

ORDINANCE NO. 692

AN ORDINANCE TO AMEND THE FOLLOWING ORDINANCES BY DELETING THE SAME IN THEIR ENTIRETY AND SUBSTITUTING THE FOLLOWING: TITLE III, CHAPTER 34, §34.61 ENTITLED ADOPTED BUDGET STATEMENT, FILING, CERTIFICATION OF TAX AMOUNT; TITLE III, CHAPTER 33, §33.12 ENTITLED CANDIDATE FILING FORMS, DEADLINES, FILING OFFICER, SPECIAL ELECTION REQUIREMENTS; TITLE III, CHAPTER 34, §34.01 ENTITLED CONTRACTS AND PURCHASES, BIDDING AND OTHER REQUIREMENTS; TITLE III, CHAPTER 34, §34.15 ENTITLED CREDIT CARDS, AUTHORITY TO ACCEPT; TITLE III, CHAPTER 33, §33.05 ENTITLED EXIT POLLS, POLL WATCHERS; TITLE III, CHAPTER 33, §33.01 ENTITLED ELECTIONS, GENERALLY; TITLE III, CHAPTER 34, §34.13 ENTITLED INVESTMENT AND USE OF SURPLUS FUNDS; TITLE XI, CHAPTER 110, §110.58 ENTITLED KEG SALES, REQUIREMENTS, PROHIBITED ACTS; TITLE III, CHAPTER 35, SECTION 35.02, ENTITLED MEETINGS, OPEN TO PUBLIC, NOTICE, AGENDA; TITLE XI, CHAPTER 112, SECTION 112.06, ENTITLED TOBACCO AND TOBACCO PRODUCTS, LICENSE APPLICATION; TITLE III, CHAPTER 33, §33.10 ENTITLED PETITION, WRITE-IN, AND OTHER CANDIDATES FOR GENERAL ELECTION BALLOT, PROCEDURES; TITLE III, CHAPTER 34, §34.64 ENTITLED PROPERTY TAX REQUEST, INCREASE BY MORE THAN ALLOWABLE GROWTH PERCENTAGE, PROCEDURE FOR SETTING; TITLE III, CHAPTER 34, SECTION 34.63, ENTITLED PROPERTY TAX REQUEST, PROCEDURE FOR SETTING; TITLE III, CHAPTER 35, §35.09 ENTITLED MEETINGS, PUBLIC PARTICIPATION; TITLE III, CHAPTER 33, §33.14 ENTITLED RECALL PROCEDURE; TITLE XI, CHAPTER 112, §112.11 ENTITLED TOBACCO AND TOBACCO PRODUCTS, REISSUANCE OF REVOKED AND FORFEITED LICENSE; TITLE XI, CHAPTER 128, §112.08 ENTITLED TOBACCO AND TOBACCO PRODUCT, RIGHTS OF LICENSEE; TITLE III, CHAPTER 33, §33.07 ENTITLED SPECIAL ELECTIONS; TO ENACT TITLE III, CHAPTER 33, §33.13 ENTITLED VACANCY; GENERAL PROVISIONS; TO REPEAL ALL ORDINANCES IN CONFLICT WITH ANY OF THESE PROVISIONS; 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 34, Section 34.61, entitled Adopted Budget Statement; Filing; Certification of Tax Amount is amended by deleting the same in its entirety and substituting the following:

§ 34.61      **ADOPTED BUDGET STATEMENT; FILING; CERTIFICATION OF TAX AMOUNT.**

(A)    (1)    After publication and hearing on the proposed budget statement and within the time prescribed by law, the Village Board of Trustees shall file with and certify to the levying

board or boards on or before September 30 of each year, or September 30 of the final year of a biennial period, and file with the Auditor of Public Accounts a copy of the adopted budget statement which complies with Neb. RS 13-518 through 13-522, if applicable, together with the amount of the tax required to fund the adopted budget, setting out separately:

(a) The amount to be levied for the payment of principal or interest on bonds issued or authorized to be issued by the Village Board of Trustees or the legal voters of the political subdivision; and

(b) The amount to be levied for all other purposes.

(2) Proof of publication shall be attached to the statements.

(B) If the prime rate published by the Federal Reserve Board is 10% or more at the time of the filing and certification required under this section, the Village Board of Trustees, in certifying the amount required, may make allowance for delinquent taxes not exceeding 5% of the amount required, plus the actual percentage of delinquent taxes for the preceding tax year or biennial period, and for the amount of estimated tax loss from any pending or anticipated litigation which involves taxation and in which tax collections have been or can be withheld or escrowed by court order. For the purpose of this section, **ANTICIPATED LITIGATION** shall be limited to the anticipation of an action being filed by a taxpayer who or which filed a similar action for the preceding year or biennial period which is still pending. Except for such allowances, the Village Board of Trustees shall not certify an amount of tax more than 1% greater or lesser than the amount determined under § 35.28.

(C) The Village Board of Trustees shall use the certified taxable values as provided by the County Assessor pursuant to Neb. RS 13-509 for the current year in setting or certifying the levy. The Village Board of Trustees may designate one of its members to perform any duty or responsibility required of the Village Board of Trustees by this section.  
(Neb. RS 13-508)

**Section 2.** Title III, Chapter 33, Section 33.12, entitled Candidate Filing Forms; Deadlines; Filing Officer; Special Election Requirements is amended by deleting the same in its entirety and substituting the following:

§ 33.12      **CANDIDATE FILING FORMS; DEADLINES; FILING OFFICER; SPECIAL ELECTION REQUIREMENTS.**

(A) Any candidate may place his or her name on the primary election ballot by filing a candidate filing form prescribed by the Secretary of State as provided in division (B) below. If a candidate is an incumbent of any elective office, the filing period for filing the candidate filing form shall be between January 5 and February 15 prior to the date of the primary election. No incumbent who resigns from elective office prior to the expiration of his or her term shall file for

any office after February 15 of that election year. All other candidates shall file for office between January 5 and March 1 prior to the date of the general election.  
(Neb. RS 32-606)

(B) Candidate filing forms shall be filed in the office of the Election Commissioner or County Clerk.  
(Neb. RS 32-607)

(C) (1) Except as provided in Neb. RS 32-564, any candidate in a special election to fill a vacancy for an office of a political subdivision may have his or her name placed on the special election ballot by filing a candidate filing form prescribed by the Secretary of State as provided in Neb. RS 32-607 and this division (C).

(2) The filing period for filing the candidate filing form shall be:

(a) On or before March 1 for a special election to be held in conjunction with the statewide primary election;

(b) On or before August 1 for a special election to be held in conjunction with the statewide general election; and

(c) Between the eighth Friday prior to the election and the fifth Friday prior to the election for all other elections.

(3) A candidate filing form for such special election shall meet the requirements of Neb. RS 32-607, except that the form shall contain the following statement: "I hereby swear that I will abide by the laws of the State of Nebraska regarding the results of the special election, that I am a registered voter and qualified to be elected, and that I will serve if elected."

