

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
NOVEMBER 4, 2025 AGENDA

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

SYNOPSIS

Ordinances have been prepared to amend Sections 10.05, 33.16, 33.18, 33.22, 33.72, 33.73, 35.03, 35.10, 35.11, 35.12, 35.14, 35.15, 35.30, 35.46, 35.47, 35.48, 35.51, and 91.06 of the La Vista Municipal Code.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval.

BACKGROUND

There are changes as a result of American Legal Publishing Corporation incorporating the legislative changes from the 2024 legislative session into the Municipal Code along with changes to update sections of the 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 10.05; 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. Municipal Code Section 10.05 is hereby amended as follows:

§ 10.05 DEFINITIONS.

- (A) **General rule.** Words and phrases shall be taken in their plain, or ordinary and usual sense. However, technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.
- (B) **Definitions.** For the purpose of this code, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AGENT. A person acting on behalf of another.

CITY, MUNICIPAL CORPORATION, or MUNICIPALITY. The City of La Vista, Nebraska.

CITY COUNCIL or COUNCIL. The City Council of the city.

CITY POLICE. Any police officer of the city.

CLERK. The Clerk of the city.

CODE, THIS CODE, or THIS CODE OF ORDINANCES. This city code as modified by amendment, revision, and adoption of new titles, chapters, or sections.

COUNTY. Sarpy County, Nebraska.

GOVERNING BODY. The Mayor and City Council of the city.

MAY. The act referred to is permissive.

MAYOR. The Mayor of the city.

MONTH. A calendar month.

NEBRASKA STATUTES, NEB. REV. STAT., RS OR STATE STATUTES. Statutes of the State of Nebraska, as enacted or amended from time to time.

OATH. An affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words **SWEAR** and **SWORN** shall be equivalent to the words **AFFIRM** and **AFFIRMED**.

OCCUPANT. Any person who occupies the whole or any part of a building or land whether alone or with others.

OFFICER, OFFICE, EMPLOYEE, COMMISSION, or DEPARTMENT. An officer, office, employee, commission, or department of this city, unless the context clearly requires otherwise.

PERSON. Includes bodies politic and corporate, societies, communities, the public generally, individuals, partnerships, limited liability companies, joint-stock companies, and associations. (Neb. RS 49-801(16))

PRECEDING or **FOLLOWING.** Next before or next after, respectively.

SHALL. The act referred to is mandatory.

SIGNATURE or **SUBSCRIPTION.** Includes a mark when the person cannot write.

STATE. The state of Nebraska.

SUBCHAPTER. A division of a chapter, designated in this code by a heading in the chapter analysis and a capitalized heading in the body of the chapter, setting apart a group of sections related by the subject matter of the heading. Not all chapters have subchapters.

WRITTEN. Any representation of words, letters, or figures, whether by printing or otherwise.

YEAR. A calendar year, unless otherwise expressed.

SECTION 2. Repeal of Conflicting Ordinances. Sections 10.05 as 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 5. 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 4TH DAY OF NOVEMBER 2025

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Rachel D. Carl, CMC
City Clerk

§10.05 DEFINITIONS

NEBRASKA STATUTES, NEB. REV. STAT., NEB. RS OR STATE STATUTES.

Statutes of the State of Nebraska, as enacted or amended from time to time.

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OCCUPANT. Any person who occupies the whole or any part of a building or land whether alone or with others.

OFFICER, OFFICE, EMPLOYEE, COMMISSION, or DEPARTMENT. An officer, office, employee, commission, or department of this city, unless the context clearly requires otherwise.

PERSON. Includes bodies politic and corporate, societies, communities, the public generally, individuals, partnerships, limited liability companies, joint-stock companies, and associations. (Neb. RS 49-801(16))

PRECEDING or **FOLLOWING.** Next before or next after, respectively.

SHALL. The act referred to is mandatory.

SIGNATURE or **SUBSCRIPTION.** Includes a mark when the person cannot write.

STATE. The state of Nebraska.

SUBCHAPTER. A division of a chapter, designated in this code by a heading in the chapter analysis and a capitalized heading in the body of the chapter, setting apart a group of sections related by the subject matter of the heading. Not all chapters have subchapters.

WRITTEN. Any representation of words, letters, or figures, whether by printing or otherwise.

YEAR. A calendar year, unless otherwise expressed.

SECTION 2. Repeal of Conflicting Ordinances. Sections 10.05 as 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 5. 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 4TH DAY OF NOVEMBER 2025

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Rachel D. Carl, CMC
City Clerk

§ 33.16 PUBLIC BODY MEETINGS TO BE IN ACCORDANCE WITH THE OPEN MEETINGS ACT PUBLIC; EMERGENCY DECLARATION; VIRTUAL CONFERENCING.

Meetings of the City Council or other public bodies of the City shall be held in accordance with the Nebraska Open Meetings Act set forth in Neb. RS 84-1407 through 84-1414, including without limitation requirements of the Act governing notices, agendas, emergency meetings, virtual conferencing, minutes, voting and closed sessions.

~~(A) Except as provided in division (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 public body usually holds such meetings unless the publicized notice required by this section designates some other public building or other specified place.~~

~~(A) The advance publicized notice of all public convened meetings shall be simultaneously transmitted to all members of the public body and to the public. Such notice shall be published in a newspaper of general circulation within the public body'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 public body or City Council. The methods and dates of such notice shall be recorded in public body 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. The agenda of any City Council meeting shall be made available and placed on the city's public website at least 24 hours before the meeting and shall remain available on such website for at least six months. 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 public body scheduled outside the corporate limits of the city. The public body shall have the right to modify the agenda to include items of an emergency nature only at such public meetings.~~

~~(C) Meeting minutes shall include 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 public body present or absent at each convened meeting, and the substance of all matters discussed. The minutes shall be written or kept as an electronic record. The minutes shall be available for inspection by the public within ten working days or prior to the next convened meeting, whichever occurs earlier, upon request at any reasonable time at the office of the City Clerk. Minutes of any City Council meeting shall be made available and placed on the city's public website at such time as the minutes are available for public inspection and remain available on such website for at least six months.~~

