

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
AUGUST 19, 2008 AGENDA**

| Subject: | Type: | Submitted By: |
|--------------------------------------------|-------------------------------------------|--------------------------|
| CONTINUATION OF THE ½ PERCENT SALES TAX | RESOLUTION ◆ ORDINANCE RECEIVE/FILE | PAM BUETHE CITY CLERK |

SYNOPSIS

An ordinance has been prepared authorizing the continuation of the ½ percent sales and use tax originally imposed on October 1, 1990 and continued on August 1, 2000, for an additional fifteen-year period beginning July 1, 2010 and continuing until July 1, 2025.

FISCAL IMPACT

The ½ percent local option sales and use tax currently generates an average of \$808,833 annually for major street improvement projects and other capital improvements.

RECOMMENDATION

Approval.

BACKGROUND

In December of 1984, the City established a one- percent local option sales tax, which continues in perpetuity, and funds are used for the day to day cost of providing city services, such as police, fire, and public works.

On June 19, 1990, by Ordinance 504, the City adopted an additional ½ percent local option sales tax, following a successful referendum. The referendum included a “sunset” or end date of the ½ percent option on July 31, 2000. Those funds were dedicated by the City Council to be used for major street improvement projects and other capital improvements.

On November 3, 1998, the voters approved continuation of the ½ percent local option sales tax for an additional ten-year period. On January 19, 1999 by Ordinance 759 the City adopted the continuance of the additional ½ percent local option sales tax. The sunset date for this continuation was July 31, 2010 and the dedication of the funds remained the same. On November 21, 2000, by Ordinance 822B, the Council corrected the sunset date to be July 1, 2010 in accordance with State Statute.

On May 13, 2008 a referendum was passed by the voters to continue the additional ½ percent sales and use tax for an additional fifteen years to be dedicated to major street improvement projects and other capital improvements.

ORDINANCE NO. _____

AN ORDINANCE CONTINUING THE ONE AND ONE-HALF PERCENT (1½ %) CITY SALES AND USE TAX ON ALL TRANSACTIONS WITHIN THE CITY OF LA VISTA AND WHICH THE STATE OF NEBRASKA IS AUTHORIZED TO IMPOSE A TAX; TO PROVIDE FOR THE EFFECTIVE DATE OF SUCH TAX; TO PROVIDE FOR THE ADMINISTRATION OF SUCH TAX; TO PROVIDE FOR THE SUNSET DATE OF THE ONE-HALF PERCENT (½ %) LOCAL OPTION SALES TAX PORTION OF SUCH SALES AND USE TAX; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

WHEREAS, on November 20, 1984, the governing body of the City of La Vista passed Ordinance No. 363, imposing a perpetual one percent (1%) city sales and use tax on all transactions with the City of La Vista on which the State of Nebraska is authorized to impose a tax, which sales and use tax took effect on April 1, 1985; and

WHEREAS, on June 19, 1990, the governing body of the City of La Vista passed Ordinance No. 504, imposing an additional sales and use tax on one-half of one percent (½ %), effective October 1, 1990 and continuing until July 31, 2000; and

WHEREAS, on January 19, 1999, the governing body of the City of La Vista passed Ordinance No. 759, imposing for another ten year period the additional sales and use tax on one-half of one percent (½ %), effective August 1, 2000 and continuing until July 31, 2010; and

WHEREAS, on November 21, 2000, the governing body of the City of La Vista passed Ordinance No. 822B to amend Sections 2 and 4 of Ordinance No. 759 to correct the sunset date for the one-half percent sales tax from July 31, 2010 to July 1, 2010 to conform said dates to Neb. Rev. Stat. Section 77-27,143.

WHEREAS, by a majority vote of the qualified electors voting at the primary election held May 13, 2008, the governing body of La Vista was authorized to continue the additional one half of one percent (½ %) sales and use tax originally imposed on October 1, 1990 and continued on August 1, 2000 for an additional fifteen year period beginning July 1, 2010; and

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

Section 1. Continuation of Tax. The one-half of one percent (½ %) additional sales and use tax imposed under Ordinance No. 504 and continued under Ordinance No. 759 upon the same transactions within the corporate limits of the city of La Vista on which the State of Nebraska is authorized to impose a tax pursuant to the provisions of Nebraska Revenue Act of 1967, as amended from time to time, is hereby continued for an additional fifteen (15) year period.

