

RESOLUTION NO. A-_____

1 WHEREAS, under the provisions of Article XI, Section 4, of the Constitution of the State
2 of Nebraska, a proposed Charter amendment may be submitted to a vote of the qualified
3 electors at an election proposed by the City Council of the City of Lincoln, Nebraska:

4 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln,
5 Nebraska:

6 1. That at the city general election to be held in the City of Lincoln, Nebraska on
7 Tuesday, the 2nd day of May, 2017, there shall be submitted to a vote of the qualified electors
8 of the City of Lincoln, Nebraska, for adoption or rejection, the following proposed amendment to
9 the Charter of the City of Lincoln:

10 CHARTER AMENDMENT

11 Amend Article IX, Sections 25, 25a, and 26, and remove Section 26a of the Charter
12 relating to the City Annual and Biennial Budget procedures:

13 ARTICLE IX

14 FINANCE AND TAXATION

15 **Sec. 25. Formulation of AnnualCity Budget.** The procedure and
16 calendar for the formulation of the ~~annual~~ proposed executive budget and for its
17 submission to the council shall be as follows:

18 (1) On or before a date to be prescribed by the mayor, each city
19 department and agency head shall compile and transmit to the finance director
20 estimates for the ensuing ~~year~~ budget period of revenue and operating
21 expenditure for the department or agency concerned, along with such work
22 program information and other supporting data as the mayor may require.

23 (2) The mayor, with the assistance of the finance director, shall review all
24 estimates and the capital improvements program, and shall formulate the
25 proposed budget, making such revisions of estimates as the mayor deems
26 desirable.

27 (3) Not later than ~~forty days prior to the end of the fiscal and budget year~~
28 the first Monday in April preceding the next budget period, the mayor shall submit
29 to the council for its consideration and action his proposed budget. Upon

1 submission the budget shall become a public record and shall be open to
2 inspection.

3 The provisions of this section shall govern and apply notwithstanding any
4 existing provisions of this charter to the contrary.

5 **Sec. 25a. Annual~~City~~ Budget, Contents.** The ~~annual~~ budget shall be a
6 complete financial plan for the ensuing budget yearperiod and shall consist of an
7 operating budget and a capital budget. The capital budget shall provide for the
8 acquisition of real property; the acquisition, construction, reconstruction,
9 improvement, extension, equipping, or furnishing of any capital improvement, but
10 not routine maintenance work thereon; and equipment with a probable useful life
11 of fifteen or more years. The operating budget shall provide for all classes of
12 expenditures not provided for in the capital budget.

13 The proposed budget submitted by the mayor to the council shall contain
14 at least the following:

15 (1) A budget message in which the mayor shall discuss the city's financial
16 condition and prospects, explain both in terms of money and work programs the
17 important features of the operating budget, and outline the financial policies he
18 proposes for the ensuing budget yearperiod.

19 (2) Appropriate statements showing for each fund the estimated
20 transaction and balances for the ensuing budget year and comparative data for
21 the current year and the immediate past budget yearperiod.

22 (3) Schedules of all estimated revenues itemized by sources for the
23 ensuing budget year and comparative data for the current and the immediately
24 past budget yearperiod.

25 (4) Operating budget schedules showing by activity or program the
26 proposed operating expenditures for the ensuing budget yearperiod, and in a
27 separate column or section entitled "Proposed Appropriations," the lump sum
28 recommended for appropriation, which lump sums need not be itemized further
29 than by departments, divisions, or major activities and programs. Comparative
30 expenditures data for the current yearbudget period and the immediately past
31 budget yearperiod and information on work programs and work loads shall also
32 be presented.

33 (5) A schedule or schedules showing principal and interest requirements
34 for the ensuing budget yearperiod and for at least five years thereafter on each
35 outstanding note and bond issue comprising the city debt.

36 (6) Capital budget schedules showing the total amount proposed for
37 expenditure on each capital improvement project during the ensuing budget
38 yearperiod and a complete analysis of the sources of funds by projects showing

1 balances available and amounts to be appropriated, borrowed, or derived from
2 other sources.