~~(C) Except as otherwise provided in § 33.20, any official action on any question or motion duly moved and seconded shall be taken only by roll call vote of the public body in open session. The record shall show how each member voted or that the member was absent and did not vote.~~

~~(D) Notwithstanding anything in this chapter 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 subsection 84-1411(7) of the Open Meetings Act are satisfied. In addition, any public body may hold a meeting by virtual conferencing solely for purposes of discussion in accordance with subsection 84-1411(8) of the Open Meetings Act.~~

§ 33.18 EMERGENCY MEETINGS. When it is necessary to hold an emergency meeting without reasonable advance public notice, the nature of the emergency shall be stated in the minutes, and any formal action taken in such meeting shall pertain only to the emergency. Such emergency meetings may be held by ~~virtual conferencing~~~~means of electronic or telecommunication equipment~~. The provisions of § 33.21 shall be complied with in conducting emergency meetings. Complete minutes of such emergency meetings specifying the nature of the emergency and any formal action taken at the meeting shall be made available to the public by no later than the end of the next regular business day.

§ 33.22 PUBLIC PARTICIPATION.

(A) Subject to the Open Meetings Act, the public shall have the right to attend and the right to speak at meetings of public bodies, and all or any part of a meeting of a public body, except for closed ~~meetings sessions~~ called pursuant to Neb. RS 84-1410 as described in § 33.17, may be videotaped, televised, photographed, broadcast or recorded by any person in attendance by means of a tape recorder, camera, video equipment or any other means of pictorial or sonic reproduction or in writing. Except for such closed sessions, a public body shall allow members of the public an opportunity to speak at each meeting.

(B) It shall not be a violation of division (A) of this section for any public body to make and enforce reasonable rules and regulations regarding the conduct of persons attending, speaking at, videotaping, televising, photographing, broadcasting or recording its meetings, including meetings held by virtual conferencing. ~~A body may not be required to allow citizens to speak at each meeting, but it may not forbid public participation at all meetings.~~ No public body shall require members of the public to identify themselves as a condition for admission to the meeting, nor shall such body require that the name of any member of the public be placed on the agenda prior to such meeting in order to speak about items on the agenda. The body may require any member of the public desiring to address the body to identify himself or herself, including an address and the name of any organization represented by such person, unless the address requirement is waived to protect the security of the individual.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LA VISTA, NEBRASKA TO AMEND MUNICIPAL CODE SECTIONS 33.16, 33.18, AND 33.22; 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 33.16 is hereby amended to read as follows:

§ 33.16 PUBLIC BODY MEETINGS TO BE IN ACCORDANCE WITH THE OPEN MEETINGS ACT.

Meetings of the City Council or other public bodies of the City shall be held in accordance with the Nebraska Open Meetings Act set forth in Neb. RS 84-1407 through 84-1414, including without limitation requirements of the Act governing notices, agendas, emergency meetings, virtual conferencing, minutes, voting and closed sessions.

SECTION 2. Municipal Code Section 33.18 is hereby amended to read as follows:

§ 33.18 EMERGENCY MEETINGS.

When it is necessary to hold an emergency meeting without reasonable advance public notice, the nature of the emergency shall be stated in the minutes, and any formal action taken in such meeting shall pertain only to the emergency. Such emergency meetings may be held by virtual conferencing. The provisions of § 33.21 shall be complied with in conducting emergency meetings. Complete minutes of such emergency meetings specifying the nature of the emergency and any formal action taken at the meeting shall be made available to the public by no later than the end of the next regular business day.

SECTION 3. Municipal Code Section 33.22 is hereby amended to read as follows:

§ 33.22 PUBLIC PARTICIPATION.

(A) Subject to the Open Meetings Act, the public shall have the right to attend and the right to speak at meetings of public bodies, and all or any part of a meeting of a public body, except for closed sessions called pursuant to Neb. RS 84-1410 as described in § 33.17, may be videotaped, televised, photographed, broadcast or recorded by any person in attendance by means of a tape recorder, camera, video equipment or any other means of pictorial or sonic reproduction or in writing. Except for such closed sessions, a public body shall allow members of the public an opportunity to speak at each meeting.

(B) It shall not be a violation of division (A) of this section for any public body to make and enforce reasonable rules and regulations regarding the conduct of persons attending, speaking at, videotaping, televising, photographing, broadcasting or recording its meetings, including meetings held by virtual conferencing. No public body shall require members of the public to identify themselves as a condition for admission to the meeting, nor shall such body require that the name of any member of the public be placed on the agenda prior to such meeting in order to speak about items on the agenda. The body may require any member of the public desiring to address the body to identify himself or herself, including an address and the name of any organization represented by such person, unless the address requirement is waived to protect the security of the individual.

(C) No public body shall, for the purpose of circumventing the provisions of the Open Meetings Act, hold a meeting in a place known by the body to be too small to accommodate the anticipated audience. No public body shall be deemed in violation of this section if it holds its meeting in its traditional meeting place located in this state.

(D) Each public body shall, upon request, make a reasonable effort to accommodate the public's right to hear the discussion and testimony presented at the meeting. Public bodies shall make available at the meeting, for examination and copying by members of the public, at least one copy of all reproducible written material to be discussed at an open meeting, either in paper or electronic form.

Public bodies shall make available at least one current copy of the Open Meetings Act, posted in the meeting room at a location accessible to members of the public. At the

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beginning of the meeting, the public body shall be informed about the location of the posted information.

SECTION 4. Repeal of Conflicting Ordinances. Sections 33.16, 33.18, and 33.22 as 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 5. 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 6. 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 4TH DAY OF NOVEMBER 2025

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Rachel D. Carl, CMC
City Clerk

§ 33.72 NONDISCLOSURE GENERALLY.

