

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 383

FINAL READING

Introduced by Quick, 35; Albrecht, 17; Blood, 3; Morfeld, 46; Wishart,
27.

Read first time January 13, 2017

Committee: Urban Affairs

1 A BILL FOR AN ACT relating to cities and villages; to amend sections
2 18-2102.01, 18-2715, and 19-926, Reissue Revised Statutes of
3 Nebraska; to change membership provisions for certain community
4 redevelopment authorities, citizen advisory review committees, and
5 planning commissions; and to repeal the original sections.

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

1 Section 1. Section 18-2102.01, Reissue Revised Statutes of Nebraska,
2 is amended to read:

3 18-2102.01 Cities of all classes and villages of this state are
4 hereby granted power and authority to create community redevelopment
5 authorities and limited community redevelopment authorities.

6 (1) Whenever an authority or limited authority is created it shall
7 bear the name of the city creating it and shall be legally known as the
8 Community Redevelopment Authority of the City (or Village)
9 of (name of city or village) or the Limited Community
10 Redevelopment Authority of the City (or Village) of (name
11 of city or village).

12 (2) When it is determined by the governing body of any city by
13 ordinance in the exercise of its discretion that it is expedient to
14 create a community redevelopment authority or limited community
15 redevelopment authority, the mayor of the city or, if the mayor shall
16 fail to act within ninety days after the passage of the ordinance, the
17 president or other presiding officer other than the mayor of the
18 governing body, with the approval of the governing body of the city,
19 shall appoint five or seven persons who shall constitute the authority or
20 the limited authority. The terms of office of the members of a five-
21 member authority initially appointed shall be for one year, two years,
22 three years, four years, and five years, as designated by the mayor,
23 president, other presiding officer, or city manager in making the
24 respective appointments. The terms of office of the members of a seven-
25 member authority initially appointed shall be one member each for one
26 year, two years, and five years, and two members each for three years and
27 four years, as designated by the mayor, president, other presiding
28 officer, or city manager in making the respective appointments. As the
29 terms of the members of the authority expire in cities not having the
30 city manager form of government, the mayor, with the approval of the
31 governing body of the city, shall appoint or reappoint a member of the

1 authority for a term of five years to succeed the member whose term
2 expires. In cities having the city manager form of government, the city
3 manager shall appoint or reappoint the members with the approval of the
4 governing body. The terms of office of the members of a limited community
5 redevelopment authority shall be for the duration of only one single
6 specific limited pilot project authorized in the ordinance creating the
7 limited community redevelopment authority, and the terms of the members
8 of a limited community redevelopment authority shall expire upon the
9 completion of the single specific limited pilot project authorized in the
10 ordinance creating the limited community redevelopment authority.

11 A governing body may at its option submit an ordinance which creates
12 a community redevelopment authority or a limited community redevelopment
13 authority to the electors of the city for approval by a majority vote of
14 the electors voting on the ordinance. On submitting the ordinance for
15 approval, the governing body is authorized to call, by the ordinance, a
16 special or general election and to submit, after thirty days' notice of
17 the time and place of holding the election and according to the manner
18 and method otherwise provided by law for the calling, conducting,
19 canvassing, and certifying of the result of city elections on the
20 submission of propositions to the electors, the proposition to be stated
21 on the ballot as follows:

22 Shall the City (or Village) of (name of city or
23 village) create a Community Redevelopment Authority of the City (or
24 Village) of (name of city or village)?

25 ... Yes

26 ... No.

27 When the ordinance submitted to the electors for approval by a
28 majority vote of the electors voting on the ordinance is to create a
29 limited community redevelopment authority the proposition shall be stated
30 on the ballot as follows:

31 Shall the City (or Village) of (name of city or

1 village) create a Limited Community Redevelopment Authority of the City
2 (or Village) of (name of city or village)?

3 ... Yes

4 ... No.

5 Vacancies shall be filled for any unexpired term in the same manner
6 as the original appointment. Members of the authority so appointed shall
7 hold office until their successors have been appointed and qualified.
8 Members of a limited authority shall hold office as provided in this
9 section. All members of the authority shall serve without compensation,
10 but shall be entitled to be reimbursed for all necessary expenses
11 incurred.

