

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 339

Introduced by Friend, 10.

Read first time January 15, 2009

Committee: Urban Affairs

A BILL

1 FOR AN ACT relating to cities and villages; to amend section
2 18-2102.01, Reissue Revised Statutes of Nebraska; to
3 change provisions relating to community development
4 authorities as prescribed; and to repeal the original
5 section.

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

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

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

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

13 (2) When it is determined by the governing body of any
14 city by ordinance in the exercise of its discretion that it is
15 expedient to create a community redevelopment authority or limited
16 community redevelopment authority, the mayor of the city or, if the
17 mayor shall fail to act within ninety days after the passage of
18 the ordinance, the president or other presiding officer other than
19 the mayor of the governing body, with the approval of the governing
20 body of the city, shall appoint five persons who shall constitute
21 the authority or the limited authority. The terms of office of the
22 members of the authority initially appointed shall be for one year,
23 two years, three years, four years, and five years, as designated
24 by the mayor, president, other presiding officer, or city manager
25 in making the respective appointments. As the terms of the members

1 of the authority expire in cities not having the city manager form
2 of government, the mayor, with the approval of the governing body
3 of the city, shall appoint or reappoint a member of the authority
4 for a term of five years to succeed the member whose term expires.
5 In cities having the city manager form of government, the city
6 manager shall appoint or reappoint the members with the approval
7 of the governing body. The terms of office of the members of a
8 limited community redevelopment authority shall be for the duration
9 of only one single specific limited pilot project authorized in the
10 ordinance creating the limited community redevelopment authority,
11 and the terms of the members of a limited community redevelopment
12 authority shall expire upon the completion of the single specific
13 limited pilot project authorized in the ordinance creating the
14 limited community redevelopment authority.

15 (3) A city or a village may, by ordinance, provide
16 for the appointment of one alternate member to the community
17 redevelopment authority or the limited community redevelopment
18 authority who shall be chosen in the same manner as provided
19 in this section. The term of the alternate member shall be five
20 years and he or she shall hold office until his or her successor
21 is appointed and approved. The alternate member may be removed
22 from office in the same manner as provided in this section. If
23 the alternate member position becomes vacant other than through
24 the expiration of the term, the vacancy shall be filled for the
25 unexpired portion of the term in the same manner as provided in

1 this section. The alternate member may attend any meeting and may
 2 serve as a voting and participating member of the authority at
 3 any time when fewer than the full number of authority members are
 4 present and capable of voting.

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

17 Shall the City (or Village) of (name of
 18 city or village) create a Community Redevelopment Authority of the
 19 City (or Village) of (name of city or village)?

20 ... Yes

21 ... No.

22 When the ordinance submitted to the electors for approval
 23 by a majority vote of the electors voting on the ordinance is to
 24 create a limited community redevelopment authority the proposition
 25 shall be stated on the ballot as follows:

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

5 ... Yes

6 ... No.

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

14 ~~(3)~~ (6) Any authority established under this section
 15 shall organize by electing one of its members chairperson and
 16 another vice-chairperson, shall have power to employ counsel, a
 17 director who shall be ex officio secretary of the authority, and
 18 such other officers and employees as may be desired, and shall
 19 fix the term of office, qualifications, and compensation of each.
 20 The holder of the office of community redevelopment administrator
 21 or coordinator of the city may, but need not, be appointed the
 22 director but at no additional compensation by the authority.
 23 Community redevelopment authorities of cities of the first and
 24 second class and villages may secure the services of a director,
 25 community redevelopment administrator, or coordinator, and other

1 officers and employees as may be desired through contract with the
2 Department of Economic Development upon terms which are mutually
3 agreeable. Any authority established under this section may validly
4 and effectively act on all matters requiring a resolution or other
5 official action by a majority vote of its membership present at a
6 meeting of the authority if a quorum of four is present. Orders,
7 requisitions, warrants, and other documents may be executed by the
8 chairperson or vice-chairperson or by or with others designated in
9 its bylaws.

10 ~~(4)~~ (7) No member or employee of any authority
11 established under this section shall have any interest directly or
12 indirectly in any contract for property, materials, or services to
13 be required by such authority.

14 ~~(5)~~ (8) The authority shall keep an accurate account of
15 all its activities and of all receipts and disbursements and make
16 an annual report of such activities, receipts, and disbursements to
17 the governing body of the city.

18 ~~(6)~~ (9) The governing body of a city creating a community
19 redevelopment authority or a limited community redevelopment
20 authority is hereby authorized to appropriate and loan to the
21 authority a sum not exceeding ten thousand dollars for the purposes
22 of paying expenses of organizing and supervising the work of the
23 authority at the beginning of its activities. The loan shall be
24 authorized by resolution of the governing body which shall set
25 forth the terms and time of the repayment of the loan. The loan may

1 be appropriated out of the general funds or any sinking fund.

2 ~~(7)~~ (10) All income, revenue, profits, and other funds
3 received by any authority established under this section from
4 whatever source derived, or appropriated by the city, or realized
5 from tax receipts or comprised in the special revenue fund of the
6 city designated for the authority or from the proceeds of bonds,
7 or otherwise, shall be deposited with the city treasurer as ex
8 officio treasurer of the authority without commingling the money
9 with any other money under his or her control and disbursed by
10 him or her by check, draft, or order only upon warrants, orders,
11 or requisitions by the chairperson of the authority or other
12 person authorized by the authority which shall state distinctly
13 the purpose for which the same are drawn. A permanent record
14 shall be kept by the authority of all warrants, orders, or
15 requisitions so drawn, showing the date, amount, consideration,
16 and to whom payable. When paid, the same shall be canceled and
17 kept on file by the city treasurer. The books of any authority
18 established under this section shall from time to time be audited
19 upon the order of the governing body of the municipality in
20 such manner as it may direct, and all books and records of the
21 authority shall at all times be open to public inspection. The
22 authority may contract with the holders of any of its bonds or
23 notes as to collection, custody, securing investment, and payment
24 of any money of the authority or any money held in trust or
25 otherwise for the payment of bonds or notes or in any way to

1 secure bonds or notes. The authority may carry out the contract
2 notwithstanding that such contract may be inconsistent with the
3 previous provisions of this subdivision. All banks, capital stock
4 financial institutions, qualifying mutual financial institutions,
5 and trust companies are hereby authorized to give security for
6 the deposits of money of any authority established under the
7 provisions of this section pursuant to the Public Funds Deposit
8 Security Act. Section 77-2366 applies to deposits in capital stock
9 financial institutions. Section 77-2365.01 shall apply to deposits
10 in qualifying mutual financial institutions.

11 Sec. 2. Original section 18-2102.01, Reissue Revised
12 Statutes of Nebraska, is repealed.