

ATTACHMENT A

16R-291

Introduce: 12-12-16

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 through, ~~25a~~, and ~~26~~, and remove 26a of the Charter
12 relating to the City's ~~Annual and Biennial Budgets~~ process to provide for earlier release of the
13 Mayor's proposed budget; to provide that should the council and mayor fail to reach agreement
14 on the budget, or should the council fail to override a mayoral veto of the budget, the previous
15 fiscal year's revenue and department budget amounts shall be the basis of the budget and
16 department funding for the upcoming budget period; and to harmonize procedures for annual or
17 biennial budgets.;

18 ARTICLE IX

19 FINANCE AND TAXATION

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

23 (1) On or before a date to be prescribed by the mayor, each city
24 department and agency head shall compile and transmit to the finance director
25 estimates for the ensuing yearbudget period of revenue and operating
26 expenditure for the department or agency concerned, along with such work
27 program information and other supporting data as the mayor may require.

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

5 (3) Not later than ~~forty days prior to the end of the fiscal and budget year~~
6 the first Monday in April preceding the next budget period, the mayor shall submit
7 to the council for its consideration and action his proposed budget. Upon
8 submission the budget shall become a public record and shall be open to
9 inspection.

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

12 **Sec. 25a. AnnualCity Budget, Contents.** The ~~annual~~-budget shall be a
13 complete financial plan for the ensuing budget ~~year~~period and shall consist of an
14 operating budget and a capital budget. The capital budget shall provide for the
15 acquisition of real property; the acquisition, construction, reconstruction,
16 improvement, extension, equipping, or furnishing of any capital improvement, but
17 not routine maintenance work thereon; and equipment with a probable useful life
18 of fifteen or more years. The operating budget shall provide for all classes of
19 expenditures not provided for in the capital budget.

20 The proposed budget submitted by the mayor to the council shall contain
21 at least the following:

22 (1) A budget message in which the mayor shall discuss the city's financial
23 condition and prospects, explain both in terms of money and work programs the
24 important features of the operating budget, and outline the financial policies he
25 proposes for the ensuing budget ~~year~~period.

26 (2) Appropriate statements showing for each fund the estimated
27 transaction and balances for the ensuing budget year and comparative data for
28 the current year and the immediate past budget ~~year~~period.

29 (3) Schedules of all estimated revenues itemized by sources for the
30 ensuing budget year and comparative data for the current and the immediately
31 past budget ~~year~~period.

32 (4) Operating budget schedules showing by activity or program the
33 proposed operating expenditures for the ensuing budget ~~year~~period, and in a
34 separate column or section entitled "Proposed Appropriations," the lump sum
35 recommended for appropriation, which lump sums need not be itemized further
36 than by departments, divisions, or major activities and programs. Comparative
37 expenditures data for the current ~~year~~budget period and the immediately past
38 budget ~~year~~period and information on work programs and work loads shall also
39 be presented.

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

4 (6) Capital budget schedules showing the total amount proposed for
5 expenditure on each capital improvement project during the ensuing budget
6 yearperiod and a complete analysis of the sources of funds by projects showing
7 balances available and amounts to be appropriated, borrowed, or derived from
8 other sources.

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

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

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

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

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

34 ~~The provisions of this section shall govern and apply notwithstanding any
35 existing provisions of this charter to the contrary.~~

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

1 unless the council by ordinance establishes a different fiscal year biennial period.
2 Each biennial budget shall be balanced.

3 ~~The ordinance shall include, but not necessarily be limited to, the~~
4 ~~procedure and calendar for the formulation of the biennial budget, its contents,~~
5 ~~the procedure and calendar for the formulation of the biennial capital~~
6 ~~improvement program budget, the procedure for the presentation to the council~~
7 ~~including the time and place at which the council will hold a public hearing on the~~
8 ~~proposed biennial budget, the procedure for the transfer and reduction of funds~~
9 ~~and authorization of emergency appropriations, and the manner in which the~~
10 ~~property tax rate will be determined for the second year of the biennial period.~~