12 (3) Any authority established under this section shall organize by
13 electing one of its members chairperson and another vice-chairperson,
14 shall have power to employ counsel, a director who shall be ex officio
15 secretary of the authority, and such other officers and employees as may
16 be desired, and shall fix the term of office, qualifications, and
17 compensation of each. The holder of the office of community redevelopment
18 administrator or coordinator of the city may, but need not, be appointed
19 the director but at no additional compensation by the authority.
20 Community redevelopment authorities of cities of the first and second
21 class and villages may secure the services of a director, community
22 redevelopment administrator, or coordinator, and other officers and
23 employees as may be desired through contract with the Department of
24 Economic Development upon terms which are mutually agreeable. Any
25 authority established under this section may validly and effectively act
26 on all matters requiring a resolution or other official action by the
27 concurrence of three members of a five-member authority or four members
28 of a seven-member authority present and voting at a meeting of the
29 authority. Orders, requisitions, warrants, and other documents may be
30 executed by the chairperson or vice-chairperson or by or with others
31 designated in its bylaws.

1 (4) No member or employee of any authority established under this
2 section shall have any interest directly or indirectly in any contract
3 for property, materials, or services to be required by such authority. No
4 member of any authority established under this section shall also be a
5 member of any planning commission created under section 19-925.

6 (5) The authority shall keep an accurate account of all its
7 activities and of all receipts and disbursements and make an annual
8 report of such activities, receipts, and disbursements to the governing
9 body of the city.

10 (6) The governing body of a city creating a community redevelopment
11 authority or a limited community redevelopment authority is hereby
12 authorized to appropriate and loan to the authority a sum not exceeding
13 ten thousand dollars for the purposes of paying expenses of organizing
14 and supervising the work of the authority at the beginning of its
15 activities. The loan shall be authorized by resolution of the governing
16 body which shall set forth the terms and time of the repayment of the
17 loan. The loan may be appropriated out of the general funds or any
18 sinking fund.

19 (7) All income, revenue, profits, and other funds received by any
20 authority established under this section from whatever source derived, or
21 appropriated by the city, or realized from tax receipts or comprised in
22 the special revenue fund of the city designated for the authority or from
23 the proceeds of bonds, or otherwise, shall be deposited with the city
24 treasurer as ex officio treasurer of the authority without commingling
25 the money with any other money under his or her control and disbursed by
26 him or her by check, draft, or order only upon warrants, orders, or
27 requisitions by the chairperson of the authority or other person
28 authorized by the authority which shall state distinctly the purpose for
29 which the same are drawn. A permanent record shall be kept by the
30 authority of all warrants, orders, or requisitions so drawn, showing the
31 date, amount, consideration, and to whom payable. When paid, the same

1 shall be canceled and kept on file by the city treasurer. The books of
2 any authority established under this section shall from time to time be
3 audited upon the order of the governing body of the municipality in such
4 manner as it may direct, and all books and records of the authority shall
5 at all times be open to public inspection. The authority may contract
6 with the holders of any of its bonds or notes as to collection, custody,
7 securing investment, and payment of any money of the authority or any
8 money held in trust or otherwise for the payment of bonds or notes or in
9 any way to secure bonds or notes. The authority may carry out the
10 contract notwithstanding that such contract may be inconsistent with the
11 previous provisions of this subdivision. All banks, capital stock
12 financial institutions, qualifying mutual financial institutions, and
13 trust companies are hereby authorized to give security for the deposits
14 of money of any authority established under the provisions of this
15 section pursuant to the Public Funds Deposit Security Act. Section
16 77-2366 applies to deposits in capital stock financial institutions.
17 Section 77-2365.01 shall apply to deposits in qualifying mutual financial
18 institutions.

19 Sec. 2. Section 18-2715, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 18-2715 (1) The ordinance establishing the economic development
22 program shall provide for the creation of a citizen advisory review
23 committee. The committee shall consist of not less than five or more than
24 ten registered voters of the city who shall be appointed to the committee
25 by the mayor or chairperson subject to approval by the governing body of
26 the city. At least one member of the committee shall have expertise or
27 experience in the field of business finance or accounting. The ordinance
28 shall designate an appropriate city official or employee with
29 responsibility for the administration of the economic development program
30 to serve as an ex officio member of the committee with responsibility for
31 assisting the committee and providing it with necessary information and

1 advice on the economic development program.

2 (2) No member of the citizen advisory review committee shall be an
3 elected or appointed city official, a member of any planning commission
4 created under section 19-925, an employee of the city, a participant in a
5 decisionmaking position regarding expenditures of program funds, or an
6 official or employee of any qualifying business receiving financial
7 assistance under the economic development program or of any financial
8 institution participating directly in the economic development program.

9 (3) The ordinance shall provide for regular meetings of the citizen
10 advisory review committee to review the functioning and progress of the
11 economic development program and to advise the governing body of the city
12 with regard to the program. At least once in every six-month period after
13 the effective date of the ordinance, the committee shall report to the
14 governing body on its findings and suggestions at a public hearing called
15 for that purpose.

