

Chapter 2  
COMMISSIONS AND BOARDS

Article 1. Standing Committees

**§2-101 STANDING COMMITTEES; GENERAL PROVISIONS.** *(Repealed by Ord. No. 01-03, 4/2/01)*

Article 2. Commissions and Boards

**§2-201 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. (*Ref. 18-1302 through 18-1306 RS Neb.*) (*Amended by Ord. No. 12-07, 4/3/12*)

**§2-202 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.

After September 9, 1995, the first vacancy occurring on the Board of Adjustment 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 persons reside within such area. Thereafter, at all times, at least one member of the Board of Adjustment shall reside outside of the corporate boundaries of the City, but within its extraterritorial zoning jurisdiction.

The Board shall organize at its first (1st) meeting in February 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/her discretion call a meeting. Special meetings may be also held upon the call of any three (3) members of the Board. Five members 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; and authorize a variance from the strict application of any zoning ordinance if it is found that a specific piece of property, due to exception 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. (*Ref. 19-911, 84-155 RS Neb.*) (*Amended by Ord. No. 97-5, 5/6/97; 12-08, 4/3/12*)

**§2-203 BOARD OF HEALTH.** The Governing Body shall contract with Lincoln/Lancaster County for the services of the Lincoln/Lancaster County Board of Health, for the purposes of enforcement of any ordinance which the City would require the involvement of the Board of Health. The Lincoln/Lancaster County Board of Health shall be deemed to be the Board of Health of the City of Waverly and shall have full power to act as such with respect to enforcement of any ordinance.

It shall be the duty of the Board to advise the City and investigate the occurrence of nuisances within the Municipality relating to matters which affect the health and safety of the people. The Board shall regularly inspect such premises and businesses as the Governing Body may direct. 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. 84-2, 4/23/84*)

**§2-204 PARK COMMITTEE, AND RECREATION SUBCOMMITTEE.** The Mayor shall appoint the Park Committee, subject to ratification by the Governing Body. The Committee shall consist of six (6) members, including the Waverly City Council Member appointed by the Mayor. Such Council Member shall serve as a non-voting ex officio member of the Committee and shall not propose Committee action by motion. Residency within the zoning jurisdiction of the City of Waverly shall be a prerequisite for Committee and/or sub-committee membership. In the event that any Committee or sub-committee member shall cease to maintain a residence within such zoning jurisdiction, his or her seat on the Committee and/or sub-committee shall be deemed to have been vacated. The Waverly City Council member serving on the Committee shall serve a one (1) year term of office, unless reappointed. The members of the Committee and sub-committee shall serve a three (3) year term of office, unless reappointed, and shall serve without compensation; Provided, however, that this Section shall not affect the term of office of any sitting Park Committee member at the time of its adoption. At the time of the Committee's and sub-committee's first (1st) meeting in January of each year, such Committee and sub-committee shall each organize by selecting from their number a chairperson, vice-chairperson, and secretary. It shall be the duty of each such 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 voting members of the Com-

mittee shall constitute a quorum for the transaction of Committee business. The Committee shall meet at such times as their own internal rules shall provide. The Committee shall propose to the Governing Body appropriate rules and regulations for the management, use, and operation of all parks and recreational facilities belonging to the Municipality, governing the use of such facilities other than in connection with organized recreation programs. The Committee shall, in addition, propose to the Governing Body, appropriate plans governing the development and maintenance of all parks and other physical facilities belonging to the Municipality. All actions of the Committee and its Recreation subcommittee shall be subject to the review and control of the Governing Body. The Committee shall be responsible for making such reports and performing such other duties as the Governing Body may, from time to time, designate. (*Ref. 17-952 RS Neb.*) (*Amended by Ord. No. 2-204, 12/7/81; 06-26, 12/18/06*)

**§2-205 WAVERLY COMMUNITY HEALTH COMMITTEE.** There shall be appointed a Committee on Community Health. The Committee shall explore various health needs of the Community and aid in the study and implementation of programs designed to meet these needs. Areas to be dealt with shall include, but are not limited to:

Addressing Mental Health needs of the Community through various activities and providing support to the Counseling Center, and

Addressing the physical needs of the Community by working with various agencies and/or organizations to provide health-related information and programs to the citizens of Waverly.

The purpose of the Community Health Committee is to address the overall health needs of the Community. (*Amended by Ord. No. 84-4, 6/4/84*)

**§2-206 WAVERLY EMERGENCY MANAGEMENT COMMITTEE.** The Mayor shall appoint the Waverly Emergency Management Committee subject to ratification by the Governing Body. The Committee shall consist of at least five (5) members, and shall include one sitting City Council Member and the Waverly Emergency Management Coordinator. Residence within the zoning jurisdiction of the City of Waverly, or any individual who is not a resident of any other municipality but resides within the Waverly Rural Fire District, shall be a prerequisite for committee membership; in the event any Committee member shall cease to maintain a residence within such zoning jurisdiction or the Waverly Fire District, his or her seat on the Committee shall be deemed to have been vacated. The Council Member appointed to such Committee shall serve as a non-voting ex officio member of the Committee, and shall not propose Committee action by motion. The members of the Committee, as well as the Waverly Emergency Management Coordinator, shall serve without compensation. The Committee shall meet at such times as their own internal rules shall provide. At the first meeting in January of each year, the Committee shall select from their members a chairperson, vice chairperson 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 voting Committee members shall constitute a quorum for the transaction of business. Except as otherwise provided herein, the Committee shall function in accordance with its own procedural rules. The Waverly Emergency Management Coordinator shall serve as a liaison between the Committee and the Lincoln-Lancaster County Emergency Services for the purpose of coordinating activities between the two organizations. The chairperson shall have direct

responsibility for the organization, administration, and operation of the Committee, subject to the direction and control of the Mayor. The Committee shall propose to the Governing Body appropriate rules and regulations for emergency management for the Municipality in coordination with the Waverly Emergency Management Program of the Lincoln-Lancaster County Emergency Services. All actions of the Committee shall be subject to the review and control of the Governing Body. The Committee shall be responsible for providing such reports and performing such other duties as the Governing Body may, from time to time and at any time, designate. (*Ord. No. 2-200.206, 11/16/81*) (*Amended by Ord. Nos. 83-5, 4/18/83; 84-1, 2/20/84; 90-4, 3/5/90; and 98-8, 4/6/98*)

§2-207     **ECONOMIC DEVELOPMENT COMMISSION.** (*Repealed by Ord. No. 01-03, 4/2/01*)

§2-208     **CLEAN COMMUNITY COMMITTEE.** (*Repealed by Ord. No. 85-8, 10/7/85*)

§2-209     **COMMUNITY FACILITY COMMITTEE.** (*Repealed by Ord. No. 85-8, 10/7/85*)