

# Municipal Code of the City of Battle Creek, Nebraska

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## **CHAPTER 2 – COMMISSIONS AND BOARDS**

### **Article 1 – Standing Committees**

**§2-101 (Moved to §1-514 ORGANIZATIONAL MEETING.)**

### **Article 2 – Commissions and Boards**

#### **§2-201 LIBRARY BOARD.**

(1) The Library Board shall consist of five appointed members who shall be residents of the City and who shall serve terms of four years. The City Council shall appoint the members of the Library Board by a majority vote. Neither the Mayor nor any member of the City Council shall be a member of the Library Board. The terms of members serving on the effective date of a change in the number of members shall not be shortened, and any successors to those members shall be appointed as the terms of those members expire. In case of any vacancy by resignation, removal, or otherwise, the City Council shall fill the vacancy for the unexpired term.

(2) No member shall receive any pay or compensation for any services rendered

as a member of the Library Board. The City Council may require the members of the Library Board to give a bond in a sum set by resolution of the City Council and conditioned upon the faithful performance of their duties.

(3) At the time of the Board's first meeting in January of each year, the Board shall organize by selecting from their number a Chairperson and Secretary. No member of the Library Board shall serve in the capacity of both the Chairperson and Secretary 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 at any reasonable time.

(4) 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 Chairperson, or a majority of the members of the Board.

(5) The Library Board shall have the authority to appoint a Librarian and all other employees. The Board shall have supervisory authority over all employees of the Library including the Librarian.

(6) The Library Board shall have general charge of the City Library and shall establish appropriate rules and regulations for the management, operation, and use of the Library. All actions of the Board shall be subject to the review and supervision of the City Council. The Board shall be responsible for making such reports and performing such additional duties as the City Council may designate from time to time. Further enumeration of powers and duties is provided in section 3-910.

(7) The Library Board's annual report is provided for in section 3-915.  
(Ref. 51-202 RS Neb.) (Am. by Ord. No. 98-353, 11/9/98)

## **§2-202 BOARD OF HEALTH.**

(1) The City Council shall appoint a Board of Health which shall consist of four members. The members of the Board shall include the Mayor, who shall serve as 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 or she shall serve on the Board as Secretary and quarantine officer. 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 December of each year. No member of the Board of Health shall hold more than one Board of Health position.

(2) The Secretary shall keep full and correct minutes and records of all meetings and file the same with the City Clerk, where they shall be available for public inspection during office hours. The Board of Health shall be funded by the City Council 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 City Council may designate. Special meetings may be held upon the call of the Chairperson or any two members of the Board.

(3) The Board shall enact rules and regulations which shall have the full force

and effect of law to safeguard the health of the people of the City. The Board shall enforce the rules and regulations and provides fines and punishments for any violations thereof. It may regulate, suppress, and prevent the occurrence of nuisances and enforce all laws of the State of Nebraska and ordinances of the City relating to nuisances and 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 re-ports and performing such other duties as the City Council may, from time to time, designate.

(Ref. 17-121 RS Neb.) (Am. by Ord. No. 97-338, 7/14/97)

#### **§2-203 PARK ADVISORY BOARD.**

A five-member Advisory Board shall be established to act in an advisory capacity only. Members thereof shall be appointed by the Mayor with the advice and the consent of the City Council. Neither the Mayor nor any member of the Council shall serve on this Board. It shall be the duty of the Advisory Board to bring new projects or suggestions to the City Council regarding park improvements. Each member shall serve a three-year term beginning in February, with staggered terms to be established by initial appointments. Each member appointed shall hold office until his or her successor is duly appointed and qualified. In case of vacancy or any other cause, the Mayor shall fill such vacancy for the unexpired term in the manner provided for selection of appointive officers of the City. At the time of the first appointment, one member shall be appointed for a term of one year, two members shall be appointed for a term of two years, and two members shall be appointed for a term of three years, which terms shall be computed from the first meeting in the preceding February. After the appointment of the original Board, it shall be the duty of the Mayor to appoint or reappoint retiring members of the Board each year for a term of three years, to commence at the time of appointment at the first meeting in February.

