

CHAPTER 1 – CIVIL ADMINISTRATION

ARTICLE 1 – VILLAGE BOARD

- 1-101 CORPORATE EXISTENCE
- 1-102 CORPORATE SEAL
- 1-103 NUMBER AND QUALIFICATIONS OF MEMBERS
- 1-104 ELECTION OF VILLAGE OFFICIALS; CERTIFICATION
- 1-105 OFFICERS; BONDS
- 1-106 OFFICERS; OATH OF OFFICE
- 1-107 OFFICERS; SALARIES
- 1-108 CONFLICT OF INTEREST
- 1-109 CHAIRMAN OF THE BOARD OF TRUSTEES; DUTIES
- 1-110 VACANCIES IN VILLAGE OFFICES
- 1-111 VILLAGE BOARD; POWERS
- 1-112 PUBLIC MEETINGS
- 1-113 PUBLIC MEETINGS; CLOSED SESSIONS
- 1-114 MEETINGS; EMERGENCY
- 1-115 MEETINGS; MINUTES
- 1-116 MEETINGS; VOTES
- 1-117 MEETINGS; NOTICE TO NEWS MEDIA
- 1-118 MEETINGS; PUBLIC PARTICIPATION
- 1-119 MEETINGS; VILLAGE BOARD
- 1-120 MEETINGS; ABSENCE OF ELECTED OFFICIAL; HEARING;
VACANCY
- 1-121 MEETINGS; ORDER OF BUSINESS
- 1-122 MEETINGS; PARLIAMENTARY PROCEDURE
- 1-123 CHANGE IN OFFICE
- 1-124 REORGANIZATIONAL MEETING
- 1-125 APPOINTMENT OF COMMITTEES

ARTICLE 2 – APPOINTIVE OFFICERS

- 1-201 APPOINTIVE OFFICERS
- 1-202 MERGER OF OFFICES
- 1-203 MERGER OF CLERK AND TREASURER OFFICES
- 1-204 VILLAGE CLERK; DUTIES
- 1-205 VILLAGE TREASURER; DUTIES
- 1-206 VILLAGE ATTORNEY; DUTIES
- 1-207 VILLAGE POLICE OFFICER; DUTIES; SPECIAL POLICE
- 1-208 SPECIAL ENGINEER
- 1-209 UTILITIES SUPERINTENDENT
- 1-210 WATER COMMISSIONER
- 1-211 SEWER COMMISSIONER
- 1-212 STREET COMMISSIONER

- 1-213 BUILDING INSPECTOR
- 1-214 BLANKET BOND

ARTICLE 3 – ORDINANCES

- 1-301 GRANT OF POWER
- 1-302 INTRODUCTION
- 1-303 RESOLUTIONS AND MOTIONS
- 1-304 PASSAGE
- 1-305 STYLE
- 1-306 EFFECTIVE DATE
- 1-307 TITLE
- 1-308 CERTIFICATE OF PUBLICATION
- 1-309 AMENDMENTS AND REVISIONS
- 1-310 EMERGENCY ORDINANCES

ARTICLE 4 – FISCAL MANAGEMENT

- 1-401 FISCAL YEAR
- 1-402 BUDGET PROCEDURE
- 1-403 BUDGET STATEMENT
- 1-404 BUDGET HEARING
- 1-405 BUDGET FILING
- 1-406 ANNUAL AUDIT
- 1-407 ALL-PURPOSE LEVY
- 1-408 CONTRACTS
- 1-409 CLAIMS
- 1-410 WARRANTS
- 1-411 TRANSFER OF FUNDS
- 1-412 SPECIAL ASSESSMENT FUND
- 1-413 SINKING FUNDS
- 1-414 DEPOSIT OF FUNDS
- 1-415 INVESTMENT OF FUNDS
- 1-416 EXPENDITURES

ARTICLE 5 – BOARD OF HEALTH

- 1-501 MEMBERS
- 1-502 POWERS AND DUTIES
- 1-503 STATE HEALTH RULES; INCORPORATED BY REFERENCE
- 1-504 DEPOSITING OR PERMITTING DEPOSIT OR ACCUMULATION
OF ANY SUBSTANCE DETRIMENTAL TO HEALTH OR
OFFENSIVE TO SMELL; PENALTY

ARTICLE 6 – VILLAGE TREE BOARD

- 1-601 CREATION AND ESTABLISHMENT OF A VILLAGE TREE BOARD
- 1-602 DEFINITIONS
- 1-603 TERM OF OFFICE
- 1-604 COMPENSATION
- 1-605 DUTIES AND RESPONSIBILITIES
- 1-606 OPERATION
- 1-607 STREET TREE SPECIES TO BE PLANTED
- 1-608 SPACING
- 1-609 DISTANCE FROM CURB AND SIDEWALK
- 1-610 DISTANCE FROM STREET CORNERS AND FIREPLUGS
- 1-611 UTILITIES
- 1-612 PUBLIC TREE CARE
- 1-613 CONSENT OF PROPERTY OWNER
- 1-614 TREE TOPPING
- 1-615 PRUNING; CORNER CLEARANCE
- 1-616 DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY
- 1-617 REMOVAL OF STUMPS
- 1-618 INTERFERENCE WITH VILLAGE TREE BOARD
- 1-619 ARBORIST'S LICENSE
- 1-620 REVIEW BY VILLAGE BOARD OF TRUSTEES

ARTICLE 7 – LIBRARY BOARD

- 1-701 MEMBERS; COMPENSATION; DUTIES
- 1-702 OPERATION AND FUNDING
- 1-703 RULES AND REGULATIONS
- 1-704 DAMAGED AND LOST BOOKS
- 1-705 BOOK REMOVAL

ARTICLE 8 – PLANNING COMMISSION

- 1-801 MEMBERS, OFFICERS, DUTIES

CHAPTER I CIVIL ADMINISTRATION

ARTICLE I - VILLAGE BOARD

SECTION 1-101: CORPORATE EXISTENCE

The Village of Homer, Nebraska, having a population of less than 800 inhabitants, is hereby declared to be a village, and shall be governed in all respects by the laws regulating villages.

SECTION 1-102: CORPORATE SEAL

There shall be owned by the Village of Homer, in the office of the village clerk, a common seal of the corporation, having engraved thereon the words "Village of Homer, Nebraska, Seal."

The village clerk shall affix an impression of said seal on all papers or documents executed by him/her in his/her official capacity.

Source: Neb. Rev. Stat. §17-502

SECTION 1-103: NUMBER AND QUALIFICATIONS OF MEMBERS

The Village Board shall consist of five members who shall be citizens of the United States and residents of the Village, and who shall be registered voters. Every trustee so elected and so qualified shall hold his/her office for the term of four years; provided, a trustee's term shall expire and the office will become vacant upon a change of residence from the Village. The Board of Trustees shall, before entering upon the duties of their office, take an oath to support the Constitution of the United States and the Constitution of the State of Nebraska, and faithfully and impartially discharge the duties of their office. The Board of Trustees shall qualify and meet on the second Monday in December, organize, elect a chairman of the Board and appoint the village officers required by law.

Source: Neb. Rev. Stat. §17-202 through 17-204

SECTION 1-104: ELECTION OF VILLAGE OFFICIALS, CERTIFICATION

The term of office of each member of the Board of Trustees is four years. All general and special elections shall be held in conjunction with the statewide primary or general election and shall be governed by the provisions of the Nebraska Election Act. No later than July 1 of each even-numbered year, the Village Board shall certify to the election commissioner/county clerk, on forms provided by the Nebraska Secretary of State, the name of the village, the number of officers to be elected, the length of the terms of office, the vacancies to be filled by the election and the length of remaining term, and the number of votes to be cast by a registered voter for each office. (Amended December 9, 2004, Ord. No. 491) Source: Neb. Rev. Stat. §17-202, 32-404(2), 32-556

SECTION 1-105: OFFICERS; BONDS

Official bonds of the Village shall be in form, joint and several, and shall be made payable to the Village in such penalty as the Board of Trustees may set by resolution; provided, the penalty amount on any bond shall not fall below the legal minimum, when one has been set by the State of Nebraska, for each particular official. All official bonds of the village officials shall be executed by the principal named in such bonds and by at least two sufficient sureties who shall be freeholders of the county, or by the official as principal and by a guaranty, surety, fidelity or bonding company; provided, no village official still in his/her official term of office shall be accepted as surety on any other official's bond, contractor's bond, license bond or appeal bond under any circumstances. Only companies that are legally authorized to transact business in the State of Nebraska shall be eligible for suretyship on the bond of an official of the Village. All said bonds shall obligate the principal and sureties for the faithful discharge of all duties required by law of such principal, and shall inure to the benefit of the Village and any persons who may be injured by a breach of the conditions of such bonds. No bond shall be deemed to be given or complete until the approval of the Board of Trustees, and all sureties are endorsed in writing on the said instrument by the village clerk pursuant to the said approval of the Board of Trustees. The premium on any official bond required to be given may be paid out of the General Fund or other proper village fund upon a resolution to that effect by the Board of Trustees at the beginning of any village year. All official bonds meeting the conditions herein shall be filed with the village clerk for his/her official records, and it shall be the duty of the village clerk to furnish a certified copy of any bond so filed upon the payment of a fee which shall be set by resolution of the Board of Trustees.

In the event that sureties on the official bond of any officer of the Village become insufficient in the opinion of the Village Board of Trustees, the Board may require by resolution a reasonable time within which such officer may give a new bond or additional sureties thereon as directed. In the event that this officer shall fail, refuse or neglect to give a new bond or additional sureties to the satisfaction and approval of the Board, then the office shall, by such failure, refusal or neglect, become vacant; and it shall be the duty of the Village Board of Trustees to appoint a competent and qualified person to fill this said office. Any official who is re-elected to office shall be required to file a new bond after each election.