Pursuant to Neb. RS 84-712.05 ~~and or~~ other applicable Nebraska statutes, the following records, unless publicly disclosed in an open court, open administrative proceeding, or open meeting, or disclosed by the city pursuant to its duties, shall not constitute public records and shall be withheld and not disclosed to the public:

(A) ~~Medical records, other than records of births and deaths and except as provided in § 33.72(D) below, in any form concerning any person, and also records of elections filed under Neb. RS 44-2821;~~

(B) ~~Subject to § 33.73(A) below, trade secrets, academic and scientific research work which is in process and unpublished, and other proprietary or commercial information which if released would give advantage to business competitors and serve no public purpose;~~

(C) ~~Records which represent the work product of an attorney and the public body involved which are related to preparation for litigation, labor negotiations, or claims made by or against the public body or which are confidential communications as defined in Neb. RS 27-503;~~

(D) ~~Records developed or received by law enforcement agencies and other public bodies charged with duties of investigation or examination of persons, institutions, or businesses, when the records constitute a part of the examination, investigation, intelligence information, citizen complaints or inquiries, informant identification, or strategic or tactical information used in law enforcement training, except that this subsection shall not apply to records so developed or received~~

~~relating to the presence of and amount or concentration of alcohol or drugs in any body fluid of any person;~~

~~—;~~

(E) ~~Appraisals or appraisal information and negotiation records concerning the purchase or sale, by a public body, of any interest in real or personal property, prior to completion of the purchase or sale;~~

(F) ~~Personal information in records regarding personnel of public bodies other than salaries and routine directory information;~~

(G) ~~Information solely pertaining to protection of the security of public property and persons on or within public property, such as specific, unique vulnerability assessments or specific, unique response plans, either of which is intended to prevent or mitigate criminal acts the public disclosure of which would create a substantial likelihood of endangering public safety or property; computer or communications network schema, passwords, and user identification names; guard schedules; or lock combinations;~~

(H) ~~The security standards, procedures, policies, plans, specifications, diagrams, access lists, and other security-related records of the Lottery Division of the Nebraska Department of Revenue and those persons or entities with which the Division has entered into contractual relationships. Nothing in this subdivision shall allow the Division to withhold from the public any information relating to amounts paid persons or entities with which the Division has entered into contractual relationships, amounts of prizes paid, the name of the prize winner, and the city, village or county where the prize winner resides;~~

~~(I) With respect to public utilities and except as provided in Neb. RS 43-512.06 and 70-101, personally identified private citizen account payment information, credit information on others supplied in confidence, and customer lists;~~

~~(J) Records or portions of records kept by a publicly funded library which, when examined with or without other records, reveal the identity of any library patron using the library's materials or services;~~

~~(K) Records or portions of records kept by public bodies which would reveal the location, character, or ownership of any known archaeological, historical, or paleontological site in Nebraska when necessary to protect the site from a reasonably held fear of theft, vandalism, or trespass. This section shall not apply to the release of information for the purpose of scholarly research, examination by other public bodies for the protection of the resource or by recognized tribes, the Unmarked Human Burial Sites and Skeletal Remains Protection Act, or the federal Native American Graves Protection and Repatriation Act;~~

~~(L) Records or portions of records kept by public bodies which maintain collections of archaeological, historical, or paleontological significance which reveal the names and addresses of donors of such articles of archaeological, historical or paleontological significance unless the donor approves disclosure, except as the records or portions thereof may be needed to carry out the purposes of the Unmarked Human Burial Sites and Skeletal Remains Protection Act or the federal Native American Graves Protection and Repatriation Act;~~

~~(M) Job application materials submitted by applicants, other than finalists, who have applied for employment by any public body as defined in Neb. RS 84-1409. For purposes of this subdivision, job application materials means employment applications, resumes, reference letters, and school transcripts, and finalist means any applicant who is offered and who accepts an interview by a public body or its agents, representatives, or consultants for any public employment position;~~

~~Social security numbers, credit card, charge card, or debit card numbers and expiration dates; and financial account numbers supplied to state and local governments by citizens;~~

(A) Any records described in Neb. RS 84-712.05, including without limitation 84-712.05(3) described in § 33.73(A);

(B) Nonpublic records as defined in § 33.76; and

~~(C) All other records and parts thereof that are from time to time permitted or required to be withheld by the city under any applicable law, as enacted or amended from time to time including without limitation § 33.73(B).~~

(Ord. 944, passed 12-7-04)

§ 33.73 nondisclosure of trade secrets, academic, scientific proprietary, commercial and other information.

(A) Following are the types of records that shall be withheld pursuant to ~~Neb. RS § 33.72(B)84-712.05(3) above~~:

(1) Trade secrets as that term is defined from time to time by state

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LA VISTA, NEBRASKA TO AMEND MUNICIPAL CODE SECTIONS 33.72 AND 33.73; 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 33.72 is hereby amended to read as follows:

§ 33.72 NONDISCLOSURE GENERALLY.

Pursuant to Neb. RS 84-712.05 or other applicable Nebraska statutes, the following records, unless publicly disclosed in an open court, open administrative proceeding, or open meeting, or disclosed by the city pursuant to its duties, shall not constitute public records and shall be withheld and not disclosed to the public:

- (A) Any records described in Neb. RS 84-712.05, including without limitation 84-712.05(3) described in § 33.73(A);
- (B) Nonpublic records as defined in § 33.76; and
- (C) All other records and parts thereof that are from time to time permitted or required to be withheld by the city under any applicable law, including without limitation § 33.73(B).

SECTION 2. Municipal Code Section 33.73 is hereby amended to read as follows:

§ 33.73 NONDISCLOSURE OF TRADE SECRETS, ACADEMIC, SCIENTIFIC PROPRIETARY, COMMERCIAL AND OTHER INFORMATION.

(A) Following are the types of records that shall be withheld pursuant to Neb. RS 84-712.05(3):

- (1) Trade secrets as that term is defined from time to time by state or federal courts of Nebraska applying Nebraska law, the Nebraska Trade Secrets Act or other applicable law;
- (2) Academic and scientific research work which is in process and unpublished; and
- (3) Other proprietary or commercial information which if released would give advantage to business competitors and serve no public purpose. To be withheld under this subsection:
 - (a) The information must be:
 1. Proprietary or commercial information;
 2. Customarily regarded as confidential in the industry; and
 3. If disclosed, the information may provide an identifiable commercial or business advantage to one or more specified business competitors; and
 - (b) There is no public interest in disclosure, or the interests in nondisclosure outweigh any public interest in disclosure.

