

ORDINANCE NO. 684

AN ORDINANCE OF THE VILLAGE OF MURRAY, NEBRASKA TO AMEND TITLE III, CHAPTER 30, SECTION 30.25, ENTITLED READING AND PASSAGE OF ORDINANCES, RESOLUTIONS, ORDERS AND BYLAWS; TITLE III, CHAPTER 34, SECTION 34.64, ENTITLED PROPERTY TAX REQUEST; INCREASE BY MORE THAN ALLOWABLE GROWTH PERCENTAGE; PROCEDURE FOR SETTING; AND TITLE III, CHAPTER 34, SECTION 34.63 ENTITLED PROPERTY TAX REQUEST; PROCEDURE FOR SETTING; TO ENACT TITLE VII, CHAPTER 70, SECTION 70.03 ENTITLED TRAFFIC REGULATIONS GENERAL AUTHORITY; TO REPEAL ALL ORDINANCES IN CONFLICT; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF MURRAY, NEBRASKA:

Section 1. Title III, Chapter 30, Section 30.25, entitled Reading and Passage of Ordinances, Resolutions, Orders and Bylaws is amended by deleting the same in its entirety and substituting the following:

§ 30.25 READING AND PASSAGE OF ORDINANCES, RESOLUTIONS, ORDERS, BYLAWS.

(A) All ordinances and resolutions or orders for the appropriation or payment of money shall require for their passage or adoption the concurrence of a majority of all elected members of the Board of Trustees. Ordinances of a general or permanent nature shall be read by title on 3 different days unless 3/4 of the Board of Trustees vote to suspend this requirement. Such requirement shall not be suspended for any ordinance for the annexation of territory, or the redrawing of boundaries for village board of trustees election districts or wards or as otherwise provided by law. In case this requirement is suspended, the ordinance shall be read by title and then moved for final passage. Three-fourths of the Board of Trustees may require a reading of any such ordinance in full before enactment under either procedure set out in this section.

(Neb. RS 17-614)

(B) On the passage or adoption of every bylaw or ordinance, and every resolution or order to enter into a contract by the Board of Trustees, the yeas and nays shall be called and recorded. To pass or adopt any bylaw, ordinance, or any such resolution or order a concurrence of a majority of the whole number of members elected to the Board of Trustees shall be required. All appointments of the officers by the Board of Trustees shall be made viva voce, and the concurrence of a like majority shall be required, and the names of those, and for whom they voted, on the vote resulting in an appointment, shall be recorded. The requirements of a roll call or viva voce vote shall be satisfied by a village which utilizes an electronic voting device which allows the yeas and nays of each member of the Board of Trustees to be readily seen by the public.

(Neb. RS 17-616)

Section 2. Title III, Chapter 34, Section 34.63 of the Murray Code of Ordinances is amended by deleting the same in its entirety and substituting the following:

§ 34.63 PROPERTY TAX REQUEST; PROCEDURE FOR SETTING.

(A) If the annual assessment of property would result in an increase in the total property taxes levied by a county, municipality, school district, learning community, sanitary and improvement district, natural resources district, educational service unit, or community college, as determined using the previous year's rate of levy, the village's property tax request for the current year shall be no more than its property tax request in the prior year, and the village's rate of levy for the current year shall be decreased accordingly when such rate is set by the county board of equalization pursuant to Neb. RS 77-1601. The Board of Trustees shall pass a resolution or ordinance to set the amount of its property tax request after holding the public hearing required in division (C) of this section. If the Board of Trustees seek to set its property tax request at an amount that exceeds its property tax request in the prior year, it may do so to the extent allowed by law after holding the public hearing required in division (C) of this section and by passing a resolution or ordinance that complies with division (D) of this section. If any county, city, school district, or community college seeks to increase its property tax request by more than the allowable growth percentage, such political subdivision shall comply with the requirements of Neb. 77-1633 in lieu of the requirements in divisions (C) and (D) of this section.

