

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
APRIL 7, 2009 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
CITIZEN ADVISORY REVIEW COMMITTEE — EDP REPORT	◆ RESOLUTION ORDINANCE RECEIVE/FILE	RITA RAMIREZ ASST. CITY ADMINISTRATOR

**SYNOPSIS**

A public hearing has been scheduled and a resolution has been prepared for the Citizen Advisory Review Committee to submit a written report to the Mayor and City Council regarding the City's Economic Development Program and to approve amendments to the Rules and Operating Procedures for the Committee. A copy of the report is attached.

**FISCAL IMPACT**

N/A.

**RECOMMENDATION**

Approval.

**BACKGROUND**

Ordinance No. 921 established the City's Economic Development Program and formed the Citizen Advisory Review Committee which is charged with reporting to the Mayor and City Council in a public hearing at least once every six months.

At their last meeting the Committee also made some minor amendments to the Rules and Operating Procedures. They changed the regular meeting date from the second Monday in March, June, September and December to the second Thursday of those same months. This meeting day will work better for a majority of the current Committee members. The Rules also indicated that officers would be elected each year in February and this was changed to March as the Committee has never met in February. The City Council needs to approve any changes to the Rules and Operating Procedures of the CAR Committee.

## LA VISTA CITIZEN ADVISORY REVIEW COMMITTEE

To: Mayor and Members of the City Council

Dt: March 9, 2009

Fr: Citizen Advisory Review Committee

Re: Economic Development Program Bi-Annual Report

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Pursuant to §117-15 (g) the Citizen Advisory Review Committee shall report to the Mayor and City Council, at least once every six months, regarding the Economic Development Program. The following report generally covers activity for the period of September 2008 to date:

1. One application to the Economic Development Program has been received to date. The application was from John Q. Hammons to construct a full service Embassy Suites Hotel and conference center facility which has been completed and is open for business; and a Marriott Courtyard Hotel, which is currently under construction with an anticipated opening in spring of 2009. These facilities are located in the Southport West subdivision.
2. The City has been collecting sales tax revenue for the Economic Development fund since its effective date and the fund had accumulated approximately \$480,000. In FY 08 the fund received approximately \$534,000 in interest income on the bond proceeds and \$382,115 in loan payments (interest only) from John Q. Hammons. Expenditures in 2008 included \$1,094,520 for debt service associated with the grant and construction loan, \$23,800 for legal fees, and \$17,183,050 for land and construction costs (the construction loan and land grant to JQH).
3. The Economic Development Fund Budget for Fiscal Year 2009 anticipates that \$3,612,784 will be carried forward from FY 08 and the fund will receive \$1,234,663 in revenue from loan payments (interest only) by John Q. Hammons. Expenditures in FY 09 will include debt service payments (interest only) of \$1,509,683, legal fees of \$25,000 and final construction costs of \$1,627,645.
4. The City's assessed valuation for 2009 is over \$950 million, up approximately 6% from 2008. Over the past 10 years, growth in the City's valuation has averaged about 13.5%.
5. Net taxable sales increased by 1.54% from 2007 to 2008 (through Nov.) \$155,552,205 to \$157,949,602.
6. During the 2008 fiscal year (October 1, 2007 through September 30, 2008), the City received \$2,898,476 in local option sales tax revenue. This is an increase of approximately 2.8% as compared to the prior fiscal year. While sales tax revenue for the first five months of the current fiscal year is up over the same period last year, it is believed this is due in part to an on-going construction project in the City that will be receiving incentives from the state, funded in part by local sales tax dollars.
7. Although building permits were down in 2008 (a total of \$43,487,781 in valuation), since 1997 the City has issued building permits totaling in excess of \$773 million in valuation.

The members of the Citizen Advisory Review Committee consider themselves trustees of La Vista's Economic Development Program, based upon the parameters of Ordinance 921. In submitting this bi-annual report, the Committee notes that it has a sincere interest in monitoring and reporting to the Mayor

and City Council on the City's economic health and objectively evaluating the City's progress and success in the economic arena. Thank you for this opportunity and we are happy to answer any questions.