(B) In addition to, and not in limitation of, any other provision of this subchapter, business information received by the city in the course of administration of its economic development program shall, to the maximum extent permitted by law, be and remain confidential pursuant to § 33.72(B), § 33.73(A), Neb. RS 84-712.05, binding agreement of the city with a qualifying business participating in the economic development program requiring the city to maintain the confidentiality of business information, § 33.73(B)(1) below, and/or any other provision of applicable law now or hereafter enacted or amended, and shall not be disclosed.

- (1) Members of the Citizens Advisory Review Committee, in their capacity as members and consistent with their responsibilities as members, may from time to

time be permitted access to business information received by the city in the course of its administration of the municipal economic development program, and members of the Committee shall maintain the confidentiality of and not disclose such information. Unauthorized disclosure of any business information which is confidential under Neb. RS 84-712.05 shall be a Class III misdemeanor.

(2) **BUSINESS INFORMATION** means all information of or related to a business, its owners and/or affiliates that is identified by the person providing the information as confidential, including, but not limited to, information related to operations, accounts, projects, performance, marketing, planning, financial statements, results and budgeting, but does not include:

- (a) Information which is or becomes generally available to the public;
- (b) Information rightfully received by the city from a third party and with respect to which there is no obligation of confidentiality of the city;
- (c) Information independently developed by the city or any third party and with respect to which there is no obligation of confidentiality of the city; and
- (d) Information disclosed pursuant to a court order or other operation of law.

SECTION 3. Repeal of Conflicting Ordinances. Sections 33.72 and 33.73 as 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 4. 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 5. 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 4TH DAY OF NOVEMBER 2025

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Rachel D. Carl, CMC
City Clerk

§ 35.03 CONTRACT ADVERTISING. (A) Before the City Council shall make any contract in excess of \$30,000 for enlargement or general improvements, such as water extensions, sewers, public heating systems, bridges, work on streets, or any other work or improvement where the cost of such enlargement or improvement shall be assessed to the property, an estimate of the cost thereof shall be made by the City Engineer and submitted to the Council. No contract shall be entered into for any such work, improvement or enlargement of such an improvement, or for the purchase of equipment used in the construction of such enlargement or general improvement, for any price exceeding \$30,000 without advertising for bids or otherwise satisfying requirements of applicable law, including without limitation Neb. RS 16-321 or Neb. RS 16-321.01. ~~In advertising for bids for any such work, or for the purchase of such equipment, the Council may publish the amount of such estimate therewith. Such advertisement shall be published at least seven days in a legal newspaper of general circulation in the city; provided, that in the case of a public emergency resulting from infectious or contagious diseases, destructive windstorms, floods, snow, war or an exigency or pressing necessity or unforeseen need calling for immediate action or remedy to prevent a serious loss of or serious injury or damage to life, health or property, estimates of costs and advertising for bids may be waived in the emergency ordinance when adopted by a three fourths vote of the Council and entered on record. If after advertising for bids as provided in this section, the City Council receives fewer than two bids on a contract for any work or improvement, or if the bids received by the city contain a price which exceeds the estimated cost of the project, the Mayor and City Council may negotiate a contract in an attempt to complete the proposed project at a cost commensurate with the estimate given. . . .~~

(C) Any city bidding procedure may be waived by the City Council:

- (1) When materials or equipment are purchased at the same price and from the same seller as materials or equipment which have formerly been obtained pursuant to the state bidding procedure in the State Procurement Act~~Neb. RS 81-145 to 81-162;~~
- (2) When the contract is negotiated directly

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LA VISTA, NEBRASKA TO AMEND MUNICIPAL CODE SECTION 35.03; 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. Municipal Code Section 35.03 is hereby amended to read as follows:

§ 35.03 CONTRACT ADVERTISING.

(A) Before the City Council shall make any contract in excess of \$30,000 for enlargement or general improvements, such as water extensions, sewers, public heating systems, bridges, work on streets, or any other work or improvement where the cost of such enlargement or improvement shall be assessed to the property, an estimate of the cost thereof shall be made by the City Engineer and submitted to the Council. No contract shall be entered into for any such work, improvement or enlargement of such an improvement, or for the purchase of equipment used in the construction of such enlargement or general improvement, for any price exceeding \$30,000 without advertising for bids or otherwise satisfying requirements of applicable law, including without limitation Neb. RS 16-321 or Neb. RS 16-321.01.

(B) If the materials are of such a nature that, in the opinion of the manufacturer and with the concurrence of the City Council, no cost can be estimated until the materials have been manufactured or assembled to the specific qualifications of the city, the City Council may authorize the manufacture and assemblage of such materials and may thereafter approve the estimated cost expenditure when it is provided by the manufacturer.

(C) Any city bidding procedure may be waived by the City Council:

- (1) When materials or equipment are purchased at the same price and from the same seller as materials or equipment which have formerly been obtained pursuant to the state bidding procedure in the State Procurement Act;
- (2) When the contract is negotiated directly with a sheltered workshop pursuant to Neb. RS 48-1503; or
- (3) When required to comply with any federal grant, loan, or program.

SECTION 2. Repeal of Conflicting Ordinances. Section 35.03 as 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 4TH DAY OF NOVEMBER 2025

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Rachel D. Carl, CMC
City Clerk

§ 35.10.

