

CHAPTER 2: COMMISSIONS AND BOARDS

Article

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ARTICLE 1: STANDING COMMITTEES

§ 2-101 COUNCILMEMBERS; GENERAL PROVISIONS.

(1) The Mayor with the consent of the Council, shall appoint one (1) member of the Council to each of the following Departments:

- (A) Parks
- (B) Recreation
- (C) Streets
- (D) Police
- (E) Fire
- (F) Water
- (G) Sewer
- (H) Cemetery

(2) Each Councilmember shall be responsible for the general supervision of his or her Department, and shall be responsible for the supervision of the municipal function to which he or she has been assigned. Each Councilmember shall periodically report to the Mayor and Council concerning his or her Department, and shall be the liaison between the personnel responsible for such municipal function and the Mayor and Council. Provided, however, no Councilmember shall have authority to act independently of or contrary to directions of the Mayor and Council. *(Amended by Ord. No. 701, 3/14/00)*

§ 2-102 STANDING COMMITTEES AND BOARDS; GENERAL PROVISIONS.

(1) The Mayor, with the consent of the Council, shall appoint members of such Standing Committees and Boards as the City Council may by ordinance or resolution create. The membership of such Standing Committees and Boards may be changed at any time by the Mayor. The Mayor shall be a member ex officio of each Standing Committee and Board. After the initial appointment of Standing Committee members and Boards, each Council appointment to a Standing Committee shall be re-appointed at the annual organizational meeting of the Council, and approved by the Council, unless otherwise provided.

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(2) There shall be at least one (1) Councilmember appointed to each Standing Committee or Board. All meetings thereof will be open to the attendance of the public. An agenda will be prepared and shall contain the time and specific place for each meeting with enumeration of the agenda subjects. The Committee or Board shall have the right to modify the agenda to include items of an emergency nature only, as provided by law.

(3) The City Clerk shall be responsible for posting an agenda of the Committee or Board meetings, The Committee or Board Chairman shall be responsible for determining the necessity for a Committee meeting and the agenda therefor. Minutes of the Committee or Board shall be recorded by a secretary to be appointed by the Chairman and a permanent copy retained in a file in the office of the City Clerk.

(4) The following Standing Committees are hereby created:

(A) Webermeier Scholarship Committee.

(B) Swimming Pool Board.

(C) Webermeier Library Board.

(D) Milford Aging Services.

(Ord. No. 701, 3/14/00)

ARTICLE 2: COMMISSIONS AND BOARDS

§ 2-201 LIBRARY BOARD.

The Library Board shall be appointed by the Mayor with approval 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 October 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.*) (*Amended by Ord. No. 741, 6/3/03*)

§ 2-202 PLANNING COMMISSION.

The Governing Body shall appoint the Planning Commission which shall consist of five (5) 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 residents of the area over which the Municipality is authorized to exercise extraterritorial zoning and subdivision regulation. The members of the Commission shall serve a three (3) year term unless reappointed. The Commission shall serve without compensation and may be required, in the discretion of the Governing Body, to give 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 June 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. 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 the Municipality. All actions by the Commission shall be subject to the review and supervision of the Governing Body. Recommendations from the Commission shall be received by the Governing Body within twenty (20) 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 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. 19-924 through 19-929 RS Neb.*) (*Amended by Ord. Nos. 444, 12/19/78; 638, 6/6/95; 690, 3/2/99*)

§ 2-203 BOARD OF ADJUSTMENT.

The Governing Body shall appoint the Board of Adjustment. The Board shall consist of five (5) members who shall be residents of the Municipality. 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. In the event that the Governing Body fails or neglects to appoint the appropriate number of Board members, the Governing Body shall constitute the Board of Adjustment and shall have the same duties, powers, and authority as provided herein. 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 except as herein provided. No member of the Board of Adjustment shall serve in the capacity of both chairman and secretary of the Board. (*Ref. 19-907 through 19-910, 84-155 RS Neb.*)

§ 2-204 BOARD OF HEALTH.

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 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, without compensation, a one (1) year term of office, unless reappointed, and shall reorganize at the first (1st) meeting in June of each year. 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 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 Chairman, or any two (2) members of the Board. 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 Municipality. 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 of Nebraska and ordinances of the Municipality 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 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. No member of the Board of Health shall hold more than one (1) Board of Health position. (*Ref. 17-121 RS Neb.*) (*Amended by Ord. No. 432, 11/15/77*)

§ 2-205 RECREATION BOARD.