Respectfully submitted:

Lynda Shafer, Chair  
Doug Kellner, Vice-Chair  
Rick Burns  
Jim Placzek  
Courtney Dunbar

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING CHANGES AND REVISIONS TO THE EXISTING RULES AND OPERATING PROCEDURES OF THE LA VISTA CITIZEN ADVISORY REVIEW COMMITTEE.

WHEREAS, The La Vista Citizen Advisory Review Committee was formed as an advisory committee to the Mayor and City Council to review the function and progress of the Economic Development Program; and

WHEREAS, The La Vista Citizen Advisory Review Committee has recommended some minor amendments to the Rules and Operating Procedures of the Committee; and

WHEREAS, The City Council must approve any changes to the Rules and Operating Procedures of the Citizen Advisory Review Committee.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby approve the changes to the existing Rules and Operating Procedures of the Citizen Advisory Review Committee.

PASSED AND APPROVED THIS 7TH DAY OF APRIL 2009.

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk

**RULES AND OPERATING PROCEDURES  
OF  
THE CITY OF LA VISTA CITIZEN ADVISORY REVIEW COMMITTEE**

**CHAPTER 1 - RULES**

**ARTICLE 1 - POWERS AND DUTIES**

Section 1 - AUTHORITY: The La Vista Citizen Advisory Review Committee (hereinafter called the "Committee"), duly established under Chapter 117 of the La Vista Municipal Code, exists as an advisory committee to the Mayor and City Council to review the function and progress of the Economic Development Program.

Section 2 - NAME: The legal name of the Committee shall be the City of La Vista Citizen Advisory Review Committee.

Section 3 - DUTIES: The duties of the Committee shall be as set forth in the applicable sections of the La Vista Municipal Code and in Ordinance No. 921, adopted by the City Council, such Ordinance being the Economic Development Program of the City of La Vista, Nebraska, together with such other responsibilities as may be lawfully assigned to it by the City Council including the following:

- a. The Committee shall hold regular meetings once per quarter to review the functioning and progress of the Economic Development Program and advise the Mayor and City Council about the Program;
- b. At least once every six-month period the Committee shall report to the Mayor and City Council on its findings and suggestions regarding the Economic Development Program.

**ARTICLE 2 - COMPOSITION OF THE COMMITTEE**

Section 1 - MEMBERSHIP: The Committee shall consist of five (5) voting members who shall be registered voters of the City of La Vista, appointed by the Mayor, by and with the approval of a majority vote of the members elected to the La Vista City Council. The Economic Development Program Administrator (the City Administrator) shall serve as an ex-officio member of the Committee.

Section 2 - COMPENSATION: All members of the Committee shall serve without compensation, except for mileage and reasonable expenses when traveling outside the Metropolitan Area in an amount fixed by the City Council.

Section 3 - TERMS OF OFFICE: The term of each Committee member shall be five (5) years. All members shall hold office until their successors have been appointed.

Section 4 - REMOVAL FROM THE COMMITTEE: Any member of the Committee may, after public hearing before the City Council, be removed as a member of the Committee by the Mayor with the consent of a majority vote of the City Council for inefficiency, lack of attendance (three consecutive meetings without just cause), neglect of duty, malfeasance in office, or

any other good and sufficient cause, as determined by the City Council.

Section 5 - VACANCIES: Vacancies occurring on the Committee other than through expiration of terms of office shall be filled for the un-expired terms by registered voters of the City of La Vista appointed by the Mayor in accordance with Section 1 above.

Section 6- PUBLIC OFFICE: No member of the Committee shall hold any other municipal office.

### **ARTICLE 3 - MEETINGS**

Section 1 - NUMBER OF MEETINGS: The Committee shall hold at least one (1) regular meeting once per quarter, except Special Meetings of the Committee may be called by the Mayor or the chairperson of the Committee. Said regular meetings shall be held on the second Thursday of March, June, September and December at 7:00 p.m. in the Council Chambers at City Hall.