(A) The City Treasurer shall deposit, and at all times keep on deposit, for safekeeping, in banks or ~~capital stock other~~ financial institutions of approved and responsible standing, all money collected, received, or held by him or her as City Treasurer, pursuant to applicable State Statutes, including without limitation Neb. RS 16-712. ~~Such deposits shall be subject to all regulations imposed by law or adopted by the City Council for the receiving and holding thereof. The fact that a stockholder, director, or other officer of such bank or capital stock financial institution shall also be serving as Mayor, as a member of the City Council, as a member of a board of public works, or as any other officer of the city shall not disqualify the bank or capital stock financial institution from acting as a depository for municipal funds. The provisions of Neb. RS 77-2366 shall apply to deposits in capital stock financial institutions.~~

§ 35.11. The City Treasurer may, upon resolution of the Mayor and City Council authorizing the same, purchase certificates of deposit from and make time deposits in banks or ~~capital stock other~~ financial institutions selected as depositories of city funds under, and otherwise satisfying the requirements of, the provisions of applicable State Statutes, including without limitation Neb. RS 16-712, 16-713, 16-714, and 16-715. ~~The certificates of deposit purchased and time deposits made shall bear interest and shall be secured as set forth in Neb. RS 16-714 and 16-715, except that the penal sum of such bond or the sum of such security shall be reduced in the amount of the time deposit or certificate of deposit insured by the Federal Deposit Insurance Corporation. The provisions of Neb. RS 77-2366 shall apply to deposits in capital stock financial institutions~~

§35.12 For the security of the fund so deposited, the City Treasurer shall require each depository to give bond or other security in accordance with applicable State Statutes, including without limitation Neb. RS 16-714 and 16-715, or in lieu of such bond any bank or other financial institution making application to become a depository may give security to the city clerk as provided in the Public Funds Deposit Security Act for the safekeeping and payment of such deposits and the accretions thereof, which bond shall run to the city and be approved by the Mayor. The bond shall be conditioned that such a depository shall, at the end of every quarter, render to the Treasurer a statement in duplicate, showing the several daily balances, the amount of money of the city held by it during the quarter, the amount of the accretion thereto, and how credited. The bond shall also be conditioned that the depository shall generally do and perform whatever may be required by the provisions of Neb. RS 16-712 through 16-715 and faithfully discharge the trust reposed in such depository. The bond shall be as nearly as practicable in the form provided in Neb. RS 77-2304. No person in any way connected with any depository as an officer or stockholder shall be accepted as a surety on any bond given by the depository of which he or she is an officer or stockholder. The bond shall be deposited with the City Clerk. The provisions of Neb. RS 77-2366 shall apply to deposits in capital stock financial institutions.

§35.13 DEPOSITORY SECURITIES. ~~In lieu of the bond required by this code, any bank or capital stock financial institution making application to become a depository may give security as provided in the Public Funds Deposit Security Act to the City Clerk. The penal sum of the bond shall be equal~~

~~to or greater than the amount of the deposit in excess of that portion of the deposit insured by the Federal Deposit Insurance Corporation. The provisions of Neb. RS 77-2366 apply to deposits in capital stock financial institutions~~

§ 35.14 MAXIMUM DEPOSITS. The Treasurer shall not have on deposit in any bank or ~~capital stock other~~ financial institution at any time more than the amount authorized by applicable Statutes, including without limitation Neb RS 16-716 insured by the Federal Deposit Insurance Corporation, plus the maximum amount of the bond given by the bank or capital stock financial institution if the bank or capital stock financial institution gives a surety bond, nor in any bank or capital stock financial institution giving a personal bond, more than the amount insured by the Federal Deposit Insurance Corporation plus 1/2 of the amount of the bond of such bank or capital stock financial institution, and the amount so on deposit any time with any bank or capital stock financial institution shall not in either case exceed the amount insured by the Federal Deposit Insurance Corporation plus the paid up capital stock and surplus of such bank or capital stock financial institution. The City Treasurer shall not be liable for any loss sustained by reason of the failure of any such bonded depository whose bond has been duly approved by the Mayor as provided in this code or which has, in lieu of a surety bond, given security as provided in this code

§ 35.15 INVESTMENT OF FUNDS. Whenever the city shall have accumulated a surplus of any fund in excess of its current needs or has accumulated a sinking fund for the payment of its bonds and the money in such sinking fund shall exceed the amount necessary to pay the principal and interest of any such bonds which become due during the current year, the Mayor and Council are authorized to invest such surplus in certificates of deposit, in time deposits and in securities in which the state investment officer is authorized by law to invest pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act and as provided in the authorized investment guidelines ~~to of~~ the Nebraska Investment Council in effect on the date the investment is made. Nothing in in the preceding sentence shall be construed to authorize investments in venture capital or to expand the investment authority of a local government investment pool under the Public Entities Pooled Investment Act (Neb. RS 77-2341) ('79 Code, § 1-916) (Am. Ord. 490, passed 2-6-90)

§ 35.30 (A)

(2) Additional one-half of one percent city sales and use tax originally effective on or about October 1, 1990 and continuing in effect until July 1, 20~~52~~5; and . . .

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LA VISTA, NEBRASKA TO AMEND MUNICIPAL CODE SECTIONS 35.10, 35.11, 35.12, 35.14, 35.15, AND 35.30; 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 35.10 is hereby amended to read as follows:

§ 35.10 DEPOSIT OF FUNDS.

The City Treasurer shall deposit, and at all times keep on deposit, for safekeeping, in banks or other financial institutions of approved and responsible standing, all money collected, received, or held by him or her as City Treasurer, pursuant to applicable State Statutes, including without limitation Neb. RS 16-712.

SECTION 2. Municipal Code Section 35.11 is hereby amended to read as follows

§ 35.11 CERTIFICATES OF DEPOSIT; TIME DEPOSITS; SECURITY REQUIRED.

The City Treasurer may, upon resolution of the Mayor and City Council authorizing the same, purchase certificates of deposit from and make time deposits in banks or other financial institutions selected as depositories of city funds under, and otherwise satisfying the requirements of, applicable State Statutes, including without limitation Neb. RS 16-712, 16-713, 16-714, and 16-715.

SECTION 3. Municipal Code Section 35.12 is hereby amended to read as follows:

§ 35.12 DEPOSITORY BOND.

For the security of the fund so deposited, the City Treasurer shall require each depository to give bond or other security in accordance with applicable State Statutes, including without limitation Neb. RS 16-714 and 16-715, or in lieu of such bond any bank or other financial institution making application to become a depository may give security to the city clerk as provided in the Public Funds Deposit Security Act.

SECTION 4. Municipal Code Section 35.13 is hereby deleted in its entirety.