#### **§2-204 JOINT PLANNING COMMISSION.**

The City of Battle Creek is hereby authorized to make, adopt, amend, extend, and carry out a City Plan as provided by law. The City hereby agrees to join with any incorporated villages, cities, or counties that are eligible and may wish to participate in the creation of the Madison County Joint Planning Commission through the execution of an intergovernmental agreement. The Mayor is hereby authorized for and on behalf of the City, as its corporate act and deed under its corporate name and seal, to execute an agreement for participation by the City in the Madison County Joint Planning Commission, which said agreement shall be substantially in the words and figures set forth in that certain agreement, a copy of which is on file in the office of the City Clerk and made a part hereof. (Ord. No. 205, 7/1/74)

#### **§2-205 CREATION OF NURSING HOME BOARD.**

There is hereby created and established a Nursing Home Board for the City of Battle Creek, to be known as the "Community Pride Care Center Nursing Home Board." (Ord. No. 178, 5/9/88)

#### **§2-206 NURSING HOME BOARD; MEMBERS' TERMS.**

The Nursing Home Board shall consist of five members who shall be residents of the City and who shall be appointed by the Mayor with the approval of the City Council. The

term of each member shall be three years, except that two members of the first Board shall serve for the term of one year, two members for the term of two years, and one member for the term of three years. All members shall hold office until their successors are appointed. Vacancies occurring otherwise than through the expiration of term shall be filled for the unexpired term by the Mayor with the approval of the Council. The initial Board shall be appointed at the first regular or special meeting of the Council in the month of June 1988 and subsequent appointments shall occur at the first regular or special meeting of the Council in the month of December 1988 and in December of each year thereafter. Neither the Mayor nor any member of the Council shall be a member of such Nursing Home Board. No member of the Board shall receive any pay or compensation for his/her services as a member of the Nursing Home Board. The Board shall have the power, with approval of the Mayor and Council, to prepare and adopt such rules and regulations for the efficient management of such Nursing Home as they deem expedient. (Ord. No. 178, 5/9/88)

#### **§2-207 NURSING HOME BOARD; ORGANIZATION; MEETINGS; RULES; RECORDS.**

The Nursing Home Board shall elect its chairman from its members and create and fill such other of its offices as it may determine. The term of the chairman shall be one year, and he/she shall be eligible for re-election. The Board shall hold at least one regular meeting each month. It shall adopt rules for transaction of business and shall keep a record of its minutes, resolutions, transactions, findings and determinations, which record shall be a public record. A majority of the Board members shall constitute a quorum for the transaction of business, provided, any motion, resolution, or order passed by the Board in order to be valid shall require the assent of three members of the Nursing Home Board. (Ord. No. 178, 5/9/88)

#### **§2-208 DUTIES OF THE NURSING HOME BOARD.**

It shall be the duty of the Board to have general charge of the Battle Creek Nursing Home and establish appropriate rules and regulations of the management, operation, and use of the same. All actions of the Board shall be subject to the review and supervision of the Mayor and City Council, and a report should be presented to the Council at each regular monthly meeting by the Chairman of the Board or his/her designate. In addition, the Board shall be responsible for making such reports and performing such other duties as the Mayor and City Council may from time to time designate. (Ord. No. 178, 5/9/88)

#### **§2-209 NURSING HOME BOARD; ACCOUNTS AND FINANCES.**

(A) All claims relating to and for the operation and maintenance of the Nursing Home shall be reviewed by the Nursing Home Board and payment for such claims shall be approved by a majority of the Nursing Home Board. Payment of such claims shall be prepared by the Office Manager of the Nursing Home and signed by the Nursing Home Administrator and one of the following: City Treasurer, Deputy City Clerk, or the Mayor.

(B) Any expenditure other than normal and customary expenditures in excess of \$5,000.00 shall be approved by a majority of both the Nursing Home Board and the City Council. This includes capital expenditures, renovations, and major repairs. In the event of an emergency the Mayor shall have the authority to approve necessary expenditures. This section does not apply to the use of donated funds. Donated funds may be utilized

by the approval of a majority of the Nursing Home Board without consent from the Mayor or City Council.

(C) The Nursing Home shall administer the following financial accounts:

(1) Donated funds account (no limit).

(2) Funded depreciation account with a limit not to exceed \$200,000.00, except that the \$200,000.00 limit may be exceeded with approval by the Mayor and City Council if deemed necessary for a specified time frame and for a specific capital project.

(3) General operating checking account with a maximum balance of \$100,000.00 at the end of the billing cycle of each fiscal year.

(D) All taxes levied or collected, all revenues resulting from the operation of such Nursing Home, and all other funds acquired in any manner, other than donated funds, for the erection, maintenance or support of such Nursing Home in excess of the above-mentioned account limits in paragraph (C) shall be transferred to the City Treasurer on an annual basis on or before June 30 each year and deposited into the General Fund.

(E) The Mayor and City Council hereby direct the City Treasurer to establish a fund for the Nursing Home, hereafter called the Nursing Home Reserve Fund, that shall be kept separate and apart from all other city funds, solely for the use of said Nursing Home with approval by the Mayor or City Council. All monies withdrawn from this fund will be prepared by the City Treasurer and signed by the Deputy City Clerk and the Mayor. The amount in such fund shall be \$300,000.00. Any transfers out of this fund shall be replenished by the City Treasurer from income resulting from the operation of the Nursing Home prior to any money being deposited into the City's general fund. All other income from the Nursing Home shall be for use as determined by the Mayor and City Council.

(Ord. Nos. 178, 5/9/88; 2010-013, 11/29/10)

## **§2-210 NURSING HOME BOARD; ADMINISTRATOR, SUPERVISORY AND SUPPORT STAFF; RULES AND REGULATIONS.**

(A) The Mayor, with assistance of the Nursing Home Board, shall have the power to appoint a suitable Nursing Home Administrator subject to approval by a majority of the City Council.

(B) The Nursing Home Board with the Nursing Home Administrator shall have the authority to hire the Nursing Home supervisory and support staff, fix their compensation, and remove such supervisory and support staff at their discretion and shall have the power to establish such regulations for the governing of the Nursing Home as may be deemed necessary for its preservation. To maintain its usefulness and efficiency, the Nursing Home Board shall fix and impose by general rules the room rental rates, costs of meals and any and all other standard and fixed charges for the public and shall have and exercise such powers as may be necessary for maintaining a public nursing home. Any actions, bylaws, rules or regulations established by the Nursing Home Board may be amended by the Mayor and City Council.

(Ord. Nos. 178, 5/9/88; 2010-013, 11/29/10)

## **§2-211 CITY TREE BOARD; CREATION AND ESTABLISHMENT.**

(1) There is hereby created and established a City Tree Board for the City of Battle Creek, Madison County, Nebraska, which shall consist of five members who shall be citizens and residents of this City and who shall be appointed by the Mayor with the approval of the Council.

(2) The term of the five persons to be appointed by the Mayor shall be three years except that the term of two of the members appointed to the first board shall be for only one year and the term of two members of the first board shall be for two years. In the event that a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion of the term by the Mayor with the approval of the Council.

(3) Members of the Board shall serve without compensation.

(4) It shall be the responsibility of the Board to study, investigate, counsel and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan will be presented annually to the City Council and upon its acceptance and approval shall constitute the official comprehensive City Tree Plan for the City of Battle Creek, State of Nebraska. The Board, when requested by the City Council, shall consider, investigate, make finding, report and recommend upon any special matter or question coming within the scope of its work.

(5) The Board shall choose its own officers, make its own rules and regulations and keep a minute book of its proceedings. A majority of its members shall be a quorum for the transaction of business.

(6) The City Council shall have the right to review the conduct, acts and decisions of the City Tree Board. Any person may appeal from any ruling or other of the City Tree Board to the City Council who may hear the matter and make final decision. (Ord. No. 204, 9/10/90)

## **§2-212 PLANNING COMMISSION.**

(1) The City Council shall appoint the Planning Commission which shall consist of nine members representing, insofar as is possible, the different professions or occupations in the City and who shall be residents of 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 members of the Commission shall serve a three-year term of office unless reappointed, except that three members of the first Commission to be so appointed shall serve for a term of one year, three for a term of two years, and three for a term of three years. But if the Planning Commission has either five or seven members, approximately one-third of the members of the first Commission shall serve for a term of one year, one-third for a term of two years, and one-third for a term of three years. The Commission 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 of the City Council and conditioned upon the faithful performance of their duties. No member of the City Council or other city official, except where otherwise specifically provided, shall serve as a member of the Planning Commission while serving any other term of office.

(2) At the time of the Commission's first meeting in June of each year, the Commission shall organize by selecting from its membership a Chairman and Secretary. No member of the Planning Commission shall serve in the capacity of both Chairman and Secretary of the Commission. 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 at any reasonable time. The Planning Commission shall be funded by the City Council 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 members of the Commission.

(3) 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. Recommendations from the Commission shall be received by the City Council within 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 City Council may, from time to time, designate.

(Ref. 19-924 through 19-929 RS Neb.) (Ord. No. 284, 3/13/95)

### **Article 3 – Penal Provision**

#### **§2-301 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. (Am. by Ord. No. 2009-007, 6/8/09)