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CHAPTER 2 – COMMISSIONS AND BOARDS

Article 1 – Board of Health

SECTION 2-101: MEMBERS; TERMS; MEETINGS; DUTIES

A. The City Council shall appoint a Board of Health which shall consist of four members: the mayor, who shall be chairperson, the president of the City Council, and two 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, he shall serve on the board as secretary and quarantine officer. If there is no chief of police, the mayor may appoint any other person. The Board of Health shall be funded by the City Council from time to time out of the General Fund. The members of the board shall serve, without compensation, one-year terms of office, unless reappointed, and shall reorganize at the first meeting in June of each year.

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 members 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 during office hours. 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 enforcing the said rules and regulations and providing fines and punishments for any violations thereof. It may regulate, suppress, and prevent the occurrence of nuisances and shall actively enforce all state laws and city ordinances 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 Council may from time to time designate.

(Neb. Rev. Stat. §17-121) (Am. by Ord. Nos. 250, 11/7/77; 409, 4/21/97)

SECTION 2-102: ENFORCEMENT OFFICIAL

The city police chief, as the quarantine officer, shall be the chief health officer of the City. If there is no chief of police, the mayor may appoint a quarantine officer. It shall be his duty to notify the City Council and the Board of Health of health nuisances within the City and its zoning jurisdiction. (Neb. Rev. Stat. §17-121)

SECTION 2-103: COUNTY HEALTH BOARD

It shall be the duty of the Board of Health to work closely with the County Health

Board in protecting the health and welfare of the residents of the City.

Article 2 – Library Board

SECTION 2-201: LIBRARY; OPERATION AND FUNDING

The City owns and manages the city library through the Library Board. The City Council, for the purpose of defraying the cost of the management, purchases, improvements, and maintenance of the library, may each year levy a tax not exceeding the maximum limit prescribed by state law on the actual valuation of all real estate and personal property within the City that is subject to taxation. The revenue from the said tax shall be known as the Library Fund and shall include all gifts, grants, deeds of conveyance, bequests, or other valuable income-producing personal property and real estate from any source for the purpose of endowing the city library. The Library Fund shall at all times be in the custody of the city treasurer. (Neb. Rev. Stat. §51-201, 51-202, 51-211)

SECTION 2-202: SELECTION OF MEMBERS

The Library Board shall be appointed or elected and shall have at least five members. The City Council shall, by ordinance, adopt the manner in which the members of the board are to be chosen. If the members are to be chosen by appointment, the nominated members must receive a majority vote of the City Council. If the members are to be elected, the usual election procedures of the City shall be followed. (Neb. Rev. Stat. §51-202) (Am. by Ord. Nos. 220, 12/16/75; 300, 9/8/81)

SECTION 2-203: DUTIES

The Library Board shall have general charge of the library and shall have the power and authority to appoint the librarian and to hire such other employees as it may deem necessary. The board may pass such other rules and regulations for the operation of the library as may be proper for its efficient operation; however, the City Council shall approve any personnel administrative or compensation policy or procedure before implementation of such policy or procedure by the Library Board. The board shall be responsible for making such reports and performing such additional duties as the council may designate from time to time. All actions of the board shall be subject to the review and supervision of the City Council. (Neb. Rev. Stat. §51-202; 51-211) (Am. by Ord. Nos. 220, 12/16/75; 300, 9/8/81)

SECTION 2-204: MEMBERS; TERMS; BOND

The Library Board shall consist of five members who shall be residents of the City and who shall serve four-year terms of office as specified by Nebraska statutes. The board 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 and conditioned upon the faithful performance of their duties. No member of the City Council shall serve as a member of the Library Board while serving a term of office as a council member. (Neb. Rev. Stat. §51-202) (Am. by Ord. Nos. 220, 12/16/75; 300, 9/8/81)

SECTION 2-205: OFFICERS; MEETINGS

At the time of the Library Board's first meeting in July of each year, the members shall organize by selecting from their number a chairman and secretary. No member of the 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 during office hours. 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. (Neb. Rev. Stat. §51-202) (Am. by Ord. Nos. 220, 12/16/75; 300, 9/8/81)

SECTION 2-206: ANNUAL REPORT

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 Library Board may deem of general interest or as the City Council may require. The report shall be verified by affidavit of the proper officers of the board. (Neb. Rev. Stat. §51-213)

SECTION 2-207: LIBRARY; RULES AND REGULATIONS

The Library Board shall establish rules and regulations for the governing of the library and for the preservation and efficient management thereof. It shall fix and impose, by general rules, penalties and forfeitures for injury to the library grounds, rooms, books, or other property or for failure to return a book. All fees, penalties, and forfeitures may be collected in civil action in the event of failure, neglect, or refusal to pay the said assessments. (Neb. Rev. Stat. §51-205, 51-214)

SECTION 2-208: LIBRARY; COST OF USE

Use of the city library shall be free for the inhabitants of the City. No service shall be denied to any person because of race, sex, religion, age, color, national origin, ancestry, physical handicap, or marital status. The librarian may exclude from the use of the library and reading rooms any person who shall willfully violate or refuse to comply with the rules and regulations established for the government thereof. (Neb. Rev. Stat. §51-201, 51-211, 51-212)