(1) The Governing Body shall appoint the Recreation Board. The Board shall consist of (7) members, who shall be residents of the Municipality. The members of the Board shall serve a three (3) year term of office. The terms of each current member of said Board shall end on the first Tuesday in January 1, 2006 and commencing with the expiration of said terms, two (2) members shall be reappointed for a term of one (1) year; two (2) members shall be appointed for a term of two (2) years; and three (3) members shall be appointed for a term of three (3) years. The Board shall serve without compensation and may be required, in the discretion of the Governing Body, to post 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 January 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 meeting, 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 it may designate. The City Councilmember appointed to the Recreations Department shall serve as an ex-officio member of the Board. All recreational facilities shall be under the direct charge of the Recreation Director. The Board shall develop and recommend to the Mayor and City Council appropriate rules and regulations for the use, care and general operation of the same. The Board shall also make recommendations regarding recreation program planning and fees, and shall study and promote needs for recreation facility improvements. All employees of the Municipality doing work in or for the Municipal Recreational Facilities shall be under the supervision and direction of the Maintenance Superintendent of the City.

(2) The Recreation Board shall make recommendations to the Mayor and Council on contracts of any nature involving expenditures in accordance with the policies of the City Council, and to the extent that funds may be provided for such purposes.

(3) 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 Recreation Board while serving a term of office as a member of the Governing Body. (*Ord, No. 756, 5/3/04*) (*Amended by Ord. No. 771, 8/2/05*)

§ 2-206 CEMETERY BOARD.

The Governing Body shall appoint the Cemetery Board, which shall consist of five (5) members who are residents of the Municipality and who shall serve without compensation. Two (2) members of the initial Board shall be appointed for a term of three (3) years, two (2) members of the initial Board shall be appointed for a term of two (2) years and one (1) member of the initial Board shall be appointed for a term of one (1) year. Thereafter the term of each member shall be a term of three (3) years. At the first (1st) meeting in January 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 it may designate. Special meetings may be held upon the call of the Chairman or any three (3) members of the Board. The maintenance of the Municipal Cemetery shall be under the direct control of the Municipality's Utilities Superintendent. The Board shall be responsible for the general administration 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 ornamentation of graves. The Board shall develop and recommend to the Mayor, City Council and City Clerk rules and regulations for the proper use of the Cemetery and prescribe penalties and fines for violations thereof. The Board shall also study and recommend the development, expansion and improvement of cemeteries. All revenue from the sale of lots, gifts, or by devise shall be used 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. One (1) member of the Governing Body shall be designated as the liaison between the Governing Body and the Cemetery Board. *(Amended by Ord. Nos. 737, 4/11/03; 745, 11/4/03)*

§ 2-207 AGING SERVICES COMMISSION; CREATION; APPOINTMENT; DUTIES; SENIOR CITIZEN'S PROGRAM.

1. It is the purpose of this ordinance to authorize provision of a varied program of group activities and services to be offered through the Senior Citizen's Program and Senior Center in the City of Milford, Nebraska, and to establish, arrange for and deliver special individual and in-home services for those elderly whose independence and self-sufficiency is threatened by conditions beyond their control, and to develop the organizational and financial support within the community to ensure long-term stability and continuity of the center and its program by the utilization of all federal and state grants and funding available, and fees and assessments from the participants of the program, together with additional financial assistance from the City of Milford necessary to operate the program.
2. The Mayor, with the advice and consent of the Council, shall appoint the initial Aging Services Commission, consisting of five (5) members, two (2) of whom shall serve from their appointment through the first (1st) Tuesday in January, 1990; and three (3) of whom shall serve from the date of their appointment through the first (1st) Tuesday in January 1, 1991; thereafter the Mayor, with the advice and consent of the Council, shall appoint all future Commission members for a term of two (2) years. No member shall serve for more than two (2) consecutive terms.