Section 2 - RECORDS: The Committee shall follow *Robert's Rules of Order* for transaction of its business and shall keep a record of its motions, votes of each member on each motion and its other transactions, determinations and findings. The records of the Committee shall be maintained in the Office of the City Clerk of La Vista and shall be a public record.

Section 3 - MEETINGS OPEN TO THE PUBLIC: All meetings of the Committee shall be open to the public and conducted in accordance with the State of Nebraska Public Meetings and Disclosure Laws. Executive sessions of the Committee are prohibited unless discussion exclusively relates to legal actions in which the Committee is a party or such other discussion as expressly permitted under State Statute. No action shall be taken by the Committee during any executive session.

### **ARTICLE 4 - OFFICERS AND STAFF**

Section 1 - OFFICERS AND DUTIES: At its first meeting and annually thereafter, the Committee shall elect, from its membership, a Chairperson, a Vice-Chairperson, and a Secretary, and/or designate a person from outside its membership to serve as Recording Secretary to the Committee.

Chairperson: The Chairperson shall be a voting member and shall preside over Committee meetings and, on behalf of the Committee, shall exercise general supervision over the affairs of the Committee. The Chairperson shall have the authority to determine points of order and procedure and to sign all official documents and records of the Committee.

Vice-Chairperson: The Vice-Chairperson shall have the responsibilities and authorities of the Chairperson of the Committee during the absence or disability of the Chairperson. The Vice-Chairperson shall have the authority to act as Chairperson in the event a conflict of an interest by the Chairperson.

Secretary/Recording Secretary: The Secretary/Recording Secretary shall be responsible for keeping a complete and accurate record of all Committee proceedings, including keeping of records and minutes and shall certify all official acts of the Committee, including votes of each member on any and all matters for which a vote is required.

Section 2 - **ELECTION OF OFFICERS:** Nomination of Officers shall be made from the floor at the annual organization meeting which shall be at the first meeting in March in each year, and the elections shall follow immediately thereafter. A candidate receiving a majority vote of the entire membership of the Committee shall be declared elected and shall serve one year or until his successor shall take office. The Chairperson may be re-elected. Vacancies in offices shall be filled immediately by regular election procedures.

## **ARTICLE 5 - GENERAL RULE**

Section 1 - **RULES:** In all matters not otherwise provided for by statute, the Municipal Code or these Rules and Operating Procedures, the most recent edition of Robert's Rules of Order available to the Committee, as interpreted by the presiding officer, shall govern the conduct of the Committee's meetings.

## **CHAPTER 2 – OPERATING PROCEDURES**

### **ARTICLE 1 - COMMITTEE MEETINGS**

Section 1 - **MEETINGS:** All meetings of the Committee shall be open to the public and conducted in accordance with the State of Nebraska Public Meetings and Disclosure laws.

**Regular Meetings:** The Committee shall meet at least once in each calendar quarter, except the Mayor or the chairperson of the Committee may call for a special meeting when necessary to deal with business pending before the Committee.

Section 2 - **CANCELLATION OF MEETINGS:** Whenever there is business to be conducted by the Committee and it is ascertained that a quorum of the members is or will not be present or available at any Committee meeting, the Chairperson shall dispense with the meeting by opening the meeting and informing all members, petitioners, news media and all other persons in attendance that a meeting cannot be held. The Chairperson shall inform all in attendance of the date, time and place for a rescheduled meeting. In the event of a lack of quorum, all business scheduled for such meeting shall be automatically continued to the next regular or special meeting.

The Chairperson or City Administrator may also cancel any meeting in the event of a natural disaster, snow emergency or other emergency situation. In the event of such cancellation, the City Clerk shall notify the news media for announcement of such cancellation.

Section 3 - **QUORUM:** A number of Committee Members equal to a majority of the number of regular members appointed to the Committee shall constitute a quorum. No official business shall be conducted at any Committee meeting unless a quorum is present.

Section 4 - **VOTING:** No action of the Committee shall be official unless such action is authorized at a regular or special meeting by a majority vote of the entire membership of the Committee. All votes of the Committee shall be voice votes duly recorded as to the vote cast by each member.

