

ORDINANCE RECORD

No. 728—REDFIELD & COMPANY INC., OMAHA

ORDINANCE NO. 1071

AN ORDINANCE CONTINUING THE ONE AND ONE-HALF PERCENT (1½ %) CITY SALES AND USE TAX ON ALL TRANSACTIONS WITHIN THE CITY OF LA VISTA AND WHICH THE STATE OF NEBRASKA IS AUTHORIZED TO IMPOSE A TAX; TO PROVIDE FOR THE EFFECTIVE DATE OF SUCH TAX; TO PROVIDE FOR THE ADMINISTRATION OF SUCH TAX; TO PROVIDE FOR THE SUNSET DATE OF THE ONE-HALF PERCENT (½ %) LOCAL OPTION SALES TAX PORTION OF SUCH SALES AND USE TAX; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

WHEREAS, on November 20, 1984, the governing body of the City of La Vista passed Ordinance No. 363, imposing a perpetual one percent (1%) city sales and use tax on all transactions with the City of La Vista on which the State of Nebraska is authorized to impose a tax, which sales and use tax took effect on April 1, 1985; and

WHEREAS, on June 19, 1990, the governing body of the City of La Vista passed Ordinance No. 504, imposing an additional sales and use tax on one-half of one percent (½ %), effective October 1, 1990 and continuing until July 31, 2000; and

WHEREAS, on January 19, 1999, the governing body of the City of La Vista passed Ordinance No. 759, imposing for another ten year period the additional sales and use tax of one-half of one percent (½ %), effective August 1, 2000 and continuing until July 31, 2010; and

WHEREAS, on November 21, 2000, the governing body of the City of La Vista passed Ordinance No. 822B to amend Sections 2 and 4 of Ordinance No. 759 to correct the sunset date for the one-half percent sales tax from July 31, 2010 to July 1, 2010 to conform said dates to Neb. Rev. Stat. Section 77-27,143.

WHEREAS, by a majority vote of the qualified electors voting at the primary election held May 13, 2008, the governing body of La Vista was authorized to continue the additional one half of one percent (½ %) sales and use tax originally imposed on October 1, 1990 and continued on August 1, 2000 for an additional fifteen year period beginning July 1, 2010; and

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF LA VISTA, SARPY COUNTY, NEBRASKA.

Section 1. Continuation of Tax. The one-half of one percent (½ %) additional sales and use tax imposed under Ordinance No. 504 and continued under Ordinance No. 759, as amended, upon the same transactions within the corporate limits of the city of La Vista on which the State of Nebraska is authorized to impose a tax pursuant to the provisions of Nebraska Revenue Act of 1967, as amended from time to time, is hereby continued for an additional fifteen (15) year period.

Section 2. Effective Date of Tax. The continuation of the additional one-half percent (½ %) sales and use tax hereby originally levied under Ordinance No. 504 and continued under Ordinance No. 759, as amended, shall take effect upon expiration of the current term of the levy of such tax, to wit on July 1, 2010 and shall apply to all taxable transactions on and after that date within the corporate limits of the City of La Vista, as said corporate limits may from time to time thereafter be constituted.

Section 3. Use of Revenue. All revenue generated by the additional one-half of one percent (½ %) sales and use tax imposed under Ordinance 504, continued under Ordinance No. 759, as amended, and continued by this Ordinance shall be used for major street improvement projects and other capital improvements.

Section 4. Sunset Date for Additional One-Half Percent (½ %) Local Option Sales Tax. The one-half percent (½ %) additional sales and use tax originally imposed under Ordinance No. 504, continued under Ordinance 759, as amended, and continued for an additional fifteen years pursuant to this Ordinance shall end on July 1, 2025 unless a majority of the qualified electorate approve an extension thereof pursuant to the Local Option Revenue Act, §§77-27,142 to 77-27,148 Revised Statutes of Nebraska, as amended from time to time.

Section 5. Administration. The administration of the sales and use tax imposed hereby, the making of a return for ascertainment, assessment and collection and for the distribution of the taxes so imposed shall be as provided in the Local Option Revenue Act, §§77-27,142 to 77-27,148 Revised Statutes of Nebraska, as amended from time to time.

Section 6. One Percent City Sales and Use Tax Unaffected. The one percent (1%) City sales and use tax imposed under Ordinance No. 363 is perpetual and unaffected by this Ordinance.

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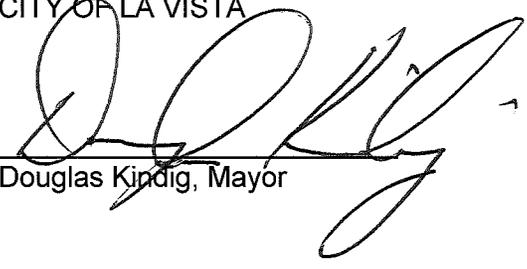
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Section 7. Effective Date of this Ordinance. This ordinance shall take effect and be fully enacted upon passage, approval and publication as provided by law. The tax hereby imposed shall take effect as provided in Section 2 hereof.

Section 8. Severability Clause. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity of the remaining portions of the Ordinance. The Mayor and City Council of the City of La Vista hereby declare that it would have passed this Ordinance and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

PASSED AND APPROVED THIS 19TH DAY OF AUGUST, 2008.

CITY OF LA VISTA


Douglas Kindig, Mayor

ATTEST:



Pamela A. Buethe, CMC
City Clerk