SECTION 2-209: LIBRARY; BOOK REMOVAL

It shall be unlawful for any person not authorized by the regulations made by the Li-

brary Board to take a book from the library without the consent of the librarian or an authorized library employee. Any person removing a book from the library without properly checking it out shall be deemed to be guilty of a misdemeanor. (Neb. Rev. Stat. §51-211)

SECTION 2-210: LIBRARY; DAMAGED AND LOST BOOKS

Any person who injures or fails to return any book taken from the library shall forfeit and pay to the library not less than the value of the book, in addition to any replacement costs and penalty which the Library Board may assess. (Neb. Rev. Stat. §51-211)

SECTION 2-211: LIBRARY; MANAGEMENT OF COLLECTION

The Library Board may authorize the sale, exchange, or disposal of any surplus, damaged, defective, obsolete, or duplicate books in the library. Records shall be kept of any such surplus, damaged, defective, obsolete, or duplicate books so disposed of. (Neb. Rev. Stat. §51-207)

SECTION 2-212: LIBRARY; DONATIONS

Any person may make donation of money, lands or other property for the benefit of the library. The title to property so donated may be made to and shall vest in the Library Board and its successors in office. The board shall thereby become the owners thereof in trust to the uses of the library. (Neb. Rev. Stat. §51-215)

Article 3 – Housing Agency

(Ord. No. 420, 2/21/00)

SECTION 2-301: SUCCESSOR TO HOUSING AUTHORITY

The previously created and existing Housing Authority shall continue to exist as a housing agency under the Nebraska Housing Agency Act and shall hereafter conduct its operations consistent with the said Act. It shall be named the Indianola Housing Agency and all property, rights and land, buildings, records, and equipment and any funds, money, revenue, receipts or assets of the Housing Authority shall belong to the Indianola Housing Agency as successor. All obligations, debts, commitments, and liabilities of the Housing Authority shall become obligations, debts, commitments and liabilities of the Indianola Housing Agency. Any previously passed resolutions of the Housing Authority and any actions taken by the Housing Authority prior to January 1, 2000, with regard to any project or program which is to be completed within or to be conducted for a 12-month period following January 1, 2000, and which resolution or action is lawful under Nebraska law as existing on the operative date of LB-105 shall be a lawful resolution or action of the Indianola Housing Agency, binding upon and enforceable by or against the Indianola Housing Agency notwithstanding that such resolution or action is inconsistent with, not authorized, or prohibited under the provisions of the Nebraska Housing Agency Act. All commissioners of the Housing Authority and all officers, technical experts, directors, and other appointees or employees of the Housing Authority 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.

SECTION 2-302: STATUS OF AGENCY

The Indianola Housing Agency is a political subdivision distinct and separate from the City of Indianola. The Housing Agency shall constitute a public body, corporate and politic, and shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of the Nebraska Housing Agency Act.

SECTION 2-303: HOUSING AGENCY ACT ADOPTED

Except as otherwise herein specifically provided, the definitions, terms, provisions and conditions set forth in the Nebraska statutes under the Nebraska Housing Agency Act are hereby adopted by reference, as they now exist or may hereafter be amended, for the operation and management of the Indianola Housing Agency. The said agency shall fully comply with and be governed by the terms of the Nebraska Housing Agency Act.

SECTION 2-304: APPOINTMENT OF COMMISSIONERS

The mayor shall appoint, subject to confirmation by the City Council, five persons

who, along with the resident commissioner, if any, shall constitute the Housing Agency and such persons shall be called the commissioners. One commissioner shall be appointed each year. Each commissioner shall serve a five-year term of office or until his or her successor is duly appointed and qualified; 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 Agency for such term as the council may determine. No person shall serve as a commissioner unless he or she resides within the area of Indianola Housing Agency. A certificate of the appointment or reappointment of any commissioner shall be filed with the city clerk and such certificate shall be conclusive evidence of the proper appointment of such commissioner. Commissioners shall receive no compensation for their services but shall be entitled to the necessary expenses, including travel expenses, incurred in discharge of their duties as provided by Neb. Rev. Stat. §81-1175 through §81-1177.

SECTION 2-305: APPOINTMENT OF RESIDENT COMMISSIONER

A. A sixth commissioner, to be known as the resident commissioner, shall be appointed to the Housing Agency by the mayor, subject to confirmation by the City Council. To select the initial resident commissioner or to fill subsequent vacancies in the position, the Housing Agency shall notify any Resident Advisory Board or other resident organization and all adult persons directly assisted by such agency to the effect that the position of resident commissioner is open and that if any such person is interested in being considered as a candidate for the position, such person should notify the Housing Agency in writing within 30 days. The names of all persons interested who have notified the Housing Agency of their interest in so serving shall be forwarded to the mayor. The resident commissioner shall be appointed from the list of names, subject to confirmation by the council. Upon the appointment of a resident commissioner, the certificate of appointment shall state that the term is for five years or when the appointee is no longer an eligible resident, whichever occurs first.

