

LEGISLATIVE BILL 193

Approved by the Governor May 15, 1995

Introduced by Maurstad, 30

AN ACT relating to cities and villages; to amend section 19-926, Reissue Revised Statutes of Nebraska; to change provisions relating to planning commission member appointment and removal and alternate members; to harmonize provisions; and to repeal the original section.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 19-926, Reissue Revised Statutes of Nebraska, is amended to read:

19-926. (1) The planning commission shall consist of nine regular members who shall represent, insofar as is possible, the different professions or occupations in the municipality and who shall be appointed by the mayor, by and with the approval of a three-fourths vote of majority vote of the members elected to the council or the village board. Two of such regular members may be residents of the area over which the municipality is authorized to exercise extraterritorial zoning and subdivision regulation. Commencing on and after September 1, 1988, when there are When there is a sufficient number of residents in the area over which the municipality exercises extraterritorial zoning and subdivision regulation, one regular member of the commission shall be a resident from such area. If, on or after such date, or after it is determined by the city council or village board that a sufficient number of residents reside in the area subject to extraterritorial zoning or 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 for a village shall mean: (a) For a village, two hundred residents; (b) for a city of the second class, five hundred residents; and (c) for a city of the first class, one thousand residents. A number of commissioners equal to a majority of the number of regular members appointed to the commission shall constitute a quorum for the transaction of any business. two hundred residents, for a city of the second class shall mean five hundred residents, and for a city of the first class shall mean one thousand residents. All regular members of the commission shall serve as such without compensation and shall hold no other municipal office except when appointed to serve on the board of adjustment as provided in section 19-908. The term of each regular member shall be three years, except that three regular members of the first commission to be so appointed shall serve for the term terms of one year, three for the term terms of two years, and three for a term terms of three years. All regular members shall hold office until their successors are appointed. All members Any member may, after a public hearing before the council or village board, be removed by the mayor, by and with the consent of a three-fourths vote of majority vote of the members elected to the council or village board 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 mayor.

(2) Notwithstanding the provisions of subsection (1) of this section, the planning commission for any city of the second class or village may have either five, seven, or nine regular members as the city council or village board of trustees establishes by ordinance. If a city or village planning commission has either five or seven regular members, approximately one-third of the regular members of the first commission shall serve for terms of one year, one-third for terms of two years, and one-third for terms of three years.

(3) A city of the first or second class or a village may, by ordinance, provide for the appointment of one alternate member to the planning commission who shall be chosen by the mayor with the approval of a majority vote of the elected members of the council or village board. The alternate member shall serve without compensation and shall hold no other municipal office. The term of the alternate member shall be three years, and he or she shall hold office until his or 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 mayor with the approval of a majority vote of the

elected members of the council or village board. 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.

Sec. 2. Original section 19-926, Reissue Revised Statutes of Nebraska, is repealed.