

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
FEBRUARY 1, 2022 AGENDA

Subject:	Type:	Submitted By:
AMEND VARIOUS SECTIONS OF THE LA VISTA MUNICIPAL CODE	RESOLUTION ◆ ORDINANCES RECEIVE/FILE	PAM BUETHE CITY CLERK

SYNOPSIS

Ordinances have been prepared to amend Sections 30.46, 31.21, 32.02, 33.16, 33.57, 35.09, 35.47, 35.48, 35.50, 95.15, 95.32, 95.47, 119.01, 119.02, 119.03, 133.05 of the La Vista Municipal Code.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval.

BACKGROUND

The changes are a result of American Legal Publishing Corporation incorporating the legislative changes from the 2019 and 2020 legislative sessions into our Code.

These changes have been reviewed by the City Attorney and City Clerk.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LA VISTA, NEBRASKA, TO AMEND MUNICIPAL CODE SECTION 30.46; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY AND AN EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA:

SECTION 1. Section 30.46 of the La Vista Municipal Code is amended to read as follows:

§ 30.46 READING AND PASSAGE.

(A) Ordinances of a general or permanent nature shall be read by title on three different days unless three-fourths of the members of the City Council vote to suspend this requirement.

(B) except that ~~s~~ Such requirement shall not be suspended for any ordinance for the annexation of territory, ~~or the~~ redrawing of ~~boundaries for City Council election districts or wards~~ ~~wards except as otherwise provided in subsection (E) of this section or as otherwise provided by law.~~

(C) In the case such requirement is suspended, the ordinance shall be read by title or number and then moved for final passage.

(D) Three-fourths of the members of the City Council may require a reading of any ordinance in full before enactment under either procedure set out in this section.

(E) Following the release of the 2020 Census of Population data by the United States Department of Commerce, Bureau of the Census, as required by Public Law 94-171, the city council requesting the adjustment of the boundaries of election districts shall provide to the election commissioner or county clerk (1) written notice of the need and necessity of his or her office to perform such adjustments and (2) a revised election district boundary map that has been approved by the requesting city council and subjected to all public review and challenge ordinances of the city by December 30, 2021. The revised election district boundary map shall be adopted by ordinance. Such ordinance shall be read by title on three different days unless three-fourths of the city council members vote to suspend this requirement.

(Neb. RS 16-404) ('79 Code, § 1-704) (Am. Ord. 627, passed 9-5-95) (Am. Ord 1346, passed 7-2-19) (Am. Ord _____ passed _____)

SECTION 2. Repeal of Conflicting Ordinances. All ordinances and parts of ordinances as previously enacted that are in conflict with this Ordinance or any part hereof are hereby repealed.

SECTION 3. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Mayor and City Council of the City of La Vista hereby declare that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION 4. Effective Date. This Ordinance shall be in full force and effect from and after passage, approval and publication in pamphlet form as provided by law.

PASSED AND APPROVED THIS 1ST DAY OF FEBRUARY 2022

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Pamela A. Buethe, MMC
City Clerk

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LA VISTA, NEBRASKA TO AMEND MUNICIPAL CODE SECTION 31.21; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY AND AN EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA:

SECTION 1. Municipal Code Section 31.21 is hereby amended to read as follows:

§ 31.21 CITY TREASURER.

(A) (1) The City Treasurer shall receive all money belonging to the city and shall keep books and accounts in such a manner as the Mayor and City Council shall prescribe. The Treasurer shall keep a daily cash book, which shall be footed and balanced daily, and such books and accounts shall always be subject to inspection of the Mayor, members of the City Council, and such other persons as they may designate. (Neb. RS 16-717)

(2) The Treasurer shall keep all money in his or her hands belonging to the city separate and distinct from the Treasurer's own money. The Treasurer is hereby expressly prohibited from using, either directly or indirectly, the corporation money or warrants in his or her custody and keeping for his or her own use and benefit or that of any other person whomsoever. Any violation of this provision shall subject the Treasurer to immediate removal from office by the City Council, and it may declare such office vacant. The Mayor shall appoint a successor who shall be confirmed by the City Council to hold office for the remainder of the term.

(Neb. RS 16-719)

(3) The Treasurer shall be required to give bond or evidence of equivalent insurance of not less than \$25,000, or he or she may be required to give bond in double the sum of money estimated by the City Council at any time to be in his or her hands belonging to the City. The Treasurer shall be the custodian of all money belonging to the corporation. The City Council shall pay the actual premium of the bond or insurance coverage of such Treasurer. The Treasurer shall keep a separate account of each fund or appropriation and the debts and credits belonging thereto. He or she shall give every person paying money into the treasury a receipt therefor, specifying date of payment and on what account paid. He or she shall also file copies of such receipts, except tax receipts, with his or her monthly reports, and he or she shall at the end of every month, and as often as may be requested, render an account to the City Council, under oath, showing the state of the treasury at the date of such account, the amount of money remaining in each fund and the amount paid therefrom, and the balance of money in the treasury. The Treasurer shall also accompany such account with a statement of all receipts and disbursements, together with all warrants redeemed and paid by him or her, which warrants, with all vouchers held by him or her, shall be filed with his or her account in the Clerk's office. He or she shall produce and show all funds shown by such report to be on hand or satisfy the Council or its committee that he or she has such funds in his or her custody or under his or her control. If the Treasurer fails to render his or her account within 20 days after the end of the month, or by a later date established by the Council, the Mayor with the consent of the Council may consider this failure as cause to remove the Treasurer from office. The Treasurer shall keep a record of all outstanding bonds against the City, showing the number and amount of each bond, for and to whom the bonds were issued, and the date upon which any bond is purchased, paid, or canceled. The treasurer shall accompany the annual statement submitted pursuant to Neb. RS 19-1101 with a description of the bonds issued and sold in that year and the terms of sale, with every item of expense thereof. The Treasurer may employ and appoint a delinquent tax collector, who shall be allowed a percentage upon his or her collections to be fixed by the Council not to exceed the fees allowed by law to the County Treasurer for like services. Upon taxes collected by such delinquent tax collector, the Treasurer shall receive no fees. The Treasurer shall prepare all special assessment lists and shall collect all special assessments. The Treasurer shall annually complete continuing education through a program approved by the Auditor of Public Accounts, and proof of completion of such program shall be submitted to the Auditor of Public Accounts.

(Neb. RS 16-318) ('79 Code, § 1-309) Statutory reference: Treasurer's statutory duties, Neb. RS 16-717 through 16-722

(B) The Treasurer shall make duplicate receipts for all sums paid into the Treasury,

which receipts shall:

- (1) Specify the date of payment and what account paid;
- (2) Show the source from which such funds are derived; and
- (3) By distinct lines and columns, show the amount received to the credit of each separate fund, and whether same was paid in cash, in warrants, or otherwise, one of which duplicates the Treasurer shall deliver to the person making such payment and the other he or her shall retain in his or her office and file such copy (except tax receipts) with his or her monthly reports. (Neb. RS 77-2209) ('79 Code, § 1-310)

(C) The Treasurer shall daily, as moneys are received, foot the several columns of his or her cashbook and of his or her register, and carry the amounts forward, and at the close of each year, in case the amount of money received by the Treasurer is insufficient to pay the warrants registered, he or she shall close the account for that year in such register and shall carry forward the excess. Any Treasurer who shall fail regularly to enter upon his or her cashbook the amounts so received and receipted for, or who shall fail to keep his or her cashbook footed from day to day for the space of three days, shall forfeit for each offense the sum of \$100 to be recovered in a civil action on his or her official bond by any person holding a warrant drawn on such Treasurer, one-half to the person bringing such action and one-half to the school fund of the county in which the action is brought. The cashbook, register and retained receipts of the Treasurer shall at all times be open to the inspection of any person in whose name any warrants are registered and unpaid.