Source: Neb. Rev. Stat. §11-103, 11-118, 17-604, R.R.S. 1943, Ch 7, Sec. 2,3 R.O.S. 1915

SECTION 1-106: OFFICERS; OATH OF OFFICE

All officials of the Village, whether elected or appointed, except when a different oath is specifically provided herein, shall, before entering upon their respective duties, take and subscribe the following oath which shall be endorsed upon their

respective bonds;

"I, _____, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Nebraska, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without mental reservation, and not for the purpose of evasion; and that I will faithfully and impartially perform the duties of the office of _____, according to law and to the best of my ability. And I do further swear that I do not advocate, nor am I a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence; and that during such time as I am in this position I will not advocate, nor become a member of any political party or organization that advocates the overthrow of the government of the United States or this State by force or violence. So help me God."

Source: Neb. Rev. Stat. §11-101

SECTION 1-107: OFFICERS; SALARIES

All elected officers shall receive such compensation as the Board of Trustees shall fix by ordinance. The emoluments of appointive and elective officers of this village shall be neither increased nor decreased during the term for which elected or appointed, except by merger of offices or when there are other officers elected or appointed to the Board and the terms of one or more members commence and end at different times; the compensation of all members of such board may be increased or diminished at the beginning of the full term of any member thereof. The officers' salaries shall be set by ordinance of the Board of Trustees and will be available for public inspection at the office of the village clerk.

No person who shall have resigned or vacated any office shall be eligible to the same during the time for which he/she was elected or appointed, if during the same time the emoluments thereof have been increased. In addition to the salaries herein provided, the various officers shall be entitled to mileage and expenses if and when claims therefor are filed, audited and allowed. The chairman and Board of Trustees may by resolution authorize clerical assistance in one or more offices when the same may be needed, and claims therefor out of the proper funds may be presented, allowed, audited and paid. All fees earned by an officer of this village in the performance of his/her duties as such shall be considered the property of this village, and shall be promptly paid over to the village treasurer and by him/her credited to the appropriate fund.

SECTION 1-108: CONFLICT OF INTEREST

No officer of the Village shall be permitted to benefit from any contract to which

the Village is a party when the consideration of the said contract is in an amount in excess of \$10,000.00 in any one year, and no contract may be divided for the purpose of evading the requirements of this section. Any such interest in a contract shall void any obligation on the part of the Village; provided, the receiving of deposits, cashing of checks, and buying and selling of the warrants and bonds of the Village shall not be considered a contract under the provisions of this section. No official shall receive any pay or compensation from the Village other than his/her salary. The Board of Trustees shall not pay or appropriate any money or other valuable thing to pay a person who is not an officer for the performance of any act, service or duty which shall come within the proper scope of the duties of any officer of the Village; provided that ownership of less than 1% of the outstanding stock of any class in a corporation shall not constitute an interest within the meaning of this section.

Source: Neb. Rev. Stat. §17-611, 18-301 through 18-312

SECTION 1-109: CHAIRMAN OF THE BOARD OF TRUSTEES; DUTIES

At its first meeting in December of each election year, the Village Board shall select one of its own body who shall be the chairman of said board and whose term shall be two years until the next general election. He/she shall have charge over all property belonging to the Village and not in particular charge of any officer. He/she shall preside over all meetings of the Board of Trustees. If the chairman be absent at any meeting, the Board shall elect a chairman pro tempore as chairman of the Board for that particular meeting, and the election of said chairman pro tempore shall be duly recorded in the minutes of the meeting for that date.

The village chairman shall require all village officers and employees to give him/her a receipt for any and all articles belonging to the Village now in their charge and all that may thereafter come under their charge. All outgoing village officers and village employees shall deliver over to the chairman or account to him/her for all articles used by them in the duties of their office whenever their term of office or employment with the Village ceases.

The village chairman shall also examine each and every appropriation ordinance and satisfy himself/herself as to the correctness of the same before giving his/her approval. All financial reports of the village treasurer shall be audited by the chairman and the Board of Trustees, and if found to be correct they shall be endorsed and shall be filed in the office of the village clerk. The chairman of the Board shall sign the clerk's minutes of all meetings after they have been spread at large upon the journal when the same shall be approved by the action or the acquiescence of the Board. He/she shall sign all warrants for the payment of money when ordered by the Board.

The chairman shall sign all ordinances, resolutions and orders which have been passed, approved and declared to be the law of the Village. He/she shall cause

the ordinances of the Village to be carried into effect and shall be vigilant and active to promote the peace and welfare of the Village. He/she shall require all officers to be faithful in the performance of their duties as prescribed by law and the village ordinances for the peace and order of the Village. He/she shall call special meetings of the Board of Trustees at his/her discretion or as provided by the provisions of this code. He/she shall be chairman of the Board of Health, ex officio. At the specific direction of the Board of Trustees, he/she shall act as the purchasing agent for the Village.

Source: Neb. Rev. Stat. §17-207

SECTION 1-110: VACANCIES IN VILLAGE OFFICES

1. (a) Except as otherwise provided in subsection (2) or (3) of this section, vacancies in village elected offices shall be filled by the Board of Trustees for the balance of the unexpired term. Notice of a vacancy, except a vacancy resulting from the death of the incumbent, shall be in writing and presented to the Board of Trustees at a regular or special meeting and shall appear as a part of the minutes of such meeting. The Board of Trustees shall at once give public notice of the vacancy by causing to be published in a newspaper of general circulation within the Village or by posting in three public places in the Village the office vacated and the length of the unexpired term.

(b) The chairperson of the Board shall call a special meeting of the Board of Trustees or place the issue of filling such vacancy on the agenda at the next regular meeting, at which time the chairperson shall submit the name of a qualified registered voter to fill the vacancy for the balance of the unexpired term. The regular or special meeting shall occur upon the death of the incumbent or within four weeks after the meeting at which such notice of vacancy has been presented. The Board of Trustees shall vote upon such nominee, and if a majority votes in favor of such nominee, the vacancy shall be declared filled. If the nominee fails to receive a majority of the votes, the nomination shall be rejected and the chairperson shall at the next regular or special meeting submit the name of another qualified registered voter to fill the vacancy. If the subsequent nominee fails to receive a majority of the votes, the chairperson shall continue at such meeting to submit the names of qualified registered voters in nomination and the Board of Trustees shall continue to vote upon such nominations at such meeting until the vacancy is filled. All trustees present shall cast a ballot for or against the nominee. Any member of the Board of Trustees who has been appointed to fill a vacancy on the Board shall have the same rights, including voting, as if such person were elected.

2. The Board of Trustees may, in lieu of filling a vacancy in the village elected office as provided in subsection (1) of this section or subsection (3) of Neb. Rev. Stat. §32-568, call a special village election to fill such vacancy.

3. If vacancies exist in the offices of a majority of the members of the Village Board, the Secretary of State shall conduct a special election to fill such vacancies.

(Amended October 12, 2006, Ord. No. 504)

SECTION 1-111: VILLAGE BOARD; POWERS

The Board of Trustees shall have all powers granted under the laws of the State of Nebraska, including but not limited to the following: to pass ordinances to prevent and remove nuisances; to prevent, restrain and suppress gambling and disorderly houses; to license and regulate amusements; to establish and provide for police protection; to prevent the spread of contagious diseases; to regulate business; to erect, repair, construct and regulate public ways and property; to maintain good government, public welfare and domestic tranquility; and to enforce all ordinances by imposing penalties upon inhabitants or other persons for violation thereof not exceeding that amount permitted by Nebraska law for violation of a municipal code for each offense, recoverable with costs, together with enforcement by injunction where necessary.

SECTION 1-112: PUBLIC MEETINGS

1. All public meetings as defined by law shall be held in a public building located within the Village which shall be open to attendance by the public. All meetings shall be held in the public building in which the Village Board usually holds such meetings unless the publicized notice hereinafter required shall designate some other public building or other specified place. The advance publicized notice of all public, convened meetings shall be transmitted to all members of the Board and to the public by a method designated by the Board. Such notice shall contain the time and specific place for each meeting and either (A) an enumeration of the agenda subjects known at the time of the notice or (B) a statement that such an agenda, kept continually current, shall be available for public inspection at the office of the village clerk. Agenda items shall be sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting. The Village shall have the right to modify the agenda at the public meeting when convened. The minutes of the village clerk shall include a record of the manner by which the advance publicized notice was given, the time and specific place of each meeting and the names of each member of the Board present or absent at each convened meeting.

2. Any official action on any question or motion duly moved and seconded shall be taken only by roll call vote of the Village Board in open session. The record of the village clerk shall show how each member voted or that the member was absent and did not vote.

3. Any formal actions taken at any public meeting not in conformity with the provisions of this section shall be deemed to be void. Any official who shall

violate the provisions of this section shall be deemed to be guilty of a misdemeanor.

4. This section does not apply to chance meetings or to attendance at or travel to conventions or workshops of the Village Board at which there is no meeting of the Board then intentionally convened, if there is no vote or other action taken regarding any matter over which the Board has supervision, control, jurisdiction or advisory power.

5. The Village Board shall make available at least one current copy of the Open Meetings Act, to be posted in the meeting room at a location accessible to members of the public. At the beginning of each meeting, the public shall be informed about the location of the posted information.