SECTION 5. Municipal Code Section 35.14 is hereby amended to read as follows:

§ 35.14 MAXIMUM DEPOSITS.

The Treasurer shall not have on deposit in any bank or other financial institution at any time more than the amount authorized by applicable Statutes, including without limitation Neb RS 16-716.

SECTION 6. Municipal Code Section 35.15 is hereby amended to read as follows:

§ 35.15 INVESTMENT OF FUNDS.

Whenever the city shall have accumulated a surplus of any fund in excess of its current needs or has accumulated a sinking fund for the payment of its bonds and the money in such sinking fund shall exceed the amount necessary to pay the principal and interest of any such bonds which become due during the current year, the Mayor and Council are authorized to invest such surplus in certificates of deposit, in time deposits and in securities in which the state investment officer is authorized by law to invest pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act and as provided in the authorized investment guidelines of the Nebraska Investment Council in effect on the date the investment is made. Nothing in the preceding sentence shall be construed to authorize investments in venture capital or to expand the investment authority of a local government investment pool under the Public Entities Pooled Investment Act.

SECTION 7. Municipal Code Section 35.30 is hereby amended to read as follows:

§ 35.30 IMPOSITION.

(A) A local option sales and use tax is imposed and levied for the benefit of the city at a total rate of 2% upon the same transactions that are sourced under the provisions of applicable Nebraska statutes within the corporate limits of the city, as constituted from time to time, on which the State of Nebraska is authorized to impose a tax pursuant to the Nebraska Revenue Act of 1967, as amended from time to time, which 2% tax shall be comprised of the following components:

(1) One percent city sales and use tax originally effective on or about April 1, 1985 and continuing in perpetuity;

(2) Additional one-half of one percent city sales and use tax originally effective on or about October 1, 1990 and continuing in effect until July 1, 2055; and

(3) Additional one-half of one percent city sales and use tax effective October 1, 2014, or as otherwise required by Neb. RS 77-27,143, and continuing for a period of ten years after said effective date, unless bonds at any time are issued and some or all of the additional revenues from this additional tax are pledged for payment of said bonds, in which case the increased sales and use tax rate and additional tax of an additional one-half of one percent shall remain in effect and additional revenues collected until payment in full of said bonds and any refunding bonds, whichever is later.

(B) Additional local option sales and use taxes described in divisions (A)(2) and (3) above each shall be subject to any extensions or other modifications from time to time adopted or approved by the city in accordance with applicable law, without regard to whether or not this section also is revised to incorporate or otherwise reflect said extension or other modification.

SECTION 8. Repeal of Conflicting Ordinances. Sections 35.10, 35.11, 35.12, 35.14, 35.15, and 35.30 as 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 9. 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 10. 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 4TH DAY OF NOVEMBER 2025

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Rachel D. Carl, CMC
City Clerk

§ 35.46 PROPOSED BUDGET STATEMENT; CONTENTS; FILING. (A) The City Council shall annually or biennially, as the case may be, prepare, propose, and after satisfying applicable public notice, hearing and other requirements, approve, adopt, certify and file, a proposed budget statement, and the amount required, to be levied, raised or received from personal and real property taxes to fund such budget statement, including without limitation the amount to be applied to the payment of principal or interest on bonds and the amount required or to be received for all other purposes, in accordance with applicable Nebraska Statutes, including without limitation all applicable requirements of the Nebraska Budget Act (Neb. RS 13-501 through 13-513), Property Tax Growth Limitation Act (Neb. RS 13-3401 through 13-3408), Property Tax Request Act (Neb. RS 77-1630 through 77-1634), Neb. RS 16-701 through 16-704, and Neb. RS 77-3442 on forms prescribed and furnished by the Auditor of Public Accounts. The proposed budget statement shall be made available to the public by the city prior to publication of the notice of the hearing on the proposed budget statement pursuant to Neb. RS 13-506. A proposed budget statement shall contain the following information, except as provided by state law: (1) For the immediately preceding fiscal year or biennial period, the revenue from all sources, including motor vehicle taxes, other than revenue received from personal and real property taxation, allocated to the funds and separately stated as to each such source: The unencumbered cash balance at the beginning and end of the year or biennial period; the amount received by taxation of personal and real property allocated to each fund; and the amount of actual expenditures; (2) For the current fiscal year or biennial period, actual and estimated revenue from all sources, including motor vehicle taxes, allocated to the funds and separately stated as to each such source: The actual unencumbered cash balance available at the beginning of the year or biennial period; the amount received from personal and real property taxation; and the amount of actual and estimated expenditure, whichever is applicable. Such statement shall contain the cash reserve for each fiscal year or biennial period and shall note whether or not such reserve is encumbered. Such cash reserve projections shall be based upon the actual experience of prior years or biennial periods. The cash reserve shall not exceed 50% of the total budget adopted exclusive of capital outlay items; (3) For the immediately ensuing fiscal year or biennial period, an estimate of revenue from all sources, including motor vehicle taxes, other than revenue to be received from taxation of personal and real property, separately stated as to each such source: The actual or estimated unencumbered cash balances, whichever is applicable, to be available at the beginning of the year or biennial period; the amounts proposed to be expended during the year or biennial period; and the amount of cash reserve, based on actual experience of prior years or biennial periods, which cash reserve shall not exceed 50% of the total budget adopted exclusive of capital outlay items; (4) A statement setting out separately the amount sought to be raised from the levy of a tax on the taxable value of real property: 2023 S 14 Repl. 70 La Vista Administration (a) For the purpose of paying the principal or interest on bonds issued by the City Council or the legal voters of the city; and (b) For all other purposes; (5) A uniform summary of the proposed budget statement, including each proprietary function fund included in a separate proprietary budget statement prepared pursuant to the Municipal Proprietary Function Act, and a grand total of all funds maintained by the City Council; and (6) A list of the proprietary functions which are not included in the budget statement. Such proprietary functions shall have a separate budget statement which is approved by the City Council as provided in the Municipal Proprietary Function Act. (Neb. RS 13-504(1)) (B) The actual or estimated unencumbered cash balance of each fund required to be included in the budget statement by this section shall include deposits and investments of the city, as well as any funds held by the County Treasurer for the city, and shall be accurately stated on the proposed budget statement. (Neb. RS 13-