(Neb. RS 77-2210 through 77-2212) ('79 Code, § 1-311)

(D) The Treasurer shall prepare and publish annually, within 60 days following the close of the city fiscal year, a statement of the receipts and expenditures of funds of the city for the preceding fiscal year. The statement shall also include the information required by subsection (3) of Neb. RS 16-318. Not more than the legal rate shall be charged and paid for such publication. Such publication shall be made in one legal newspaper in or of general circulation in the city. If no legal newspaper in or of general circulation is published in the city, then such publication shall be made in one legal newspaper published in or of general circulation within the county in which the city is located. Any Treasurer failing or neglecting to prepare and publish such statement of receipts and expenditures shall be deemed guilty of a misdemeanor and shall upon conviction pay a fine not to exceed \$25 and be liable in addition to removal from office for such failure or neglect.

(Neb. RS 19-1101, 19-1103, 19-1104) (79 Code, § 1-312)

(E) (1) The Treasurer shall keep a warrant register which register shall show in columns arranged for that purpose, the number, date and amount of each warrant presented and registered, 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 notice to the person in whose name such warrant is registered is mailed.

(Neb. RS 77-2202)

(2) On presentation of a warrant for payment to the Treasurer when there are not sufficient moneys on hand to the credit of the proper fund to pay the same, it shall be the duty of the Treasurer to enter such warrant in his or her warrant register for payment in the order of its presentation, and he or she shall endorse on the warrant the words "registered for payment" with the date of registration and shall sign such endorsement, whereupon the warrant shall draw interest at the rate fixed by the Mayor and City Council, which rate shall be endorsed on the warrant, until notice of payment shall be given the registered owner.

(Neb. RS 45-106 and 77-2203)

(3) The Treasurer shall neither directly or indirectly contract for or purchase any city warrant at any discount whatever upon the sum due on such warrant or order, and if he or she shall so contract for or purchase any such order or warrant, he or she shall not be allowed in settlement the amount of such order or warrant, or any part thereof, and shall also forfeit the whole amount due on such order or warrant.

(Neb. RS 77-1741) (79 Code, § 1-313) (Am. Ord. 1026, passed 5-1-07; Am. Ord. 1076, passed 10-21-08) (Am. Ord. 1255, passed 7-7-15; Am. Ord. _____, passed _____)

Cross-reference:

Finance Director to perform duties of the City Treasurer, see § 31.01 of this code of ordinances

SECTION 2. Repeal of Conflicting Ordinances. Section 31.21as originally enacted, and all ordinances and parts of ordinances as previously enacted that are in conflict with this ordinance or any part hereof, are hereby repealed.

SECTION 3. Severability Clause. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this ordinance. The Mayor and City Council hereby declare that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION 4. Effective Date. This Ordinance shall be in force and take effect from and after passage, approval and publication in pamphlet form as provided by law.

PASSED AND APPROVED THIS 1ST DAY OF FEBRUARY 2022.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, MMC
City Clerk

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LA VISTA, NEBRASKA, TO AMEND MUNICIPAL CODE SECTION 32.02; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY AND AN EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA:

SECTION 1. Section 32.02 of the La Vista Municipal Code is amended to read as follows:

§ 32.02 PLANNING COMMISSION.

(A) The Planning Commission shall consist of nine regular members who shall represent, insofar as is possible, the different professions or occupations in the city and shall be appointed by the Mayor, by and with the approval of a majority vote of the members elected to the City Council. Two of the regular members may be residents of the area over which the city is authorized to exercise extraterritorial zoning and subdivision regulation. When there is a sufficient number of residents in the area over which the city exercises extraterritorial zoning or subdivision regulation, one regular member of the Commission shall be a resident from such area. If it is determined by the City Council 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 1,000 residents. All regular members of the Commission shall serve without compensation. The term of each regular member shall be three years, except that three regular members of the first Commission shall serve for terms of one year, three for terms of two years and three for terms of three years. All regular members shall hold office until their successors are appointed. Any member may, after a public hearing before the City Council, be removed by the Mayor, with the consent of a majority vote of the members elected to the City Council, 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. (Neb. RS 19-926)

(B) A regular or alternate member of the planning commission may hold any municipal office except:

- (1) mayor,
- (2) a member of the city council,
- (3) a member of any community redevelopment authority created under Neb. Rev. Stat. 18-2102.01, or
- (4) a member of any citizen advisory review committee created under Neb. Rev. Stat. 18-2715.

(C) All members of the Commission may be required, in the discretion of the City Council, to give bond in a sum set by resolution of the Council and conditioned upon the faithful performance of their duties. The Commission shall elect its Chairperson and a Secretary from its members and create and fill such other of its offices as it may determine. The term of the Chairperson and the Secretary shall be one year, and they shall be eligible for reelection. No member of the Commission shall serve in the capacity of both the Chairperson and Secretary of the Commission. It shall be the duty of the Secretary to keep the full and correct minutes and records of all meetings and to file them with the City Clerk where they shall be available for public inspection during office hours. The Commission shall be funded by the City Council from time to time out of the General Fund. The expenditures of the Commission, exclusive of gifts, shall be within the amounts appropriated for that purpose by the City Council; and no expenditures nor agreements for expenditures shall be valid in excess of such amounts. 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. The Commission shall hold at least one regular meeting in each calendar quarter, except as provided in this section. ~~at~~ The City Council may require the Commission to meet more frequently, and the Chairperson of the Commission may call for a meeting when necessary to deal with business pending before the Commission. If no business is

pending before the commission, the chairperson may cancel a quarterly meeting, but no more than three quarterly meetings may be cancelled per calendar year. Special meetings may also be held upon the call of any three members of the Commission. The Commission shall adopt rules and regulations for the transaction of business and shall keep a record of its resolutions, transactions, findings and determinations which shall be a public record. The Commission shall make and adopt plans for the physical development of the city, including any areas outside its boundaries which, in the Commission's judgment, bear relation to the planning of the city, and shall carry out the other duties and exercise the powers specified in Neb. RS 19-929. All actions by the Commission shall be subject to the review and supervision of the Mayor and City Council. The Commission shall make its recommendations to the City Council so that they are received by the City Council within 90 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 City Council may, from time to time, designate.

(D) The Mayor, with the approval of a majority vote of the other elected members of the City Council, shall appoint one alternate member to the Commission. The alternate member shall serve without compensation. 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 City Council. 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.

('79 Code, § 2-202) (Am. Ord. 1347, passed 7-2-19) (Am. Ord. _____, passed _____)

Statutory reference:

Powers and duties, see Neb. RS 19-924 through 19-929

Cross reference:

Planning, see Chapter 151

SECTION 2. Repeal of Conflicting Ordinances. All ordinances and parts of ordinances as previously enacted that are in conflict with this Ordinance or any part hereof are hereby repealed.

SECTION 3. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Mayor and City Council of the City of La Vista hereby declare that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION 4. Effective Date. This Ordinance shall be in full force and effect from and after passage, approval and publication in pamphlet form as provided by law.