Source: Neb. Rev. Stat. §84-1408 through 84-1414
(Amended October 12, 2006, Ord. No. 503)

SECTION 1-113: MEETINGS; CLOSED SESSIONS

1. The Board may hold a closed session by an affirmative vote of a majority of its voting members if a closed session is clearly necessary for the protection of the public interest or for the prevention of needless injury to the reputation of an individual if such individual has not requested a public meeting. The subject matter and the reason necessitating the closed session shall be identified in the motion to close.

2. Nothing in this section shall permit a closed meeting for discussion of the appointment or election of a new member to the Board.

3. The vote to hold a closed session shall be taken in open session. The entire motion to close, the vote of each member on the holding of a closed session and the time when the closed session commenced and concluded shall be recorded in the minutes. If the motion passes, then the chairman shall, immediately prior to the closed session, restate on the record the limitation of the subject matter of the closed session. In holding such a closed session, the Board shall restrict its consideration of matters during the closed portion to only those purposes set forth in the motion to close as the reason for the closed session.

4. Any member of the Board shall have the right to challenge the continuation of a closed session if the member determines that the session has exceeded the reason stated in the original motion to hold a closed session. Such challenge shall be overruled only by a majority of the members of the Board. Such challenge and its disposition shall be recorded in the minutes.

Source: Neb. Rev. Stat. §84-1410
(Amended October 12, 2006, Ord. No. 503)

SECTION 1-114: MEETINGS; EMERGENCY

When it is necessary to hold an emergency meeting without reasonable advance public notice, the nature of the emergency shall be stated in the minutes and any formal action taken in such meeting shall pertain only to the emergency, provided reasonable efforts are made by the village clerk to give advance notice of time and place of such meetings to news media requesting notification of meetings. Complete minutes of such emergency meetings specifying the nature of the emergency and any formal action taken at the meeting shall be made available to the public by no later than the end of the next regular business day.

SECTION 1-115: MEETINGS; MINUTES

The minutes of any meeting of the Village Board shall be written and available for public inspection within ten working days of the meeting or prior to the next convened meeting, whichever occurs earliest, except that an additional ten days shall be allowed the village clerk in writing and making available for inspection such minutes in the event of the clerk's serious illness or an emergency which prevents him/her from writing such minutes and making them available to the general public within ten working days as set forth herein.

(Amended January 12, 2006, Ord. No. 498)

SECTION 1-116: MEETINGS; VOTES

Any action taken on any question or motion duly moved and seconded shall be by roll call vote of the public body in open session, and the record shall state how each member voted, or if the member was absent or not voting. The vote to elect leadership within a public body may be taken by secret ballot, but the total number of votes for each candidate shall be recorded in the minutes.

SECTION 1-117: MEETINGS; NOTICE TO NEWS MEDIA

The village clerk, secretary or other designee of each public body shall maintain a list of the news media requesting notification of meetings and shall make reasonable efforts to provide advance notification to them of the time and place of each meeting, and the subjects to be discussed at that meeting.

SECTION 1-118: MEETINGS; PUBLIC PARTICIPATION

Subject to the provisions of this article, the public shall have the right to attend and the right to speak at meetings of public bodies and all or any part of a meeting of a public body, except for closed meetings called pursuant to Section 1-113, may be videotaped, televised, photographed, broadcast or recorded by any person in attendance by means of a tape recorder, camera, video equipment or any other means of pictorial or sonic reproduction or in writing.

It shall not be a violation of this section for any public body to make and enforce reasonable rules and regulations regarding the conduct of persons attending, speaking at, videotaping, televising, photographing, broadcasting or recording its meetings. A body is not required to allow citizens to speak at each meeting, nor may it forbid public participation at all meetings. No public body shall require members of the public to identify themselves as a condition for admission to the meeting. The body may, however, require any member of the public desiring to address the body to identify himself/herself. No public body shall for the purpose of circumventing the provisions of this article hold a meeting in place known by the body to be too small to accommodate the anticipated audience. No public body shall be deemed in violation of this section if it holds its meeting in its traditional meeting place. The public body shall, upon request, make a reasonable effort to accommodate the public's right to hear the discussion and testimony presented at the meeting. Public bodies shall make available at the meeting, for examination and copying by members of the public, at least one copy of all reproducible written material to be discussed at an open meeting.

Source: Neb. Rev. Stat. §84-1412

SECTION 1-119: MEETINGS; VILLAGE BOARD

The meetings of the Village Board shall be held at the village hall or other location set by the Board by resolution. Regular meetings shall be held on the second Thursday of each month at the hour of 7:00 P.M. A special meeting may be called by the Board chairman or by a majority of the Village Board for those purposes which shall be submitted in writing to the Board members prior to said meeting. The call and object of said meeting shall be entered upon the journal by the village clerk, as well as the disposition of said meeting.

A majority of the members of the Village Board shall constitute a quorum for the transaction of business, but a smaller number may adjourn from day to day and compel the attendance of the absent members; provided that on the request of any two members, whether a quorum is present or not, all absent members shall be sent for and compelled to attend. At the hour appointed for the meeting, the village clerk shall proceed to call the roll of members and announce whether a quorum is present. If a quorum is present, the Village Board shall be called to order by the chairman. In the absence of the chairman, the Board shall have the power to appoint a chairman pro tempore, who shall exercise and perform the same duties as the regular chairman of the Board. The Board of Trustees shall go into an executive session only upon a motion duly made, seconded and passed by a majority of the Board of Trustees in open session.

Source: Neb. Rev. Stat. §17-204, 17-205 (Am. 5/1/03, Ord. No. 474; 7/14/11, Reso. No. 11-3)

SECTION 1-120: ABSENCE OF ELECTED OFFICIAL; HEARING; VACANCY

In the event that an elected official of the Village shall be absent for five

consecutive meetings, the Village Board at its next regular meeting shall hold a hearing to determine whether such absences shall be excused. Notice of such in writing shall be delivered to the absent member at least ten days prior to such hearing and he/she shall be given the opportunity to present evidence and testimony to support a determination that such absences should be excused. After such hearing, the Village Board shall vote to either excuse such absences or to determine that such absences are unexcused and declare the seat vacant. In the event the seat is determined vacant, the vacancy shall be filled pursuant to Section 1-110 of this ordinance. (Ord. No. 471, 11/7/02)

SECTION 1-121: MEETINGS; ORDER OF BUSINESS

All meetings of the Village Board shall be open to the public. Promptly at the hour set by law on the day of each regular meeting, the members of the Board, the chairman, the village clerk and such other village officials that may be required shall take their regular stations in the village hall, and the business of the Village shall be taken up for consideration and disposition in the following order:

- Roll call
- Reading and approval of the minutes of the previous meeting
- Consideration of petitions and other communications
- Reports of officers, boards and committees
- Unfinished business of the preceding meeting
- Introduction of ordinances and resolutions; first reading
- Second reading of ordinances
- Third reading of ordinances
- Final passage of ordinances
- New business
- Miscellaneous business
- Appropriations and consideration of claims
- Adjournment

SECTION 1-122: MEETINGS; PARLIAMENTARY PROCEDURE

The chairman shall preserve order during meetings of the Village Board and shall decide all questions of order, subject to an appeal to the Village Board. When any person is called to order, he/she shall be seated until the point is decided. When the chairman is putting the question, no person shall leave the meeting room. Every person present, before speaking, shall rise from his/her seat and address himself/herself to the presiding officer, and while speaking shall confine himself/herself to the question. When two or more persons rise at once, the chairman shall recognize the one who spoke first.

All resolutions or motions shall be reduced to writing before being acted upon, if requested by the village clerk or any member of the Board. Every member of the

Board who is present when a question is voted upon shall cast his/her vote, unless excused by a majority of the Village Board present. No motion shall be put or debated unless seconded. When seconded, it shall be stated by the chairman before being debated. In all cases where a motion or resolution is entered on the minutes, the name of the member of the Board making the motion or resolution shall be entered also. Before the vote is actually taken, any resolution, motion or proposed ordinance may be withdrawn from consideration by the sponsor thereof with the consent of the member of the Board seconding the said resolution, motion or ordinance. After each vote, a roll call vote shall be taken and entered in the minutes upon the request of any member of the Board.

When, in consideration of an ordinance, different times or amounts are proposed, the question shall be put on the largest sum or the longest time. A question to reconsider shall be in order when made by a trustee voting with the majority, but such motion to reconsider must be made before the expiration of the third regular meeting after the initial consideration of the question. When any question is under debate, no motion shall be made, entertained or seconded except the previous question, a motion to table, and a motion to adjourn. Each of the said motions shall be decided without debate. Any of the rules of the Village Board for meeting may be suspended by a two-thirds vote of the members present. In all cases in which provisions are not made by these rules, *Robert's Rules of Order* is the authority by which the Village Board shall decide all procedural disputes that may arise.

SECTION 1-123: CHANGE IN OFFICE

The chairman and Board of Trustees shall meet on the first regular meeting date in December in each election year and the outgoing officers and the outgoing members of the Board of Trustees shall present their reports. Upon the old Board having completed its business, the outgoing members shall surrender their offices to the incoming members, and the outgoing officers shall thereupon each surrender to his/her successor in office all property, records, papers and monies belonging to the same.

