appointments shall be made so one member's term shall expire each year. No member of the City Council shall serve as a member of the Nursing Home Board while serving a term of office as a member of the Council. 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.

B. At the time of the Board's first meeting in January of each year, the members shall organize by selecting from their membership a Chairman and Secretary. No member of the Nursing Home Board shall serve in the capacity of both Chairman and Secretary. It shall be the duty of the Secretary to keep the full and correct minutes and records of all meetings and to file the same with the City Clerk, where they shall be available for public inspection 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 City Council may designate. Special meetings may be held upon the call of the Chairman or any three members of the Board.

C. It shall be the duty of the Board to have general charge of the Nursing Home and establish appropriate rules and regulations for the management, operation, and use of the same. All actions of the Board shall be subject to the review and supervision of the City Council. The Board shall be responsible for making such reports and performing such additional duties as the Council may, from time to time, designate.

(Ref 17-966 RS Neb.) (Amended by Ord. No. 578, 10/14/02)

#### **§2-206 HOUSING AUTHORITY BOARD.**

A. The City Council shall appoint six persons who shall constitute the Housing Authority and such persons shall be called Commissioners. One Commissioner shall be appointed each year. Each Commissioner shall serve a five-year term of office or until his/her successor is duly appointed; provided, all vacancies shall be filled for the unexpired terms. The City Council may appoint one of its members to serve as one of the five members of such Housing Authority for such term as the Council may determine. No person shall serve as a Commissioner unless he or she resides within the area of operation of the Authority. A certificate of the appointment or reappointment of any Commissioner shall be filed with the City Clerk, which shall be conclusive evidence of the proper appointment of such Commissioner. A Commissioner shall receive no compensation for his/her services, but shall be entitled to



the necessary expenses, including travel expenses, incurred in discharge of his/her duties.

B. 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 the bylaws of the Authority shall require a larger number. The Commissioners shall elect a Chairman and Vice-Chairman and shall have the power to employ an executive director, who shall serve as ex officio Secretary of the Authority.

C. The Authority may also employ legal counsel or it may call upon the chief law officer of the City for such services as it may require. It may employ technical experts and such other officers, agents, and employees as it may require and shall determine their qualifications, duties, compensations, and terms of office. The Authority may delegate such other powers and duties to its agents or employees as it may deem proper. The Authority shall keep an accurate account of all its activities and of all its receipts and disbursements and shall make a report to the City Council on all such information.

D. During his/her tenure, and for one year thereafter, no Commissioner, officer, or employee of the city 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/she shall immediately disclose his/her interest in writing to the Authority. Such disclosure shall be entered upon the minutes of the Authority and he/she shall not participate in any action by the Authority relating to the property or contract in which he/she has any such interest; provided, nothing herein shall apply to the acquisition of any interest in notes or bonds of the Authority issued in connection with any housing project, or to the execution of agreements by banking institutions for deposit or handling of funds in connection with a project or to act as trustee under any trust indenture, or to utility services, the rates for which are fixed or controlled by a governmental agency.

E. The Mayor may remove a Commissioner for neglect of duty or misconduct in office in the manner prescribed hereinafter. The Mayor shall send a notice of removal to such Commissioner, which shall contain a statement containing the charges against him/her. Unless such Commissioner files with the Clerk a request for a hearing before the City Council within ten days from the receipt of such notice, the Commissioner shall be deemed as removed from office. If a request for a hearing is filed with the Clerk, the City Council shall hold a hearing at which the Commissioner shall have the right to appear in person or by counsel and the Council shall determine whether the removal shall be disapproved or upheld. If the removal is disapproved, the Commissioner shall continue to hold his/her position.

(Ref 71-1524 through 71-1526, 71-1552 RS Neb.) (Amended by Ord. No. 560, 5/8/00)

## **§2-207 TREE BOARD.**

A. There is hereby created and established a City Tree Board for the City of Oakland,

which shall consist of six members appointed by the Mayor with the approval of the Council, whose terms shall be three years. The terms shall be staggered so that each year only two new members will be appointed. In the event that a vacancy shall occur during the term of any member, his/her successor shall be appointed for the unexpired portion of the term. Members of the Board shall serve without compensation.

B. The Board shall choose its own officers, make its own rules and regulations and keep a minute book of its proceedings. A majority of its members shall be a quorum for the transaction of business.

C. It shall be the responsibility of the Board to study, investigate, counsel and develop and/or update annually and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan will be presented annually to the City Council and upon its acceptance and approval shall constitute the official comprehensive city tree plan. The Board, when requested by the Council, shall consider, investigate, make finding, report and recommend upon any special matter of question coming within the scope of its work. The City Council shall have the right to review the conduct, acts and decisions of the Tree Board. Any person may appeal from any ruling or order of the Tree Board to the Council, which may hear the matter and make final decision.

(Amended by Ord No. 534, 5/11/98)

## **§2-208 PARKS AND RECREATION BOARD.**

A. There is hereby created a City Parks and Recreation Board, which shall consist of five members appointed by the Mayor with the approval of the Council and one Council member designated as the Parks and Recreation liaison. Members of the Board shall serve without compensation. The terms of the five persons to be appointed by the Mayor shall be three years, with one or two members' terms expiring each year. In the event that a vacancy shall occur during the term of any member, his/her successor shall be appointed for the unexpired portion of the term.

B. The Board shall choose its own officers, make its own rules and regulations and keep a minute book of its proceedings, a copy of which will be on file in the City Clerk's office. A majority of its members will constitute a quorum for the transaction of business.

C. It shall be the responsibility of the Parks and Recreation Board to study, investigate, and administer a long term master plan for the growth and development of the parks and recreational facilities for the City. The master plan shall incorporate the city park, city pool, the Troll Stroll and all other city recreational facilities. The master plan shall be presented annually to the City Council prior to the development of the city budget so that funds can be allocated for the next year. The master plan may contain subplans for specific projects such as the development of the city pool into a potential aquatic center and/or a subplan for a city trail system.

(Ord. No. 565, 3/12/01)

### **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 an offense and upon conviction thereof shall be fined not more than \$100.00 for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply.

