

**CITY OF PAPIILLION
MAYOR AND CITY COUNCIL REPORT
MARCH 19, 2019**

Subject:	Type:	Submitted By:
Approval of Ordinance No. 1836 to amend Chapter 24. Elections, of the Papillion Municipal Code to add a new section requiring written notice of a proposed ordinance to redraw ward boundaries to be sent to residences which would move into a different ward as a result of such ordinance, and to require three (3) readings of a proposed ordinance to redraw ward boundaries and to prohibit the suspension of any such readings.	Ordinance No.1836 (Introduction)	Tom Mumgaard Staff Report By: Christine Myers, City Administrator

SYNOPSIS:

This is a request to amend Chapter 24. Elections, by adding two (2) new sections, as follows: (1) Add § 24-3 to require the City Clerk, at least five (5) days prior to the introduction of any proposed ordinance which would redraw the City’s ward boundaries, to send written notice of such proposed ordinance to all residences within the corporate limits which would move into a different ward as a result of such ordinance; and (2) Add § 24-4, to require three (3) readings on three different days of a proposed ordinance to redraw ward boundaries and to prohibit the suspension of any such readings by City Council, as now required by LB 865 (2018), codified at Neb. Rev. Stat. § 16-404(2).

FISCAL IMPACT:

The cost of mailing the notice of the proposed ordinance to all residences that would be affected.

RECOMMENDATION:

Approval.

BACKGROUND:

On October 28, 2017, City Council approved ORD. 1789 to annex certain real estate to the City of Papillion, which included Tracts A through G located on both sides of Highway 50, starting half a mile north of Schram Road and ending on Capehart Road (Omaha National Cemetery, Travelers Data Center, Oxbow Animal Health, and Facebook’s Papillion Data Center), and Tract H located on the southwest corner of Cornhusker Road and 66th Street (SID #137 – the Cottonwood subdivisions). Thereafter, on December 5, 2017, City Council considered ORD. 1798, to amend the City of Papillion Ward Boundaries to include the residents annexed by ORD. 1789 in the May 2018 primary election cycle. City staff had recommended a waiver of second and third ordinance readings of ORD. 1798 in order to meet the December 14, 2017 deadline for providing an adopted ward map to the Sarpy County Election Commissioner’s office. After approving the waiver of the second and third ordinance readings by a super majority and holding a public hearing on ORD. 1798, City Council voted to approve ORD. 1798. During the next Nebraska Legislative Session, on April 17, 2018, LB 865 was approved, which amended Neb. Rev. Stat. § 16-404 to prohibit a city of the first class from suspending the requirement of three readings of an ordinance on different days for the redrawing of boundaries for city council election districts or wards.

ATTACHMENTS:

Ordinance No. 1836
Legislative Tracked Changes to Chapter 24. Elections

ORDINANCE NO. 1836

AN ORDINANCE TO AMEND CHAPTER 24, ELECTIONS, OF THE PAPIILLION MUNICIPAL CODE HAVING TO DO WITH THE CITY'S ELECTION WARD BOUNDARIES: TO ADD A NEW SECTION REQUIRING THAT WRITTEN NOTICE OF A PROPOSED ORDINANCE TO REDRAW WARD BOUNDARIES BE SENT TO RESIDENCES WITHIN THE CORPORATE LIMITS WHICH WOULD MOVE INTO A DIFFERENT WARD AS A RESULT OF SUCH ORDINANCE; TO ADD A SECTION REQUIRING THAT ANY SUCH PROPOSED ORDINANCE FOR THE REDRAWING OF WARD BOUNDARIES SHALL BE READ BY TITLE ON THREE DIFFERENT DAYS AND THAT SUCH REQUIREMENT SHALL NOT BE SUSPENDED; AND TO PROVIDE FOR AN EFFECTIVE DATE.

BE IT ORDAINED by the Mayor and City Council of the City of Papillion, Nebraska, as follows:

Section 1. That Chapter 24, Elections, shall be amended to add two (2) new sections, § 24-3 and § 24-4, to read as follows:

§ 24-3 Notice of proposed ordinance to redraw ward boundaries.

