

## ***BOARDS AND COMMISSIONS***

### **§ 32.001 PLANNING COMMISSION.**

The Governing Body shall appoint the Planning Commission which shall consist of seven (7) 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, one (1) of such members may be a resident 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. But if a Municipal Planning Commission has either five (5) or seven (7) members, approximately one-third (1/3) of the members of the first Commission shall serve for a term of one (1) year, one-third (1/3) for a term of two (2) years, and one-third (1/3) for a term of three (3) years. The Commission 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 Commission's first (1st) meeting in January of each year, the Commission shall organize by selecting from its membership 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. 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 chairman, or any three (3) members of the Commission. The Planning Commission shall hold at least one (1) regular meeting in each calendar quarter, except the municipal 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. 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 such Municipality, and including a Comprehensive Development Plan as defined in Neb. Rev. Stat. §19-903 (Reissue 1977); to prepare and adopt such implemental means as a capital improvement program, subdivision regulations, building codes, and zoning ordinance in cooperation with other interested municipal departments; consult and advise with public officials and agencies, public utilities, civic organizations, educational institutions, and citizens with relation to the promulgation and implementation of the Comprehensive Development Plan and its implemental programs; have the power to delegate authority to any such group; to conduct studies and make surveys for the Commission; make the preliminary reports on its findings; and hold public hearings before submitting its final reports. The Municipal Governing Body shall not hold its public meetings or take action on matters relating to the Comprehensive Development Plan, capital improvements, building codes, subdivision development, or zoning until it has received the recommendation of the Planning Commission, if such Commission in fact has been created and its existent; Provided, that the Governing Body may set a reasonable time within which the recommendation is to be received.

The Governing Body authorizes the Planning Commission to grant conditional uses or special exceptions to property owners for the use of their property, and approves the standards and procedures adopted by the Commission for equitably and judiciously granting such conditional uses or special exceptions. The Commission may, with the consent of the Governing Body, in its own name, make and enter into contracts with public or private bodies; receive contributions, bequests, gifts, or grant funds from public or private sources; expend the funds appropriated to it by the Municipality; employ agents and employees; and acquire, hold, and dispose of property. The Commission may on its own authority make arrangements consistent with its program; conduct or sponsor special studies or planning work for any public body or appropriate agency; receive grants, remuneration, or reimbursements for such studies or work; and at its public hearings, summon witnesses, administer oaths, and compel the giving of testimony.

The Commission shall cooperate with County, Municipal, or Regional Planning Commissions and other agencies or groups to further the local planning program and to assure harmonious and integrated planning for the area.

The City Council may provide the funds, equipment, and accommodations necessary for the work of the Commission, but the expenditures of the Commission, exclusive of gifts, shall be within the amounts appropriated for that purpose by the City Council and no expenditures nor agreements for expenditures shall be valid in excess of such amounts.

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. No member of the Planning Commission shall serve in the capacity of both the chairman and secretary of the Commission. *(Amended by Ord. No. 12-07, 4/3/12)*

## **§ 32.002 BOARD OF ADJUSTMENT.**

(A) The Mayor shall appoint, with the consent of the City Council, a Board of Adjustment which shall consist of 5 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. Each member shall be appointed for a term of 3 years and shall be removable for cause by the Mayor and City Council upon written charges and after public hearings. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. One 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 that 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 200 persons reside within that area. Thereafter, at all times, at least one member of the Board of Adjustment shall reside outside the corporate boundaries of the City but within its extraterritorial zoning