16 (4) Members of the citizen advisory review committee, in their
17 capacity as members and consistent with their responsibilities as
18 members, may be permitted access to business information received by the
19 city in the course of its administration of the economic development
20 program, which information would otherwise be confidential (a) under
21 section 84-712.05, (b) by agreement with a qualifying business
22 participating in the economic development program, or (c) under any
23 ordinance of the city providing access to such records to members of the
24 committee and guaranteeing the confidentiality of business information
25 received by reason of its administration of the economic development
26 program. Such ordinance may provide that unauthorized disclosure of any
27 business information which is confidential under section 84-712.05 shall
28 be a Class III misdemeanor.

29 Sec. 3. Section 19-926, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 19-926 (1) The planning commission shall consist of nine regular

1 members who shall represent, insofar as is possible, the different
2 professions or occupations in the municipality and shall be appointed by
3 the mayor, by and with the approval of a majority vote of the members
4 elected to the council or the village board. Two of the regular members
5 may be residents of the area over which the municipality is authorized to
6 exercise extraterritorial zoning and subdivision regulation. When there
7 is a sufficient number of residents in the area over which the
8 municipality exercises extraterritorial zoning and subdivision
9 regulation, one regular member of the commission shall be a resident from
10 such area. If it is determined by the city council or village board that
11 a sufficient number of residents reside in the area subject to
12 extraterritorial zoning or subdivision regulation, and no such resident
13 is a regular member of the commission, the first available vacancy on the
14 commission shall be filled by the appointment of such an individual. For
15 purposes of this section, a sufficient number of residents shall mean:
16 (a) For a village, two hundred residents; (b) for a city of the second
17 class, five hundred residents; and (c) for a city of the first class, one
18 thousand residents. A number of commissioners equal to a majority of the
19 number of regular members appointed to the commission shall constitute a
20 quorum for the transaction of any business. All regular members of the
21 commission shall serve without compensation ~~and shall hold no other~~
22 ~~municipal office except when appointed to serve on the board of~~
23 ~~adjustment as provided in section 19-908.~~ The term of each regular member
24 shall be three years, except that three regular members of the first
25 commission to be so appointed shall serve for terms of one year, three
26 for terms of two years, and three for terms of three years. All regular
27 members shall hold office until their successors are appointed. Any
28 member may, after a public hearing before the council or village board,
29 be removed by the mayor with the consent of a majority vote of the
30 members elected to the council or village board for inefficiency, neglect
31 of duty or malfeasance in office, or other good and sufficient cause.

1 Vacancies occurring otherwise than through the expiration of term shall
2 be filled for the unexpired portion of the term by the mayor.

3 (2) Notwithstanding the provisions of subsection (1) of this
4 section, the planning commission for any city of the second class or
5 village may have either five, seven, or nine regular members as the city
6 council or village board of trustees establishes by ordinance. If a city
7 or village planning commission has either five or seven regular members,
8 approximately one-third of the regular members of the first commission
9 shall serve for terms of one year, one-third for terms of two years, and
10 one-third for terms of three years.

11 (3) A city of the first or second class or a village may, by
12 ordinance, provide for the appointment of one alternate member to the
13 planning commission who shall be chosen by the mayor with the approval of
14 a majority vote of the elected members of the council or village board.
15 The alternate member shall serve without compensation ~~and shall hold no~~
16 ~~other municipal office~~. The term of the alternate member shall be three
17 years, and he or she shall hold office until his or her successor is
18 appointed and approved. The alternate member may be removed from office
19 in the same manner as a regular member. If the alternate member position
20 becomes vacant other than through the expiration of the term, the vacancy
21 shall be filled for the unexpired portion of the term by the mayor with
22 the approval of a majority vote of the elected members of the council or
23 village board. The alternate member may attend any meeting and may serve
24 as a voting and participating member of the commission at any time when
25 less than the full number of regular commission members is present and
26 capable of voting.

27 (4) A regular or alternate member of the planning commission may
28 hold any other municipal office except (a) mayor, (b) a member of the
29 city council or village board of trustees, (c) a member of any community
30 redevelopment authority or limited community redevelopment authority
31 created under section 18-2102.01, or (d) a member of any citizen advisory

1 review committee created under section 18-2715.

2 Sec. 4. Original sections 18-2102.01, 18-2715, and 19-926, Reissue

3 Revised Statutes of Nebraska, are repealed.