3 The provisions of this section shall govern and apply notwithstanding any
4 existing provisions of this charter to the contrary.

5 ~~**Sec. 26. Annual Budget, Adoption.** At the meeting of the council at
6 which the mayor submits the proposed budget, the council shall determine the
7 time and place at which it will hold a public hearing on the proposed budget. The
8 date for a public hearing shall be scheduled for not later than ten days prior to the
9 budget adoption date prescribed in this section, and the time and place of the
10 hearing, together with a copy of a summary of the proposed budget, shall, not
11 less than five days before such hearing, be published in one issue of the official
12 paper of the city, if there be one, and if there be no official paper, then in one
13 newspaper published and of general circulation in the city.~~

14 ~~The council shall have full power at any time prior to the adoption of the
15 budget to revise revenue estimates and to increase, decrease, insert, or delete
16 appropriation items.~~

17 ~~Not later than five days prior to the end of the fiscal and budget year, the
18 council shall by a vote of four of its members adopt a budget by resolution and
19 thereby authorize appropriations for the ensuing budget year. Should the council
20 fail to adopt a budget on or before the prescribed budget adoption date, the
21 budget proposed by the mayor shall be deemed to have been adopted by the
22 council and shall become the basis for expenditure during the ensuing budget
23 year and for the tax levy for such ensuing year.~~

24 ~~Not more than ninety percent of the total levy for any fiscal year shall be
25 included in the budget revenue estimates for such year, but each annual budget
26 shall be balanced in that total estimated revenues, including applicable borrowing
27 proceeds, shall be equal in amount to total appropriations.~~

28 ~~The provisions of this section shall govern and apply notwithstanding any
29 existing provisions of this charter to the contrary. (Amendment of March 3, 1959).~~

30 ~~**Sec. 26a. Biennial (Two Year) City Budget.** The City Council may by
31 ordinance establish a process for the adoption of a balanced biennial City budget
32 for annual or biennial periods, which biennial periods. If a biennial budget period
33 is selected, the budget period shall consist of two fiscal and budget years
34 commencing in odd-numbered years or even-numbered years and the ordinance
35 shall specify the manner in which the property tax rate will be determined for the
36 second year of the biennial period, notwithstanding any existing provisions of
37 this charter referencing an annual budget. The biennial budget period shall begin
38 on the first day of September and shall end on the last day of August unless the
39 council by ordinance establishes a different fiscal year biennial period. Each
40 biennial budget shall be balanced.~~

41 ~~The ordinance shall include, but not necessarily be limited to, the
42 procedure and calendar for the formulation of the biennial budget, its contents,
43 the procedure and calendar for the formulation of the biennial capital
44 improvement program budget, the procedure for the presentation to the council
45 including the time and place at which the council will hold a public hearing on the~~

1 ~~proposed biennial budget, the procedure for the transfer and reduction of funds~~
2 ~~and authorization of emergency appropriations, and the manner in which the~~
3 ~~property tax rate will be determined for the second year of the biennial period.~~