Not later than five (5) days prior to the introduction of any proposed ordinance which would redraw the City's ward boundaries, the City Clerk shall provide written notice of the proposed ordinance to all residences within the existing corporate limits which would move into a different ward as a result of such ordinance. The notice shall include the following: (a) the proposed date for the public hearing of the ordinance; (b) a statement that, if adopted, the ordinance will redraw the designated ward boundaries and change the City Council representatives for the registered electors at the residence; and, (c) a statement that residents may appear and be heard at the public hearing on the ordinance. The notice may be sent to each residence either by first class mail or personal delivery. The City Clerk may use utility records or any other available records to identify all residences within the existing corporate limits which would move into a different ward as a result of the proposed ordinance. Each individual residential dwelling unit, as defined in Section 205-17 of this Code, including those within multiple-tenant dwellings, within the corporate limits shall be considered a separate residence for purposes of this Section. Except for a willful or deliberate failure to cause written notice to be given, no decision made by the Council either to accept or reject a proposed ordinance to redraw the ward boundaries, either in whole or in part, shall be void, invalidated, or affected in any way because of any irregularity, defect, error, or failure on the part of the City or its employees to cause notice to be given as required by this Section if a reasonable attempt to comply with this Section was made. Furthermore, except for a willful or deliberate failure to cause written notice to be given, the City and its employees shall not be liable for any damage to any person resulting from any failure to cause written notice to be given as required by this Section when a reasonable attempt was made to provide such written notice.

§ 24-4 Ordinance to redraw ward boundaries; Requirements for adoption.

Any ordinance for the redrawing of ward boundaries shall be read by title on three (3) separate days prior to final passage. Such requirement shall not be suspended for any ordinance for the redrawing of ward boundaries by the members elected to the Council.

Section 2. Effective Date. This Ordinance shall be in full force and effect fifteen (15) days after its passage. The City Clerk is directed to effectuate the publishing of this Ordinance for at least one (1) week in a newspaper in general circulation within the City of Papillion, which publication must take place

within fifteen days of the passage of this Ordinance by the City Council. The City Clerk shall cause this Ordinance to be published in book or pamphlet form. This Ordinance shall have the same force and effect as though it had been published at large. A copy of said Ordinance shall be filed for use and examination by the public in the office of the City Clerk.

PASSED AND APPROVED this ____ day of _____, 2019.

CITY OF PAPILLION,

DAVID P. BLACK, MAYOR

Attest:

Nicole Brown, City Clerk

(SEAL)

First Reading: March 19, 2019

Second Reading:

Third Reading:

Papillion Municipal Code
Ordinance No. 1836
(Amendment to Chapter 24. Elections)

Legislative Changes

Chapter 24. Elections

§ 24-1. Ward boundaries.

The following areas shall constitute the wards of the municipality:

A. Ward 1:

- (1) North boundary: Giles Road (north corporate limits) from Rogers Drive to the east corporate limits.
- (2) West boundary: Rogers Drive from Giles Road (north corporate limits) to Shenandoah Drive, Shenandoah Drive from Rogers Drive to Beadle Street, Beadle Street from Shenandoah Drive to 2nd Street, 2nd Street from Beadle Street to Grandview Avenue, Grandview Avenue from 2nd Street to 1st Street, 1st Street from Grandview Avenue to Washington Street, and Washington Street from 1st Street to Halleck Street.
- (3) South boundary: Halleck Street from Washington Street to Monroe Street, Monroe Street from Halleck Street to Lincoln Street, Lincoln Street from Monroe Street to Park Road, Park Road from Lincoln Street to the east corporate limits.
- (4) East boundary: east corporate limits from Park Road to 72nd Street, 72nd Street from east corporate limits to north to Cornhusker Road, Cornhusker Road from 72nd Street to 71st Street, 71st Street from Cornhusker Road to eastern corporate limits, eastern corporate limits to 66th Street, 66th Street from eastern corporate limits to Cornhusker Road, Cornhusker Road from 66th Street to Settlers Creek Drive, Settlers Creek Drive from Cornhusker Road to 72nd Street, 72nd Street from Settlers Creek Drive to eastern corporate limits, and continuing along the eastern corporate limits to Giles Road.
- (5) Giles Road (north corporate limits).
- (6) Exclude: Lots 2 and 4, Summerfield 2nd Addition.
- (7) Exclude: Lots 1, 2, and 3 Summerfield 2nd Addition Replat I.
- (8) Exclude: Lot 1, Summerfield 2nd Addition Replat Two.
- (9) Exclude: Lot 1, Summerfield 2nd Addition Replat Three.
- (10) Exclude: Lot 1, Summerfield 2nd Addition Replat Four.
- (11) Exclude: Lot 2, Summerfield 2nd Addition Replat Four.

