

LEGISLATIVE BILL 210

Approved by the Governor February 20, 1993

Introduced by Hartnett, 45; Schimek, 27; Will, 8

AN ACT relating to sanitary and improvement districts; to provide for a petition relating to annexation of such districts; to provide powers and duties for certain city councils and boards of trustees as prescribed; and to state effect.

Be it enacted by the people of the State of Nebraska,

Section 1. (1) Any sanitary and improvement district desiring to be annexed by a city of the metropolitan, primary, first, or second class or village may, subject to the requirements in subsection (2) of this section, by formal vote of a majority of the members of the board of trustees of the district, petition the city council of the city or board of trustees of the village for annexation. Such petition shall be filed on or before March 1 of the year in which annexation is sought by the district.

(2) Prior to taking the formal vote to petition the city or village for annexation, the board of trustees of the district shall schedule a meeting to discuss the filing of the petition with the residents and property owners of the district. At least thirty days prior to the date of such meeting, the board of trustees shall send notice of the meeting by first-class mail, postage prepaid, to each property owner and residence in the district. Such notice shall set out the date, time, and place of the meeting and shall indicate that the purpose of the meeting is to discuss the filing of a petition for annexation by a city or village and that those attending the meeting will be offered the opportunity to express their opinions. The board of trustees shall take no formal action on the petition for annexation until such meeting has taken place, and no petition shall be valid if such meeting has not occurred.

Sec. 2. The petition described in section 1 of this act shall be filed with the city or village clerk and shall be deemed received by the city council of the city or board of trustees of the village on the date upon which it is presented to the clerk. Following the filing of the petition, the district shall respond promptly and fully to all requests by the city or village for information with regard to any matter relevant to annexation.

Sec. 3. The city council of the city or board of trustees of the village shall review all petitions filed under section 1 of this act and by formal vote of the council or board either grant or deny the petition. The vote shall be taken not later than the date of the first regular meeting of the council or board in July of the year in which the petition was filed.

Sec. 4. If the city council of the city or board of trustees of the village votes to deny a petition filed under section 1 of this act, it shall approve and adopt by vote of the council or board a report specifying the reasons for denial. Such report shall recite the specific reasons, whether

financial or otherwise, which led to the decision of the council or board. Special emphasis shall be placed upon conditions in the control of the sanitary and improvement district which might be remedied by action of the district in the future. The city or village may set out in the report the conditions which, if met, would permit the city or village to annex the district in the future.

Sec. 5. Compliance with sections 1 to 4 of this act shall not be required for annexation of a sanitary and improvement district. Failure to comply with such sections shall not serve as the basis for the invalidation of an otherwise lawful annexation of a district by a city or village.