(4) A candidate filing form for such special election shall be filed with the filing officer specified in Neb. RS 32-607(2).  
(Neb. RS 32-606.01)

**Section 3.** Title III, Chapter 34, Section 34.01, entitled Contracts and Purchases; Bidding and Other Requirements is amended by deleting the same in its entirety and substituting the following:

§ 34.01      **CONTRACTS AND PURCHASES; BIDDING AND OTHER REQUIREMENTS.**

(A) Except as provided in Neb. RS 18-412.01 for a contract with a public power district to operate, renew, replace, or add to the electric distribution, transmission, or generation system of the Village, no contract for enlargement or general improvements, such as water extensions,

sewers, public heating systems, bridges, work on streets, or any other work or improvement, when the cost of the enlargement or improvement is assessed to the property, costing over \$30,000 shall be made unless it is first approved by the Village Board of Trustees.

(B) Except as provided in Neb. RS 18-412.01, before the Village Board of Trustees makes any contract in excess of \$30,000 for enlargements or general improvements, such as water extensions, sewers, public heating systems, bridges, work on streets, or any other work or improvement when the cost of the enlargement or improvement is assessed to the property, an estimate of the cost shall be made by the Village Engineer and submitted to the Village Board of Trustees. In advertising for bids as provided in divisions (C) and (E) below, the Village Board of Trustees may publish the amount of the estimate.

(C) Advertisements for bids shall be required for any contract costing over \$30,000 entered into:

(1) For enlargements or general improvements, such as water extensions, sewers, public heating systems, bridges, work on streets, or any other work or improvement when the cost of the enlargement or improvement is assessed to the property; or

(2) For the purchase of equipment used in the construction of the enlargements or general improvements.

(D) A Village electric utility may enter into a contract for the enlargement or improvement of the electric system or for the purchase of equipment used for the enlargement or improvement without advertising for bids if the price is:

(1) Thirty thousand dollars or less;

(2) Sixty thousand dollars or less and the Village electric utility has gross annual revenue from retail sales in excess of \$1,000,000;

(3) Ninety thousand dollars or less and the Village electric utility has gross annual revenue from retail sales in excess of \$5,000,000; or

(4) One hundred and twenty thousand dollars or less and the Village electric utility has gross annual revenue from retail sales in excess of \$10,000,000.

(E) The advertisement provided for in division (C) above shall be published at least seven days prior to the bid closing in a legal newspaper in or of general circulation in the Village. In case of a public emergency resulting from infectious or contagious diseases, destructive windstorms, floods, snow, war, or an exigency or pressing necessity or unforeseen need calling for immediate action or remedy to prevent a serious loss of or serious injury or damage to life, health, or property, estimates of costs and advertising for bids may be waived in the emergency ordinance authorized by Neb. RS 17-613 when adopted by a three-fourths vote of the Village Board of Trustees and entered of record.

(F) If, after advertising for bids as provided in this section, the Village Board of Trustees receives fewer than two bids on a contract or if the bids received by the Village Board of Trustees contain a price which exceeds the estimated cost, the Village Board of Trustees may negotiate a contract in an attempt to complete the proposed enlargements or general improvements at a cost commensurate with the estimate given.

(G) If the materials are of such a nature that, in the opinion of the manufacturer and with the concurrence of the Village Board of Trustees or Board of Public Works, no cost can be estimated until the materials have been manufactured or assembled to the specific qualifications of the Village, the Village Board of Trustees or Board of Public Works may authorize the manufacture and assemblage of those materials and may thereafter approve the estimated cost expenditure when it is provided by the manufacturer.  
(Neb. RS 17-568.01)

(H) Any Village bidding procedure may be waived by the Village Board of Trustees or Board of Public Works:

(1) When materials or equipment are purchased at the same price and from the same seller as materials or equipment which have formerly been obtained pursuant to the state bidding procedure in the State Procurement Act, Neb. RS 81-145 through 81-162;

(2) When the contract is negotiated directly with a sheltered workshop pursuant to Neb. RS 48-1503; or

(3) When required to comply with any federal grant, loan, or program.  
(Neb. RS 17-568.02)

(I) (1) Notwithstanding any other provisions of law or a home rule charter, a Village which has established, by an interlocal agreement with any county, a joint purchasing division or agency may purchase personal property without competitive bidding if the price for the property has been established by the federal General Services Administration or the materiel division of the Department of Administrative Services.

(2) For the purpose of this division (I), the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**PERSONAL PROPERTY.** Includes, but is not limited to, supplies, materials, and equipment used by or furnished to any officer, office, department, institution, board, or other agency.

**PURCHASING or PURCHASE.** The obtaining of personal property by sale, lease, or other contractual means.  
(Neb. RS 18-1756)

**Section 4.** Title III, Chapter 34, Section 34.15, entitled Credit Cards, Authority to Accept is amended by deleting the same in its entirety and substituting the following:

§ 34.15 **CREDIT CARDS; AUTHORITY TO ACCEPT.**

(A) (1) If authorized by the Village Board of Trustees, any Village official may accept credit cards, charge cards, or debit cards, whether presented in person or electronically, or electronic funds transfers as a method of cash payment of any tax, levy, excise, duty, custom, toll, interest, penalty, fine, license, fee, or assessment of whatever kind or nature, whether general or special, as provided by Neb. RS 77-1702.

(2) A county treasurer, county official, or political subdivision official shall not accept a central bank digital currency as a method of cash payment of any tax, levy, excise, duty, custom, toll, interest, penalty, fine, license, fee, or assessment of whatever kind or nature.

(B) The total amount of the taxes, levies, excises, duties, customs, tolls, interest, penalties, fines, licenses, fees, or assessments of whatever kind or nature, whether general or special, paid for by credit card, charge card, debit card, or electronic funds transfer shall be collected by the Village official.

(C) With respect to a facility which it operates in a proprietary capacity, the Village Board of Trustees may choose to accept credit cards, charge cards, or debit cards, whether presented in person or electronically, or electronic funds transfers as a means of cash payment and may adjust the price for services to reflect the handling and payment costs.

(D) The Village official shall obtain, for each transaction, authorization for use of any

credit card, charge card, or debit card used pursuant to this section from the financial institution, vending service company, credit card or charge card company, or third-party merchant bank providing that service.

(E) (1) The types of credit cards, charge cards, or debit cards accepted and the payment services provided shall be determined by the State Treasurer and the Director of Administrative Services, with the advice of a committee convened by the State Treasurer and the Director. The Committee shall consist of the State Treasurer, the Tax Commissioner, the Director, and representatives from counties, cities, and other political subdivisions as may be appropriate.

(2) The Committee shall develop recommendations for the contracting of such services. The State Treasurer and the Director shall contract with one or more credit card, charge card, or debit card companies or third-party merchant banks for services on behalf of the state and those counties, cities, and political subdivisions that choose to participate in the state contract for such services. The State Treasurer and the Director shall consider, for the purpose of this section, any negotiated discount, processing, or transaction fee imposed by a credit card, charge card, or debit card company or third-party merchant bank as an administrative expense.

(3) If the Village Board of Trustees chooses not to participate in the state contract, it may choose the types of credit cards, charge cards, and debit cards and may negotiate and contract independently or collectively as a governmental entity with one or more financial institutions, vending service companies, credit card, charge card, or debit card companies, or third-party merchant banks for the provision of these services.