B. Ward 2:

- (1) North boundary: Halleck Street from Washington Street to Monroe Street, Monroe Street from Halleck Street to Lincoln Street, Lincoln Street from Monroe Street to Park Road, Park Road

from Lincoln Street to the east corporate limits.

- (2) West boundary: Washington Street from Halleck Street to Gold Coast Road.
- (3) South boundary: Gold Coast Road from Washington Street to Fenwick Drive, Fenwick Drive from Gold Coast Road to Grandview Avenue, Grandview Avenue from Fenwick Drive to Olson Drive, Olson Drive from Fenwick Drive to Towne Center Parkway, Towne Center Parkway from Olson Drive to Olson Drive, Olson Drive from Towne Center Parkway to 73rd Street, 73rd Street from Olson Drive to Schram Road.
- (4) East boundary: Schram Road from 73rd Street to 72nd Street, 72nd Street from Schram Road to east corporate limits, east corporate limits to Park Road.

C. Ward 3:

- (1) North boundary: Lincoln Street from the west corporate limits to Overland Trail, Overland Trail from Lincoln Street to Chisholm Trail, Chisholm Trail from Overland Trail to Perry Street, Perry Street from Chisholm Trail to Madison Street, Madison Street from Perry Street to Crest Road, Crest Road from Madison Street to Washington Street, Washington Street from Madison Street to Gold Coast Road, Gold Coast Road from Washington Street to Fenwick Drive, Fenwick Drive from Gold Coast Road to Grandview Avenue, Grandview Avenue from Fenwick Drive to Olson Drive, Olson Drive from Grandview Avenue to Towne Center Parkway, Towne Center Parkway from Olson Drive to Olson Drive, Olson Drive from Towne Center Parkway to 73rd Street, and 73rd Street from Olson Drive to Schram Road.
- (2) West boundary: west corporate limits from Lincoln Street to Highway 370, Highway 370 from west corporate limits to 108th Street, 108th Street from Highway 370 to Schram Road (south corporate limits).
- (3) South boundary: south corporate limits from 108th Street to 96th Street, 96th Street from south corporate limits to Highway 370, Highway 370 from 96th Street to south corporate limits, south corporate limits to 90th Street, 90th Street from south corporate limits to Schram Road, Schram Road from 90th Street to 84th Street, 84th Street from Schram Road to south corporate limits, south corporate limits to Schram Road, and south corporate limits to 73rd Street at the east corporate limits.
- (4) East boundary: East corporate limits from Olson Drive to Schram Road.
- (5) Exclude: Tax Lot 7 NW 33-T14-R12.
- (6) Exclude: Tax Lot 18 NW 33-T14-R12.
- (7) Exclude: Tax Lot 5 34-14-12.
- (8) Exclude: Tax Lot 11 & 20 34-14-12.
- (9) Exclude: Part of Tax Lot W1/2 of the NE1/4 34-14-12.
- (10) Exclude: Lot 1 South Countryside Addition.
- (11) Exclude: Tax Lots 11 and 20 34-14-12.