3. The Aging Services Commission shall serve without compensation. At the time of its initial meeting following appointment of its members, and on its first (1st) meeting in January of each succeeding year, the Commission shall organize by selection of a chairperson, secretary and any additional officers deemed necessary. No member may serve in more than one (1) office. 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. All expenditures shall be paid by the City Clerk subject to approval by the City Council, upon vouchers presented by the Commission.
4. A majority of the Aging Services Commission members shall constitute a quorum for the transaction of business. It shall meet on the fourth (4th) Thursday of each month, or such other time as shall be determined by the Commission. Special meetings may be held upon the call of the Chairperson or any three (3) members of the Commission, but notice of such meeting shall be communicated to all members of the Commission at least forty-eight (48) hours prior to the special meeting.
5. The City may employ a manager and such other employees and/or volunteers for the program as may be required, and the salary and terms of such employment shall be determined and fixed by the City Council. The Commission shall have general control of the Aging Services Program, and may establish appropriate policies, plans and proposed budgets for operation of the program, utilizing all of the available federal and state funding, to make the program as self-supporting as possible from such funds and from fees and assessments from the citizens taking part in such programs.
6. All funds and financing, including gifts, grants, fees and assessments shall be maintained in an account or accounts of the City of Milford for use and benefit of the Senior Citizen's Program in accordance with this section, and in accordance with any conditions placed upon such receipts.
7. No member of the City Council shall serve as a member of the Aging Services Commission, but the Council may appoint one (1) or more Councilmembers to serve as "ex-officio" non-voting members of the Commission.
8. The Mayor and Council reserves the final decision-making authority relative to all matters concerning the Senior Citizen's Program established hereunder, and may modify, amend, enlarge or restrict the scope and operation of said program by resolution of the Council. (*Ord. No. 557, 8/2/88*)

§ 2-208 CITIZEN ADVISORY REVIEW COMMITTEE.

(1) The number of persons serving on the Citizen Advisory Review Committee shall be eight (8), all of whom shall be registered voters of the Municipality. The Citizen Advisory Review Committee shall also be referred to as the "Milford Economic Development Committee." The Committee is further authorized to create such sub-committees that it deems appropriate. All members of the Citizen Advisory Review Committee shall be appointed by the Mayor with the approval of the Governing Body, which

may include current members of the Committee. The term of each appointment shall be four (4) years except that commencing in 2013, two (2) members shall be appointed to a term ending at the first regular meeting in December 2013; two (2) members shall be appointed to a term ending at the first regular meeting in December, 2014; two (2) members shall be appointed to a term ending at the first regular meeting in December, 2015; and two (2) members shall be appointed to serve until the first meeting in December, 2016. Thereafter each appointment shall be for a term of four (4) years. At least one (1) member of the Citizen Review Committee shall have expertise or experience in the field of business, finance or accounting, and shall be so identified in his or her appointment. No member of the Committee shall be an elected or appointed city official, an employee of the City, a participant in decision making position regarding expenditure or program funds, or an official or employee of any qualifying business receiving financial assistance under the economic development program, or of any financial institution participating directly in the economic development program. The Mayor will designate and appoint an appropriate city official or employee with responsibility for the administration of the economic development program and will serve as an ex officio member of the committee with responsibility for assisting the Committee and providing it with necessary information and advice on the economic development program.

(2) The Citizen Advisory Review Committee shall have regular meetings not less than quarterly to review the functioning and progress of the economic development program and to advise the Governing Body of the City with regard to the program. At least once in every six (6) month period, the Committee shall report to the Governing Body on its findings and suggestions at a public hearing called for that purpose. (*Ord. No. 688, 12/1/98*) (*Amended by Ord. Nos. 691, 4/6/99; 869, 3/5/13*)

§ 2-209 COMMITTEE REDEVELOPMENT AGENCY.

The City of Milford, Nebraska hereby creates a Community Redevelopment Agency to function in the manner provided in Section 18-2101 through 18-2144 R.R.S. Neb. The agency may exercise all power and authority granted to a community redevelopment authority in sections manner provided in §§ 18-2101 through 18-2144 RS Neb. The municipality is also granted the power and authority to do all community development activities and to do all things necessary to cooperate with the federal government in all matters relating to community development program activities as grantee, or as an agent or otherwise, under the provisions of the federal Housing and Community Development Act of 1974 as amended through the Housing and Community Development Amendments of 1981. The City may exercise the powers conferred in §§ 18-2101.01 et seq. RS Neb., it may levy taxes for the exercise of such jurisdiction and authority and may issue general obligation bonds, general obligations notes, revenue bonds, and revenue notes, including general obligation and revenue refunding bonds and notes for the purposes set forth in such sections and under the power granted to any authority or agency described therein. The Community Redevelopment Agency created hereunder shall be known as the "Community Redevelopment Agency of the City of Milford, Nebraska", and pursuant to § 18-2101.01 RS Neb., the members of said agency shall consist of and be comprised of the members of the governing body of the City of Milford, Nebraska. (*Ord. No. 873, 4/11/13*)

ARTICLE 3: PENAL PROVISION

§ 2-301 VIOLATION; PENALTY.

(Repealed by Ord. No. 703, 4/4/00)

For penalty provisions, see section 12-101 of Chapter 12.