Source: Neb. Rev. Stat. §17-203.01

SECTION 1-124: REORGANIZATIONAL MEETING

The newly elected Board shall convene at the village office on the first regular meeting in December in each election year immediately after the prior Board adjourns and proceed to organize themselves for the ensuing year. The chairman pro tempore shall call the meeting to order. The Board shall then proceed to examine the credentials of its members and other elective officers of the Village to see that each has been duly and properly elected and to see that such oaths and bonds have been given as are required. After ascertaining that all members are duly qualified, the Board shall then elect one of its own body who shall be styled as chairman of the Board of Trustees. The chairman shall then nominate

his/her candidates for appointive offices and said officers shall hold office until their successors are duly appointed and qualified. He/she shall then proceed with the regular order of business. It is hereby made the duty of each and every member of the Board or of its successors in office and of each officer hereafter elected to any office to qualify prior to the second Tuesday in December following his/her election. Immediately upon the assembly of the newly elected Board upon the first regular meeting in December following the election, each officer elected at the regular village election shall take possession of his/her office. Each appointive officer who is required to give bond shall qualify by filing the required bond, approved by the Board of Trustees, in the office of the village clerk within two weeks from the date of his/her said appointment; provided, on said bond shall be endorsed the same oath as required of a village trustee. Failure to qualify by elective or appointive officers within the time and manner provided in this section shall and does in itself create a vacancy in the office to which said person failing to qualify shall have been elected or appointed.

Source: Neb. Rev. Stat. §17-202

SECTION 1-125: APPOINTMENT OF COMMITTEES

The Board of Trustees may appoint such committees as may be necessary from time to time, which committees shall serve at the pleasure of the Board of Trustees.

ARTICLE II - APPOINTIVE OFFICERS

SECTION 1-201: APPOINTIVE OFFICERS

At the first regular meeting in December in the year of the general election, the Village Board of Trustees may appoint a village clerk, village treasurer, village attorney, village police, sewer commissioner, water commissioner and street commissioner. The Village Board may enact resolutions to require from all officers and servants, elected or appointed, bonds and security for the faithful performance of their duty. The Village may pay the premium for such bond. They shall also appoint such additional officials and employees as they may determine the Village needs. All such appointees shall hold office for one year, unless sooner removed by the chairman of the Board by and with the advice and consent of the Village Board.

(Amended December 6, 2001, Ord. No. 464)

SECTION 1-202: MERGER OF OFFICES

The Board of Trustees may, in its discretion, by ordinance, combine and merge any elective or appointive office or employment or any combination of duties of any such offices or employments, except trustee, with any other elective or appointive office or employment, so that one or more of such offices or employments may be held by the officer or employee at the same time; except that trustees may perform and upon Board approval receive compensation for seasonal or emergency work subject to 49-14,103.01 to 49-14,103.06 R.S. Neb. The offices or employments so merged and combined shall always be construed to be separate, and the effect of the combination or merger shall be limited to a consolidation of official duties only. The salary or compensation of the officer or employee holding the merged and combined offices or employments or offices and employments shall not be in excess of the maximum amount provided by law for the salary or compensation of each of the offices and/or employments so merged and combined. For purposes of this section, volunteer firefighters and ambulance drivers shall not be considered officers.

Source: Neb. Rev. Stat. §17-209.02, 49-14,103.01 through 49-14,103.06

SECTION 1-203: MERGER OF CLERK AND TREASURER OFFICES

Pursuant to Section 1-202 herein, the offices of village clerk and village treasurer are hereby combined and merged.

SECTION 1-204: VILLAGE CLERK; DUTIES

The village clerk shall attend all meetings of the Board of Trustees and keep a correct journal of the proceedings of the Board. He/she shall keep a record of all outstanding bonds against the Village, and when any bonds are sold, purchased, paid or canceled, said record shall show the fact. He/she shall make at the end

of the fiscal year a report of the business of the Village transacted through his/her office for the year. That record shall describe particularly the bonds issued and sold during the year, and the terms of the sales with each and every item and expense thereof. He/she shall file all official bonds after the same shall have been properly executed and approved. He/she shall make the proper certificate of passage which shall be attached to original copies of all bond ordinances hereafter enacted by the Board of Trustees.

The village clerk shall issue and sign all licenses, permits and occupation tax receipts authorized by law and required by the village ordinances. He/she shall collect all occupation taxes and license money except where some other village officer is specifically charged with that duty. He/she shall keep a register of all licenses granted in the Village and the purpose for which they have been issued. The village clerk shall permit no records, public papers or other documents of the Village kept and preserved in his/her office to be taken therefrom, except by such officers of the Village as may be entitled to the use of the same, but only upon their leaving a receipt therefor. He/she shall keep all the records of his/her office, including a record of all licenses issued in a record book with a proper index. He/she shall include as part of the records all petitions under which the Board of Trustees shall order public work to be done at the expense of the property fronting thereon, together with references to all resolutions and ordinances relating to the same. He/she shall endorse the date and hour of filing upon every paper or document so filed in his/her office. All such filings shall be properly docketed. Included in his/her records shall be all standard codes, amendments thereto, and other documents incorporated by reference.

The village clerk shall maintain a list of the news media requesting notification of meetings and shall make reasonable efforts to provide advance notice to them of time and place of each meeting and the subjects to be discussed at that meeting.

The village clerk shall keep and preserve the proceedings of the Board of Trustees in two separate and distinct record books. The minute records shall contain a record of all the miscellaneous and informal doings of the Board of Trustees. The minute record shall not include the passage and approval of ordinances except resolutions incorporating by reference the ordinance record into the minute record. The ordinance record shall contain the formal proceedings of the Board of Trustees in the matter of passing, approving, publishing, posting and certifying of ordinances. After the formalities for the legal enactment of an ordinance have been completed, the village clerk shall record and spread at large in the ordinance record his/her ordinance minutes of printed forms. In all cases hereafter where single ordinances are introduced for the consideration of the Board of Trustees, the village clerk shall cause to be introduced an appropriate resolution incorporating by reference the ordinance record into the minute record. Minutes shall be written and available for inspection within ten working days or prior to the next convened meeting, whichever occurs earlier.

The village clerk shall keep an accurate and complete account of the appropriation of the several funds, draw, sign and attest all warrants ordered for the payment of money on the particular fund from which the same is payable. At the end of each month, he/she shall then make a report of the amounts appropriated to the various funds and the amounts of the warrants drawn thereon. Nothing herein shall be construed to prevent any citizen, official or other person from examining any public records at all reasonable times.

The village clerk shall deliver all warrants, ordinances and resolutions under his/her charge to the chairman of the Board of Trustees for his/her signature. He/she shall also deliver to officers, employees and committees all resolutions and communications which are directed at said officers, employees or committees. With the seal of the Village, he/she shall duly attest the chairman's signature to all ordinances, deeds and papers required to be attested to when ordered to do so by the Board of Trustees.

Within 30 days after any meeting of the Board of Trustees, the village clerk shall prepare and publish the official proceedings of the Village Board, including the amount of each claim allowed, the purpose of the claim and the name of the claimant, except that the aggregate amount of all payroll claims may be included as one item, in a legal newspaper of general circulation in the Village, and which was duly designated as such by the Board of Trustees; provided, the charge for such publication shall not exceed the rates provided by the statutes of the State of Nebraska. Said publication shall be charged against the General Fund.

Between July 15 and August 15 each year, the names of all employees and their current annual, monthly or hourly salaries shall be published. Any changes in salaries or the hiring of new employees during the calendar quarter preceding the months of October, January and April shall be published during the months of November, April and May. The village clerk shall then keep in a book with a proper index copies of all notices required to be published or posted by him/her by order of the Board of Trustees or under the ordinances of the Village. To each of the file copies of said notices shall be attached the printer's affidavit of publication, if the said notices are required to be published, or the village clerk's certificate under seal where the same are required to be posted only.

The village clerk may charge a reasonable fee for certified copies of any record in his/her office as set by resolution of the Board of Trustees. He/she shall care for the village records under the direction of the State Records Board pursuant to Section 84-1201 through 84-1220; provided, the Board of Trustees shall not have the authority to destroy the minutes of the village clerk, the permanent ordinances and resolution books, or any other records classified as permanent by the State Records Board.

Source: Neb. Rev. Stat. §17-605, 19-1104, 84-1201, 84-1220, 84-712, 19-1102 R. Supp. 1975, 84-1411 and 84-1413 R. Supp. 1975.

SECTION 1-205: VILLAGE TREASURER; DUTIES

The treasurer shall deposit and at all times keep on deposit for safekeeping, in banks, institutions of approved and responsible standing, all money collected, received or held by him/her as treasurer. Such deposits shall be subject to all regulations imposed by law or adopted by the Village for the receiving and holding thereof. A bond or pledged securities shall be required from all banks or financial institutions in which municipal funds are deposited in any amount exceeding that amount insured by the Federal Deposit Insurance Corporation.

He/she shall keep a separate account of each and every fund or appropriation and the debits and credits therein; he/she shall give every person paying money into the treasury a receipt therefor, specifying the date of payment and on what account paid, and also file copies of said receipts with his/her monthly reports made to the chairman and Board of Trustees. He/she shall, at the end of each month and as often as may be required, render a report to the chairman and Board of Trustees showing, under oath, the condition of the various accounts of the treasury at the time of such reports and the balance of money in the treasury; he/she shall accompany such accounts with a statement of all receipts and disbursements, together with all warrants paid by him/her. Such warrants with any and all vouchers held by him/her shall be filed with his/her accounts in the village clerk's office. He/she shall keep a record, in a book suitable for that purpose, of each and every warrant paid and from what fund paid.