**Voting Required:** Except in the case of a conflict of interest, as specified in Section 5 herein, all voting members of the Committee present at each meeting of the Committee shall vote on each matter before the Committee. An abstention from voting for any other reason shall be the same as casting a negative vote.

Absentee Voting: Absentee or proxy voting by any Committee member is prohibited. Members must be present to vote on any matter before the Committee.

Section 5 - CONFLICT OF INTEREST: A Committee member shall not participate in the discussion of any matter before the Committee in which he/she or their immediate family has a direct or indirect ownership or financial interest nor shall such member vote on deciding such matter. A member shall declare, for the record, that he/she has such a conflict of interest prior to the discussion of any issue in which a conflict of interest exists and such member shall refrain from any discussion of the matter. Questions as to whether such a conflict of interest exists shall be determined by the Chairperson. When there is uncertainty as to the applicability of this Section, the member involved shall abstain from any discussion or vote on such matter. In all cases, the Secretary/Recording Secretary shall enter into the minutes of the Committee the fact that a member (by name) declared or was declared by the Chairperson, to have a conflict of interest and abstained from all discussion and voting on the matter in which the conflict of interest exists.

Section 6 - ORDER OF BUSINESS: The order of business at meetings of the Committee shall be as listed below, provided that such order of business may be changed by the Chairperson upon the consent of a majority of those members present.

- A. Call Meeting to Order
- B. Approval of Agenda
- C. Approval of Minutes
- D. Old Business
- E. New Business
- F. Comments from the Floor
- G. Comments from the Planning Committee
- H. Adjournment

Section 7 - RULES OF CONDUCT: The following rules of conduct shall apply to and at all public hearings conducted by the Committee:

- A. Comments Addressed to the Chairperson: All comments by members of the public present at any Committee meeting shall be addressed to the Committee through the Chairperson. Comments and arguments between the persons in attendance at the public hearing shall be prohibited by the Chairperson.
- D. Authority of the Chairperson: The Chairperson shall have the authority to prohibit repetitious or irrelevant testimony and comments and shall have the authority to limit the length of comment by each person to five minutes.
- E. Orderly Conduct: Every person appearing before the Committee shall abide by the order and direction of the Chairperson. Discourteous, disorderly, or contemptuous conduct shall not be permitted by the Chairperson and the Chairperson shall have the authority to have any person guilty of such conduct removed from the hearing room.

## ARTICLE 2 - AMENDMENTS OF SUSPENSION OF RULES AND OPERATING PROCEDURES

Section 1 - AMENDMENTS: These Rules and Operating Procedures may be amended upon

*Rules and Operating Procedures – La Vista Citizen Advisory Review Committee – adopted June 7, 2004; amended March 9, 2009*

recommendation of the Committee and approval by the City Council. A vote of 2/3 of the total membership of the Committee is required prior to City Council consideration, provided however, that the proposed amendment(s) shall have been presented in writing to the full Committee at the previous meeting of the Committee.

Section 2 - SUSPENSION: The suspension of any rule or procedure set forth herein may be authorized by the Committee at any meeting of the Committee upon the affirmative vote of a majority of the Committee members, provided however, that no rule or procedure may be suspended more than once and that no rule or procedure which is required to comply with the La Vista Municipal Code or Nebraska law shall be suspended.

### **ARTICLE 3 - SEVARABILITY**

If any section, clause, provision, or portion of these Rules and Operating Procedures shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of any other section, clause, provision or portion of these Rules and Operating Procedures.

### **ARTICLE 4 - CERTIFICATE OF ADOPTION**

The foregoing Rules and Operating Procedures of the City of La Vista Citizen Advisory Review Committee are hereby amended by affirmative vote of the Committee on the 9th day of March 2009.

  
\_\_\_\_\_  
Citizen Advisory Review Committee Secretary

  
\_\_\_\_\_  
Citizen Advisory Review Committee Chairperson

The foregoing Rules and Operating Procedures of the City of La Vista Citizen Advisory Review Committee are hereby amended by affirmative vote of the La Vista City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk