

**ORDINANCE NO. 518**

AN ORDINANCE OF THE VILLAGE OF POTTER, NEBRASKA, TO AMEND SECTION 35.30 PERTAINING TO THE ADOPTED BUDGET STATEMENT; FILING; CERTIFICATION OF AMOUNT OF TAX; TO AMEND SECTION 35.50 OF THE MUNICIPAL CODE PERTAINING TO PROPERTY TAX REQUEST; PROCEDURE FOR SETTING OF THE MUNICIPAL CODE OF THE VILLAGE OF POTTER, NEBRASKA; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CHAIRMAN AND THE BOARD OF TRUSTEES OF THE VILLAGE OF POTTER, NEBRASKA:

Section 1. That Section 35.30 the Municipal Code of the Village of Potter, Nebraska, be amended to read as follows:

§ 35.30 ADOPTED BUDGET STATEMENT; FILING; CERTIFICATION OF AMOUNT OF TAX.

(A) (1) After publication and hearing on the proposed budget statement and within the time prescribed by law, the 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 to 13-522, 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 by the Board of Trustees; 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 is 10% or more at the time of filing and certification required in this division, the 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 purposes 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 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 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 Board of Trustees may designate one of its members to perform any duty or responsibility required of the Board by this section.  
(Neb. RS 13-508)

Section 2. That Section 35.50 the Municipal Code of the Village of Potter, Nebraska, be amended to read as follows:

§ 35.50 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 the village as determined using the previous year's rate of levy, the village's property tax request for the current year shall be no more than its property tax request in the prior year, and the village's rate of levy for the current year shall be decreased accordingly when such rate is set by the County Board of Equalization pursuant to Neb RS 77-1601. The Board of Trustees shall pass a resolution or ordinance to set the amount of its property tax request after holding the public hearing required in division (C) of this section. If the Board of Trustees seeks to set its property tax request at an amount that exceeds its property tax request in the prior year, it may do so after holding the public hearing required in division (C) of this section and by passing a resolution or ordinance that complies with division (D) of this section.

If 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 division (C) and (D) of this section.

- (B) If the annual assessment of property would result in no change or a decrease in the total property taxes levied by the village as determined using the previous year's rate of levy, the village's property tax request for the current year shall be no more than its property tax request in the prior year, and the village's rate of levy for the current year shall be adjusted accordingly when such rate is set by the County Board of Equalization pursuant to Neb RS 77-1601. The Board of Trustees shall pass a resolution or ordinance to set the amount of its property tax request after holding the public hearing required in division (C) of this section. If the Board of Trustees of a political subdivision seeks to set its property tax request at an amount that exceeds its property tax request in the prior year, it may do so after holding the public hearing required in division (C) of this section and by passing a resolution or ordinance that complies with division (D) of this section. If 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 division (C) and (D) of this section.
- (C) The resolution or ordinance required under this section shall only be passed after a special public hearing called for such purpose is held and after notice is published in a newspaper of general circulation in the area of the village at least four (4) calendar days prior to the hearing. For purposes of such notice, the four (4) calendar days shall include the day of publication but not the day of hearing. If the village's total operating budget, not including reserves, does not exceed \$10,000.00 per year or \$20,000.00 per biennial period, the notice may be posted at the village'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 this section 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 political subdivision;
  - (2) The amount of the property tax request;
  - (3) The following statements:


- a. The total assessed value of property differs from last year's total assessed value by ..... percent;
  - b. The tax rate which would levy the same amount of property taxes as last year, when multiplied by the new total assessed value of property, would be \$..... per \$100 of assessed value;
  - c. The Village of Potter proposes to adopt a property tax request that will cause its tax rate to be \$..... per \$100 of assessed value; and
  - d. Based on the proposed property tax request and changes in other revenue, the total operating budget of the Village of Potter will (increase or decrease) last year's budget by ..... percent; and
- (4) The record vote of the Board of Trustees in passing such resolution or ordinance.
- (F) Any resolution or ordinance setting a property tax request under this section shall be certified and forwarded to the County Clerk on or before October 15 of the year for which the tax request is to apply.
- (G) Any tax levy which is not in compliance with this section and Neb. RS 77-1601 shall be construed as an unauthorized levy under Neb. RS 77-1606. (Neb. RS 77-1632)

Section 3. That any other ordinance or code section passed and approved prior to the passage, approval, and publication of this ordinance and in conflict with the provisions of this ordinance, is hereby repealed.

Section 4: This ordinance shall go into full force and effect upon its passage, approval and publication or posting as required by law.

Passed and approved this 14<sup>th</sup> day of March 2022.

  
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Chairman of the Board of Trustees

  
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Village Clerk