B. In the event that no qualified person has submitted his or her name to the Housing Agency as being interested as a candidate for the position and the agency has received no notification of interest in serving as a resident commissioner by any person, then no resident commissioner shall be required to be selected. In the event a resident commissioner is appointed and resigns from the position prior to completion of the appointed term, is no longer an eligible resident, or is otherwise disqualified or removed from the board and a vacancy is created, the Housing Agency shall solicit new candidates for the position following the same procedure set forth above. In the event that no resident commissioner is selected and the position is not filled, the agency shall re-notify all adult persons directly assisted by it that the position of resident commissioner is open and solicit these persons for candidates for the position not less than once annually.

SECTION 2-306: OFFICERS; MEETINGS

The commissioners shall elect a chairperson and vice-chairperson from among the

commissioners and shall have the power to employ an executive director, who shall serve as ex-officio secretary of the agency. A majority of commissioners shall constitute a quorum for the purpose of conducting business, exercising powers, and for all other purposes. Action may be taken by the agency upon the vote of a majority of the commissioners present and voting, unless the bylaws of the agency or the ordinance creating it require a larger number. The agency may also employ legal counsel for such services as it may require. It may employ accountants, appraisers, 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 agency may delegate such other powers and duties to its agents or employees as it may deem proper.

SECTION 2-307: CONFLICT OF INTEREST

No commissioner, officer or employee of the Housing Agency, during his or her tenure and for one year thereafter, 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 a 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 or she shall immediately disclose his or her interest in writing to the agency and such disclosure shall be entered upon the minutes of the agency. Such commissioner shall not participate in any action by the agency relating to the property or contract in which he or she has any such interest. Any violation of the provisions of this section shall constitute misconduct in office. This prohibition shall not apply to the acquisition of any interest in notes or bonds of the agency issued in connection with any housing project or to the execution of the 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. This section shall not be construed to preclude, regulate or restrict the participation of any tenant of the agency from serving, if appointed, as a commissioner of such authority but he or she may not participate in any decision solely affecting his or her individual interest.

SECTION 2-308: REMOVAL OF COMMISSIONERS

The mayor may remove a commissioner for neglect of duty, misconduct in office, or conviction of any felony in the manner prescribed hereinafter. The mayor shall send a notice of removal to such commissioner, which shall set forth the charges against him or her. Unless within the ten days from the receipt of such notice the commissioner files with the clerk a request for a hearing before the City Council, the commissioner shall be deemed removed from office. If a request for a hearing is filed with the clerk, the council shall hold a hearing not sooner than ten days after the date a hearing is requested, at which time the commissioner shall have the right to appear in person or by counsel and the City Council shall determine whether the removal shall be upheld. If the removal is not upheld, the commissioner shall continue to hold his or her office.

SECTION 2-309: POLICIES AND PROCEDURES

The Housing Agency shall adopt and promulgate fair and equitable policies establishing a plan for selection of applicants. The plan shall include standards for eligibility, procedures for prompt notification of eligibility or disqualification, and procedures for maintaining a waiting list of eligible applicants for whom vacancies are not immediately available. Eligible applicants shall be offered available vacancies as provided in such policies.

SECTION 2-310: RULES AND REGULATIONS

The Housing Agency may adopt, promulgate, and enforce rules and regulations related to carrying out the purposes of the Housing Agency and exercise of its powers and may amend or repeal such rules and regulations from time to time.

SECTION 2-311: ANNUAL REPORTS

Within six months after the end of the Housing Agency's fiscal year, it shall prepare an annual report containing financial statements and a summary of the operations. The report shall be approved by the board of commissioners and signed by the chairman. The annual report shall be a public record available for inspection and copying by members of the general public at the Housing Agency's office and shall also be placed on file with the city clerk.

SECTION 2-312: FILING OF PLANS

The Housing Agency shall file with the city clerk a copy of the five-year plan and annual plan required by Section 511 of the Federal Quality Housing and Work Responsibility Act of 1998. The plans shall be filed within 30 days after the date the plan is filed with the Department of Housing and Urban Development.

Article 4 – Planning Commission

SECTION 2-401: MEMBERS; TERMS; MEETINGS; DUTIES

A. The City Council shall appoint the Planning Commission, which shall consist of nine residents of the City representing, insofar as is possible, the different professions or occupations in the City. However, two of such members may be residents of the area over which the City is authorized to exercise extraterritorial zoning and subdivision regulation. The Planning Commission shall be funded by the City Council from time to time out of the General Fund.

B. The members of the commission shall serve three-year terms of office unless reappointed. The 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, conditioned upon the faithful performance of their duties. No member of the City Council 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.

C. At the time of the commission's first meeting in June of each year, the members shall organize by selecting from their membership a chairman and secretary. No member of the commission 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 during office hours. 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.

D. 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 City Council may designate from time to time.

(Neb. Rev. Stat. §18-1302 thru 18-1306) (Ord. No. 218, 12/16/75) (Am. by Ord. No. 261, 9/7/78)

Article 5 – Penal Provision

SECTION 2-501: 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 a misdemeanor and upon conviction thereof shall be fined not more than \$500.00 for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply.