

## LEGISLATIVE BILL 626

Approved by the Governor March 28, 2005

Introduced by Combs, 32

AN ACT relating to municipalities; to amend sections 14-3,100, 17-501, and 17-952, Reissue Revised Statutes of Nebraska, and section 16-696, Revised Statutes Supplement, 2004; to change eligibility criteria for certain committees and boards; to eliminate certain references to freeholders; to harmonize provisions; and to repeal the original sections.

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

Section 1. Section 14-3,100, Reissue Revised Statutes of Nebraska, is amended to read:

14-3,100. After the grade of any street or alley shall be finally changed or the grading thereof finally ordered as provided in sections 14-384 to 14-3,127 and before any assessments are levied, a committee of at least three disinterested ~~freeholders~~ ~~who are~~ residents of the city shall be appointed by the city to appraise the damages caused by the change of grade or grading. The committee shall promptly make an appraisal of and report its award of such damages as it determines have been occasioned by such change of grade or grading. Prior to entering upon their duties, such appraisers shall take and file such oath as may be by law or ordinance required. The committee shall hold meetings on such reasonable notice to the interested parties as the city may from time to time provide, and may take testimony with respect to the question of damages. The committee shall report its award to the city and the city shall thereupon have authority to approve the same, to change or modify any award on reasonable notice to the interested parties, or to reject the entire report or the award as to any particular property. The appraisers appointed ~~hereunder~~ under this section shall be entitled to fees for their time spent which shall be determined in such manner as the city shall from time to time provide.

Sec. 2. Section 16-696, Revised Statutes Supplement, 2004, is amended to read:

16-696. (1) In each such city, which acquires land for a park or parks, there may be a board of park commissioners, who shall have charge of all the parks belonging to the city, with power to establish rules for the management, care, and use of the same. The board of park commissioners shall be composed of not less than three members, but the total number shall be evenly divisible by three, who shall be ~~resident freeholders~~ residents of such the city. In the event of a tie vote, the motion under consideration shall fail to be adopted. They shall be appointed by the mayor and council at their first regular meeting in January each year except for the original board which may be appointed any time. At the time of the first appointment, one-third of the number to be appointed shall be appointed for a term of one year, one-third for a term of two years, and the rest shall be appointed for a term of three years, which term shall be computed from the first meeting in the preceding January. After the appointment of the original board it shall be the duty of the mayor and council to appoint or reappoint one-third of the board each year for a term of three years to commence at the time of appointment at the first meeting in January. Each member shall serve until his or her successor is appointed and qualified. A vacancy occurring on such board by death, resignation, or disqualification of a member shall be filled for the remainder of such term at the next regular meeting of the city council. A majority of all the members of the board of park commissioners shall constitute a quorum. It shall be the duty of the board of park commissioners to lay out, improve, and beautify all grounds owned or acquired for public parks, and employ helpers and laborers as may be necessary for the proper care and maintenance of such parks, and the improvement and beautification thereof, to the extent that funds may be provided for such purposes. The members of the board, at its first meeting in each year, shall elect one of their own members as chairperson of such board. Before entering upon his or her duties each member of the board shall take an oath, to be filed with the city clerk, that he or she will faithfully perform the duties of the office and will not in any manner be actuated or influenced therein by personal or political motives.

(2) The board of park commissioners may also be constituted by the mayor and council as an ex officio recreation board. When so constituted, such recreation board shall have the duty and authority to promote, manage,

supervise, and control all recreation activities supported financially by such city to the extent funds are available.

(3) The mayor and council of such city may abolish the board of park commissioners, if one has been appointed as provided in this section, and may establish a board of park and recreation commissioners, who shall have charge of all parks belonging to the city and all recreational activities supported financially by the city, with power to establish rules for the management, care, supervision, and use of such parks. The board of park and recreation commissioners shall be appointed to such terms of office and in such numbers as provided in this section for appointment of a board of park commissioners. It shall be the duty of the board of park and recreation commissioners to lay out, improve, beautify, and design all grounds, bodies of water, and buildings owned or acquired for public parks and recreational facilities, and employ such persons as may be necessary for the proper direction, care, maintenance, improvement, and beautification thereof, and for program planning and leadership of recreational activities, to the extent that funds may be provided for such purposes. The board shall also have the duty of continued study and promotion of the needs of such city for additional park and recreational facilities. Members of the board of park and recreation commissioners at its first meeting in each year shall elect one of its own members as chairperson of the board. Before entering upon his or her duties each member of the board shall take an oath, to be filed with the city clerk, that he or she will faithfully perform the duties of the office and will not in any manner be actuated or influenced therein by personal or political motives.

Sec. 3. Section 17-501, Reissue Revised Statutes of Nebraska, is amended to read:

17-501. Cities of the second class and villages shall be bodies corporate and politic, and shall have power (1) to sue and be sued; (2) to contract or be contracted with; (3) to acquire and hold real and personal property within or without the limits of the city or village, for the use of the city or village, convey property, real or personal, and lease, lease with option to buy, or acquire by gift or devise real or personal property; and (4) to receive and safeguard donations in trust and may, by ordinance, supervise and regulate such property and the principal and income constituting the foundation or community trust property in conformity with the instrument or instruments creating such trust. ~~The + and the~~ city council of any city of the second class, or the board of trustees of any village, may elect a board of five members, to be known as a board of public trust, who shall be ~~resident freeholders~~ residents of such city or village and whose duties shall be defined by ordinance and who shall have control and management of such donations in trust, in conformity with such ordinance; ~~PROVIDED,~~ except that at the time of the establishment of ~~said~~ the board of public trust, one member shall be elected for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, and one for a term of five years, and thereafter one member shall be elected each year for a term of five years. Vacancies in the membership of the board shall be filled in like manner as regular members of the board are elected.

Sec. 4. Section 17-952, Reissue Revised Statutes of Nebraska, is amended to read:

17-952. In each city or village, where land for park purposes or recreational facilities is acquired, or swimming pools, recreational facilities, or dams may be built, the mayor and city council of ~~such~~ the city, or the trustees of ~~such~~ the village, may provide by ordinance for the creation of a board of park commissioners, or board of park and recreation commissioners at the option of ~~such~~ the city or village, which, in either case, shall be composed of not less than three members, who shall be ~~resident freeholders~~ residents of ~~such~~ the city or village, and who shall have charge of all parks and recreational facilities belonging to ~~such~~ the cities or villages, and shall have the power to establish rules for the management, care, and use of the same. Where such board of park commissioners or board of park and recreation commissioners has been appointed and qualified, all accounts against ~~such~~ the park fund or park and recreation fund, as the case may be, shall be audited by such board, and warrants against ~~such~~ the fund shall be drawn by the ~~chairman~~ chairperson of ~~such~~ the board, and warrants so drawn shall be paid by the city or village treasurer out of ~~such~~ the fund.

Sec. 5. Original sections 14-3,100, 17-501, and 17-952, Reissue Revised Statutes of Nebraska, and section 16-696, Revised Statutes Supplement, 2004, are repealed.