PASSED AND APPROVED THIS 1ST DAY OF FEBRUARY 2022

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, MMC
City Clerk

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LA VISTA, NEBRASKA, TO AMEND MUNICIPAL CODE SECTIONS 33.16 AND 33.57; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY AND AN EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA:

SECTION 1. Section 33.16 of the La Vista Municipal Code is amended to read as follows:

§ 33.16 MEETINGS TO BE PUBLIC; EMERGENCY DECLARATION; VIRTUAL CONFERENCING.

(A) Except as provided in subsection (E) below: All public meetings, as defined by law, shall be held in a city public building which shall be open to attendance by the public. All meetings shall be held in the public building in which the City Council usually holds such meetings unless the publicized notice required by this section designates some other public building or other specified place.

(B) The advance publicized notice of all public convened meetings shall be simultaneously transmitted to all members of the City Council and to the public ~~by a method designated by the City Council or by the Mayor if the City Council has not designated a method. Such notice shall be published in a newspaper of general circulation within the City Council's jurisdiction and, if available, on such newspaper's website. In addition to the method of the notice required by the preceding sentence, such notice may also be provided by any other appropriate method designated by the City Council. The methods and dates of such notice shall be recorded in City Council minutes.~~ The notice shall contain the time and specific place for each meeting and either an enumeration of the agenda subjects known at the time of the notice or a statement that such an agenda that is kept continually current shall be readily available for public inspection at the office of the City Clerk during normal business hours. Agenda items shall be sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting. Except for items of an emergency nature, the agenda shall not be altered later than 24 hours before the scheduled commencement of the meeting or 48 hours before the scheduled commencement of a meeting of the City Council scheduled outside the corporate limits of the city. The City Council shall have the right to modify the agenda to include items of an emergency nature only at such public meetings.

(C) The minutes of the City Clerk shall include ~~the record of the manner and advance time by which the advance publicized notice was given~~, a statement of how the availability of an agenda of the then known subjects was communicated, the time and specific place of the meetings, the names of each member of the City Council present or absent at each convened meeting and the substance of all matters discussed. The minutes of the City Council shall be a public record open to inspection by the public upon request at any reasonable time at the office of the City Clerk.

(D) Any official action on any question or motion duly moved and seconded shall be taken only by roll call vote of the City Council in open session. The record of the City Clerk shall show how each member voted or that the member was absent and did not vote.

(E) Notwithstanding anything in this chapter 33 to the contrary, if an emergency is declared by the Governor under the Emergency Management Act; a public body, the territorial jurisdiction of which is included in whole or in part in the emergency declaration, may hold a meeting by virtual conferencing, provided applicable requirements of the Open Meetings Act are satisfied..

('79 Code, § 1-603) (Am. Ord. 997, passed 6-20-06) (Am. Ord. _____, passed _____)
Statutory reference:

Meeting requirements, see Neb. RS 84-1408 through 84-1413

SECTION 2. Section 33.57 of the La Vista Municipal Code is amended to read as follows:

§ 33.57 CONFLICT OF INTEREST INVOLVING CONTRACTS.

All elected or appointed officials, and employees, of the City in the discharge of their offices or duties from the City shall comply with applicable requirements of State Statutes, as

adopted or amended from time to time, including without limitation provisions of the Nebraska Political Accountability and Disclosure Act governing actual or potential conflicts of interest.

(A) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUSINESS ASSOCIATION.

(a) A business:

1. In which the individual is a partner, limited liability company member, director, or officer; or

2. In which the individual or a member of the individual's immediate family is a stockholder of closed corporation stock worth \$1,000 or more at fair market value or which represents more than a 5% equity interest or is a stockholder of publicly traded stock worth \$10,000 or more at fair market value or which represents more than 10% equity interest.

(b) An individual who occupies a confidential professional relationship protected by law shall be exempt from this definition. This definition shall not apply to publicly traded stock under a trading account if the filer reports the name and address of the stockholder.

(Neb. RS 49-1408)

IMMEDIATE FAMILY. A child residing in an individual's household, a spouse of an individual, or an individual claimed by that individual or that individual's spouse as a dependent for federal income tax purposes.

(Neb. RS 49-1425)

OFFICER.

(a) Includes:

1. A member of any board or commission of the city which spends and administers its own funds, who is dealing with a contract made by such board or commission; or

2. Any elected city official.

(b) **OFFICER** does not mean volunteer firefighters or ambulance drivers with respect to their duties as firefighters or ambulance drivers.

(B) (1) Except as provided in Neb. RS 49-1499.04 or 70-624.04, no officer may have an interest in any contract to which his or her governing body, or anyone for its benefit, is a party. The existence of such an interest in any contract shall render the contract voidable by decree of a court of competent jurisdiction as to any person who entered into the contract or took assignment of the contract with actual knowledge of the prohibited conflict. An action to have a contract declared void under this section may be brought by the County Attorney, the governing body, or any resident within the jurisdiction of the governing body and shall be brought within one year after the contract is signed or assigned. The decree may provide for the reimbursement of any person for the reasonable value of all money, goods, material, labor, or services furnished under the contract, to the extent that the governing body has benefited thereby.

(2) The prohibition in this division (B) shall apply only when the officer or his or her parent, spouse, or child:

(a) Has a business association with the business involved in the contract; or

(b) Will receive a direct pecuniary fee or commission as a result of the contract.

(C) Division (B) of this section does not apply if the contract is an agenda item approved at a meeting of the governing body, and the interested officer:

(1) Makes a declaration on the record to the governing body responsible for approving the contract regarding the nature and extent of his or her interest prior to official

consideration of the contract;

(2) Does not vote on the matters of granting the contract, making payments pursuant to the contract, or accepting performance of work under the contract, or similar matters relating to the contract, except that if the number of members of the governing body declaring an interest in the contract would prevent the body with all members present from securing a quorum on the issue, then all members may vote on the matters; and

(3) Does not act for the governing body which is a party to the contract as to inspection or performance under the contract in which he or she has an interest.

(D) An officer who has no business association with the business involved in the contract, or will not receive a direct pecuniary fee or commission as a result of the contract, shall not be deemed to have an interest within the meaning of this section.

(E) The receiving of deposits, cashing of checks, and buying and selling of warrants and bonds of indebtedness of any such governing body by a financial institution shall not be considered a contract for purposes of this section. The ownership of less than 5% of the outstanding shares of a corporation shall not constitute an interest within the meaning of this section.

(F) If an officer's parent, spouse, or child is an employee of the officer's governing body, the officer may vote on all issues of the contract which are generally applicable to all employees, or all employees within a classification, and do not single out his or her parent, spouse, or child for special action.

(G) Neb. RS 49-14,102 does not apply to contracts covered by this section.
(Neb. RS 49-14,103.01)

(H) (1) The person charged with keeping records for the governing body shall maintain separately from other records a ledger containing the information listed in divisions (H)(1)(a) through (H)(1)(e) of this section about every contract entered into by the governing body in which an officer of the body has an interest and for which disclosure is made pursuant to division (C) of this section. This information shall be kept in the ledger for five years from the date of the officer's last day in office and shall include:

(a) The names of the contracting parties;
(b) The nature of the interest of the officer in question;
(c) The date that the contract was approved by the governing body;
(d) The amount of the contract; and
(e) The basic terms of the contract.

(2) The information supplied relative to the contract shall be provided no later than ten days after the contract has been signed by both parties. The ledger kept pursuant to this division (H) shall be available for public inspection during the normal working hours of the office in which it is kept.

(Neb. RS 49-14,103.02)

(I) An open account established for the benefit of any governing body with a business in which an officer has an interest shall be deemed a contract subject to this section. The statement required to be filed by division (H) of this section shall be filed within ten days after the account is opened. Thereafter, the person charged with keeping records for the governing body shall maintain a running account of amounts purchased on the open account. Purchases made from petty cash or a petty cash fund shall not be subject to this section.