(B) If the annual assessment of property would result in no change or a decrease in the total property taxes levied by a county, city, village, school district, learning community, sanitary and improvement district, natural resources district, educational service unit, or community college, as determined using the previous year's rate of levy, the village's property tax request for the current year shall be no more than its property tax request in the prior year, and the village's rate of levy for the current year shall be adjusted accordingly when such rate is set by the county board of equalization pursuant to Neb. RS 77-1601. The Board of Trustees shall pass a resolution or ordinance to set the amount of its property tax request after holding the public hearing required in division (C) of this section. If the Board of Trustees seek to set its property tax request at an amount that exceeds its property tax request in the prior year, it may do so to the extent allowed by law after holding the public hearing required in division (C) of this section and by passing a resolution or ordinance that complies with division (D) of this section. If any county, city, school district, or community college seeks to increase its property tax request by more than the allowable growth percentage, such political subdivision shall comply with the requirements of Neb. 77-1633 in lieu of the requirements in divisions (C) and (D) of this section.

(C) The resolution or ordinance required under this section shall only be passed after a special public hearing called for the purpose is held and after notice is published in a newspaper of general circulation in the area of the village at least 4 calendar days prior to the hearing. For purposes of such notice, the 4 calendar days shall include the day of publication but not the day of hearing. If the village's total operating budget, not including reserves, does not exceed \$10,000 per year or \$20,000 per biennial period, the notice may be posted at the Board of Trustee's principal

headquarters.

(D) The hearing notice shall contain the following information:

(1) The certified taxable valuation under Neb. RS 13-509 for the prior year, the certified taxable valuation under Neb. RS 13-509 for the current year, and the percentage increase or decrease in such valuations from the prior year to the current year;

(2) The dollar amount of the prior year's tax request and the property tax rate that was necessary to fund that tax request;

(3) The property tax rate that would be necessary to fund last year's tax request if applied to the current year's valuation;

(4) The proposed dollar amount of the tax request for the current year and the property tax rate that will be necessary to fund that tax request;

(5) The percentage increase or decrease in the property tax rate from the prior year to the current year; and

(6) The percentage increase or decrease in the total operating budget from the prior year to the current year.

(E) Any resolution or ordinance setting a village's property tax request under Neb. RS 77-1632 at an amount that exceeds the village's property tax request in the prior year shall include, but not be limited to, the following information:

(1) The name of the village;

(2) The amount of the property tax request;

(3) The following statements:

(a) The total assessed value of property differs from last year's total assessed value by _____ percent;

(b) The tax rate which would levy the same amount of property taxes as last year, when multiplied by the new total assessed value of property, would be \$_____ per \$100 of assessed value;

(c) The Village of Murray, Nebraska proposes to adopt a property tax request that will cause its tax rate to be \$_____ per \$100

of assessed value; and

(d) Based on the proposed property tax request and changes in other revenue, the total operating budget of the Village of Murray, Nebraska will exceed last year's by ____ percent; and

(4) The record vote of the Board of Trustees in passing such resolution or ordinance.

(F) Any resolution or ordinance setting a property tax request under this section shall be certified and forwarded to the County Clerk on or before October 15 of the year for which the tax request is to apply.

(Neb. RS 77-1632)

Section 3. Title III, Chapter 34, Section 34.64 of the Murray Code of Ordinances is amended by deleting the same in its entirety and substituting the following:

§ 34.64 PROPERTY TAX REQUEST; INCREASE BY MORE THAN ALLOWABLE GROWTH PERCENTAGE; PROCEDURE FOR SETTING.

(A) For purposes of this section, *POLITICAL SUBDIVISION* means any county, city, school district, or community college.

(B) If any political subdivision seeks to increase its property tax request by more than the allowable growth percentage, such political subdivision may do so to the extent allowed by law if:

(1) A public hearing is held and notice of such hearing is provided in compliance with division (C) of this section; and

(2) The governing body of such political subdivision passes a resolution or an ordinance that complies with division (D) of this section.

(C)

(1) Each political subdivision within a county that seeks to increase its property tax request by more than the allowable growth percentage shall participate in a joint public hearing. Each such political subdivision shall designate one representative to attend the joint public hearing on behalf of the political subdivision. If a political subdivision includes area in more than one county, the political subdivision shall be deemed to be within the county in which the political subdivision's principal headquarters are located. At such hearing, there shall be no

items on the agenda other than discussion on each political subdivision's intent to increase its property tax request by more than the allowable growth percentage.

(2) At least one elected official from each participating political subdivision shall attend the joint public hearing. An elected official may be the designated representative from a participating political subdivision. The presence of a quorum or the participation of elected officials at the joint public hearing does not constitute a meeting as defined by Neb. RS 84-1409 of the Open Meetings Act.

(3) The joint public hearing shall be held on or after September 14 and prior to September 24 and before any of the participating political subdivisions file their adopted budget statement pursuant to Neb. RS 13-508.

(4) The joint public hearing shall be held after 6:00 p.m. local time on the relevant date.

(5) The joint public hearing shall be organized by the county clerk or his or her designee. At the joint public hearing, the designated representative of each political subdivision shall give a brief presentation on the political subdivision's intent to increase its property tax request by more than the allowable growth percentage and the effect of such request on the political subdivision's budget. The presentation shall include:

- (a) The name Village of Murray;
- (b) The amount of the property tax request; and
- (c) The following statements:
 - 1. The total assessed value of property differs from last year's total assessed value by ____ percent;
 - 2. The tax rate which would levy the same amount of property taxes as last year, when multiplied by the new total assessed value of property, would be \$ ____ per \$100 of assessed value;
 - 3. The Village of Murray proposes to adopt a property tax request that will cause its tax rate to be \$ ____ per \$100 of assessed value;
 - 4. Based on the proposed property tax

request and changes in other revenue, the total operating budget of the Village of Murray will exceed last year's by _____ percent; and

5. To obtain more information regarding the increase in the property tax request, citizens may contact the Village of Murray at (402) 235-2119, murrayclerk@murrayvillage.com.

(6) Any member of the public shall be allowed to speak at the joint public hearing and shall be given a reasonable amount of time to do so.

(7) Notice of the joint public hearing shall be provided:

(a) By sending a postcard to all affected property taxpayers. The postcard shall be sent to the name and address to which the property tax statement is mailed;

(b) By posting notice of the hearing on the home page of the relevant county's website, except that this requirement shall only apply if the county has a population of more than 10,000 inhabitants; and

(c) By publishing notice of the hearing in a legal newspaper in or of general circulation in the relevant county.

(8) Each political subdivision that participates in the joint public hearing shall electronically send the information prescribed in subdivision (C)(9) of this section to the county assessor by September 4. The county clerk shall notify the county assessor of the date, time, and location of the joint public hearing no later than September 4. The county clerk shall notify each participating political subdivision of the date, time, and location of the joint public hearing. The county assessor shall send the information required to be included on the postcards pursuant to subdivision (C)(9) of this section to a printing service designated by the county board. The initial cost for printing the postcards shall be paid from the county general fund. Such postcards shall be mailed at least 7 calendar days before the joint public hearing. The cost of creating and mailing the postcards, including staff time, materials, and postage, shall be charged proportionately to the political subdivisions participating in the joint public hearing based on the total number of parcels in each participating political subdivision. Each participating political subdivision shall also maintain a prominently displayed and easily accessible link on the home page of the political subdivision's website to the political subdivision's proposed budget, except that this requirement shall not apply if the political subdivision is a county with a

population of less than 10,000 inhabitants, a city with a population of less than 1,000 inhabitants, or, for joint public hearings prior to January 1, 2024, a school district.

(9) The postcard sent under this subsection and the notice posted on the county's website, if required under subdivision (C)(7)(b) of this section, and published in the newspaper shall include the date, time, and location for the joint public hearing, a listing of and telephone number for each political subdivision that will be participating in the joint public hearing, and the amount of each participating political subdivision's property tax request. The postcard shall also contain the following information:

(a) The following words in capitalized type at the top of the postcard: NOTICE OF PROPOSED TAX INCREASE;

(b) The name of the county that will hold the joint public hearing, which shall appear directly underneath the capitalized words described in subdivision (C)(9)(a) of this section;

(c) The following statement: The following political subdivisions are proposing a revenue increase which would result in an overall increase in property taxes in _____ (insert current tax year). THE ACTUAL TAX ON YOUR PROPERTY MAY INCREASE OR DECREASE. This notice contains estimates of the tax on your property as a result of this revenue increase. These estimates are calculated on the basis of the proposed (insert current tax year) data. The actual tax on your property may vary from these estimates.

(d) The parcel number for the property;

(e) The name of the property owner and the address of the property;

(f) The property's assessed value in the previous tax year;

(g) The amount of property taxes due in the previous tax year for each participating political subdivision;

(h) The property's assessed value for the current tax year;

(i) The amount of property taxes due for the current tax year for each participating political subdivision;

(j) The change in the amount of property taxes due for each participating political subdivision from the previous tax year to the current tax year; and

(k) The following statement: To obtain more information regarding the tax increase, citizens may contact the political subdivision at the telephone number provided in this notice.

(D) After the joint public hearing required in subsection (C) of this section, the governing body of each participating political subdivision shall pass an ordinance or resolution to set such political subdivision's property tax request. If the political subdivision is increasing its property tax request over the amount from the prior year, including any increase in excess of the allowable growth percentage, then such ordinance or resolution shall include, but not be limited to, the following information:

(1) The name of the political subdivision;

(2) The amount of the property tax request;

(3) The following statements:

(a) The total assessed value of property differs from last year's total assessed value by _____ percent;

(b) The tax rate which would levy the same amount of property taxes as last year, when multiplied by the new total assessed value of property, would be \$_____ per \$100 of assessed value;

(c) The (name of political subdivision) proposes to adopt a property tax request that will cause its tax rate to be \$_____ per \$100 of assessed value; and

(d) Based on the proposed property tax request and changes in other revenue, the total operating budget of (name of political subdivision) will exceed last year's by _____ percent; and

(4) The record vote of the governing body in passing such resolution or ordinance.

(E) Any resolution or ordinance setting a property tax request under this section shall be certified and forwarded to the county clerk on or before October 15 of the year for which the tax request is to apply.

(F) The county clerk, or his or her designee, shall prepare a report which shall include:

(1) The names of the representatives of the political subdivisions participating in the joint public hearing;

(2) The name and address of each individual who spoke at the joint public hearing, unless the address requirement is waived to protect the security of the individual, and the name of any organization represented by each such individual;

(3) The name of each political subdivision that participated in the joint public hearing;

(4) The real growth value and real growth percentage for each participating political subdivision;

(5) The amount each participating political subdivision seeks to increase its property tax request in excess of the allowable growth percentage; and

(6) The number of individuals who signed in to attend the joint public hearing.

Such report shall be delivered to the political subdivisions participating in the joint public hearing within ten days after such hearing.

(Neb. RS 77-1633)

Section 4. Title VII, Chapter 70, Section 70.03 of the Murray Code of Ordinances is enacted as follows:

§ 70.03 TRAFFIC REGULATIONS; GENERAL AUTHORITY.

(A) The Board of Trustees may, in its jurisdiction, enact regulations permitting, prohibiting, and controlling the use of motor vehicles, minibikes, motorcycles, off-road recreation vehicles of any and all types, electric bicycles, electric bicycles, other powered vehicles, electric personal assistive mobility devices, and vehicles which are not self-propelled. Any person who operates any of such vehicles without the permission of the Board or its designated representative or in a place, time, or manner which has been prohibited by the Board shall be guilty of an offense.

(B) The Board may further authorize the supervising official of any area under its ownership or control to permit, control, or prohibit operation of any motor vehicle, minibike, motorcycle, off-road recreational vehicle of any or all types, electric bicycles, other powered vehicle, electric personal assistive mobility device, or vehicle which is not self-propelled on all or any portion of any area under its ownership or control at any time by posting or, in case of an emergency, by personal notice. Any person operating any such vehicle where prohibited, where not permitted, or

in a manner so as to endanger the peace and safety of the public or as to harm or destroy the natural features or manmade features of any such area shall be guilty of an offense.
(Neb. RS 60-678)

Section 5. All ordinances in conflict with any of these provisions are repealed.

Section 6. This ordinance is adopted and published in pamphlet form, and shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

Passed and approved this _____ day of _____ 2024.

Jeff Anderson
Chair of the Board of Trustees

ATTEST:

Shelli Hayes, Village Clerk

Publication Date: _____