

LEGISLATIVE BILL 57

Approved by the Governor March 23, 1971

Introduced by Robert L. Clark, 47th District

AN ACT relating to first-class cities; to authorize first-class cities to develop, implement, amend, change and modify flood and storm water control, drainage and disposal programs as prescribed; and to declare an emergency.
Be it enacted by the people of the State of Nebraska,

Section 1. Cities of the first class are hereby authorized and empowered to develop and implement and from time to time amend, change and modify a general plan or program of flood and storm water control, drainage and disposal for such city; Provided, if the plan or program requires works of improvement outside of the city limits, it shall be submitted for review to the boards of the county or counties affected and to the state Department of Water Resources; and to accomplish such purposes, or any of them, may to the extent deemed needful or useful in the judgment of the city council:

(1) Procure and contract for professional and technical assistance of all kinds;

(2) Build, construct, alter, modify and improve, using either its own employees, equipment and facilities or by contract with others, dams, dikes, levees, drainways, channels, structures, devices, storm water sewers and systems, and works of all kinds and appurtenances thereto all without any limitation whatsoever, including extensions, additions and improvements and alterations of any such existing facilities, for the control, management, drainage and disposal of flood, storm or surface waters, both within and without the city as in the discretion of the city council may be required for the protection, benefit and welfare of the city and its inhabitants and their property; and

(3) Acquire by purchase, lease, gift, contract and through the exercise of the right of eminent domain all lands, structures, easements, rights-of-way or other property real or personal both within and without the city as may in the discretion of the city council be required or useful in connection with any such plan or program and the implementation thereof.

Sec. 2. For carrying out the purposes and powers set forth in section 1 of this act, including payment of the cost thereof, the city may:

(1) Borrow money and issue its negotiable general obligation bonds upon such terms and conditions as the mayor and council may determine, without a vote of the electors;

(2) Levy a tax upon all taxable property in the city to pay such bonds and interest thereon and establish a sinking fund for such payment;

(3) Issue warrants to contractors and others furnishing services or materials or in satisfaction of other obligations created under section 1 of this act, such warrants to be issued in such amounts and on such terms and conditions as the mayor and council shall determine, which warrants shall be redeemed and paid upon the sale of bonds or receipt of other funds available for such purpose;

(4) Receive gifts, grants and funds from any source, including, but not limited to, state, federal or private sources; and

(5) Cooperate and contract with any other government, governmental agency or political subdivision, whether state or federal, and any person or organization providing funds for the purposes covered by this act.

Sec. 3. The powers granted by this act may be exercised in whole or in part and from time to time as the city council may in its discretion determine but before general obligation bonds are issued for the purposes of this act, the city council shall hold a public hearing after three weeks' notice published in a legal newspaper of general circulation in such city, and the referendum provisions of sections 19-638 to 19-644 shall apply to any ordinance or resolution authorizing issuance of such bonds. The program for implementation of the plan may be adopted and carried out in parts, sections or stages.

Sec. 4. The powers granted by this act are independent of and in addition to all other grants of powers on the same or related subjects, but may be exercised jointly with or supplemented by the powers granted by existing legislation including but not limited to sections 16-667 to 16-672.11, 16-680, 16-683, 16-693, 18-401 to 18-411, 18-501 to 18-512, 19-1305,

19-2408 to 19-2415, 23-320.07 to 23-320.13 and 31-501 to 31-553, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto.

Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.