(Neb. RS 49-14,103.03)

(J) Notwithstanding divisions (A) through (I) of this section, the governing body may prohibit contracts over a specific dollar amount in which an officer of the governing body may have an interest.

(Neb. RS 49-14,103.05)

(K) The governing body may exempt from divisions (A) through (I) of this section, contracts involving \$100 or less in which an officer of that body may have an interest.

(Neb. RS 49-14,103.06)

~~(L) No officer, including volunteer firefighters and ambulance drivers, shall receive any pay or perquisites from the city other than his or her salary. The City Council 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 city, unless the same is specifically appropriated and ordered by a vote of three fourths of all the members elected to the City Council.~~

~~(Neb. RS 16-502)~~

~~(79 Code, § 1-404) (Am. Ord. 352, passed 11-15-83; Am. Ord. 379, passed 2-5-85; Am. Ord. 421, passed 10-7-86; Am. Ord. 1029, passed 5-1-07)~~

Statutory reference:

~~Private gain by public officers, see Neb. RS 18-305 through 18-312~~
~~Holding dual elective offices, see Neb. RS 32-604~~
~~Penalty for violation of Neb. RS 49-14,103.01 to 49-14,103.03, see Neb. RS 49-14,103.04~~
~~Utility directors and employees permitted to serve in elected office, see Neb. RS 70-624.04~~
~~(Neb. RS 49-1401 et. Seq.) (Am. Ord. _____ passed _____)~~

SECTION 3. Repeal of Conflicting Ordinances. All ordinances and parts of ordinances as previously enacted that are in conflict with this Ordinance or any part hereof are hereby repealed.

SECTION 4. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Mayor and City Council of the City of La Vista hereby declare that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION 5. Effective Date. This Ordinance shall be in full force and effect from and after passage, approval and publication in pamphlet form as provided by law.

PASSED AND APPROVED THIS 1ST DAY OF FEBRUARY 2022.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, MMC
City Clerk

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LA VISTA, NEBRASKA, TO AMEND MUNICIPAL CODE SECTION 133.05; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY AND AN EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA:

SECTION 1. Section 133.05 of the La Vista Municipal Code is amended to read as follows:

§ 133.05 TOBACCO; PROHIBITED TO PERSONS UNDER ~~18-21~~ YEARS OF AGE.

It shall be unlawful for any person under ~~18-21~~ years of age to possess, smoke, use, buy, acquire, or attempt to buy or acquire alternative nicotine products, electronic nicotine delivery systems, or tobacco of any kind or in any form, including but not limited to any cigarette, cigar, pipe tobacco, smokeless tobacco, chewing tobacco, snuff, or any other substance that is made in whole or in part from the tobacco leaf in any way for inhalation, ingestion, or placement in or into the human body ("tobacco products"), provided, however, until January 1, 2022 that it shall not be unlawful for any person who is ~~16-19 or 20~~ years of age or older to work in a tobacco specialty store, from handling tobacco products in the course of his or her employment for any licensed person or entity under applicable state law. Unless a penalty is otherwise provided in applicable state statute or in another chapter or section of this code with respect to a particular violation, any person, firm, or entity that violates any of the provisions of this section shall be guilty of a misdemeanor, and the penalty for a person who is convicted under this section shall be a fine in any amount not in excess of \$100 or performance of community service not in excess of 20 hours, as evidenced by a written certificate of the nonprofit organization for whom the service was performed, or both. Any person so charged with a violation of this section may be free from prosecution and penalty hereunder in the event he or she, prior to the initial court appearance, files with the court a certificate of completion of a smoking or tobacco-use cessation class to the satisfaction of the court.

(Am. Ord. _____, passed _____)

SECTION 2. Repeal of Conflicting Ordinances. All ordinances and parts of ordinances as previously enacted that are in conflict with this Ordinance or any part hereof are hereby repealed.

SECTION 3. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Mayor and City Council of the City of La Vista hereby declare that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION 4. Effective Date. This Ordinance shall be in full force and effect from and after passage, approval and publication in pamphlet form as provided by law.

PASSED AND APPROVED THIS 1ST DAY OF FEBRUARY 2022.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, MMC
City Clerk

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LA VISTA, NEBRASKA, TO AMEND MUNICIPAL CODE SECTIONS 35.09, 35.47, 35.48 AND 35.50; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY AND AN EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA:

SECTION 1. Section 35.09 of the La Vista Municipal Code is amended to read as follows:

§ 35.09 SINKING FUNDS.

The City Council, subject to the limitations set forth herein and in Neb. RS 19-1301 to 19-1304, shall have the power to levy a tax not to exceed that prescribed by state law upon the taxable value of all taxable property within the city for a term 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 city, for the purpose of establishing a sinking fund for the construction, purchase, improvement, extension, original equipment, or repair not including maintenance of the approved uses as authorized by state law. To initiate the said sinking fund, the City Council shall declare its purpose by resolution to submit to the qualified electors of the city the proposition to provide the improvement at the next general city 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, such required information as specified by Neb. RS 19-1303, together with a statement of the proposition for placement upon the ballot at such election. Notice of the submission of said proposition, together with a copy of the official ballot containing the proposition, shall be published in its entirety three times on successive weeks before the day of the election in a legal newspaper in or of general circulation in the city, or if no legal newspaper is in or of general circulation in the municipality, in a legal newspaper in or of general circulation in the county in which the City is located. 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 City Council 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 City Treasurer shall, as they accumulate, be immediately invested with the written approval of the City Council 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 City Council is authorized to do so by 60% of the qualified electors of the city voting at a general election favoring such a change in the use of the sinking fund.

('79 Code, § 1-910) (Am. Ord _____ passed _____)

Statutory reference:

Similar provisions, see Neb. RS 19-1301 through 19-1304

Investment of funds, see Neb. RS 77-2335 through 77-2339

SECTION 2. Section 35.47 of the La Vista Municipal Code is amended to read as follows:

§ 35.47 PROPOSED BUDGET STATEMENT; HEARING; ADOPTION; CERTIFICATION OF AMOUNT TO BE RECEIVED FROM TAXATION.

(A) (1) After the filing of the proposed budget statement with the City Clerk, the City Council shall each year or biennial period conduct a public hearing on the proposed budget statement. Such hearing shall be held separately from any regularly scheduled meeting of the governing body and shall not be limited by time. Notice of the place and time of the hearing, together with a summary of the proposed budget statement, shall be published at least four calendar days prior to the date set for the hearing in a newspaper of general circulation within the city and, if available, on the city's website. For purposes of such notice, the four calendar days shall include the day of publication but not the day of hearing.

(2) When the total operating budget, not including reserves, does not exceed \$10,000 per year or \$20,000 per biennial period, the proposed budget summary may be posted at the City Council's principal headquarters.

(3) At such hearing, the governing body shall make at least three copies of the proposed budget statement available to the public and shall make a presentation outlining key provisions of the proposed budget statement, including but not limited to, a

comparison with the prior year's budget. Any member of the public desiring to speak on the proposed budget statement shall be allowed to address the governing body at the hearing and shall be given a reasonable amount of time to do so.

(34) After the hearing, the proposed budget statement shall be adopted or amended and adopted as amended, and a written record shall be kept of such hearing. The amount to be received from personal and real property taxation shall be certified to the levying board after the proposed budget statement is adopted or is amended and adopted as amended. The certification of the amount to be received from personal and real property taxation shall specify separately:

(a) The amount to be applied to the payment of principal or interest on bonds issued by the City Council, and

(b) The amount to be received for all other purposes.