He/she shall also procure and keep a warrant register which shall show in columns arranged for that purpose the number, date and amount of each warrant presented and registered as hereinafter provided, the particular fund upon which the same is drawn, the date of presentation, the name and address of the person in whose name the same is registered, the date of payment, the amount of interest, and the total amount paid thereon, with the date when the notice to such person in whose name such warrant is registered is mailed as hereinafter provided. Upon presentation of any warrant for payment, in the presence of the person presenting such warrant, it shall be the duty of the village treasurer to enter said warrant in the warrant register for payment in the order of its presentation. Upon every warrant as presented and registered, he/she shall endorse "Registered for Payment" with the date of such registration and register number; and he/she shall sign such endorsement, whereupon such warrant shall draw interest at the legal rate from the date of registration until notice of payment shall be given to the holder as provided by law.

If the village treasurer neglects or fails, for a period of ten days from the end of each and every month, to render his/her account, his/her office shall be declared vacant pursuant to Section 17-606, R.R.S. Neb. 1943, and the chairman and Board of Trustees shall fill the vacancy by appointment until the next election of village officials.

The village treasurer is also required to publish or cause to be published in a legal weekly newspaper published in or of general circulation in said village within 60 days following the end of the fiscal year a report of the activities of his/her office, which said report shall show in detail all receipts, disbursements, warrants outstanding, and the debit or credit balance of the Village.

(Amended March 11, 2004, Ord. No. 480)

Source: Neb. Rev. Stat. §17-606, 17-609, 19-1101, 84-712

SECTION 1-206: VILLAGE ATTORNEY; DUTIES

The village attorney is the Village's legal advisor, and as such he/she shall commence, prosecute and defend all suits on behalf of the Village. When requested by the Board of Trustees, he/she shall attend meetings of the Board of Trustees and shall advise any village official in all matters of law in which the interests of the Village may be involved. He/she shall draft such ordinances, bonds, contracts and other writings as may be required in the administration of the affairs of the Village. He/she shall examine all bonds, contracts and documents on which the Board of Trustees will be required to act, and attach thereto a brief statement in writing to all such instruments and documents as to whether or not the document is in legal and proper form. He/she shall prepare complaints, attend and prosecute violations of the village ordinances when directed to do so by the Board of Trustees. Without direction, he/she shall appear and prosecute all cases for violation of the village ordinances that have been appealed to and are pending in any higher court. He/she shall also examine the ordinance records when requested to do so by the Board of Trustees and advise and assist the village clerk as much as may be necessary to the end that each procedural step will be taken in the passage of each ordinance to insure that they will be valid, and subsisting local laws in so far as their passage and approval are concerned. The Board of Trustees shall have the right to compensate the village attorney for legal services on such terms as the Board of Trustees and the village attorney may agree, and to employ any additional legal assistance as may be necessary.

Source: Neb. Rev. Stat. §17-610

SECTION 1-207: VILLAGE POLICE OFFICER; DUTIES; SPECIAL POLICE

In the event the Village maintains a police department, the following shall apply:

It shall be the duty of the village police officer, and he/she is hereby authorized and empowered, to diligently inquire into any and all violations of the village ordinances and to make order and arrest with proper process for any offense against the laws or ordinances of the Village, and he/she shall prosecute all those guilty of violation. The village police officer shall have general control over motor vehicular traffic, and said police, together with such special officers detailed to assist him/her as traffic officers by the chairman and Board of

Trustees, shall direct the movement of traffic at intersections and elsewhere; and it shall be unlawful for any person to violate any order or signal of the village police or of any special traffic officer.

The village police officer shall bring all prisoners who are under arrest for the violation of any village ordinances before the County Court whenever required to do so by rule or order of the county judge, and he/she shall make or cause to be made the necessary written complaint against such person or persons when arrested.

He/she shall perform such other duties as may be required of him/her by resolution or by order of the chairman and Board of Trustees.

Source: Neb. Rev. Stat. §17-213

SECTION 1-208: SPECIAL ENGINEER

The Board of Trustees may employ a special engineer to make or assist the village engineer in making any estimate, survey or other work. The engineer shall make a record of the minutes of his/her surveys and all other work done for the Village. He/she shall, when directed by the Board of Trustees, accurately make all plats, sections, profiles and maps as may be necessary in the judgment of the Board of Trustees. He/she shall, upon request of the Board of Trustees, make estimates of the costs of labor and material which may be done or furnished by contract with the Village, and make all surveys, estimates and calculations necessary for the establishment of grades, bridges or culverts and for the building, constructing or repairing of any public improvement of the Village. All records of the engineer shall be public records which shall belong to the Village and shall be turned over to his/her successor. He/she shall, when directed by the Board of Trustees, inspect all works of public improvement, and if found to be properly done, shall accept the same and report his/her acceptance to the Board of Trustees. He/she shall estimate the cost of all proposed village utilities and public improvements, together with any extensions thereof which the Board of Trustees may propose to construct or improve.

Source: Neb. Rev. Stat. §17-405, 17-568, 17-919

SECTION 1-209: UTILITIES SUPERINTENDENT

A utilities superintendent shall be appointed in the event there is more than one village utility and the Village Board determines that it is in the best interest of the Village to appoint one official to have the immediate control over all the said village utilities and village streets. The utilities superintendent may be removed at any time by a 2/3 vote of the Village Board. Any vacancy occurring in the said office by death, resignation or removal may be filled in the manner hereinbefore provided for the appointment of all village officials.

SECTION 1-210: WATER COMMISSIONER

It shall be the duty of the utilities superintendent to have the general management and control of the waterworks of the Village and shall be primarily responsible for its economic operation and prudent management. Included in the said water system shall be the water plant, the pump house, all machinery and appliances used in connection with producing and distributing water to inhabitants of the Village. All actions, decisions and procedures of the utilities superintendent shall be subject to the general directives and control of the Village Board. The utilities superintendent shall have the general control and supervisory authority over all employees of the water system which the Village Board may from time to time hire to operate and maintain the said system. He/she shall make a detailed report to the Village Board at least once every six months of the condition of the said water system, of all mains, pipes, hydrants, reservoirs and machinery and such improvements, repairs and extensions thereof as he/she may think proper. The report shall show the amount of receipts and expenditures on account thereof for the preceding six months. No money shall be expended for improvements, repairs or extensions of the said waterworks system except upon the recommendation of the superintendent. The utilities superintendent shall be liable upon his/her official bond for the faithful performance of his/her duties. He/she shall perform such additional duties as may be prescribed by the Village Board.

SECTION 1-211: SEWER COMMISSIONER

The utilities superintendent shall have the immediate control and supervision over all employees and property that make up the village sewer system, subject to the general control and direction of the Board. He/she shall, every six months, make a detailed report to the Board on the condition of the sewer system and direct its attention to such improvements, repairs, extensions, additions and additional employees as he/she may believe are needed, along with estimates of the costs thereof. He/she shall issue permits for all connections to the village water system and inspect and supervise all repairs made to said system. He/she shall have such other duties as the Board of Trustees may designate. He/she shall issue permits for all connections to the village sewer system, and inspect and supervise all repairs made to the said system.

Source: Neb. Rev. Stat. §19-1405

SECTION 1-212: STREET COMMISSIONER

The street commissioner shall, subject to the orders and directives of the Village Board, have general charge, direction and control of all work on the streets, sidewalks, culverts and bridges of the Village, and shall perform such other duties as the Board may require. It shall be his/her responsibility to see that gutters and drains therein function properly and that the same are kept in good repair. He/she shall, at the request of the Board, make detailed reports on the

condition of the streets, sidewalks, culverts, alleys and bridges of the Village and direct its attention to such improvements, repairs, extensions, additions and additional employees as he/she may believe are needed to maintain a satisfactory street system in the Village, along with estimates of the costs thereof. He/she shall issue such permits and assume such other duties as the Board of Trustees may direct.

Source: Neb. Rev. Stat. §17-214

SECTION 1-213: BUILDING INSPECTOR

If a building inspector is inspected, he/she shall conduct surveys and make inspections in any area of the Village to determine whether all buildings and structures are in compliance with the village ordinances. He/she shall investigate all complaints whether they are verbal, written or in the form of a petition alleging and charging that a violation of the village ordinances exists and that a building or structure is unfit or unsafe for human habitation. The building inspector is authorized upon properly identifying himself/herself to enter, inspect, survey and investigate between the hours of 8:00 A.M. and 5:00 P.M., or at any time if an emergency exists or if requested by the owner or occupant thereof. He/she shall keep records of all complaints received, inspection reports, orders and complaints issued. The records shall be available for public inspection and he/she shall prepare an annual report including statistics based on the records kept. The building inspector shall have no financial interest in the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building, except where he/she is the owner of a building, and he/she shall not act as an agent for any said dealer or as an agent for the sale, lease or rental of any real estate. The building inspector shall report to the Village Board of Trustees as often as they may deem necessary, and shall have such other duties and issue such permits as they may direct. The building inspector may be removed at any time for good and sufficient cause by the Village Board.

SECTION 1-214: BLANKET BOND

All surety and other bonds required by village ordinances or by Nebraska law for village officials may be provided by the purchase of a blanket bond, undertaking or equivalent insurance. The Village may pay the premium for the bond or insurance coverage. The bond or insurance coverage shall be, at a minimum, an aggregate of the amounts fixed by the law or by the Village Board requiring such bond or undertaking and on such terms and conditions as may be required. (10/11/07, Ord. No. 509)

ARTICLE III - ORDINANCES

SECTION 1-301: GRANT OF POWER

The Village Board shall have the responsibility of making all ordinances, by-laws, rules, regulations and resolutions not inconsistent with the laws of the State of Nebraska, as may be necessary and proper for maintaining the peace, good government and welfare of the Village and its trade, commerce and security.

Source: Neb. Rev. Stat. §17-505

SECTION 1-302: INTRODUCTION

Ordinances shall be introduced by members of the Village Board in either of the following ways:

1. With the recognition of the chairman, a Board member may, in the presence and hearing of a majority of the members elected to the Board, read aloud the substance of his/her proposed ordinance and file a copy of the same with the village clerk for future consideration; or
2. With the recognition of the chairman, a Board member may present his/her proposed ordinance to the village clerk, who, in the presence and hearing of a majority of the members elected to the Board, shall read aloud the substance of the same and shall file the same for future consideration.

SECTION 1-303: RESOLUTIONS AND MOTIONS

Resolutions and motion shall be introduced in one of the methods prescribed for the introduction of ordinances. After their introduction, they shall be fully and distinctly read one time in the presence and hearing of a majority of the members elected to the Board. The issue raised by said resolutions or motions shall be disposed of in accordance with the usage of parliamentary law adopted for the guidance of the Board. A majority vote shall be required to pass any resolution or motion. The vote on any resolution or motion shall be by roll call vote.

SECTION 1-304: PASSAGE

Ordinances, resolutions or orders for the appropriation of money shall require for their passage the concurrence of the majority of the members elected to the Board. Ordinances of a general or permanent nature shall be fully and distinctly read on three different days.

In the event that three-fourths of the members of the Board present vote to dispense with the rule that ordinances of a general or permanent nature be fully read on three different days, such ordinances may be passed by reading the title

one time when introduced, read by title a second time after the rule has been dispensed with, read at large a third time, and then put upon final passage.

Source: Neb. Rev. Stat. §17-614

SECTION 1-305: STYLE

The style of all village ordinances shall be:

"Be it ordained by the Chairman and Board of Trustees of the Village of Homer, Nebraska:"

Source: Neb. Rev. Stat. §17-613

SECTION 1-306: EFFECTIVE DATE

The village clerk shall, within 15 days after the passage of any ordinance, publish the same in a legal newspaper of general circulation in the Village or post the ordinance in the normal three public places. The ordinance shall then become effective upon publication or posting.

Source: Neb. Rev. Stat. §17-613

SECTION 1-307: TITLE

No ordinance shall contain a subject not clearly expressed in its title.

Source: Neb. Rev. Stat. §17-614

SECTION 1-308: CERTIFICATE OF PUBLICATION

The passage, approval and publication or posting of all ordinances shall be sufficiently proven by a certificate under the village seal from the village clerk showing that the said ordinance was passed and approved, and when, and in what paper the same was published, or when, by whom, and where the same was posted.

Source: Neb. Rev. Stat. §17-613

SECTION 1-309: AMENDMENTS AND REVISIONS

No ordinance or section thereof shall be revised or amended unless the new ordinance contains the entire ordinance or section as revised or amended. The ordinance or section so amended shall be repealed.

Source: Neb. Rev. Stat. §17-614

SECTION 1-310: EMERGENCY ORDINANCES

In the case of an ordinance passed concerning riot, infectious or contagious diseases or other impending danger, failure of a public utility or other emergency requiring its immediate operation, such ordinance shall take effect upon the

proclamation of the village chairman and the posting thereof in at least three of the most public places in the Village. Such emergency notice shall recite the emergency and shall be passed by a three-fourths vote of the Board and entered upon the village clerk's minutes.

Source: Neb. Rev. Stat. §17-613

ARTICLE IV - FISCAL MANAGEMENT

SECTION 1-401: FISCAL YEAR

The fiscal year of the Village shall commence on October 1 and extend through the following September 30.

Source: Neb. Rev. Stat. §17-701

SECTION 1-402: BUDGET PROCEDURE

The Manual of Instructions for City/Village: Budgets, prepared by the Auditor of Public Accounts, State Capitol, Lincoln, Nebraska 68509 is incorporated by reference for the purpose of proper budget preparation and shall be followed wherever practicable.

SECTION 1-403: BUDGET STATEMENT

The Village Board shall adopt a budget statement pursuant to the Nebraska Budget Act, to be termed the "The Annual Appropriation Bill," in which the Board shall appropriate such sums of money as may be deemed necessary to defray all necessary expenses and liabilities of the Village. Such budget statement shall be prepared on forms prescribed and furnished by the state auditor and shall contain that information required by the aforementioned Manual of Instructions for City/Village: Budgets.

Source: Neb. Rev. Stat. §23-923, 23-924

The annual appropriation bill shall not be amended without a majority vote of the Village Board after a public hearing. Notice of the time and place of the hearing shall be published at least five days prior to the date set for hearing in a newspaper of general circulation within the Village. The income arising from the operation of proprietary functions shall be deemed especially appropriated to the payment of the current expenses of and to the cost of improvements, extensions and additions to such functions and shall not be included in the annual appropriation bill.

Source: Neb. Rev. Stat. §17-706

SECTION 1-404: BUDGET HEARING

Subsequent to the filing of the proposed budget statement, the Village Board shall publish a proposed budget and conduct a public hearing on the said proposed budget statement. Notice of the place and time of the said hearing, as well as a copy of the proposed budget, shall be published at least five days prior to the date set for the hearing in a newspaper of general circulation in the Village. The village clerk shall make available to the public the proposed budget statement prior to publication of the notice of the hearing on such proposed budget statement. After such hearing, the statement shall be adopted, or

amended and adopted as amended, and a written record shall be made of such hearing. If the adopted budget statement reflects a change from that shown in the published proposed budget statement, a summary of such changes shall be published within 20 days after its adoption.

(Amended by Ord. No. 470, November 7, 2002)

Source: Neb. Rev. Stat. §23-925

SECTION 1-405: BUDGET FILING

The Village Board shall file with and certify to the levying board and file with the state auditor a copy of the adopted budget statement, together with the amount of the tax to be levied and proof of publication. Such filing shall be made on or before September 20th. The Village Board shall not certify any tax that exceeds the maximum levy prescribed by state law; provided, in certifying the amount to be so levied, allowance may be made for delinquent taxes not exceeding 5% of the amount to be levied plus the actual percentage of delinquent taxes for the preceding tax year.

Source: Neb. Rev. Stat. §23-927

SECTION 1-406: ANNUAL AUDIT

The Village Board shall cause an audit of the village accounts to be made by a qualified accountant, or shall prepare an unaudited statement of cash receipts and disbursements in lieu of an audit, as expeditiously as possible following the close of the fiscal year. If an audit is authorized by the Village Board, it shall be made on a cash or accrual method at the discretion of the Board and shall be completed within six months of the close of the fiscal year. In the event the Village elects not to have an audit performed, the village treasurer shall prepare an unaudited statement of cash receipts and disbursements in a form prescribed by the state auditor and shall submit not less than three copies of the unaudited report to the Village Board. The state auditor may require an audit of any village account based upon information contained in its unaudited statement and may specify the period within which such audit must be performed.

All public utilities shall be audited separately, and the results of such audits shall appear separately in the annual audit report. The audit shall be a form that is in general conformity with accepted accounting principles and shall set forth the financial position for each fund of the Village as well as an opinion by the accountant with respect to the financial statements. Two copies of the annual report shall be filed with the village clerk and shall become a part of the public records of the village clerk's office, and will at all times thereafter be open for public inspection. One copy shall be filed with the state auditor.

Source: Neb. Rev. Stat. §19-2901 - 19-2909, 19-2903, 19-2904 R. Supp. 1975

SECTION 1-407: ALL-PURPOSE LEVY

The Village Board has determined that the amount of money to be raised by taxation shall be certified to the county clerk in the form of one all-purpose levy instead of certifying a schedule of levies for specific purposes added together. Said all-purpose levy shall not exceed an annual levy in excess of the legal maximum as prescribed by state law upon the assessed valuation of all taxable property in the Village, except intangible property.

Source: Neb. Rev. Stat. §17-702

SECTION 1-408: CONTRACTS

Before entering into any contract for labor, materials or any public improvement which exceeds \$20,000.00 in cash as estimated by the village engineer, the Village Board shall advertise for bids once each week for three consecutive weeks in a legal newspaper of general circulation in the Village, or post a printed or written copy thereof in each of three public places in the Village; provided that in the case of a public emergency which is a serious danger to life, health or property, estimates of costs and advertising for bids may be waived in the emergency ordinance when adopted by a three-fourths vote of the Village Board. If fewer than two bids are received by the Board of Trustees, or if the bids contain a price in excess of the estimated cost of the project, the Board of Trustees may negotiate a contract in an attempt to complete the proposed project at a cost commensurate with the estimate given. If the manufacturer and the Board of Trustees agree that no cost can be estimated until the materials have been manufactured or assembled, the Board of Trustees may authorize, manufacture and assemble the materials and thereafter approve the cost estimate.

Source: Neb. Rev. Stat. §17-568.01 R. Supp. 1975

SECTION 1-409: CLAIMS

All claims against the Village shall be presented to the Village Board in writing with a full account of the items, and no claim or demand shall be audited or allowed unless presented as provided for in this section. No costs shall be recovered against the Village in any action brought against it for an unliquidated claim which has not been presented to the Village Board to be audited, nor upon claims allowed in part unless the recovery shall be for a greater sum than the amount allowed, with the interest due. No order or warrant shall be drawn in excess of 85% of the current levy for the purpose for which it is drawn unless there shall be sufficient money in the village treasury for the appropriate fund against which it is to be drawn; provided that in the event there exist obligated funds from the Federal and/or State Government for the general purpose of such warrant, then such warrant may be drawn in excess of 85% but not more than 100% of the current levy for the purpose for which said warrant is drawn.

Source: Neb. Rev. Stat. §17-714, 17-715

SECTION 1-410: WARRANTS

All warrants drawn upon the village treasury must be signed by the chairman of the Board and countersigned by the village clerk, stating the particular fund to which the warrant is chargeable, the person to whom it is payable, and the purpose of the expenditure. No money shall be otherwise paid than upon warrants so drawn. Each warrant shall specify the amount included of such fund. Source: Neb. Rev. Stat. §17-711

SECTION 1-411: TRANSFER OF FUNDS

Whenever during the current fiscal year it becomes apparent due to unforeseen emergencies that there is temporarily insufficient money in a particular fund to meet the requirements of the adopted budget of expenditures for that fund, the Village Board may by a majority vote transfer money from other funds to such fund. No expenditure during any fiscal year shall be made in excess of the amounts indicated in the adopted budget statement except as authorized herein. If, as the result of unforeseen circumstances, the revenue of the current fiscal year shall be insufficient, the Village Board may propose to supplement the previously adopted budget statement and shall conduct a public hearing, at which time any taxpayer may appear or file a written statement protesting the application for additional money. A written record shall be kept of all such hearings.

Notice of a place and time for the said hearing shall be published at least five days prior to the date set for the hearing in a newspaper of general circulation in the Village. The published notice shall set forth the time and place of the proposed hearing, the amount of additional money required, the purpose of the required money, a statement setting forth the reasons why the adopted budget of expenditures cannot be reduced to meet the need for additional money, and a copy of the summary of the originally adopted budget previously published.

Upon the conclusion of the public hearing on the proposed supplemental budget and approval by the Village Board, said board shall file with the county clerk and the state auditor a copy of the supplemental budget and shall certify the amount of additional tax to be levied. The Village Board may then issue warrants in payment for expenditures authorized by the adopted supplemental budget. The said warrants shall be referred to as "registered warrants" and shall be repaid during the next fiscal year from funds derived from taxes levied therefor.

Source: Neb. Rev. Stat. §23-928, 23-929

SECTION 1-412: SPECIAL ASSESSMENT FUND

All money received on special tax assessments shall be held by the village treasurer as a special fund to be applied to the payment of the improvement for

which the assessment was made.
Source: Neb. Rev. Stat. §17-710

SECTION 1-413: SINKING FUNDS

The Village Board, subject to the limitations set forth herein, shall have the power to levy a tax not to exceed that prescribed by state law in addition to the amount of tax which may be annually levied for the purposes of the adopted budget statement of the Village, for the purpose of establishing a sinking fund for the construction, purchase, improvement, extension or repair of the approved projects as authorized by state law. To initiate the said sinking fund, the Village Board shall declare its purpose by resolution to submit to the qualified electors of the Village the proposition to provide the improvement at the next general village election. The resolution shall set forth the improvement, the estimated cost, the amount of the annual levy, the number of years required to provide the required revenue, the name of the sinking fund proposed and the proposition as it will appear on the ballot. Notice of the said proposition shall be published in its entirety three times on successive weeks before the day of the election in a legal newspaper of general circulation in the Village.

The sinking fund may be established after the election if a majority or more of the legal votes were in favor of the establishment of the fund. The Village Board may then proceed to establish the said fund in conformity with the provisions of the proposition and applicable state law. The funds received by the village treasurer shall, as they accumulate, be immediately invested with the written approval of the Village Board in the manner provided by state law. No sinking fund so established shall be used for any purpose or purposes contrary to the purpose as it appeared on the ballot unless the Village Board is authorized to do so by 60% of the qualified electors of the Village voting at a general election favoring such a change in the use of the sinking fund.

Source: Neb. Rev. Stat. §19-1301 through 19-1304, 77-2337, 77-2339

SECTION 1-414: DEPOSIT OF FUNDS

The Village Board, at its first meeting in each fiscal year, shall designate one or more banks of approved and responsible standing in which the village treasurer shall keep at all times all money held by him/her; provided, if more than one bank in the Village meets the requirements for approved banks as herein defined, the said funds shall be deposited in each of them and the village treasurer shall not give a preference to any one or more of them in the money he/she shall deposit. A bond shall be required from all banks so selected in a penal sum which equals the maximum amount on deposit at any time less the amount insured by the Federal Deposit Insurance Corporation or a pledge of sufficient assets of the bank to secure the payment of all such deposits.

Source: Neb. Rev. Stat. §17-607, 77-2362 through 77-2364

SECTION 1-415: INVESTMENT OF FUNDS

The Village Board may, by resolution, direct and authorize the village treasurer to invest surplus funds in the outstanding bonds or registered warrants of the Village and other approved bonds and obligations as provided by law. The interest on such bonds or warrants shall be credited to the fund out of which the said bonds or warrants were purchased.

Source: Neb. Rev. Stat. §17-608, 17-609, 21-1216.01, 77-2341

SECTION 1-416: EXPENDITURES

No village official shall have the power to appropriate, issue or draw any order or warrant on the village treasury for money, unless the same has been appropriated or ordered by ordinance, or the claim for the payment of such order or warrant has been allowed according to Nebraska law and funds for the claim or out of which said claim is payable had been included in the adopted budget statement according to law.

Source: Neb. Rev. Stat. §17-708

ARTICLE V - BOARD OF HEALTH

SECTION 1-501: MEMBERS

A Board of Health is hereby created, which shall consist of three members: the chairman of the Village Board; a village physician, who shall be the medical advisor to the Board; and the village police officer, who shall be secretary and quarantine officer of the Board. In the event no physician resides within the Village, the chairman shall appoint a citizen at large to serve on said board in addition to himself/herself and the village police officer. In the event that the Village has no village police officer, the Board may appoint the county sheriff to act as village police officer to serve as a member of the Board of Health.

Source: Neb. Rev. Stat. §17-208

SECTION 1-502: POWERS AND DUTIES

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 village clerk, where they shall be available for public inspection at any reasonable time. The Board of Health shall be funded by the chairman and Board of Trustees from time to time out of the General Fund. The chairman of the Board shall act as chairman of the Health Board. A majority of the Board shall constitute a quorum and shall enact rules and regulations to safeguard the health of the people of the Village and shall provide fines and punishments for violations thereof. The Board is authorized and directed to make all necessary rules and regulations relating to matters of sanitation, including the removal of dead animals, and sanitary conditions of the streets, alleys and vacant grounds, of private and public stock yards and all other buildings and places where filth, nuisances or offensive matter is kept or is liable to and does accumulate. It shall suppress and prevent the occurrence of nuisances and enforce all laws of the State and ordinances of the Village relating to matters of sanitation of the Village. It shall keep a record of all matters transacted at its meetings and all actions taken by it, which records shall be filed with the village clerk and be part of the public records of the Village.

Source: Neb. Rev. Stat. §17-208

SECTION 1-503: STATE HEALTH RULES; INCORPORATED BY REFERENCE

Three copies of the Rules and Regulations Relating to Public Health, published by the Department of Health of the State of Nebraska, as revised, adopted and promulgated in pamphlet form, are hereby incorporated by reference insofar as the same are applicable to villages, and they shall be incorporated herein the same as though copied at full length in this article.

Source: Neb. Rev. Stat. §18-132

SECTION 1-504: DEPOSITING OR PERMITTING DEPOSIT OR
ACCUMULATION OF ANY SUBSTANCE DETRIMENTAL
TO HEALTH OR OFFENSIVE TO SMELL; PENALTY

It shall be unlawful for any person to deposit or permit the deposit or accumulation of any garbage, refuse of any kind, or any decayed or putrid substance or other article or thing which is detrimental to health or from which obnoxious or offensive odors arise, on the streets, alleys or public grounds or on any private premises including enclosures in which livestock is kept within said village. Any person who violates this section and shall fail to remove such objectionable substances or otherwise comply with the orders of the Board of Health with reference thereto within 24 hours from the receipt of written notice thereof, upon conviction shall be fined in an amount not exceeding \$500.00 and shall pay the costs of prosecution; and the court shall order the offensive matter removed by or at the expense of the defendant. Each 24-hour failure to comply with the orders of the Board shall constitute a separate and distinct offense.

ARTICLE VI - VILLAGE TREE BOARD

SECTION 1-601: CREATION AND ESTABLISHMENT OF A VILLAGE TREE BOARD

There is hereby created and established a Village Tree Board for the Village of Homer, which shall consist of three members, citizens and residents of this village, who shall be appointed by the chairman with the approval of the Board of Trustees.

SECTION 1-602: DEFINITIONS

"Street trees" are herein defined as trees, shrubs, bushes and all other woody vegetation on land lying between property lines on either side of all streets, avenues or ways within the Village.

"Park trees" are herein defined as trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the Village, or to which the public has free access as a park.

SECTION 1-603: TERM OF OFFICE

The term of the three persons to be appointed by the chairman of the Board of Trustees shall be three years, except that the term of one of the members appointed to the first Tree Board shall be for only one year, and the term of two members of the first Tree Board shall be for two years. Terms shall commence July 1 of each year. In the event that a vacancy shall occur during the term of any member, his/her successor shall be appointed for the unexpired portion of the term.

SECTION 1-604: COMPENSATION

Members of the Tree Board shall serve without compensation.

SECTION 1-605: DUTIES AND RESPONSIBILITIES

It shall be the responsibility of the Tree 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 Village Board of Trustees and, upon its acceptance and approval, shall constitute the official comprehensive Village Tree Plan for the Village of Homer. The Tree Board, when requested by the Board of Trustees, shall consider, investigate, make finding, report and recommend upon any special matter of question coming within the scope of its work.

SECTION 1-606: OPERATION

The Tree 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.

