

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
DECEMBER 18, 2007 AGENDA**

Subject:	Type:	Submitted By:
RESOLUTION — LB 395	► RESOLUTION ORDINANCE RECEIVE/FILE	BRENDA S. GUNN CITY ADMINISTRATOR

SYNOPSIS

A resolution has been prepared to implore the Nebraska Legislature to ensure fairness and equity should they determine it desirable to adopt legislation to amend the Nebraska Clean Indoor Air Act (LB 395).

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval.

BACKGROUND

A discussion item was placed on the December 4, 2007 City Council agenda to consider a request made by the City's Keno operator to adopt a smoking ban policy similar to the one recently passed by Ralston. The City's Keno operator expressed concern that if the Legislature passes a state-wide smoking ban, Omaha will be granted an exemption which will result in Omaha's keno operations having a competitive advantage over La Vista's keno operations.

As a result of the discussion that took place during the December 4, 2007 Council meeting, the Mayor and Council directed staff to prepare the attached resolution that implores the legislature to ensure fairness and equity should they determine it desirable to approve legislation to amend the Nebraska Clean Indoor Air Act (LB 395).

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, IN SUPPORT OF FAIR, EQUITABLE AND UNIFORM LEGISLATION SHOULD THE LEGISLATURE DECIDE TO AMEND THE NEBRASKA CLEAN INDOOR AIR ACT (LB 395).

WHEREAS, LB 395, introduced during the 2007 legislative session, would amend the Nebraska Clean Indoor Air Act by restricting smoking in any place of employment or public place in the State; and

WHEREAS, in its final reading LB 395 contained an exemption for a metropolitan class city that had a smoking ban ordinance prior to January 1, 2007 and included a provision for other cities or villages to adopt more or less stringent smoking ordinances; and

WHEREAS, the governing body of the City of La Vista acknowledges that it is within the purview of the Nebraska Legislature to decide whether or not to enact a state-wide smoking ban; and

WHEREAS, should a state-wide smoking ban be approved, the ban should be fair, equitable and uniformly applicable in all jurisdictions across the State.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, hereby expresses its support of legislation that ensures fairness, equity and uniformity in all jurisdictions across the State in the event the Nebraska Legislature amends the Nebraska Clean Indoor Air Act and enacts a state-wide smoking ban.

BE IT FURTHER RESOLVED, that the Mayor is hereby directed to communicate this position to our representative in the Legislature and such other parties as may be desirable to further these purposes.

PASSED AND APPROVED THIS _____ DAY OF _____, 2007.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk