

CHAPTER 34: CITY ORGANIZATIONS

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§ 34.01 AIRPORT AUTHORITY.

(A) There is created for the city an Airport Authority, which shall be managed and controlled by a board. The Airport Authority Board shall have the full and exclusive jurisdiction and control over all facilities owned or acquired by the city for the purpose of aviation operation, air navigation and air safety operation. The Board is a body corporate and politic, constituting a public corporation and an agency of the city. The Board shall consist of five members to be selected as follows.

(1) The Mayor, with the approval of the Council, shall appoint one member who shall serve until his or her successor, elected at the first general city election following such appointment, shall qualify and take office.

(2) The Mayor, with the approval of the Council, shall appoint two members who shall serve until their successors, elected at the second general city election following such appointment, shall qualify and take office.

(3) The Mayor, with the approval of the Council, shall appoint two members who shall serve until their successors, elected at the third general city election following such appointment, shall qualify and take office.

(B) Upon the expiration of the terms of such appointed officers, members of the Board shall be nominated and elected in a manner provided by law for the election of officers of the city and shall take office at the same time as the officers of the city.

(C) Members of the Board shall be residents of the city and, except for members initially appointed, shall serve for a term of six years.

(D) Any vacancy on such Board, shall be filled by appointment by the Mayor, with the approval of the Council, to serve the unexpired portion of the term. A member of such Board may be removed

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from office for incompetence, neglect of duty or malfeasance in office. An action for the removal of such officer may be brought, upon resolution of the Council, in the District Court of the county in which such city is located.

(E) The Airport Authority and the Airport Authority Board shall have such other powers and duties as may be prescribed by law.

(2002 Code, § 2-361; Ord. No. 2017-31, passed 10-17-2017)

Statutory reference:

City airport authorities, see Neb. RS 3-501 et seq.

Related provisions, see Neb. RS 3-502

§ 34.02 BOARD OF HEALTH.

(A) The Council shall appoint a Board of Health, which shall consist of five members. The members of the Board shall include the Mayor, who shall serve as Chair; the Police Chief, who shall serve as Secretary and Quarantine Officer; a physician who shall serve as the medical advisor; the President of the Council; and one other member. The members of the Board shall serve, without compensation, a one-year term of office, unless reappointed, and shall reorganize at the first 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 them with the City Clerk, where they shall be available for public inspection at any reasonable time.

(B) The Board shall be funded by the Council out of the General Fund.

(C) A majority of the Board shall constitute a quorum for the purpose of doing business. The Board shall meet at such times as the Council may designate. Special meetings may be held upon the call of the Chair or any two members of the Board.

(D) 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 rules and regulations, and to provide fines and punishments for any violations of such rules and regulations. 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 Council may direct. All members of the Board shall be responsible for making such reports and performing such other duties as the Council may designate. No member of the Board shall hold more than one Board position.

(2002 Code, § 2-381)

Statutory reference:

Authority to create a board of health, see Neb. RS 16-238

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§ 34.03 HOUSING AUTHORITY.

(A) (1) The Council shall appoint five persons who shall constitute the Housing Authority, 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. All vacancies shall be filled for the unexpired terms. 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. A Commissioner shall receive no compensation for his or her services, but he or she shall be entitled to the necessary expenses; including travel expenses, incurred in the discharge of his or her duties. Three 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 in any case the bylaws of the authority shall require a larger number.

(2) The Commissioners shall elect a Chair and Vice-Chair from among the Commissioners and shall have the power to employ an executive director, who shall serve as ex-officio Secretary of the Authority. 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.

(3) During his or her tenure, and for one year thereafter, no Commissioner, officer or employee of the 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 or she shall immediately disclose his or her interest in writing to the Authority; and such disclosure shall be entered upon the minutes of the Authority, and he or she shall not participate in any action by the authority relating to the property or contract in which he or she has any such interest.

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(4) Nothing in this division (A) 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. The Mayor may remove a Commissioner for neglect of duty or misconduct in office in the manner prescribed in this division (A). The Mayor shall send a notice of removal to such Commissioner, which notice shall contain a statement containing the charges against him or her. Unless within ten days from the receipt of such notice such Commissioner files with the City Clerk a request for a hearing before the Council, the Commissioner shall be deemed removed from office. If a request for a hearing is filed with the City Clerk, the 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 or her position.

(B) The Housing Authority shall keep an accurate account of all its activities and of all its receipts and disbursements and shall make a report to the Council on all such information.