~~504(2)) (C) The city shall correct any material errors in the budget statement detected by the Auditor of Public Accounts or by other sources. (Neb. RS 13-504(3)) (D) The estimated expenditures plus the required cash reserve for the ensuing fiscal year or biennial period, less all estimated and actual unencumbered balances at the beginning of the year or biennial period, and less the estimated income from all sources, including motor vehicle taxes, other than taxation of personal and real property, shall equal the amount to be received from taxes, and such amount shall be shown on the proposed budget statement in accordance with requirements of Nebraska statutes. The amount to be raised from taxation of personal and real property, as determined above, plus the estimated revenue from other sources, including motor vehicle taxes, and the unencumbered balances, shall equal the estimated expenditures, plus the necessary required cash reserve, for the ensuing year or biennial period.~~

~~(Neb. 13-505)~~

Statutory reference: Neb. RS 13-501 through 13-513; 13-3401 through 13-3408; 16-701 through 16-704; 77-1630 through 77-1634; and 77-3442 ~~Reimbursement provisions for years 1993 through 2000, see Neb. RS 13-504(2)~~

~~§ 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.~~

~~— (4) 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 or the legal voters of the city; and~~

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

(5) 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.

(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. 2023 S 14-72 La Vista Administration Warrants for the payment of expenditures provided in the budget adopted under this section shall be valid, notwithstanding any errors or noncompliance for which the Auditor of Public Accounts has notified the City Council.

(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.

(79 Code, § 1-903) (Am. Ord. 1314, passed 8-15-17; Am. Ord. 1444, passed 2-1-22; Am. Ord. 1468, passed 12-6-22) Statutory reference: Reimbursement provisions for years 1993 through 2000, see Neb. RS 13-506(1) Similar state provisions, see Neb. RS 13-506(2), 13-507

§ 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 30 of each year or September 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 or the legal voters of the city; 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 10% or more at the time of the filing and certification required under this division, 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 2023 S 14 Finance and Revenue 73 designate one of its members to perform any duty or responsibility required of the Council by this section.~~

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

~~(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. 1444, passed 2-1-22; Am. Ord. 1468, passed 12-6-22) Statutory reference: Additional provisions regarding reimbursement of property taxes pursuant to Neb. RS 13-504(1), see Neb. RS 13-508(1) Similar state provisions, see Neb. RS 13-508~~

§ 35.50 *[Amended October 2024.]*

§ 35.51 PROPERTY TAX. (A) ~~Subject to the limits in Neb. RS 77-3442, the Mayor and City Council shall have the power to authorize, levy, and after satisfying applicable public notice, hearing and other requirements, approve, request, certify to the County Clerk and collect, property taxes for the adopted budget statement and~~ all city purposes on the taxable property within the corporate ~~limits boundaries~~ of the city ~~in accordance with the limitations and requirements of applicable State Statutes, including without limitation the Nebraska Budget Act set forth in Neb. RS 13-501 through 13-513, Property Tax Growth Limitation Act set forth in Neb. RS 13-3401 through 13-3408, Property Tax Request Act set forth in Neb. RS 77-1630 through 77-1634, Neb. RS 16-701 through 16-704 and Neb. RS 77-3442. All city taxes, except special assessments otherwise provided for, shall become due on the first day of December of each year.~~

(B) At the time provided for by law, the Council shall cause to be certified to the County Clerk the amount of tax to be levied for the purposes of the adopted budget statement on the taxable property within the ~~corporation city~~ for the year then ensuing, as shown on the assessment roll for the ~~year~~ year, including all special assessments and taxes as hereinbefore provided. The County Clerk shall place the same on the proper tax list to be collected in the manner provided by law for the collection of county taxes.

(C) ~~In a~~All property taxes shall be collected, and all sales of property for delinquent taxes for municipal purposes shall be carried out, in accordance with applicable law, if there are other delinquent taxes due from the same person or lien on the same property, the sales shall be for all delinquent taxes. Such sales and all sales made under and by virtue of this section or the provisions of law herein referred to shall be of the same validity and, in all respects, shall be deemed and treated as though such sale had been made for the delinquent county taxes exclusively.

(D) The maximum amount of tax which may be certified, assessed, and collected for purposes of the adopted budget statement shall not require a tax levy in excess of \$0.875 on each \$100 upon the taxable value of the taxable property within the city. Any special assessments, special taxes, amounts assessed as taxes, and such sums as may be authorized by law to be levied for the payment of outstanding bonds and debts may be made by the City Council in addition to the levy of \$0.875 on each \$100 upon the taxable value of the taxable property within the city. The City Council may certify a further amount of tax to be levied which shall not require a tax levy in excess of \$0.07 on each \$100 upon the taxable value of the taxable property within the city for the purpose of establishing the sinking fund or sinking funds authorized by Neb. RS 19-1301 to 19-1304, and, in addition thereto when required by Neb. RS 18-501, a further levy of \$0.105 on each \$100 upon the taxable value of the taxable property within the city may be imposed.

(E) Nothing in this section shall be construed to authorize an increase in the amounts of levies for any specific municipal purpose or purposes elsewhere limited by law, whether limited in specific sums or by tax levies.

(Neb. RS 13-501 through 13-513; 13-3401 through 13-3408; 16-701 through 16-704; 77-1630 through 77-1634; and 77-3442Neb. RS 16-702) ('79 Code, § 1-906)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LA VISTA, NEBRASKA TO AMEND MUNICIPAL CODE SECTIONS 35.46, 35.47, 35.48, 35.51; 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 35.46 is hereby amended to read as follows:

§ 35.46 PROPOSED BUDGET STATEMENT; CONTENTS; FILING.