(35) 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 calendar days after its adoption in the manner provided in this section, but without provision for hearing, setting forth the items changed and the reasons for such changes.

(Neb. RS 13-506(1))

(B) Upon approval by the City Council, the budget shall be filed with the Auditor of Public Accounts. The Auditor of Public Accounts may review the budget for errors in mathematics, improper accounting, and noncompliance with the provisions of the Nebraska Budget Act or Neb. RS 13-518 to 13-522. If the Auditor of Public Accounts detects such errors, he or she shall immediately notify the City Council of such errors. The City Council shall correct any such error as provided in Neb. RS 13-511. Warrants for the payment of expenditures provided in the budget adopted under this section shall be valid notwithstanding any errors or non-compliance for which the Auditor of Public Accounts has notified the City Council.

(Neb. RS 13-506(2))

(C) When a levy increase has been authorized by vote of the electors, the adopted budget statement shall indicate the amount of the levy increase.

(Neb. RS 13-507) ('79 Code, § 1-903) (Am. Ord. 1314, passed 8-15-17) (Am. Ord passed)

Statutory reference:

Reimbursement provisions for years 1993 through 2000, see Neb. RS 13-506(1)

SECTION 3. Section 35.48 of the La Vista Municipal Code is amended to read as follows:

§ 35.48 ADOPTED BUDGET STATEMENT; FILING; CERTIFICATION OF AMOUNT TAXED; REVISION.

(A) (1) After publication and hearing on the proposed budget statement and within the time prescribed by law, the City Council shall file with and certify to the levying board or boards on or before September 20-30 of each year or September 20-30 of the final year of a biennial period and file with the Auditor of Public Accounts a copy of the adopted budget statement which complies with Neb. RS 13-518 to 13-522, together with amount of the tax required to fund the adopted budget, setting out separately:

(a) The amount to be levied for the payment of principal or interest on bonds issued by the City Council; and

(b) The amount to be levied for all other purposes.

(2) Proof of publication shall be attached to the statements.

(B) If the prime rate published by the Federal Reserve Board is ten percent or more at the time of the filing and certification required under this subsection, the City Council, in certifying the amount required, may make allowance for delinquent taxes not exceeding 5% of the amount required plus the actual percentage of delinquent taxes for the preceding tax year or biennial period and for the amount of estimated tax loss from any pending or anticipated litigation which involves taxation and in which tax collections have been or can be withheld or escrowed by court order. For purposes of this section, anticipated litigation shall be limited to the anticipation of an action being filed by a taxpayer who or which filed a similar action for the preceding year or biennial period which is still pending. Except for such allowances, the City Council shall not certify an amount of tax more than 1% greater or lesser than the amount determined under Neb. RS 13-505.

(C) The City Council shall use the certified taxable values as provided by the County Assessor pursuant to Neb. RS 13-509 for the current year in setting or certifying the levy. The City Council may designate one of its members to perform any duty or responsibility required of the Council by this section.

(Neb. RS 13-508; 13-511) ('79 Code, § 1-904) (Am. Ord. 603, passed 1-3-95; Am. Ord. 670, passed 6-17-97; Am. Ord. 702, passed 10-21-97; Am. Ord. 1030, passed 5-1-07; Am. Ord. 1121, passed 4-20-10) (Am. Ord. 1314, passed 8-15-17) (Am. Ord passed)

(D) A previously adopted budget statement may be revised in accordance with applicable Nebraska statutes, as enacted, amended, or superseded from time to time.

SECTION 4. Section 35.50 of the La Vista Municipal Code is amended to read as follows:

§ 35.50 PROPERTY TAX REQUEST; PROCEDURE.

35.50.1 Property Tax Request Procedure, Including Increases Up To Allowable Growth Percentage

(A) If the annual assessment of property would result in an increase in the total property taxes levied by the City as determined using the previous year's rate of levy, the City's property tax request for the current year shall be no more than its property tax request in the prior year, and the City's rate of levy for the current year shall be decreased accordingly when such rate is set by the county board of equalization pursuant to Neb. Rev. Stat. section 77-1601. The City Council shall pass a resolution or ordinance to set the amount of its property tax request after holding the public hearing required in subsection (C) of this subsection 35.50.1. If the City Council seeks to set its property tax request at an amount that exceeds its property tax request in the prior year, it may do so after holding the public hearing required in subsection (C) of this subsection 35.50.1 and by passing a resolution or ordinance that complies with subsection (d) of this subsection 35.50.1. If the City seeks to increase its property tax request by more than the allowable growth percentage, it shall comply with the requirements of subsection 35.50.2 below in lieu of the requirements in subsections (C) and (D) of this subsection 35.50.1.
~~The property tax request for the prior year shall be the property tax request for the current year for purposes of the levy set by the County Board of Equalization in Neb. RS 77-1601 unless the City Council passes by a majority vote a resolution or ordinance setting the tax request at a different amount. Such resolution or ordinance shall only be passed after a special public hearing called for such purpose is held and after notice is published in a newspaper of general circulation in the area of the city at least five days prior to the hearing.~~

(B) If the annual assessment of property would result in no change or a decrease in the total property taxes levied by the City as determined using the previous year's rate of levy, the City's property tax request for the current year shall be no more than its property tax request in the prior year, and the City's rate of levy for the current year shall be adjusted accordingly when such rate is set by the county board of equalization pursuant to Neb. Rev. Stat. section 77-1601. The City Council shall pass a resolution or ordinance to set the amount of its property tax request after holding the public hearing required in subsection (C) of this subsection 35.50.1. If the City Council seeks to set its property tax request at an amount that exceeds its property tax request in the prior year, it may do so after holding the public hearing required in subsection (C) of this subsection 35.50.1 and by passing a resolution or ordinance that complies with subsection (D) of this subsection 35.50.1. If the City seeks to increase its property tax request by more than the allowable growth percentage, the City shall comply with the requirements of subsection 35.50.2 in lieu of the requirements in subsections (C) and (D) of this subsection 35.50.1.

(C) The resolution or ordinance required under this subsection 35.50.1 shall only be passed after a special public hearing called for such purpose is held and after notice is published in a newspaper of general circulation in the area of the City at least four calendar days prior to the hearing. For purposes of such notice, the four calendar days shall include the day of publication but not the day of hearing.

(D) The hearing notice shall contain the following information:

(1) The resolution or ordinance required under this subsection 35.50.1 shall only be passed after a special public hearing called for such purpose is held and after notice is published in a newspaper of general circulation in the area of the City at least four calendar days prior to the hearing. For purposes of such notice, the four calendar days shall include the day of publication but not the day of hearing.

(42) The dollar amount of the prior years tax request and the property tax rate that was necessary to fund that tax request;

(23) The property tax rate that would be necessary to fund last years tax request if applied to the current years valuation; and

(34) The proposed dollar amount of the tax request for the current year and the property tax rate that will be necessary to fund that tax request.

(5) The percentage increase or decrease in the property tax rate from the prior year to the current year; and

(6) The percentage increase or decrease in the total operating budget from the prior year to the current year.