(F) Subject to the direction of the Village Board of Trustees, a Village official authorizing the acceptance of credit card or charge card payments shall be authorized but not required to impose a surcharge or convenience fee upon the person making a payment by credit card or charge card so as to wholly or partially offset the amount of any discount or administrative fees charged to the Village, but the surcharge or convenience fee shall not exceed the surcharge or convenience fee imposed by the credit card or charge card companies or third-party merchant banks which have contracted under division (E) above. The surcharge or convenience fee shall be applied only when allowed by the operating rules and regulations of the credit card or charge card involved or when authorized in writing by the credit card or charge card company involved. When a person elects to make a payment to the Village by credit card or charge card and such a surcharge or convenience fee is imposed, the payment of the surcharge or convenience fee shall be deemed voluntary by that person and shall be in no case refundable. If a payment is made electronically by credit card, charge card, debit card, or electronic funds transfer as part of a system for providing or retrieving information electronically, the Village official shall be authorized but not required to impose an additional surcharge or convenience fee upon the person making a payment.

(G) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**CENTRAL BANK DIGITAL CURRENCY.** A digital medium of exchange, token, or monetary unit of account issued by the United States Federal Reserve System or any analogous federal agency that is made directly available to the consumer by such federal entities. **CENTRAL BANK DIGITAL CURRENCY** includes a digital medium of exchange, token, or monetary unit of account so issued that is processed or validated directly by such federal entities.

**ELECTRONIC FUNDS TRANSFER.** The movement of funds by nonpaper means, usually through a payment system, including, but not limited to, an automated clearinghouse or the Federal Reserve's Fedwire System.  
(Neb. RS 13-609)

**Section 5.** Title III, Chapter 33, Section 33.05, entitled Exit Polls; Poll Watchers is amended by deleting the same in its entirety and substituting the following:

§ 33.05      **EXIT POLLS; POLL WATCHERS.**

(A) No person shall conduct an exit poll, a public opinion poll, or any other interview with voters on election day seeking to determine voter preference within 20 feet of the entrance of any polling place, or, if inside the polling place or building, within 100 feet of any voting booth.

(B) (1) No poll watcher shall interfere with any voter in the preparation or casting of such voter's ballot or prevent any election worker from performing the worker's duties.

(2) A poll watcher shall not provide assistance to a voter as described in Neb. RS 32-918 unless selected by the voter to provide assistance as provided in Neb. RS 32-918.

(3) A poll watcher shall not do any electioneering or disseminate any information or materials advertising or advocating for or against any ballot measure while engaged in observing at a polling place.

(4) A poll watcher shall maintain a distance of at least eight feet from the sign-in table, the sign-in register, the polling booths, the ballot box, and any ballots which have not been cast, except that if the polling place is not large enough for a distance of eight feet, the judge of election shall post a notice of the minimum distance the poll watcher must maintain from the sign-in table, the sign-in register, the polling booths, the ballot box, and any ballots which have not been cast. The posted notice shall be clearly visible to the voters and shall be posted prior to the opening of the polls on election day. The minimum distance shall not be determined to exclude a poll watcher from being in the polling place.

(Neb. RS 32-1525) Penalty, see § 10.99

**Section 6.** Title III, Chapter 33, Section 33.01, entitled Elections; Generally is amended by deleting the same in its entirety and substituting the following:



**ELECTIONS; GENERALLY.**

(A) (1) All Village issues and offices shall be combined on the statewide primary and general election ballots whenever possible. The issuance of separate ballots shall be avoided in a statewide election if Village offices or issues can reasonably be combined with the nonpartisan ballot and state law does not require otherwise.

(2) All Village elections involving the election of officers shall be held in accordance with the Election Act, Neb. RS 32-101 et seq., and in conjunction with the statewide primary or general election.  
(Neb. RS 32-556)

(B) When the Village holds an election in conjunction with the statewide primary or general election, the election shall be held as provided in the Election Act, Neb. RS 32-101 et seq. Any other election held by the Village shall be held as provided in the Election Act unless otherwise provided by the charter, code, or bylaws of the Village.

(C) The Village shall furnish to the Secretary of State and Election Commissioner or County Clerk any maps and additional information which the Secretary of State and Election Commissioner or County Clerk may require in the proper performance of their duties in the conduct of elections and the certification of results.  
(Neb. RS 32-404)

**Section 7.** Title III, Chapter 34, Section 34.13, entitled Investment of Funds is amended by deleting the same in its entirety and substituting the following:

**INVESTMENT AND USE OF SURPLUS FUNDS.**

(A) When the Village Treasurer holds funds of the Village in excess of the amount required for maintenance or set aside for betterments and improvements, the Chairperson and Trustees of the Village Board of Trustees may, by resolution, direct and authorize the Treasurer to invest the surplus funds in the outstanding bonds or registered warrants of the Village, bonds and debentures issued either singly or collectively by any of the 12 federal land banks, the 12 intermediate credit banks, or the 13 banks for cooperatives under the supervision of the Farm Credit Administration, or in interest-bearing bonds or the obligations of the United States. The interest on such bonds or warrants shall be credited to the fund out of which the bonds or warrants were purchased.  
(Neb. RS 17-608)

(B) All income received by the Village from public utilities and from the payment and collection of water taxes, rents, rates or assessments shall be applied to the payment of running expenses, interest on bonds or money borrowed and the erection and construction of public utilities; should there be any surplus, it shall be annually created into a sinking fund for the payment

of public utility bonds or for improvements of the works, or into the General Fund as the Council may direct. The surplus remaining, if any, may, if the Council so directs, be invested in interest-bearing bonds or obligations of the United States.

(Neb. RS 17-540)

(C) The Chairperson and Trustees of the Village Board of Trustees may, by resolution, direct and authorize the Village Treasurer to dispose of the surplus electric light, water, or gas funds, or the funds arising from the sale of electric light, water, or natural gas distribution properties, by the payment of outstanding electric light, water, or gas distribution bonds or water warrants then due. The excess, if any, after such payments may be transferred to the General Fund of the Village.

(Neb. RS 17-609)

(D) Any surplus funds arising out of the operation of any system of waterworks, power plant, ice plant, gas plant, sewerage, heating or lighting plant, or distribution system by the of Public Works, or by the Village Board of Trustees where any of such utilities are not being operated by such a Board, may be invested, if not invested pursuant to the provisions of any other law upon the subject, in like manner and subject to the same conditions as the investment of similar funds of cities of the first class, as provided in Neb. RS 16-691.01.

(Neb. RS 17-803)

(E) (1) Whenever the Village has accumulated a surplus of any fund in excess of its current needs or has accumulated a sinking fund for the payment of its bonds and the money in such sinking fund exceeds the amount necessary to pay the principal and interest of any such bonds which become due during the current year, the Village Board of Trustees may invest any such surplus in excess of current needs or such excess in its sinking fund in certificates of deposit, in time deposits, and in any securities in which the State Investment Officer is authorized to invest pursuant to the State Capital Expansion Act, Neb. RS 17-1269 et seq., and the State Funds Investment Act, Neb. RS 17-1237 et seq., and as provided in the authorized investment guidelines of the State Investment Council in effect on the date the investment is made. The State Investment Officer shall, upon request, furnish a copy of current authorized investment guidelines of the State Investment Council.

