

LEGISLATIVE BILL 179

Approved by the Governor February 20, 2001

Introduced by Hilgert, 7

AN ACT relating to cities of the metropolitan class; to amend section 14-408, Reissue Revised Statutes of Nebraska; to change membership of the zoning board of appeals; to harmonize provisions; and to repeal the original section.

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

Section 1. Section 14-408, Reissue Revised Statutes of Nebraska, is amended to read:

14-408. The city council may provide for the appointment of a board of appeals consisting of ~~six~~ five regular members. Two additional alternate members shall be appointed and designated as first alternate and second alternate members, either or both of whom may attend any meeting and may serve as voting and participating members of the board with the authority of a regular board member at any time when less than the full number of regular board members is present and capable of voting. If both alternate members are present when only a single regular member is absent, the first alternate member shall serve for the balance of the meeting. ~~7 to be appointed and selected as follows: Commencing on September 10, 1975, one member shall be appointed for a term of one year; one member shall be appointed for a term of two years; one member shall be appointed for a term of three years; one member shall be appointed for a term of four years; one member shall be appointed for a term of five years; and one member shall be appointed and designated as an alternate member for a term of five years, who shall attend and serve only when one of the other members fails or is unable to attend for any reason.~~ Upon the expiration of the initial terms of such appointed regular and alternate members, all members and alternates shall be appointed for a term of five years. The appointing authority shall have the power to remove any regular or alternate member of the board for cause and after public hearing. Vacancies shall be filled for the unexpired term of a regular or alternate member whose place has become vacant. All meetings of the board of appeals shall be held at the call of the ~~chairman~~ chairperson and at such other times as such board may determine. Such ~~chairman~~ chairperson, or in his or her absence the acting ~~chairman~~ chairperson, may administer oaths and compel the attendance of witnesses. All meetings of such board shall be open to the public. Such board shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions. Every rule or regulation, every amendment or repeal thereof, and every order, requirement, decision, or determination of the board shall immediately be filed in the office of the board and shall be a public record.

Sec. 2. Original section 14-408, Reissue Revised Statutes of Nebraska, is repealed.