(E) Any resolution or ordinance setting a City's property tax request at an amount that exceeds the City's property tax request in the prior year shall include, but not be limited to, the following information:

(1) The name of the City;

(2) The amount of the property tax request;

(3) The following statements:

(a) The total assessed value of property differs from last year's total assessed value of percent;

(b) The tax rate which would levy the same amount of property taxes as last year, when multiplied by the new total assessed value of property, would be \$ per \$100 of assessed value;

(c) The City of La Vista proposes to adopt a property tax request that will cause its tax rate to be \$ per \$100 of assessed value; and

(d) Based on the proposed property tax request and changes in other revenue, the total operating budget of The City of La Vista will (increase or decrease) last year's budget by percent; and

(4) The record vote of the City Council in passing such resolution or ordinance.

(GF) Any resolution or ordinance setting a property tax request under this subsection 35.50.1 shall be certified and forwarded to the County Clerk prior to October 14-15 of the year for which the tax request is to apply. Any tax levy which is not in compliance with this section and Neb. RS 77-1601 shall be construed as an unauthorized levy under Neb. RS 77-1606.

(Neb. RS 77-1601-021632) ('79 Code, § 1-904.01) (Ord. 703, passed 10-21-97; Am. Ord. 1031, passed 5-1-07) (Am. Ord. _____, passed _____)

35.50.2 Property Tax Request procedure For Increases in Excess of Allowable Growth Percentage

(A) If the City seeks to increase its property tax request by more than the allowable growth percentage, the City may do so if:

(1) A public hearing is held and notice of such hearing is provided in compliance with subsection (B) of this subsection 35.50.2; and

(2) The City Council passes a resolution or an ordinance that complies with subsection (C) of this subsection 35.50.2.

(B)(1) If the City seeks to increase its property tax request by more than the allowable growth percentage, it shall participate in a joint public hearing, together with any other political subdivisions in the county seeking to increase its property tax request by more than the allowable growth percentage. The City shall designate a representative to attend the joint public hearing on behalf of the City. At such hearing, there shall be no items on the agenda other than discussion on the intent of the City (and any other political subdivisions in the county) to increase its property tax request by more than the allowable growth percentage.

(2) The joint public hearing shall be held on or after September 17 and prior to September 29 and before the City or any other participating political subdivision files its adopted budget statement pursuant to section 13-508.

(3) The joint public hearing shall be held after 6 p.m. local time on the relevant date.

(4) At the joint public hearing, the representative of the City, together with the representatives of each other participating political subdivision, shall give a brief presentation on its intent to increase its property tax request by more than the allowable growth percentage and the effect of such request on the City's budget. The City's presentation shall include:

- (a) The name of the City;
- (b) The amount of the property tax request; and
- (c) The following statements:
 - (A) The total assessed value of property differs from last year's total assessed value by _____ percent;
 - (B) The tax rate which would levy the same amount of property taxes as last year, when multiplied by the new total assessed value of property, would be \$ _____ per \$100 of assessed value;
 - (C) The City of La Vista proposes to adopt a property tax request that will cause its tax rate to be \$ _____. per \$100 of assessed value;
 - (D) Based on the proposed property tax request and changes in other revenue, the total operating budget of the City of La Vista will exceed last year's by _____ percent; and
 - (E) To obtain more information regarding the increase in the property tax request, citizens may contact the City of La Vista at (telephone number and email address of the City of La Vista).

(5) Any member of the public shall be allowed to speak at the joint public hearing and shall be given a reasonable amount of time to do so.

(6) Notice of the joint public hearing shall be provided:

- (a) By sending a postcard to all affected property taxpayers. The postcard shall be sent to the name and address to which the property tax statement is mailed;
- (b) By posting notice of the hearing on the home page of Sarpy County's website; and
- (c) By publishing notice of the hearing in a legal newspaper in or of general circulation in Sarpy County.

(7) The City, together with each other political subdivision that participates in the joint public hearing, shall send the information prescribed in subdivision (B)(8) of this subsection 35.50.2 to the Sarpy County Clerk by September 5. The county clerk shall transmit the information to the county assessor no later than September 10. The county clerk shall notify the City and each other participating political subdivision of the date, time, and location of the joint public hearing. The county assessor shall mail the postcards required in this subsection. Such postcards shall be mailed at least seven calendar days before the joint public hearing. The cost of creating and mailing the postcards, including staff time, materials, and postage, shall be divided among the political subdivisions participating in the joint public hearing.

(8) The postcard sent under this subsection and the notice posted on the county's website, if required under subdivision (B)(6)(b) of this subsection 35.50.2, and published in the newspaper shall include the date, time, and location for the joint public hearing, a listing of and telephone number for each political subdivision that will be participating in the joint public hearing, and the amount of each participating political subdivision's property tax request. The postcard shall also contain the following information:

(a) The following words in capitalized type at the top of the postcard:
NOTICE OF PROPOSED TAX INCREASE;

(b) The name of Sarpy County as the county that will hold the joint public hearing, which shall appear directly underneath the capitalized words described in subdivision (B)(8)(a) of this subsection 35.50.2;

(c) The following statement: The following political subdivisions are proposing a revenue increase as a result of property taxes in (insert current tax year). This notice contains estimates of the tax on your property and the proposed tax increase on your property as a result of this revenue increase. These estimates are calculated on the basis of the proposed (insert current tax year) data. The actual tax on your property and tax increase on your property may vary from these estimates.

(d) The parcel number for the property;

(e) The name of the property owner and the address of the property;

(f) The property's assessed value in the previous tax year;

(g) The amount of property taxes due in the previous tax year for each participating political subdivision;

(h) The property's assessed value for the current tax year;

(i) The amount of property taxes due for the current tax year for each participating political subdivision;

(j) The change in the amount of property taxes due for each participating political subdivision from the previous tax year to the current tax year; and

(k) The following statement: To obtain more information regarding the tax increase, citizens may contact the political subdivision at the telephone number provided in this notice.

(C) After the joint public hearing required in subsection (B) of this subsection 35.50.2, the City Council, together with each governing body of each participating political subdivision, shall pass an ordinance or resolution to set such political subdivision's property tax request. If the City is increasing its property tax request over the amount from the prior year, including any increase in excess of the allowable growth percentage, then such ordinance or resolution shall include, but not be limited to, the following information:

- (1) The name of the City of La Vista;
- (2) The amount of the property tax request;
- (3) The following statements:
 - (a) The total assessed value of property differs from last year's total assessed value by _____ percent;
 - (b) The tax rate which would levy the same amount of property taxes as last year, when multiplied by the new total assessed value of property, would be \$ _____ per \$100 of assessed value;
 - (c) The City of La Vista proposes to adopt a property tax request that will cause its tax rate to be \$ _____ per \$100 of assessed value; and
 - (d) Based on the proposed property tax request and changes in other revenue, the total operating budget of the City of La Vista will exceed last year's by _____ percent; and

(4) The record vote of the governing body in passing such resolution or ordinance.

(D) Any resolution or ordinance setting a property tax request under this subsection 35.50.2 shall be certified and forwarded to the county clerk on or before October 15 of the year for which the tax request is to apply.

(E) The county clerk, or his or her designee, shall prepare a report which shall include (1) the names of the representatives of the City and each other political subdivisions participating in the joint public hearing and (2) the name and address of each individual who spoke at the joint public hearing, unless the address requirement is waived to protect the security of the individual, and the name of any organization represented by each such individual. Such report shall be delivered to the City and other political subdivisions participating in the joint public hearing within ten days after such hearing.

(Neb. RS 77-1633) ('79 Code, § 1-904.01) (Ord. 703, passed 10-21-97; Am. Ord. 1031, passed 5-1-07) (Am. Ord. , passed)

35.50.3 Definitions; Property Tax Request Act. "Allowable growth percentage" and other terms used in this Section 35.50 shall have the meaning provided in Neb. Rev. Stat. Section 77-1631.