SECTION 1-607: STREET TREE SPECIES TO BE PLANTED

The tree list adopted by the Tree Board and published by it constitutes the official street tree species for the Village. No species other than those included in this list may be planted as street trees without written permission of the Village Tree Board.

SECTION 1-608: SPACING

The spacing of street trees will be in accordance with the three species size classes listed in the tree list. No trees may be planted closer together than the following: small trees, 30 feet; medium trees, 40 feet; and large trees, 50 feet, except in special plantings designed or approved by a landscape architect.

SECTION 1-609: DISTANCE FROM CURB AND SIDEWALK

The distance which trees may be planted from curbs or curblines and sidewalks will be in accordance with the three species size classes listed in the tree list, and no trees may be planted closer to any curb or sidewalk than the following: small trees, two feet; medium trees, three feet; and large trees, four feet.

SECTION 1-610: DISTANCE FROM STREET CORNERS AND FIREPLUGS

No street tree shall be planted closer than 35 feet to any street corner, measured from the point of nearest intersecting curbs or curblines. No street tree shall be planted closer than ten feet to any fire hydrant.

SECTION 1-611: UTILITIES

No street trees other than those species listed as small trees in the tree list may be planted under or within ten lateral feet of any overhead utility wire, or over or within five lateral feet of any underground water line, sewer line, transmission line or other utility.

SECTION 1-612: PUBLIC TREE CARE

The Village shall have the right to plant, subject to Section 1-613 herein, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to

insure public safety or to preserve or enhance the symmetry and beauty of such public grounds. This section does not prohibit the planting of street trees by adjacent property owners, providing that the selection and location of said trees is in accordance with this article.

SECTION 1-613: CONSENT OF PROPERTY OWNER

The Village Tree Board shall plant no trees on public right of way without the consent of the adjacent property owners. Such consent shall be in writing and shall be maintained as part of the official tree board records.

SECTION 1-614: TREE TOPPING

It shall be unlawful as a normal practice for any person, firm or village department to top any street tree, park tree or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this article at the determination of the Village Tree Board.

SECTION 1-615: PRUNING; CORNER CLEARANCE

Every owner of any tree overhanging any street or right of way within the Village shall prune the branches so that such branches shall not obstruct the light from any street light or obstruct the view of any street intersection, and so that there shall be a clear space of eight feet above the surface of the street or sidewalk.

SECTION 1-616: DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY

All trees that are in a diseased, dying or dead condition are declared to be a public nuisance and shall be removed by the property owner from the private property on which they are located. For the purpose of carrying out the provisions of this section, the Village Tree Board shall have the authority to enter on private property to inspect the trees thereon. In the event that the trees are diseased or dead, notice shall be given to the owner of the property by mail or personal service, and such notice shall allow the said owner 60 days to remove the said tree or trees.

In the event that the owner is a non-resident, notice shall be made by publication in a newspaper of general circulation, or by certified mail if the name and address are known. The person charged with the removal may enter into an agreement with the Village that such work be accomplished by the Village, and the expense shall be declared to be a lien upon such property from the time the same

becomes due until paid. If the owner fails, neglects or refuses to enter into such an agreement or to remove the trees, the Village Tree Board may enter upon the property and proceed to direct the removal of the trees; the cost thereof shall be chargeable to the property owner. If the owner fails to reimburse the Village after being properly billed, the costs shall be assessed against the property and certified by the village clerk to the county treasurer to be collected in the manner prescribed by law.

In the event the property owner is a non-resident of the county in which the property lies, the Village shall, before levying any special assessment against that property, send a copy of any notice required by law to be published by means of certified mail, return receipt requested, to the last known address of the non-resident property owner. The last known address shall be that address listed on the current tax rolls at the time such required notice was first published.

SECTION 1-617: REMOVAL OF STUMPS

All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

SECTION 1-618: INTERFERENCE WITH VILLAGE TREE BOARD

It shall be unlawful for any person to prevent, delay or interfere with the Village Tree Board, or any of its agents, while engaging in the planting, cultivating, mulching, pruning, spraying or removing of any street trees, park trees, or trees on private grounds, as authorized in this article.

SECTION 1-619: ARBORIST'S LICENSE

It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating or removing street trees within the Village without first applying for and procuring a license. The license fee shall be \$25.00 annually in advance; provided, however, that no license shall be required of any public service company or village employee doing such work in the pursuit of their public service endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of \$50,000.00 for bodily injury and \$100,000.00 for property damage, indemnifying the Village or any person injured or damaged as a result of the pursuit of such endeavors as herein described.

SECTION 1-620: REVIEW BY VILLAGE BOARD OF TRUSTEES

The Board of Trustees shall have the right to review the conduct, acts and decisions of the Village Tree Board. Any person may appeal any ruling or order

of the Village Tree Board to the Board of Trustees, who may hear the matter and make a final decision.

ARTICLE VII - LIBRARY BOARD

SECTION 1-701: MEMBERS; TERM OF OFFICE; DUTIES

The Library Board shall be appointed or elected. At the first regular meeting of the Village Board in January of each even numbered year the Village Board shall, by ordinance, adopt the manner in which the five 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 Village Board. If the members are to be elected, the usual election procedures of the Village shall be followed. The Board shall consist of five members who shall be residents of the Village. The members of the Library Board shall serve a four year term of office as specified by Nebraska Statutes. The Board shall serve without compensation and may be required, in the discretion of the Village Board, to give a bond in a sum set by resolution of the Village Board and conditioned upon the faithful performance of their duties. At the time of the Board's first meeting in June 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 village 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 Village Board may designate. Special meetings may be held upon the call of the chairman or any three 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 village 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 Village Board. The Board shall be responsible for making such reports and performing such additional duties as the Village Board may designate from time to time. No member of the Village Board shall serve as a member of the Library Board while serving a term of office as a member of the Village Board. No member of the Library Board shall serve in the capacity of both the chairman and secretary of the Board.

Source: Neb. Rev. Stat. §51-202

SECTION 1-701: OPERATION AND FUNDING

The Village owns and manages the library through the Library Board. The Village Board, 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 Village 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 village library. The Library Fund shall at all times be in the custody of the village treasurer. The Board shall have the power and authority to appoint the librarian and to hire such other employees as they may deem necessary and may pass such other rules and regulations for the operation of the library as may be proper for its efficient operation. All actions by the Board shall be under the supervision and control of the Village Board.

SECTION 1-703: RULES AND REGULATIONS

The Library Board shall establish rules and regulations for the governing of the village library for the preservation and efficient management thereof. They 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 shall be collected in civil action in the event of failure, neglect or refusal to pay the said assessments.

SECTION 1-704: 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.

SECTION 1-705: BOOK REMOVAL

It shall be unlawful for any person not authorized by the regulations made by the Library Board to take a book from the library without the consent of the librarian or an authorized employee of the library. Any person removing a book from the library without properly checking it out shall be deemed to be guilty of a misdemeanor.

ARTICLE VIII - PLANNING COMMISSION

SECTION 1-801: MEMBERS, OFFICERS, DUTIES

The Village Board shall appoint the Planning Commission, which shall consist of nine members who shall represent, insofar as is possible, the different professions or occupations in the Village and who shall be residents of the Village. However, two of such members may be residents of the area over which the Village is authorized to exercise extraterritorial zoning and subdivision regulations. When there is a sufficient number of residents in the area over which the Village exercises extraterritorial zoning and subdivision regulation, one regular member of the Commission shall be a resident from such area. If it is determined by the Board of Trustees that a sufficient number of residents reside in the area subject to extraterritorial zoning and subdivision regulation and no such resident is a regular member of the Commission, the first available vacancy on the Commission shall be filled by the appointment of such an individual. For purposes of this section, a sufficient number of residents shall mean 200 residents. The members of the Commission shall serve a three year term of office, unless reappointed. Any member may, after a public hearing before the Board of Trustees, be removed by the chairman with the consent of a majority vote of the members elected to the Board of Trustees for inefficiency, neglect of duty or malfeasance in office, or other good and sufficient cause. Vacancies occurring otherwise than through the expiration of term shall be filled for the unexpired portion of the term by the chairman.

The Commission shall serve without compensation and may be required, in the discretion of the Village Board, to give a bond in a sum set by resolution of the Village Board and conditioned upon the faithful performance of their duties. 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. 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 village clerk where they shall be available for public inspection at any reasonable time. The Planning Commission shall be funded by the Village Board from time to time out of the General Fund. A number of commissioners equal to a majority of the number of regular members appointed to 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. It shall be the duty of the Commission to make and adopt plans for the physical development of the Village, including any areas outside its boundaries which, in the Commission's judgment, bear relation to the planning of the Village. All actions by the Commission shall be subject to the review and supervision of the Village Board. Recommendations from the Commission shall be received by the Village Board within 15 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 Village Board may, from time to time, designate. No member of the Village Board or other village 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.

The chairman, with the approval of a majority vote of the elected members of the Board of Trustees, shall appoint one alternate member to the Commission. The alternate member shall serve without compensation and shall hold no other village office. The term of the alternate member shall be three years, and he/she shall hold office until his/her successor is appointed and approved. The alternate member may be removed from office in the same manner as a regular member. If the alternate member position becomes vacant other than through the expiration of the term, the vacancy shall be filled for the unexpired portion of the term by the chairman with the approval of a majority vote of the elected member of the Board of Trustees. The alternate member may attend any meeting and may serve as a voting and participating member of the Commission at any time when less than the full number of regular Commission members is present and capable of voting.

Source: Neb. Rev. Stat. §19-924 through 19-929