D. Ward 4:

- (1) North boundary: Giles Road from Rogers Drive to 96th Street, 96th Street from Giles Road to Portal Road, Portal Road from 96th Street to 108th Street, 108th Street going south to the north corporate limits at the northeast corner of Outlot A Clatterbuck Addition, north corporate limits at the northeast corner of Outlot A Clatterbuck Addition to the western corporate limits at 132nd Street on the northeast corner of Prairie Queen Recreation Area.
- (2) West boundary: west corporate limits (from northeast corner of Prairie Queens Recreation Area), excluding part for Papio-Missouri River NRD and Hilltop Industrial Park, to north boundary of the north half of the southeast quarter of 25-14-11, to the west boundary of the north half of the southeast quarter of 21-14-11 south to Highway 370, Highway 370 west to 144th Street, 144th Street from Highway 370 to Schram Road, Schram Road from 144th Street to west boundary of Lot 1 Oxbow Way Replat 1, west boundary of Lot 1 Oxbow Way Replat 1 to the southwest corner of Outlot A, Oxbow Way, southwest corner of Outlot A, Oxbow Way to northeast corner of Tax Lot 2, northeast corner of Tax Lot 2, 150th Street from Lot 2 Oxbow Way Replat 1 to Capehart Road.
- (3) South boundary: south corporate limits at 150th Street to the southeast corner of Lot 1 Sarpy County Power Park East, southeast corner of Lot 1, Sarpy County Power Park East along the corporate limits north to Highway 370, Highway 370 from east boundary of part of Tax Lot H 36-14-11 to 132nd Street, northeast corner of the 132nd Street and Highway 370 intersection to the southeast corner of Prairie Queen Recreation Area, southeast corner of Prairie Queen Recreation Area along the eastern edge of Prairie Queen Recreation Area to the corporate limits abutting Lot 6 through 8 Pink Industrial Park 2, southeast corner of Lot 8 Pink Industrial Park 2 to the southeast corner of Lot 1 Pink Industrial Park 2, southeast corner of Lot 1 Pink Industrial Park 2 to 120th Street, 120th Street south to Cornhusker Road, Cornhusker Road following the south corporate limits from 120th Street to 96th Street, 96th Street south to Lincoln Street, Lincoln Street from 96th Street to Overland Trail, Overland Trail from Lincoln Street to Chisholm Trail, Chisholm Trail from Overland Trail to Perry Street, Perry Street from Chisholm Street to Madison Street, Madison Street from Perry Street to Crest Road, Crest Road from Madison Street to Washington Street.
- (4) East boundary: Washington Street from Crest Road to 1st Street, 1st Street from Washington Street to Grandview Avenue, Grandview Avenue from 1st Street to 2nd Street, 2nd Street from Grandview Avenue to Beadle Street, Beadle Street from 2nd Street to Shenandoah Drive, Shenandoah Drive from Beadle Street to Rogers Drive, and Rogers Drive to Giles Road (north corporate limits).
- (5) Exclude: Irregular 332.89 foot by 735.41 foot tract in the southwest corner of SW1/4 of 30-14-12.
- (6) Exclude: Part of W1/2 NE1/4 NE 34-T14-R12 (53.2 acres); Tax Lots 11 and 20 NE 34-T14-R12; Tax Lot 5 NE 34-T14-R12.
- (7) Exclude: Lots 1 and 2, 8 through 10, and Outlot A, Portal Plaza South.
- (8) Exclude: Lots 1 through 4, Portal Plaza South Replat 3.
- (9) Exclude: Lots 1 and 2, Portal Plaza South Replat 4.
- (10) Exclude: Lots 2 through 11, Schwers Industrial Park.
- (11) Exclude: Lots 1 and 2, Schwers Industrial Park Replat 1.

- (12) Exclude: Irregular E 731.38 of W 764.38 FT in northwest corner of the SW1/4 together with PT of Tax Lot 2 30-14-12.
- (13) Exclude: Tax Lot 1A1C 22-14-12.
- (14) Exclude: Tax Lot 1B 22-14-12.
- (15) Exclude: Tax Lots 2 and 3 excluding right-of-way 22-14-12.
- (16) Exclude: Lot 1 Snider's Addition.
- (17) Exclude Irregular 332.89 feet by 735.41 feet tract in the southwest corner of the SW1/4 of 30-14-12.

§ 24-2. Violations and penalties.

Any person who violates any of the prohibitions or provisions of any section of this chapter shall be deemed guilty of a misdemeanor. Unless otherwise specified in the particular section for which the person stands convicted of violating, the penalty for such violation shall be in an amount not to exceed \$1,000 or imprisonment for any length of time not to exceed one year, or both such fine and imprisonment, at the discretion of the court.

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