

# **City of Scottsbluff, Nebraska**

**Tuesday, February 16, 2016**

**Regular Meeting**

## **Item Resolut.1**

**Council to consider the Resolution to place LB357 on the primary ballot, imposing an additional ½% sales tax for the purpose of funding public infrastructure projects.**

**Staff Contact: Rick Ediger, Deputy City Attorney**

**RESOLUTION NO. 16- 2 - \_\_\_\_**

**BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF  
SCOTTSBLUFF, NEBRASKA:**

a. The City currently imposes a City Sales and Use Tax in the amount of 1.5% pursuant to the Local Option Revenue Act, sections 77-27,142, *et seq.* of the Nebraska Statutes (the “Existing City Sales and Use Tax”)

b. The City is in need of additional revenue in order to provide for public infrastructure projects.

c. §77-27,142 of the Nebraska Statutes allows the City Council to impose an additional one-half of one percent (1/2%) sales tax in addition to the Existing City Sales and Use Tax for the purpose of funding public infrastructure projects, following an election at which a majority of the qualified electors of the City approve such additional sales and use tax;

**Resolved by the Mayor and City Council of the City that:**

1. At the May 10, 2016 primary election, the following proposition in the form shown below shall be submitted to the qualified electors of the City for their approval or disapproval at the primary election:

Shall the City Council of the City of Scottsbluff, Nebraska increase the local sales and use tax rate by an additional one-half of one percent (1/2%) from the current rate of one and one-half percent (1 1/2%) to a total rate of two percent (2%) and impose a sales and use tax at the increased rate upon the same transactions within the City on which the State of Nebraska is authorized to impose a tax, subject to the terms and conditions set out below?

\_\_\_\_\_ Yes (For increasing the Sales and Use Tax)

\_\_\_\_\_ No (Against increasing the Sales and Use Tax)

**Terms and Conditions:** The terms and conditions of the proposition are as follows:

a. No reductions or elimination of other taxes or fees is contemplated.

b. Revenues from the increased sales and use tax are to be used for the following public infrastructure projects as are allowed pursuant to §77-27,142 of the Nebraska Statutes: public highways and bridges and municipal roads, streets, bridges, and sidewalks; solid waste management facilities; wastewater, storm water, and water treatment works and systems, water distribution facilities, and

water resources projects, including, but not limited to, pumping stations, transmission lines, and mains and their appurtenances.

c. The City and the Community Redevelopment Authority of the City of Scottsbluff will enter into an Interlocal Agreement which creates the Scottsbluff Improvement Agency for purposes related to public infrastructure projects. The Interlocal Agreement contains provisions, including benchmarks, relating to the long-term development of unified governance of public infrastructure projects with respect to the parties.

d. The Scottsbluff Improvement Agency may be funded by a portion of the sales tax increase equal to an amount which is no more than 18% of the increased sales tax receipts, which amount shall be determined on an annual basis by the City Council prior to October 1 of each fiscal year, either as a fixed amount or a percentage of the additional sales tax receipts.

e. The increased sales and use tax shall terminate no more than ten years after the effective date of the increased sales and use tax or, if bonds are issued and the local option sales and use tax revenue is pledged for payment of such bonds, upon payment of such bonds and any refunding bonds, whichever date is later.

2. Electors desiring to vote in favor of or against the proposition shall do so in the manner specified in the ballot form as provided by the Scotts Bluff County Clerk.

3. The primary election shall be conducted by the Scotts Bluff County Clerk at polling places established by the County Clerk in each of the City's precincts. The polls shall be open from 7:00 a.m. through 7:00 p.m. on the day of the general election.

4. The following notice required by law shall be published in the Star-Herald, a legal newspaper of general election in the City not more than 30 days nor less than 10 days before the date of the election. The notice shall be in substantially the following form:

**City of Scottsbluff, Nebraska  
Notice of Election**

Notice is given that at the primary election on Tuesday, May 10, 2016, at the usual polling place in each precinct of the City of Scottsbluff, Nebraska, the ballot will include for the electors of the City for their approval or rejection, the following proposition:

[Insert text of proposition from Paragraph 1 of this Resolution in  
the notice]

The polls will be open from 7:00 a.m. through 7:00 p.m. on the Election Day. Absent, disabled, and confined voters' ballots may be obtained from the County

Clerk as provided by law. Copies of the proposition may be obtained at the office of the Scottsbluff City Clerk at City Hall, 2525 Circle Drive, Scottsbluff, Nebraska 69361.

Dated: April \_\_\_\_, 2016.

/s/ City Clerk

5. The City Clerk shall cause a certified copy of this Resolution to be delivered to the Scotts Bluff County Clerk on or before March 1, 2016.

Passed and Approved on February 16, 2016.

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Mayor

Attest:

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City Clerk