(2) Nothing in division (E)(1) above shall be construed to authorize investments in venture capital or to expand the investment authority of a local government investment pool under the Public Entities Pooled Investment Act, Neb. RS 77-23,109 et seq.

(Neb. RS 77-2341)

**Section 8.** Title XI, Chapter 110, Section 110.58, entitled Keg Sales; Requirements; Prohibited Acts is amended by deleting the same in its entirety and substituting the following:

**§ 110.58 KEG SALES; REQUIREMENTS; PROHIBITED ACTS.**

(A) When any person licensed to sell alcoholic liquor at retail sells alcohol for

consumption off the premises in a container with a liquid capacity of five or more gallons or 18.92 or more liters, the seller shall record the date of the sale, the keg identification number, the purchaser's name and address, and the number of the purchaser's motor vehicle operator's license, state identification card, tribal enrollment card as defined in Neb. RS 28-1202.03, or military identification, if the military identification contains a picture of the purchaser, together with the purchaser's signature. This record shall be on a form prescribed by the State Liquor Control Commission and shall be kept by the licensee at the retail establishment where the purchase was made for not less than six months. The records kept pursuant to this section shall be available for inspection by any law enforcement officer during normal business hours or at any other reasonable time. Any person violating this section shall be guilty of an offense.  
(Neb. RS 53-167.02)

(B) Any person who unlawfully tampers with, alters, or removes the keg identification number from a container described in division (A) above, or is in possession of a container described in division (A) above with an altered or removed keg identification number after the container has been taken from the licensed premises pursuant to a retail sale and before its return to the licensed premises or other place where returned kegs are accepted, shall be guilty of an offense.

(Neb. RS 53-167.03)

Penalty, see § 10.99

**Section 9.** Title III, Chapter 35, Section 35.02, entitled Meetings; Open to Public; Notice; Agenda is amended by deleting the same in its entirety and substituting the following:

§ 35.02      **MEETINGS; OPEN TO PUBLIC; NOTICE; AGENDA.**

(A) The formation of public policy is public business and may not be conducted in secret. Every meeting of a public body shall be open to the public in order that citizens may exercise their democratic privilege of attending and speaking at meetings of public bodies, except as otherwise provided by the State Constitution, federal statutes, and the Open Meetings Act, Neb. RS 84-1407 et seq.

(Neb. RS 84-1408)

(B) (1) Each public body shall give reasonable advance publicized notice of the time and place of each meeting as provided in division (B)(2) below. The notice shall be transmitted to all members of the public body and to the public.

(2) The notice shall be given by:

(a) 1. a. Publication in a newspaper of general circulation within the public body's jurisdiction that is finalized for printing prior to the time and date of the meeting;

and

- b. Posting on such newspaper's website, if available;

- c. Posting on a statewide website established and maintained as a repository for such notices by a majority of state newspapers.

- 2. Such notice shall be placed in the newspaper and on the websites by the newspaper.

- (b) 1. a. Posting to the newspaper's website, if available; and

- b. Posting on a statewide website established and maintained as a repository for such notices by a majority of state newspapers if no edition of a newspaper of general circulation within the public body's jurisdiction is to be finalized for printing prior to the time and date of the meeting.

- 2. Such notice shall be placed in the newspaper and on the websites by the newspaper.

- (c) Posting written notice in three conspicuous public places in the Village. Such notice shall be posted by the public body in the same three places for each meeting.

- (3) (a) In case of refusal, neglect, or inability of the newspaper to publish the notice, the public body shall:

- 1. Post such notice on its website, if available;

- 2. Submit a post on a statewide website established and maintained as a repository for such notices by a majority of state newspapers; and

- 3. Post such notice in a conspicuous public place in such public body's jurisdiction.

- (b) The public body shall keep a written record of such posting. The record of such posting shall be evidence that such posting was done as required and shall be sufficient to fulfill the requirement of publication.

- (4) Each public body shall record the methods and dates of the notice in its minutes.

(5) The notice shall contain an agenda of subjects known at the time of the publicized notice or a statement that the agenda, which shall be kept continually current, is readily available for public inspection at the office of the public body during normal business hours. Agenda items shall be sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting. Except for items of an emergency nature, the agenda shall not be altered later than 24 hours before the scheduled commencement of the meeting or 48 hours before the scheduled commencement of a meeting of the Village Board of Trustees scheduled outside the corporate limits of the Village. The public body shall have the right to modify the agenda to include items of an emergency nature only at such public meeting.  
(Neb. RS 84-1411)

**Section 10.** Title XI, Chapter 112, Section 112.06, entitled Tobacco and Tobacco Products, License Application is amended by deleting the same in its entirety and substituting the following:

§ 112.06      **TOBACCO AND TOBACCO PRODUCTS; LICENSE APPLICATION.**

(A) Every person, partnership, limited liability company, or corporation desiring a license under Neb. RS 28-1420 through 28-1429 shall file with the Village Clerk a written application stating:

(1) The name of the person, partnership, limited liability company, or corporation for whom the license is desired;

(2) An email address for contacting such person, partnership, limited liability company, or corporation; and

(3) The exact location of the place of business.

(B) Each applicant shall also deposit with the application the amount of the license fee provided in § 112.03.

(C) If the applicant is an individual, the application shall include the applicant's Social Security number.

(D) Any Clerk or Finance Department that grants such a license shall notify the Tax Commissioner of such granting and transmit all applicable application materials received to the Tax Commissioner.  
(Neb. RS 28-1422)

**Section 11.** Title III, Chapter 33, Section 33.10, entitled Meetings to be Open to Public; Notice; Agenda is amended by deleting the same in its entirety and substituting the following:

**PETITION, WRITE-IN AND OTHER CANDIDATES FOR GENERAL ELECTION BALLOT; PROCEDURES.**

(A) (1) Any registered voter who was not a candidate in the primary election and who was not registered to vote with a party affiliation on or after March 1 and before the general election in the calendar year of the general election may have his or her name placed on the general election ballot for a partisan office by filing petitions as prescribed in this section and Neb. RS 32-621 or by nomination by political party convention or committee pursuant to Neb. RS 32-627 or 32-710.