Section 2. Effective Date of Tax. The continuation of the additional one-half percent (½ %) sales and use tax hereby originally levied under Ordinance No. 504 and continued under Ordinance No. 759 shall take effect upon expiration of the initial term of the levy of such tax, to wit on July 1, 2010 and shall apply to all taxable transactions on and after that date within the corporate limits of the City of La Vista, as said corporate limits may from time to time thereafter be constituted.

Section 3. Use of Revenue. All revenue generated by the additional one-half of one percent (½ %) sales and use tax imposed under Ordinance 504, continued under Ordinance No. 759 and continued by this Ordinance shall be used for major street improvement projects and other capital improvements.

Section 4. Sunset Date for Additional One-Half Percent (½ %) Local Option Sales Tax. The one-half percent (½ %) additional sales and use tax originally imposed under Ordinance No. 504, continued under Ordinance 759 and continued for an additional fifteen years pursuant to this Ordinance shall end on July 1, 2025 unless a majority of the qualified electorate approve an extension thereof pursuant to the Local Option Revenue Act, §§77-27,142 to 77-27, 148 Revised Statutes of Nebraska, as amended from time to time.

Section 5. Administration. The administration of the sales and use tax imposed hereby, the making of a return for ascertainment, assessment and collection and for the distribution of the taxes so imposed shall be as provided in the Local Option Revenue Act, §§77-27,142 to 77-27, 148 Revised Statutes of Nebraska, as amended from time to time.

Section 6. One Percent City Sales and Use Tax Unaffected. The one percent (1%) City sales and use tax imposed under Ordinance No. 363 is perpetual and unaffected by the Ordinance.

Section 7. Effective Date of this Ordinance. This ordinance shall take effect and be fully enacted upon passage, approval and publication as provided by law. The tax hereby imposed shall take effective as provided in Section 2 hereof.

Section 8. 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 the Ordinance. The Mayor and City Council of the Cit of La Vista hereby declare that it would have passed this Ordinance and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

PASSED AND APPROVED THIS 19TH DAY OF AUGUST, 2008.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

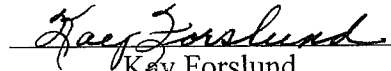
CERTIFICATE OF OFFICIAL RETURNS FOR
CITY OF LA VISTA
LA VISTA PROPOSITION
AT THE ELECTION HELD MAY 13, 2008

I, Kay Forslund, Election Commissioner, in and for the County of Sarpy, in the State of Nebraska, do hereby certify that at the Election held on May 13, 2008, the following issue for the CITY OF LA VISTA - LA VISTA PROPOSITION received the votes opposite the choice:

| | |
|---------|-----|
| For | 845 |
| Against | 258 |

IN TESTIMONY WHEREOF, I have hereunto set my hand and have caused to be affixed hereto the seal of my office, in the City of Papillion, County of Sarpy, State of Nebraska, this 17th day of June, 2008.

(Seal)


Kay Forslund
Election Commissioner
Sarpy County, Nebraska

OFFICIAL MUNICIPAL ELECTION BALLOT

CITY OF LA VISTA
LOCAL SALES TAX CONTINUATION PROPOSITION

“Shall the Governing Body of the City of La Vista continue to impose its current additional optional sales and use tax of one-half of one percent upon the same transactions within the City of La Vista on which the State of Nebraska is authorized to impose a tax, for a fifteen (15) year period ending July 1, 2025 to pay for major street improvement projects and other capital expenditures?”

A vote “For” this proposal will authorize the Mayor and City Council of the City of La Vista to continue beyond July 1, 2010 its current additional optional sales and use tax of one-half of one percent upon the same transactions within the City of La Vista on which the State of Nebraska is authorized to impose a tax, for an additional fifteen (15) year period ending July 1, 2025 to pay for major street improvement projects and other capital expenditures, which will result in continuing the current total local option sales and use tax of the City of one and one-half percent. A vote “Against” will deny authorization to continue the current additional optional sales and use tax of one-half of one percent beyond its expiration date of July 1, 2010, which will result in a total local option sales and use tax of the City of one percent.

- ☐ **For**
☐ **Against”**