Provisions of this Section 35.50 shall be interpreted and carried out in accordance with the Property Tax Request Act, Neb. Rev. Stat. Sections 77-1631 through 77-1634, and other applicable State Statutes, as adopted or amended from time to time. Provided, however, inadvertent failure to comply with the Property Tax Request Act shall not invalidate any property tax request of the City or constitute an unauthorized levy. Without limiting the foregoing sentence, the failure of a taxpayer to receive a postcard as required under the Act shall not invalidate a property tax request of the City or constitute an unauthorized levy under Neb. Rev. Stat. Section 77-1606. (Am. Ord. , passed)

SECTION 5. Repeal of Conflicting Ordinances. All ordinances and parts of ordinances as previously enacted that are in conflict with this Ordinance or any part hereof are hereby repealed.

SECTION 6. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Mayor and City Council of the City of La Vista hereby declare that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION 7 Effective Date. This Ordinance shall be in full force and effect from and after passage, approval and publication in pamphlet form as provided by law.

PASSED AND APPROVED THIS 1ST DAY OF FEBRUARY 2022

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Pamela A. Buethe, MMC
City Clerk

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LA VISTA, NEBRASKA, TO AMEND MUNICIPAL CODE SECTIONS 95.15, 95.32 AND 95.47 TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY AND AN EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA:

SECTION 1. Section 95.15 of the La Vista Municipal Code is amended to read as follows:

§ 95.15 SEIZURE AND CONFINEMENT.

(A) It shall be the duty of the animal control authority to capture, secure, and remove to the animal shelter or other suitable impoundment or care facility, in as humane manner as is practicable under the circumstances, any animal running at large, owned, kept, harbored, or confined in violation of this chapter. The animals so impounded shall be treated in a humane manner and shall be provided with a sufficient supply of food and fresh water each day. Each impounded animal shall be kept and maintained at the animal shelter, impoundment, or other care facility for a period of not less than five days after public notice has been given unless keeping or harboring the animal is lawful within the city and the animal has been reclaimed earlier by its owner. Notice of impoundment of all animals, including any significant marks or identifications, shall be posted at the office of the animal control authority within 24 hours after impoundment as public notification of such impoundment.

(B) If keeping or harboring the impounded animal is lawful within the city, then such animal may be reclaimed by its owner during the period of impoundment by payment of the required fees as set by the animal control authority. The owner shall then be required to comply with applicable licensing and rabies vaccination requirements within 72 hours after release unless earlier compliance is required by applicable State Statutes or rules or regulations of the Nebraska Department of Health and Human Services or provider of animal control within the City, or other rules or regulations of the City, as adopted or amended from time to time. If the animal is not claimed at the end of the required waiting period after public notice has been given, the animal control authority may dispose of the animal in accordance with the applicable rules and regulations pertaining to the same, provided that if, in the judgment of the animal control authority, a suitable home can be found for any such animal, the animal shall be turned over to that person and the new owner shall then be required to pay all fees and comply with all applicable licensing and vaccinating requirements provided in this chapter.

(C) The city and/or animal control authority shall acquire legal title to any unlicensed animal impounded in the animal shelter for a period longer than the required waiting period after giving notice.

(D) All expenses of licensing such animals and maintaining the city dog pound and the salary of the humane officer shall be paid out of the general fund of the city, and all sums collected by the City Clerk for animal licensing and all impounding charges collected shall be deposited to and become a part of the general fund of the city, unless otherwise provided for by a contract entered into pursuant to § 95.16 of this chapter.

(E) Notwithstanding anything to the contrary in this Code Section 95.15:

(1) In the event that the County Attorney files a criminal complaint in connection with a seized animal, the court in which such complaint was filed shall have exclusive jurisdiction for disposition of the animal and to determine any rights therein, including questions respecting the title, possession, control, and disposition thereof.

(2) In the event that an animal seized pursuant to Neb. Rev. Stat. Section 28-1006 or Neb Rev. Stat. Section 28-1012, disposition and the cost for the care of such animal shall be governed by Neb. Rev. Stat. Section 28-1012.01.
('79 Code, § 6-119) (Ord. 212, passed - -; Am. Ord. 348, passed 9-6-83; Am. Ord. 1160, passed 12-20-11; Am. Ord. 1353, passed 7-2-19; Am. Ord. _____, passed _____)

SECTION 2. Section 95.32 of the La Vista Municipal Code is amended to read as follows:

§ 95.32 VACCINATION--REQUIRED.

Unless earlier vaccination or greater requirements are specified by applicable State Statutes or rules or regulations of the Nebraska Department of Health and Human Services or provider of animal control within the City or other rules or regulations of the City, as adopted or amended from time to time.

(aA) Every cat required to be licensed by this chapter shall be vaccinated against rabies within 30 days after they have reached three months of age, one year after initial vaccination, and thereafter triennially, according to vaccine manufacturers' guidelines. Unvaccinated cats acquired or moved into the state must be vaccinated within 30 days after purchase or arrival, unless under three months of age as specified above.

(bB) A cat is currently vaccinated if the initial rabies vaccine was administered at least 28 days previously or booster vaccinations have been administered in accordance with the manufacturer's guidelines. Regardless of the age of the cat at initial vaccination, a booster vaccination shall be administered one year later. If a previously vaccinated cat is overdue for a booster, it shall be revaccinated.

(cC) An owner or keeper of any cat required to be licensed by this chapter to be vaccinated by a licensed veterinarian is exempt from the requirements of this section if a medical reason exists that precludes the vaccination of the cat. To qualify for this exemption, the owner or keeper must have a written statement signed by a licensed veterinarian that includes a description of the cat and the medical reason that precludes vaccination.

('79 Code, § 6-106) (Ord. 186, passed --; Am..Ord.437, passed 6-16-87; Am. Ord 1137, passed 2-1-11; Am. Ord. _____, passed _____)

Statutory reference:

~~Control and prevention of rabies; rules and regulations., see Neb. RS 77-4402.03Neb. RS sections 71-440 et seq~~

SECTION 3. Section 95.47 of the La Vista Municipal Code is amended to read as follows:

§ 95.47 VACCINATION--REQUIRED.

Unless earlier vaccination or greater requirements are specified by applicable State Statutes or rules or regulations of the Nebraska Department of Health and Human Services or provider of animal control within the City or other rules or regulations of the City, as adopted or amended from time to time.

(aA) Every dog required to be licensed by this chapter shall be vaccinated against rabies within 30 days after they have reached three months of age, one year after initial vaccination, and thereafter triennially, according to vaccine manufacturers' guidelines. Unvaccinated dogs acquired or moved into the state must be vaccinated within 30 days after purchase or arrival, unless under three months of age as specified above.

(bB) A dog is currently vaccinated if the initial rabies vaccine was administered at least 28 days previously or booster vaccinations have been administered in accordance with the manufacturer's guidelines. Regardless of the age of the dog at initial vaccination, a booster vaccination shall be administered one year later. If a previously vaccinated dog is overdue for a booster, it shall be revaccinated.

(cC) An owner or keeper of any dog required to be licensed by this chapter to be vaccinated by a licensed veterinarian is exempt from the requirements of this section if a medical reason exists that precludes the vaccination of the dog. To qualify for this exemption, the owner or keeper must have a written statement signed by a licensed veterinarian that includes a description of the dog and the medical reason that precludes vaccination.

('79 Code, § 6-103) (Ord. 186, passed --; Am. Ord. 312, passed 7-20-82; Am..Ord.436, passed 6-16-87; Am. Ord. 1137, passed 2-1-11; Am. Ord. _____, passed _____)

Statutory reference: ~~Control and prevention of rabies; rules and regulations., see Neb. RS sections 77-4402.034401 et seq~~

SECTION 4 Repeal of Conflicting Ordinances. All ordinances and parts of ordinances as previously enacted that are in conflict with this Ordinance or any part hereof are hereby repealed.

SECTION 5. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such

unconstitutionality or invalidity shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Mayor and City Council of the City of La Vista hereby declare that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION 6. Effective Date. This Ordinance shall be in full force and effect from and after passage, approval and publication in pamphlet form as provided by law.

PASSED AND APPROVED THIS 1ST DAY OF FEBRUARY 2022

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, MMC
City Clerk

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LA VISTA, NEBRASKA, TO AMEND MUNICIPAL CODE SECTIONS 119.01, 119.02 AND 119.03; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY AND AN EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA:

SECTION 1. Section 119.01 of the La Vista Municipal Code is amended to read as follows:

§ 119.01 FINDINGS AND INTENT

The City Council hereby declares that it is the policy of the City to affirm the scientific evidence that the use of tobacco products, electronic nicotine delivery systems, and alternative nicotine products is casually causally connected to many diseases and is dangerous to human health. Placing tobacco products and systems out of the reach of children and teenagers will reduce the likelihood of that children and teenagers to will use tobacco products such products and systems. (Ord. 999, passed 7-18-06; Am. Ord. _____, passed _____)

SECTION 2. Section 119.02 of the La Vista Municipal Code is amended to read as follows:

§ 119.02 DEFINITIONS.

For purposes of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALTERNATE NICOTINE PRODUCT. Any noncombustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by any other means. Alternative nicotine product does not include any electronic nicotine delivery system, cigarette, cigar, or other tobacco product, or any product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act.

ELECTRONIC NICOTINE DELIVERY SYSTEM. Any product or device containing nicotine, tobacco, or tobacco derivatives that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, to simulate smoking by delivering the nicotine, tobacco, or tobacco derivatives in vapor, fog, mist, gas, or aerosol form to a person inhaling from the product or device.

Electronic nicotine delivery system includes, but is not limited to, the following:

(1) Any substance containing nicotine, tobacco, or tobacco derivatives, whether sold separately or sold in combination with a product or device that is intended to deliver to a person nicotine, tobacco, or tobacco derivatives in vapor, for, mist, gas, or aerosol form;

(2) Any product or device marketed, manufactured, distributed, or sold as an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, electronic hookah, or similar products, names, descriptors, or devices; and

(3) Any component, part, or accessory of such a product or device that is used during operation of the product or device when sold in combination with any substance containing nicotine, tobacco, or tobacco derivatives.

Electronic nicotine delivery system does not include the following:

(1) An alternative nicotine product, cigarette, cigar, or other tobacco product, or any product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act; or

(2) Any component, part or accessory of such a product or device that is used during operation of the product or device when not sold in combination with any substance containing nicotine, tobacco, or tobacco deliveries.

PLACE OF BUSINESS. A place where tobacco products are sold at retail, including vending machines.

RESPONSIBLE PERSON. Any person, firm, association, company, partnership, or corporation or agent or employee of same who operates a store, stand, booth, concession or other place at which tobacco sales are made to purchasers. **RESPONSIBLE PERSON** as defined and applied herein must be an individual 18 years or older.

TOBACCO PRODUCTS. Any product containing nicotine that in whole or in part is intended to be burned, heated, chewed or otherwise ingested or absorbed into the body, including without limitation:

- (1) Cigarettes,
- (2) Cigars,
- (3) Cheroots,
- (4) Stogies,
- (5) Periques,
- (6) Granulated, plug cut, crimp cut, ready rubbed and other smoking tobacco,
- (7) Snuff, snuff flour, Cavendish, plus and twist tobacco, fine cut and other chewing tobacco,
- (8) Shorts, refuse scraps, clippings, cuttings, and sweepings of tobacco, and
- (9) Anything containing tobacco or any other kinds and forms to tobacco prepared in such manner as to be suitable for either chewing, smoking in a pipe, chewing and smoking, or inhaling and snorting through the nose.

VENDOR-ASSISTED ACCESS. Access to tobacco or tobacco products only with the direct assistance of the vendor or a vendor employee or agent, so that customers do not have direct access to take possession of tobacco or tobacco products without direct assistance from the vendor or a vendor employee or agent.

VENDING MACHINE. Any device or machine requiring the deposit of money or other things of value, including any such device or machine activated or operated by the vendor or by an employee or agent of the vendor.

(Ord. 999, passed 7-18-06; Am. Ord. _____, passed _____)

SECTION 3. Section 119.03 of the La Vista Municipal Code is amended to read as follows:

§ 119.03 CERTAIN FORMS OF DISTRIBUTION PROHIBITED.

(A). It shall be unlawful to sell alternative nicotine products, cigarettes, electronic nicotine delivery systems or other tobacco products in any form except original factory-wrapped packages. The sale of single cigarettes is specifically prohibited.

(B). It shall be unlawful for any person or organization to give away, hand out, or otherwise distribute free samples of alternative nicotine products, cigarettes, electronic nicotine delivery systems or other tobacco products, or coupons that can be redeemed for free samples of cigarettes or other tobacco such products or systems, on public property or property that is open to the general public within the City's jurisdiction.

(C). It shall be unlawful to commingle tobacco products, alternative nicotine products, or electronic nicotine delivery systems with any other product for sale from a single vending machine.

(D). It shall be unlawful for any person to:

(1) sellSell, permit to be sold, or offer for sale tobacco or tobacco products, alternative nicotine products, or electronic nicotine delivery systems by means other than vendor-assisted access, or

(2) displayDisplay tobacco or tobacco products, alternative nicotine products, or electronic nicotine delivery systems in a manner allowing customers access to tobacco or tobacco such products or systems without vendor assistance. The requirements of this subsection (D) shall not apply to a separate humidor roomtobacco specialty store or cigar shop in which no one under the age of 18-21 years is allowed to enter (with the limited exception provided in Section 133.05) and which bears a sign to that effect.

(E) Cigarettes, or other tobacco products, electronic nicotine delivery systems, or alternative nicotine products may be dispensed from a vending machine or similar device when such machine or device is located in an area, office, business, plant, or factory which is not open to the general public or on the licensed premises of any establishment having a license issued under the Nebraska Liquor Control Act for the sale of alcoholic liquor for consumption on the premises when such machine or device is located in the same room in which the alcoholic liquor is dispensed.

(Ord. 999, passed 7-18-06; Am. Ord. _____, passed _____)

SECTION 4. Repeal of Conflicting Ordinances. All ordinances and parts of ordinances as previously enacted that are in conflict with this Ordinance or any part hereof are hereby repealed.

SECTION 5. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, unenforceable or invalid, such unconstitutionality, unenforceability or invalidity shall not affect the constitutionality, enforceability or validity of the remaining portions of this Ordinance. The Mayor and City Council of the City of La Vista hereby declare that they would have passed this Ordinance and each section, subsection, sentence, clause and phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional, unenforceable or invalid.

SECTION 6. Effective Date. This Ordinance shall be in full force and effect from and after passage, approval and publication in pamphlet form as provided by law.

PASSED AND APPROVED THIS 1ST DAY OF FEBRUARY 2022.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, MMC
City Clerk