(2) Any candidate who was defeated in the primary election and any registered voter who was not a candidate in the primary election may have his or her name placed on the general election ballot if a vacancy exists on the ballot under Neb. RS 32-625(2) and the candidate:

(a) Files for the office by petition as prescribed in divisions (B) and (C) below;

(b) Files as a write-in candidate as prescribed in Neb. RS 32-615; or

(c) Is nominated by political party convention or committee pursuant to Neb. RS 32-710.  
(Neb. RS 32-616)

(B) Petitions for nomination shall conform to the requirements of Neb. RS 32-628. Petitions shall state the office to be filled and the name and address of the candidate. Petitions for partisan office shall also indicate the party affiliation of the candidate. A sample copy of the petition shall be filed with the filing officer prior to circulation. Petitions shall be signed by registered voters residing in the Village, if candidates are chosen at large, or in the ward in which the officer is to be elected, if candidates are chosen by ward, and shall be filed with the filing officer in the same manner as provided for candidate filing forms in § 34.07. Petition signers and petition circulators shall conform to the requirements of Neb. RS 32-629 and 32-630. No petition for nomination shall be filed unless there is attached thereto a receipt showing the payment of the filing fee required pursuant to Neb. RS 32-608. The petitions shall be filed by September 1 in the year of the general election, and all signed petitions not filed with the Secretary of State by such date shall become invalid.  
(Neb. RS 32-617)

(C) (1) The number of signatures of registered voters needed to place the name of a candidate upon the nonpartisan ballot for the general election shall be at least 10% of the total number of registered voters voting for Governor or President of the United States at the immediately preceding general election in the Village or in the ward in which the officer is to be elected, not to exceed 2,000.

(2) The number of signatures of registered voters needed to place the name of a candidate for an office upon the partisan ballot for the general election shall be as follows:

(a) For each partisan office to be filled by the registered voters of the entire state, at least 4,000, and at least 750 signatures shall be obtained in each congressional district in the state;

(b) For each partisan office to be filled by the registered voters of a county, at least 20% of the total number of registered voters voting for Governor or President of the United States at the immediately preceding general election within the county, not to exceed 2,000, except that the number of signatures shall not be required to exceed 25% of the total number of registered voters voting for the office at the immediately preceding general election; and

(c) For each partisan office to be filled by the registered voters of a political subdivision other than a county, at least 20% of the total number of registered voters voting for Governor or President of the United States at the immediately preceding general election within the political subdivision, not to exceed 2,000.  
(Neb. RS 32-618)

**Section 12.** Title III, Chapter 34, Section 34.64, entitled Property Tax Request; Increase by More than Allowable Growth Percentage; Procedure for Setting 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 the purpose of this section, **POLITICAL SUBDIVISION** includes the Village of Murray.

(B) If the Village seeks to increase its property tax request by more than the allowable growth percentage, the Village may do so, subject to the limitations provided in the and the Property Tax Growth Limitation Act, Neb. RS 13-3401 et seq., if the following requirements are met:

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

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

(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) (a) 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.

(b) The presentation shall include:

1. The name of the political subdivision;
2. The amount of the property tax request; and
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;

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

e. 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](mailto:murrayclerk@murrayvillage.com); and 106 Main, Murray, Nebraska 68409.

(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 division (C)(9) below 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 not 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 division (C)(9) below to a printing service designated by the County Board. The initial cost for printing the postcards shall be paid from the county's General Fund. Such postcards shall be mailed at least seven 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 Village with a population of less than 1,000 inhabitants, or, for joint public hearings prior to January 1, 2024, a school district.

(9) (a) The postcard sent under this division (C) and the notice posted on the county's website, if required under division (C)(7)(b) above, 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.

(b) The postcard shall also contain the following information:

1. The following words in capitalized type at the top of the postcard: NOTICE OF PROPOSED TAX INCREASE;

2. The name of the county that will hold the joint public hearing, which shall appear directly underneath the capitalized words described in division (C)(9)(b)1. above;

3. 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.

4. The parcel number for the property;
5. The name of the property owner and the address of the property;
6. The property's assessed value in the previous tax year;
7. The amount of property taxes due in the previous tax year for each participating political subdivision;
8. The property's assessed value for the current tax year;
9. The amount of property taxes due for the current tax year for each participating political subdivision;
10. 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
11. 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) (1) After the joint public hearing required in division (C) above, the governing body of each participating political subdivision shall pass an ordinance or resolution to set such political subdivision's property tax request.

(2) 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:

- (a) The name of the political subdivision;
- (b) The amount of the property tax request;
- (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 (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

4. 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.

(d) 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) (1) The County Clerk, or his or her designee, shall prepare a report which shall include:

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

(b) 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;

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

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

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

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

(2) 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 13.** Title III, Chapter 34, Section 34.63, entitled Property Tax Request; Procedure for Setting 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 not 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 Village 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) below. If the Village Board of Trustees seeks to set its property tax request at an amount that exceeds its property tax request in the prior year, it may do so, subject to the limitations provided in the in the Property Tax Growth Limitation Act, Neb. RS 13-3401 et seq., after holding the public hearing required in division (C) below and by passing a resolution or ordinance that complies with division (D) below. If the Village 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) below.

(B) If the annual assessment of property would result in no change or a decrease in the total property taxes levied by the Village, as determined using the previous year's rate of levy, the Village's property tax request for the current year shall be not 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 Village 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) below. If the Village 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, subject to the limitations provided in the Property Tax Growth Limitation Act, Neb. RS 13-3401 et seq., after holding the public hearing required in division (C) below and by passing a resolution or ordinance that complies with division (D) below. If the Village seeks to increase its property tax request by more than the allowable growth percentage, the Village shall comply with the requirements of Neb. RS 77-1633 in lieu of the requirements in divisions (C) and (D) below.

(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 four calendar days prior to the hearing. For the purposes of such notice, the four calendar days shall include the day of publication but not the day of the 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 Village Board of Trustees'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 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 Village of Murray will exceed last year's by \_\_\_\_ percent.

(4) The record vote of the Village 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 14.** Title III, Chapter 35, Section 35.09, entitled Public Participation is amended by deleting the same in its entirety and substituting the following:

§ 35.09      **MEETINGS; PUBLIC PARTICIPATION.**

(A) Subject to this subchapter and the Open Meetings Act, Neb. RS 84-1407 et seq., the public has the right to attend and the right to speak at meetings of public bodies, and all or any part of a meeting of a public body, except for closed sessions called pursuant to § 33.07, may be videotaped, televised, photographed, broadcast, or recorded by any person in attendance by means of a tape recorder, a camera, video equipment, or any other means of pictorial or sonic reproduction or in writing. Except for closed sessions called pursuant to § 33.07, a public body shall allow members of the public an opportunity to speak at each meeting.

(B) It shall not be a violation of division (A) above for any public body to make and enforce reasonable rules and regulations regarding the conduct of persons attending, speaking at, videotaping, televising, photographing, broadcasting, or recording its meetings, including meetings held by virtual conferencing.

(C) No public body shall require members of the public to identify themselves as a condition for admission to the meeting, nor shall such body require that the name of any member of the public be placed on the agenda prior to such meeting in order to speak about items on the agenda. The body shall require any member of the public desiring to address the body to identify himself or herself, including an address and the name of any organization represented by such person, unless the address requirement is waived to protect the security of the individual.

(D) No public body shall, for the purpose of circumventing this subchapter or the Open

Meetings Act, Neb. RS 84-1407 et seq., hold a meeting in a place known by the body to be too small to accommodate the anticipated audience.

(E) No public body shall be deemed in violation of this section if it holds its meeting in its traditional meeting place which is located in this state.

(F) No public body shall be deemed in violation of this section if it holds a meeting outside of this state if, but only if, a member entity of the public body is located outside of this state and the other requirements of Neb. RS 84-1412 are met.

(G) The public body shall, upon request, make a reasonable effort to accommodate the public's right to hear the discussion and testimony presented at the meeting.

(H) Public bodies shall make available at the meeting, for examination and copying by members of the public, at least one copy of all reproducible written material to be discussed at an open meeting, either in paper or electronic form. Public bodies shall make available at least one current copy of the Open Meetings Act, Neb. RS 84-1407 et seq., posted in the meeting room at a location accessible to members of the public. At the beginning of the meeting, the public shall be informed about the location of the posted information.  
(Neb. RS 84-1412)

**Section 15.** Title III, Chapter 33, Section 33.14, entitled Recall Procedure is amended by deleting the same in its entirety and substituting the following:

§ 33.14      **RECALL PROCEDURE.**

(A) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

**FILING OFFICER.** The Election Commissioner or County Clerk.  
(Neb. RS 32-1301)

(B) Any member of the Village Board of Trustees may be removed from office by recall pursuant to this section.  
(Neb. RS 32-1302)

(C) (1) A petition demanding that the question of removing a member of the Village Board of Trustees be submitted to the registered voters shall be signed by registered voters equal in number to at least 45% of the total vote cast for the person receiving the most votes for that office in the last general election. The signatures shall be affixed to petition papers and shall be considered part of the petition.

(2) Petition circulators shall conform to the requirements of Neb. RS 32-629



and 32-630.

(3) The petition papers shall be procured from the filing officer. Prior to the issuance of such petition papers, a recall petition filing form shall be signed and filed with the filing officer by at least one registered voter. Such voter or voters shall be deemed to be the principal circulator or circulators of the recall petition. The filing form shall state the name and office of the Trustee sought to be removed, shall include in concise language of 60 words or less the reason or reasons for which recall is sought, and shall request that the filing officer issue initial petition papers to the principal circulator for circulation.

(4) After receiving the filing form, the filing officer shall notify the Trustee by any method specified in Neb. RS 25-505.01 or, if notification cannot be made with reasonable diligence by any of the methods specified in Neb. RS 25-505.01, by leaving a copy of the filing form at the Trustee's usual place of residence and mailing a copy by first-class mail to the Trustee's last known address. If the Trustee chooses, he or she may submit a defense statement in concise language of 60 words or less for inclusion on the petition. Any such defense statement shall be submitted to the filing officer within 20 days after the Trustee receives the copy of the filing form. The filing officer shall prepare the petition papers within five business days after receipt of the defense statement. The principal circulator or circulators shall gather the petition papers within 20 days after being notified by the filing officer that the petition papers are available. The filing officer shall notify the principal circulator or circulators that the necessary signatures must be gathered within 30 days from the date of issuing the petitions.

(5) The filing officer, upon issuing the initial petition papers or any subsequent petition papers, shall enter in a record, to be kept in his or her office, the name of the principal circulator or circulators to whom the papers were issued, the date of issuance, and the number of papers issued. The filing officer shall certify on the papers the name of the principal circulator or circulators to whom the papers were issued and the date they were issued. No petition paper shall be accepted as part of the petition unless it bears such certificate. The principal circulator or circulators who check out petitions from the filing officer may distribute such petitions to persons who may act as circulators of such petitions.

(6) Petition signers shall conform to the requirements of Neb. RS 32-629 and 32-630. Each signer of a recall petition shall be a registered voter and qualified by his or her place of residence to vote for the office in question.  
(Neb. RS 32-1303)

(D) Each petition paper shall conform to the requirements of Neb. RS 32-1304.

(E) (1) The principal circulator or circulators shall file, as one instrument, all petition papers comprising a recall petition for signature verification with the filing officer within 30 days after the filing officer issues the initial petition papers to the principal circulator or circulators as provided in division (C) above.

(2) Within 15 business days after the filing of the petition, the filing officer shall ascertain whether or not the petition is signed by the requisite number of registered voters. No new signatures may be added after the initial filing of the petition papers. Any person may remove his or her name from a petition as provided in Neb. RS 32-632. If the petition is found to be sufficient, the filing officer shall attach to the petition a certificate showing the result of such examination. If the requisite number of signatures has not been gathered, the filing officer shall file the petition in his or her office without prejudice to the filing of a new petition for the same purpose.  
(Neb. RS 32-1305)

(F) (1) If the recall petition is found to be sufficient, the filing officer shall notify the Trustee whose removal is sought and the Village Board of Trustees that sufficient signatures have been gathered. Notification of the Trustee shall be by any method specified in Neb. RS 25-505.01 or, if notification cannot be made with reasonable diligence by any of the methods specified in Neb. RS 25-505.01, by leaving such notice at the Trustee's usual place of residence and mailing a copy by first-class mail to the Trustee's last known address.

(2) The Village Board of Trustees shall, within 21 days after receipt of the notification from the filing officer pursuant to division (F)(1) above, order an election. The date of the election shall be the first available date that complies with Neb. RS 32-405 and that can be certified to the election commissioner or county clerk at least 50 days prior to the election, except that if any other election is to be held in the Village within 90 days after such notification, the Village Board of Trustees shall provide for the holding of the recall election on the same day.

(3) All resignations shall be tendered as provided in Neb. RS 32-562. If the Trustee whose removal is sought resigns before the recall election is held, the Village Board of Trustees may cancel the recall election if the Village Board of Trustees notifies the Election Commissioner or County Clerk of the cancellation on or before the fourth Thursday prior to the election; otherwise, the recall election shall be held as scheduled.

(4) If a filing officer is subject to a recall election, the Secretary of State shall conduct the recall election.  
(Neb. RS 32-1306)

(G) The form of the official ballot at a recall election held pursuant to division (F) above shall conform to the requirements of Neb. RS 32-1307.

(H) (1) If a majority of the votes cast at a recall election are against the removal of the Trustee named on the ballot or the election results in a tie, the Trustee shall continue in office for the remainder of his or her term but may be subject to further recall attempts as provided in division (I) below.

(2) If a majority of the votes cast at a recall election are for the removal of the

Trustee named on the ballot, he or she shall, regardless of any technical defects in the recall petition, be deemed removed from office unless a recount is ordered. If the Trustee is deemed removed, the removal shall result in a vacancy in the office, which shall be filled as otherwise provided in this section, Neb. RS 32-567 through 32-570, 32-574, and 32-606.01.

(3) If the election results show a margin of votes equal to 1% or less between the removal or retention of the Trustee in question, the Secretary of State, Election Commissioner, or County Clerk shall order a recount of the votes cast unless the Trustee files a written statement with the filing officer that he or she does not want a recount.

(4) If there are vacancies in the offices of one-half or more of the members of the Village Board of Trustees at one time due to the recall of such members, a special election to fill such vacancies shall be conducted as expeditiously as possible by the Secretary of State, Election Commissioner, or County Clerk. Candidates for the special election shall file a candidate filing form pursuant to § 34.07(C).

(5) No Trustee who is removed at a recall election or who resigns after the initiation of the recall process shall be appointed to fill the vacancy resulting from his or her removal or the removal of any other member of the Village Board of Trustees during the remainder of his or her term of office.

(Neb. RS 32-1308)

(I) No recall petition filing form shall be filed against an elected Trustee within 12 months after a recall election has failed to remove him or her from office or within six months after the beginning of his or her term of office or within six months prior to the incumbent filing deadline for the office.

(Neb. RS 32-1309)

**Section 16.** Title XI, Chapter 112, Section 112.11, entitled Reissuance of Revoked and Forfeited License is amended by deleting the same in its entirety and substituting the following:

§ 112.11      **TOBACCO AND TOBACCO PRODUCTS; REISSUANCE OF REVOKED AND FORFEITED LICENSE.**

(A) If a license issued under Neb. RS 28-1420 through 28-1429 is revoked and forfeited as provided in Neb. RS 28-1425 for a violation of Neb. RS 28-1429.04 or 28-1429.05, no new license shall be issued to such licensee until the expiration of five years after the date of such revocation and forfeiture.

(B) If a license issued under Neb. RS 28-1420 through 28-1429 is revoked and forfeited as provided in Neb. RS 28-1425 for any other violation of Neb. RS 28-1418 through 28-1429.03, 28-1429.06, and 28-1429.07, no new license shall be issued to such licensee until the expiration

of one year after the date of such revocation and forfeiture except as otherwise provided in Neb. RS 28-1423.  
(Neb. RS 28-1429)

**Section 17.** Title XI, Chapter 112, Section 112.08, entitled Rights of Licensee is amended by deleting the same in its entirety and substituting the following:

§ 112.08      **TOBACCO AND TOBACCO PRODUCT; RIGHTS OF LICENSEE.**

(A) The license provided for in §§ 112.01 and 112.02 shall, when issued, authorize the sale of cigars, tobacco, electronic nicotine delivery systems, cigarettes, and cigarette material by the licensee and employees to persons 21 years of age or over, at the place of business described in the license for the term therein authorized, unless the license is forfeited as a result of court action as provided in Neb. RS 28-1425.  
(Neb. RS 28-1424)

(B) If the license is revoked and forfeited pursuant to Neb. RS 28-1425, all rights under the license shall at once cease and terminate and a new license shall not be issued until the expiration of the period provided for in Neb. RS 28-1429.  
(Neb. RS 28-1425)

**Section 18.** Title III, Chapter 33, Section 33.07, entitled Special Elections is amended by deleting the same in its entirety and substituting the following:

§ 33.07      **SPECIAL ELECTIONS.**

(A) (1) Except as provided in Neb. RS 77-3444, any issue to be submitted to the registered voters at a special election by the Village shall be certified by the Village Clerk to the Election Commissioner or County Clerk on or before the eighth Friday prior to the election. A special election may be held by mail as provided in Neb. RS 32-952 through 32-959. Any other special election under this section shall be subject to division (B) below.

(2) In lieu of submitting the issue at a special election, the Village may submit the issue at a statewide primary or general election or at any scheduled county election, except that no such issue shall be submitted at a statewide election or scheduled county election unless the issue to be submitted has been certified by the Village Clerk to the Election Commissioner or County Clerk by March 1 for the primary election and by September 1 for the general election.

(3) (a) After the Election Commissioner or County Clerk has received the certification of the issue to be submitted, he or she shall be responsible for all matters relating to the submission of the issue to the registered voters, except that the Village Clerk shall be responsible for the publication or posting of any required special notice of the submission of the issue other than the notice required to be given of the statewide election issues. The Election Commissioner or County Clerk shall prepare the ballots and issue ballots for early voting and shall also conduct the submission of the issue, including the receiving and counting of ballots on the issue.

(b) The election returns shall be made to the Election Commissioner or County Clerk. The ballots shall be counted and canvassed at the same time and in the same manner as the other ballots. Upon completion of the canvass of the vote by the County Canvassing Board, the Election Commissioner or County Clerk shall certify the election results to the Village Board of Trustees. The canvass by the County Canvassing Board shall have the same force and effect as if made by the Village Board of Trustees.

(B) (1) A Village that has submitted an issue for a special election under division (A)(1) above may cancel the special election if the Secretary of State, Election Commissioner, or County Clerk receives a resolution adopted by the political subdivision canceling the special election on or before the fourth Thursday prior to the election. No cancellation shall be effective after such date. If a special election is canceled in such manner, the Village shall be responsible for the costs incurred that are related to the canceled election. Such costs shall include all chargeable costs as provided in Neb. RS 32-1202 that are associated with preparing for and conducting a special election.

(2) A Village that has submitted an issue at a statewide primary or general election or at any scheduled county election under division (A)(2) above may withdraw the issue from the ballot if the Secretary of State, Election Commissioner, or County Clerk receives a resolution adopted by the Village Board of Trustees withdrawing the issue from the ballot not later than March 1 prior to a statewide primary election or September 1 prior to a statewide general election. No withdrawal shall be effective after such date. Any issue withdrawn in this manner shall not be printed on the ballot.  
(Neb. RS 32-559)

(C) Any special election under the Election Act, Neb. RS 32-101 et seq., shall be held on the first Tuesday following the second Monday of the selected month unless otherwise specifically provided. Except as otherwise specifically provided, no special election shall be held under the Election Act in April, May, June, October, November, or December of an even-numbered year unless it is held in conjunction with the statewide primary or general election. No special election shall be held under the Election Act in September of an even-numbered year except as provided in Neb. RS 32-564 and except for a special election by a political subdivision pursuant to Neb. RS 13-519 or 77-3444 to approve a property tax levy or exceed a property tax levy limitation.

(Neb. RS 32-405)

**Section 19.** Title III, Chapter 33, Section 33.13, entitled Vacancy; General Provisions is enacted as follows:

§ 33.13      **VACANCY; GENERAL PROVISIONS.**

(A) Every elective office shall be vacant upon the happening of any of the events specified in Neb. RS 32-560 except as provided in Neb. RS 32-561.

(B) (1) Except as otherwise provided in division (C) or (D) below, vacancies in Village elected offices shall be filled by the Village Board of Trustees for the balance of the unexpired term. Notice of a vacancy, except a vacancy resulting from the death of the incumbent, shall be in writing and presented to the Village Board of Trustees at a regular or special meeting and shall appear as a part of the minutes of that meeting. The Village Board of Trustees shall at once give public notice of the vacancy by causing a notice to be published in a newspaper of general circulation within the Village or by posting in three public places in the Village the office vacated and the length of the unexpired term.

(2) The Chairperson of the Village Board of Trustees shall call a special meeting of the Village Board of Trustees or place the issue of filling the vacancy on the agenda at the next regular meeting, at which time the Chairperson shall submit the name of a qualified registered voter to fill the vacancy for the balance of the unexpired term. The regular or special meeting shall occur upon the death of the incumbent, or within four weeks after the meeting at which such notice of vacancy has been presented. The Village Board of Trustees shall vote upon the nominee, and if a majority votes in favor of the nominee, the vacancy shall be declared filled. If the nominee fails to receive a majority of the votes, the nomination shall be rejected and the Chairperson shall, at the next regular or special meeting, submit the name of another qualified registered voter to fill the vacancy. If the subsequent nominee fails to receive a majority of the votes, the Chairperson shall continue at that meeting to submit the names of qualified registered voters in nomination and the Village Board of Trustees shall continue to vote upon the nominations at such meeting until the vacancy is filled. All Trustees of the Board present shall cast a ballot for or against the nominee. Any member of the Village Board of Trustees who has been appointed to fill a vacancy on the Village Board of Trustees shall have the same rights, including voting, as if that person were elected.

(C) The Chairperson and Trustees of the Village Board of Trustees may, in lieu of filling a vacancy in a Village elected office as provided in division (B) above, call a special election to fill that vacancy.

(D) If vacancies exist in the offices of one-half or more of the members of the Village Board of Trustees, the Secretary of State shall conduct a special village election to fill those vacancies. Candidates for such special election shall file a candidate filing form pursuant to §

34.07(C).  
(Neb. RS 32-569)

**Section 20.** All ordinances in conflict with any of these provisions are repealed.

**Section 21.** This ordinance is adopted and published in pamphlet form, and

**Section 22.** This Ordinance 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 11<sup>TH</sup> day of February 2025.



Jeff Anderson  
Chair of the Board of Trustees

ATTEST:



Shelli Hayes, Village Clerk

Publication Date: FEBRUARY 18, 2025

## ORDINANCE RECORD

### ORDINANCE # 692

#### 1 READING

Chairman Anderson introduced and read by title Ordinance # 692.

TRUSTEE BLESSING moved, seconded by TRUSTEE SCHROEDER that the statutory rule requiring reading on three different days be suspended so that Ordinance # 692 be introduced, read by title, and adopted (3/4 vote required).

The following BOARD OF TRUSTEES voted: AYES:

BLESSING, FLAK, SCHROEDER, BARTLETT,  
ANDERSON; MOTION CARRIED.


Chairman Anderson raised the question "Shall Ordinance # 692 be adopted as read by title?" TRUSTEE BLESSING moved, seconded by TRUSTEE SCHROEDER that said Ordinance #692 be adopted, published, or posted as required by law.

The following BOARD OF TRUSTEES voted: AYES:

BLESSING, FLAK, SCHROEDER, BARTLETT,  
ANDERSON; MOTION CARRIED.

Upon passage and adoption having been concurred in by majority vote of the Board of Trustees, the Chairperson declared the Ordinance adopted. A true and correct copy of the Ordinance is attached.

DATED THIS 11<sup>TH</sup> DAY OF FEBRUARY, 2025.

  
CHAIRMAN  
VILLAGE OF MURRAY

ATTEST:

  
VILLAGE CLERK

(SEAL)



# CERTIFICATION OF PASSAGE

## ORDINANCE #692

STATE OF NEBRASKA  
COUNTY OF CASS  
VILLAGE OF MURRAY

I, Shelli S. Hayes, Village Clerk of the Village Of Murray, Cass County Nebraska, hereby certify that a true and exact copy Ordinance #692 as attached herewith, was passed and approved on the 11<sup>TH</sup> day of FEBRUARY, 20 25, and has been published in a legal newspaper, the Omaha World Herald as per the attached **affidavit of publication**, OR posting as required by law. Posting sites: Cornerstone Bank, Murray Post Office, Murray Municipal Building.

Posted this 13<sup>TH</sup> day of FEBRUARY, 20 25.

  
Shelli S. Hayes, Village Clerk

(SEAL)

VILLAGE OF MURRAY  
NOTICE OF PUBLICATION OF  
ORDINANCE IN PAMPHLET FORM

On the 11th day of February, 2025, the Village of Murray Board of Trustees adopted an ordinance entitled:

ORDINANCE NO. 692

AN ORDINANCE OF THE VILLAGE OF MURRAY, NEBRASKA, TO AMEND THE FOLLOWING ORDINANCES BY DELETING THE SAME IN THEIR ENTIRETY AND SUBSTITUTING THE FOLLOWING: TITLE III, CHAPTER 34, §34.61 ENTITLED ADOPTED BUDGET STATEMENT, FILING, CERTIFICATION OF TAX AMOUNT; TITLE III, CHAPTER 33, §33.12 ENTITLED CANDIDATE FILING FORMS, DEADLINES, FILING OFFICER, SPECIAL ELECTION REQUIREMENTS; TITLE III, CHAPTER 34, §34.01 ENTITLED CONTRACTS AND PURCHASES, BIDDING AND OTHER REQUIREMENTS; TITLE III, CHAPTER 34, §34.15 ENTITLED CREDIT CARDS, AUTHORITY TO ACCEPT; TITLE III, CHAPTER 33, §33.05 ENTITLED EXIT POLLS, POLL WATCHERS; TITLE III, CHAPTER 33, §33.01 ENTITLED ELECTIONS, GENERALLY; TITLE III, CHAPTER 34, §34.13 ENTITLED INVESTMENT AND USE OF SURPLUS FUNDS; TITLE XI, CHAPTER 110, §110.58 ENTITLED KEG SALES, REQUIREMENTS, PROHIBITED ACTS; TITLE III, CHAPTER 35, SECTION 35.02, ENTITLED MEETINGS, OPEN TO PUBLIC, NOTICE, AGENDA; TITLE XI, CHAPTER 112, SECTION 112.06, ENTITLED TOBACCO AND TOBACCO PRODUCTS, LICENSE APPLICATION; TITLE III, CHAPTER 33, §33.10 ENTITLED PETITION, WRITE-IN, AND OTHER CANDIDATES FOR GENERAL ELECTION BALLOT, PROCEDURES; TITLE III, CHAPTER 34, §34.64 ENTITLED PROPERTY TAX REQUEST, INCREASE BY MORE THAN ALLOWABLE GROWTH PERCENTAGE, PROCEDURE FOR SETTING; TITLE III, CHAPTER 34, SECTION 34.63, ENTITLED PROPERTY TAX REQUEST, PROCEDURE FOR SETTING; TITLE III, CHAPTER 35, §35.09 ENTITLED MEETINGS, PUBLIC PARTICIPATION; TITLE III, CHAPTER 33, §33.14 ENTITLED RECALL PROCEDURE; TITLE XI, CHAPTER 112, §112.11 ENTITLED TOBACCO AND TOBACCO PRODUCTS, REISSUANCE OF REVOKED AND FORFEITED LICENSE; TITLE XI, CHAPTER 128, §112.08 ENTITLED TOBACCO AND TOBACCO PRODUCT, RIGHTS OF LICENSEE; TITLE III, CHAPTER 33, §33.07 ENTITLED SPECIAL ELECTIONS; TO ENACT TITLE III, CHAPTER 33, §33.13 ENTITLED VACANCY; GENERAL PROVISIONS; TO REPEAL ALL ORDINANCES IN CONFLICT WITH ANY OF THESE PROVISIONS; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE AN EFFECTIVE DATE.

Said Ordinance was published in pamphlet form and copies thereof are available at the office of the Village Clerk, 106 W Main Street, Murray, Nebraska.

Shelli S. Hayes, Village Clerk