

LEGISLATIVE BILL 259

Approved by the Governor February 26, 1991

Introduced by Coordsen, 32

AN ACT relating to county government; to amend section 23-114.01, Reissue Revised Statutes of Nebraska, 1943; to provide for compensation for members of county planning commissions; and to repeal the original section.

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

Section 1. That section 23-114.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-114.01. (1) In order to avail itself of the powers conferred by section 23-114, the county board shall appoint a planning commission to be known as the county planning commission. The members of the commission shall be residents of the county to be planned and shall be appointed with due consideration to geographical and population factors. Since the primary focus of concern and control in county planning and land-use regulatory programs is the unincorporated area, a majority of the members of the commission shall be residents of unincorporated areas, except; PROVIDED, that this requirement shall not apply to joint planning commissions. As members of the commission, they shall serve without compensation except for reasonable expenses in an amount to be fixed by the county board with reimbursement for mileage to be made at the rate provided in section 23-1112 for county officers and employees and Members of the commission shall hold no county or municipal office, except that a member may also be a member of a city, village, or other type of planning commission. The terms term of each member shall be three years, except that approximately one-third of the members of the first commission shall serve for a term terms of one year, one-third for a term terms of two years, and one-third for a term terms of three years. All members shall hold office until their successors are appointed. Members of the commission may be removed by a majority vote of the county board for inefficiency, neglect of duty, or malfeasance in office or other good and sufficient cause upon written charges being filed with the county board and after a public hearing has been held regarding such charges. Vacancies

occurring otherwise than through the expiration of ~~term terms~~ shall be filled for the unexpired ~~term terms~~ by individuals appointed by the county board. Members of the commission shall be compensated for their actual and necessary expenses incurred in connection with their duties in an amount to be fixed by the county board. Reimbursement for mileage shall be made at the rate provided in section 23-1112 for county officers and employees. Each county board may provide a per diem payment for members of the commission of not to exceed fifteen dollars for each day that each such member attends meetings of the commission or is engaged in matters concerning the commission, but no member shall receive more than one thousand dollars in any one year. Such per diem payments shall be in addition to and separate from compensation for expenses.

(2) The county planning commission: (a) Shall shall prepare and adopt as its policy statement a comprehensive development plan and such implemental means as a capital improvement program, subdivision regulations, building codes, and a zoning resolution; (b) shall consult and advise with and advise public officials and agencies, public utilities, civic organizations, educational institutions, and with citizens with relation relating to the promulgation of implemental programs; have the power to (c) may delegate authority to any of these named the groups named in subdivision (b) of this subsection to conduct studies and make surveys for the commission; and (d) shall make preliminary reports on its findings and hold public hearings before submitting its final reports. The county board shall not hold its public meetings or take action on matters relating to the comprehensive development plan, capital improvements, building codes, subdivision development, or zoning until it has received the recommendations of the planning commission.

(3) The commission may, with the consent of the governing body, in its own name; Make ; make and enter into contracts with public or private bodies; receive contributions, bequests, gifts, or grants of funds from public or private sources; expend the funds appropriated to it by the county board; employ agents and employees; and acquire, hold, and dispose of property. The commission may, on its own authority; Make make arrangements consistent with its program; conduct or sponsor special studies or planning work for any public body or appropriate agency; receive grants, remuneration, or reimbursement for such studies or work; and at its public hearings, summon witnesses, administer

oaths, and compel the giving of testimony.

(4) In all counties in the state, the county planning commission may grant conditional uses or special exceptions to property owners for the use of their property if the county board of commissioners or supervisors has officially and generally authorized the commission to exercise such powers and has approved the standards and procedures the commission adopted for equitably and judiciously granting such conditional uses or special exceptions. The granting of a conditional use permit or special exception shall only allow property owners to put their property to a special use if it is among those uses specifically identified in the county zoning regulations as classifications of uses which may require special conditions or requirements to be met by the owners before a use permit or building permit is authorized. The power to grant conditional uses or special exceptions shall be the exclusive authority of the commission, except that the county board of commissioners or supervisors may choose to retain for itself the power to grant conditional uses or special exceptions for those classifications of uses specified in the county zoning regulations. The county board of commissioners or supervisors may exercise such power if it has formally adopted standards and procedures for granting such conditional uses or special exceptions in a manner that is equitable and which will promote the public interest.

Sec. 2. That original section 23-114.01, Reissue Revised Statutes of Nebraska, 1943, is repealed.