(Code 1974, § 2-106)

Statutory reference:

Related provisions, see Neb. RS 71-1574 et seq.

§ 34.04 RECREATION-LEISURE SERVICES COMMISSION.

(A) A Recreation-Leisure Services Commission is created to advise the Council in regard to recreation, leisure services and park facilities and programs.

(B) The Commission shall consist of eight members, of which five will be required to be citizens of the city. Commission members shall be appointed by the Mayor with the approval of the Council and shall serve without compensation. The first Commission members shall serve staggered terms. Thereafter, all members shall be appointed for three-year terms. The Commission shall elect a Chair and a Vice-Chair. The Commission shall meet at such times as determined by the Commission and shall annually elect its Chair and Vice-Chair during the May meeting. The City Administrator or designee of the City Administrator shall serve as an ex-officio member and Secretary of the Commission.

(C) The Commission shall have the duty and responsibility of working with the City Administrator and shall advise the City Administrator as to plans for recreation, leisure services and park programs and facilities. The Commission shall interpret the role of recreation, parks and leisure services to the general public and feed back the reactions and wishes of the public to the City Administrator. The Commission shall review updates and revisions of these plans as required. The Commission shall also review and make recommendations to the Council on rates, fees and charges applicable to recreation, leisure services, park facilities and programs.

(D) The Commission shall provide written reports to the Council of its activities as it deems advisable or upon the request of the City Administrator or the Council.

(E) The Commission shall have the authority of recommending to the Council rules and regulations

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for the use and conduct of recreation and leisure services. Any rules and regulations so adopted shall be posted on the affected facility, or otherwise publicized in a manner to provide adequate notice to the using public.

(2002 Code, § 2-471) (Ord. 2001-21, passed 12-18-2001)

§ 34.05 ADVISORY AUDIT COMMITTEE.

(A) *Created.* There is created, established and constituted an Advisory Audit Committee which shall consist of three Council members, who shall be appointed by the Mayor with the consent and approval of the Council. Each member of the Committee shall serve a term of one year, unless reappointed.

(B) *Powers.*

(1) The Committee shall have the obligation of reviewing, studying, analyzing, investigating, examining, researching and inquiring to provide a thorough analysis of any and all fiscal reports relating to the city and to report, recommend, or issue any analysis or policy change the Committee deems appropriate to the Council. In connection therewith, the Committee have the power to:

(a) Review, examine, investigate and analyze any and all documents, reports, operating statements, financial statements and other policy matters relating to fiscal matters of the city;

(b) Interview, question, inquiry and otherwise meet with the City Auditors subject to the condition that they shall not increase the cost of the annual audits of the city;

(c) Request the assistance of any city staff in the performance of the Committee's obligations, duties and powers; and

(d) Recommend any such changes relating to fiscal matters relating to reports, financial statements, operating statements and fiscal policies of the city.

(2) The Committee members shall not receive any remuneration for its services upon the Committee and shall not be reimbursed for any expenses incurred by the Committee.

(2002 Code, § 2-517)

§ 34.06 COMMUNITY REDEVELOPMENT AUTHORITY.

(A) The Mayor and Council hereby find and determine that it is necessary and desirable for purpose of providing for the redevelopment and general welfare of the City that a community redevelopment authority be created pursuant to Section 18-2101.01 R.R.S. Neb. 1943.

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(B) There shall be and there is hereby ordered created in and for the City of Wayne, Nebraska, an agency to be known as the "Community Redevelopment Authority of the City of Wayne, Nebraska." In accordance with Neb. Rev. Stat. 18-2101.01, this authority shall consist of the Mayor, one Councilmember, Superintendent of Wayne Community Schools, one Wayne County Commissioner, and three at-large citizens who shall be appointed by the Mayor. The first members of the Community Redevelopment Authority shall serve staggered terms. Thereafter, all members shall be appointed to five-year terms. As provided in said Section 18-2101.01, such authority shall exercise all of the power and authority provided for in Sections 18-2101 to 18-2144 and 18-2144 to 18-2153, R.R.S. Neb. 1943, as now existing, as amended, and as hereafter amended.

(C) The authority hereby created shall function under the direction of the Mayor and Council and shall exercise such powers herein described or referred to as shall be determined appropriate from time to time by the Mayor and Council as the governing body of such authority and as determined by resolution or ordinance duly adopted by said body from time to time.

(Ord. No. 2017-23, §, 6-20-2017; Ord. 2020-21, passed 12-1-2020)