4 ~~The mayor shall have the power and shall be required to submit to the~~
5 ~~council for its consideration a recommended biennial operating and capital~~
6 ~~improvement program budget.—The mayor shall submit the recommended~~
7 ~~biennialcity budget no later than forty days~~the first Monday in April~~ prior to the~~
8 ~~beginning of the biennialbudget period. Amendments provided by the mayor to~~
9 ~~the recommended biennial budget no later than forty days prior to the beginning~~
10 ~~of the biennial period shall be considered part of the mayor's recommended~~
11 ~~budget as if they were part of the original submission to the city council.—The~~
12 ~~council shall have full power at any time prior to the adoption of the~~
13 ~~biennialbudget to revise revenue estimates and to increase or decrease~~
14 ~~appropriations of departments or divisions or capital improvement program~~
15 ~~projects. No later than five days prior to the beginning of the biennialbudget~~
16 ~~period the council shall, by a vote of four of its members, adopt the~~
17 ~~biennialbudget by resolution and thereafter authorize appropriations for the~~
18 ~~ensuing biennialbudget period. Any legislation pertaining to the biennial budget~~
19 ~~shall be subject to the power provided in Article IV, Section 13 of this charter.~~
20 ~~Should the council fail to adopt the biennial budget on or before the prescribed~~
21 ~~adoption date, the biennial budget proposed and submitted by the mayor shall be~~
22 ~~deemed to have been adopted by the council and shall become the basis for~~
23 ~~expenditure during the ensuing biennial budget period and for the property tax~~
24 ~~rates for the ensuing biennial period.~~Mayor's proposed budget by a vote of four
25 (4) or more members, or, having proposed and adopted a revised budget by four
26 (4) votes, should the council fail to override a mayoral veto of that budget on or
27 before the prescribed budget adoption date, the City budget for the next year
28 shall consist of the revenues received by the City for the year immediately prior,
29 with each department allocated the budgeted amount as stated in the budget for
30 the year immediately prior and the tax levy to fund the budget shall be set in
31 accordance with the prior year's revenue, consistent with Nebraska law (Neb.
32 Rev. Stat. §77-1601). Not more than ninety percent of the total levy for any
33 fiscal year shall be included in the budget revenue estimates for such year, but
34 each annual budget shall be balanced in that total estimated revenues, including
35 applicable borrowing proceeds, shall be equal in amount to total appropriations.

36 The provisions of this section shall govern and apply notwithstanding any
37 existing provisions of this charter to the contrary.

38 ~~After~~If a biennial budget is adopted, neither the mayor nor the council can
39 adopt a new ~~annual~~ budget in the second year of the ~~biennial~~ budget period. The
40 power to amend or revise the ~~biennial~~ budget shall be as provided in Article IX,
41 Section 27 of this charter.

42 Said amendment shall be submitted to the qualified electors as a Charter amendment of
43 Article IX, Sections 25, 25a, 26, and 26a on the ballot and shall be printed on said ballot in the
44 following form:

1 "CHARTER AMENDMENT – AMEND ARTICLE IX, SECTIONS 25, 25a,
2 26 AND 26a OF THE CHARTER OF THE CITY OF LINCOLN TO CHANGE
3 PROVISIONS DEALING WITH THE CITY BUDGET.
4

5 SHALL ARTICLE IX, SECTIONS 25, 25a, 26 and 26a OF THE
6 CHARTER OF THE CITY OF LINCOLN BE AMENDED TO CHANGE
7 PROVISIONS DEALING WITH THE CITY BUDGET, AND TO PROVIDE THAT
8 IF THE CITY COUNCIL FAILS TO ADOPT A BUDGET, THE BUDGET SHALL
9 REVERT TO THE PRIOR YEAR'S BUDGET WITH THE LEVY SET TO RAISE
10 REVENUES CONSISTENT WITH THE PRIOR YEAR'S REVENUES AND EACH
11 CITY DEPARTMENT TO BE BUDGETED THE SAME LEVEL OF
12 EXPENDITURES AS THE PRIOR YEAR'S BUDGET.

13 VOTE FOR or AGAINST

- 14 I vote FOR the proposed amendment.
15 I vote AGAINST the proposed amendment."

16 2. That the City Clerk of the City of Lincoln is hereby directed to publish with her
17 official certification, three times, and a week apart, the full text of the proposed amendment to
18 be voted upon, as required by law, all as required by the Constitution of the State of Nebraska.

19 3. That the Mayor be and hereby is directed to proclaim and give notice that at the
20 city general election to be held in the City of Lincoln, Nebraska on Tuesday, the 2nd day of May,
21 2017, there will be submitted to the qualified electors of the City of Lincoln, Nebraska, for
22 adoption or rejection PROPOSITION 1 set forth in Section 1 hereof, and the City Clerk is
23 directed to publish the said proclamation as provided by law.

24 4. That the City Clerk of the City of Lincoln is further directed to notify the Election
25 Commissioner of Lancaster County, of the submission of this proposition and to procure the
26 necessary ballots and make all other arrangements for the same.

Introduced by:

Approved as to Form and Legality:

City Attorney

Approved this ___ day of _____, 2016:

Mayor