(A) The City Council shall annually or biennially, as the case may be, prepare, propose, and after satisfying applicable public notice, hearing and other requirements, approve, adopt, certify and file, a budget statement, and the amount required, to be levied, raised or received from personal and real property taxes to fund such budget statement, including without limitation the amount to be applied to the payment of principal or interest on bonds and the amount required or to be received for all other purposes, in accordance with applicable Nebraska Statutes, including without limitation all applicable requirements of the Nebraska Budget Act (Neb. RS 13-501 through 13-513), Property Tax Growth Limitation Act (Neb. RS 13-3401 through 13-3408), Property Tax Request Act (Neb. RS 77-1630 through 77-1634), Neb. RS 16-701 through 16-704, and Neb. RS 77-3442.

Statutory references: Neb. RS 13-501 through 13-513; 13-3401 through 13-3408; 16-701 through 16-704; 77-1630 through 77-1634; and 77-3442

SECTION 2. Municipal Code Section 35.47 is hereby deleted in its entirety.

SECTION 3. Municipal Code Section 35.48 is hereby deleted in its entirety.

SECTION 4. Municipal Code Section 35.51 is hereby amended to read as follows:

§ 35.51 PROPERTY TAX.

(A) The Mayor and City Council shall have the power to authorize, levy, and after satisfying applicable public notice, hearing and other requirements, approve, request, certify to the County Clerk and collect, property taxes for the adopted budget statement and all city purposes on the taxable property within the corporate boundaries of the city in accordance with the limitations and requirements of applicable State Statutes, including without limitation the Nebraska Budget Act set forth in Neb. RS 13-501 through 13-513, Property Tax Growth Limitation Act set forth in Neb. RS 13-3401 through 13-3408, Property Tax Request Act set forth in Neb. RS 77-1630 through 77-1634, Neb. RS 16-701 through 16-704 and Neb. RS 77-3442.

(B) At the time provided for by law, the Council shall cause to be certified to the County Clerk the amount of tax to be levied for the purposes of the adopted budget statement on the taxable property within the city for the year then ensuing, as shown on the assessment roll for the year, including all special assessments and taxes as hereinbefore provided. The County Clerk shall place the same on the proper tax list to be collected in the manner provided by law for the collection of county taxes.

(C) All property taxes shall be collected, and all sales of property for delinquent taxes shall be carried out, in accordance with applicable law.

(Neb. RS 13-501 through 13-513; 13-3401 through 13-3408; 16-701 through 16-704; 77-1630 through 77-1634; and 77-3442)

SECTION 5. Repeal of Conflicting Ordinances. Sections 35.46, 35.47, 35.48, and 35.51 as 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 6. 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 7. 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 4TH DAY OF NOVEMBER 2025

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Rachel D. Carl, CMC
City Clerk

§ 91.06 OPEN BURNING BAN; WAIVER. . . .

(B) (1)

(2) The Fire Chief of the City Fire Department may waive the open burning ban under subsection (1) of this section for an area under his or her jurisdiction by issuing an open burning permit to a person requesting permission to conduct open burning. The permit issued by the Fire Chief to a person desiring to conduct open burning shall satisfy applicable law, including without limitation Neb RS 81-520.01 ~~be in writing, signed by the Fire Chief and on a form provided by the State Fire Marshal~~.

(3) The Fire Chief may waive the open burning ban in the Fire Department's his or her jurisdiction when conditions are acceptable to the Chief. Anyone intending to burn in that jurisdiction when the open burning ban has been waived shall notify the Fire Department and Sarpy County Dispatch Center prior to starting the burn and when the burn has been extinguished. . . .

(5) The Fire Department may charge a fee, the amount of which shall be set from time to time by the Mayor and City Council in accordance with applicable law, including without limitation Neb RS 81-520.01, and a current record of which shall be maintained by the City Clerk, for each such permit issued. This fee shall be remitted to the City Council by deposit with the City Treasurer for inclusion in the general funds allocated to the Fire Department. Such funds shall not reduce the tax requirements for the Fire Department. No such fee shall be collected from any state or political subdivision to which such a permit is issued to conduct open burning under subsection (2) of this section in the course of such state's or political subdivision's official duties.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LA VISTA, NEBRASKA TO AMEND MUNICIPAL CODE SECTION 91.06; 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 91.06 is hereby amended to read as follows:

§ 91.06 OPEN BURNING BAN; WAIVER.

(A) It shall be unlawful to burn trash or other combustible material outside of a permanent structure, and there shall be an open burning ban on all bonfires, outdoor rubbish fires and fires for the purpose of clearing land in the City of La Vista except and unless a special permit is obtained.

('79 Code, § 7-205)

(B) (1) There shall be a statewide open burning ban on all bonfires, outdoor rubbish fires and fires for the purpose of clearing land.

(2) The Fire Chief of the City Fire Department may waive the open burning ban under subsection (1) of this section for an area under his or her jurisdiction by issuing an open burning permit to a person requesting permission to conduct open burning. The permit issued by the Fire Chief to a person desiring to conduct open burning shall satisfy applicable law, including without limitation Neb RS 81-520.01.

(3) The Fire Chief may waive the open burning ban in the Fire Department's jurisdiction when conditions are acceptable to the Chief. Anyone intending to burn in that jurisdiction when the open burning ban has been waived shall notify the Fire Department and Sarpy County Dispatch Center prior to starting the burn and when the burn has been extinguished.

(4) The Fire Chief may adopt standards listing the conditions acceptable for issuing a permit to conduct open burning under subsection (2) of this section.

(5) The Fire Department may charge a fee, the amount of which shall be set from time to time by the Mayor and City Council in accordance with applicable law, including without limitation Neb RS 81-520.01, and a current record of which shall be maintained by the City Clerk, for each such permit issued. This fee shall be remitted to the City Council by deposit with the City Treasurer for inclusion in the general funds allocated to the Fire Department. Such funds shall not reduce the tax requirements for the Fire Department. No such fee shall be collected from any state or political subdivision to which such a permit is issued to conduct open burning under subsection (2) of this section in the course of such state's or political subdivision's official duties.

SECTION 2. Repeal of Conflicting Ordinances. Section 91.06 as 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 6. 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 4TH DAY OF NOVEMBER 2025

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Rachel D. Carl, CMC
City Clerk