11 ~~The mayor shall have the power and shall be required to submit to the~~
12 ~~council for its consideration a recommended biennial operating and capital~~
13 ~~improvement program budget.—The mayor shall submit the recommended~~
14 ~~biennial city budget no later than forty days the first Monday in May April prior to~~
15 ~~the beginning of the biennial budget period. Amendments provided by the mayor~~
16 ~~to the recommended biennial budget no later than forty days prior to the~~
17 ~~beginning of the biennial period shall be considered part of the mayor's~~
18 ~~recommended budget as if they were part of the original submission to the city~~
19 ~~council.—The council shall have full power at any time prior to the adoption of the~~
20 ~~biennial budget to revise revenue estimates and to increase or decrease~~
21 ~~appropriations of departments or divisions or capital improvement program~~
22 ~~projects. No later than five days prior to the beginning of the biennial budget~~
23 ~~period the council shall, by a vote of four of its members, adopt the~~
24 ~~biennial budget by resolution and thereafter authorize appropriations for the~~
25 ~~ensuing biennial budget period. Any legislation pertaining to the biennial budget~~
26 ~~shall be subject to the power provided in Article IV, Section 13 of this charter.~~
27 ~~Should the council fail to adopt the biennial budget on or before the prescribed~~
28 ~~adoption date, the biennial budget proposed and submitted by the mayor shall be~~
29 ~~deemed to have been adopted by the council and shall become the basis for~~
30 ~~expenditure during the ensuing biennial budget period and for the property tax~~
31 ~~rates for the ensuing biennial period. Should the council fail to adopt the Mayor's~~
32 ~~proposed budget by a vote of four (4) or more members, or, having proposed and~~
33 ~~adopted a revised budget by four (4) votes, should the council fail to override a~~
34 ~~mayoral veto of that budget on or before the prescribed budget adoption date,~~
35 ~~the City budget for the next year shall consist of the revenues received by the~~
36 ~~City for the year immediately prior and any increases passed by voters during the~~
37 ~~fiscal year, with each department allocated funds proportionate to the budgeted~~
38 ~~funds allocated amount as stated in the budget for the year immediately prior,~~
39 ~~and the tax levy to fund the budget shall be set accordingly, in accordance with~~
40 ~~the prior year's revenue, consistent with Nebraska law (Neb. Rev. Stat. §77-~~
41 ~~1601). Not more than ninety percent of the total levy for any fiscal year shall be~~
42 ~~included in the budget revenue estimates for such year, but each annual budget~~
43 ~~shall be balanced in that total estimated revenues, including applicable borrowing~~
44 ~~proceeds, shall be equal in amount to total appropriations.~~

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

47 ~~After~~ If a biennial budget is adopted, neither the mayor nor the council
48 can adopt a new annual budget in the second year of the biennial budget period.

1 The power to amend or revise the ~~biennial~~ budget shall be as provided in Article
2 IX, Section 27 of this charter.

3 Said PROPOSITION 1 shall be submitted to the qualified electors as a Charter
4 amendment of Article IX, Sections ~~25 through, 25a, 26, and 26a~~ on the ballot and shall be
5 printed on said ballot in the following form:

6 ~~“CHARTER AMENDMENT—AMEND ARTICLE IX, SECTIONS 25, 25a, 26 AND 26a~~
7 ~~OF THE CHARTER TO CONSOLIDATE PROVISIONS DEALING WITH THE CITY BUDGET,~~
8 ~~WHETHER ANNUAL OR BIENNIAL, TO PROVIDE~~ [Type a quote from the document or the
9 summary of an interesting point. You can position the text box anywhere in the document. Use the
10 Drawing Tools tab to change the formatting of the pull quote text box.]

11 ~~FOR EARLIER RELEASE OF THE MAYOR’S PROPOSED BUDGET, AND TO~~
12 ~~PROVIDE THAT SHOULD THE COUNCIL FAIL TO ADOPT THE MAYOR’S~~
13 ~~PROPOSED BUDGET BY FOUR (4) OR MORE VOTES, OR, HAVING~~
14 ~~PROPOSED AND ADOPTED A REVISED BUDGET BY 4 VOTES, SHOULD~~
15 ~~THE COUNCIL FAIL TO OVERRIDE A MAYORAL VETO OF THAT BUDGET~~
16 ~~ON OR BEFORE THE PRESCRIBED BUDGET ADOPTION DATE, THE CITY~~
17 ~~BUDGET FOR THE UPCOMING FISCAL YEAR SHALL CONSIST OF THE~~
18 ~~REVENUE RECEIVED BY THE CITY OF LINCOLN FOR THE YEAR~~
19 ~~IMMEDIATELY PRIOR, WITH EACH CITY DEPARTMENT BEING ALLOCATED~~
20 ~~THE BUDGETED AMOUNT AS STATED IN THE BUDGET FOR THE YEAR~~
21 ~~IMMEDIATELY PRIOR AND THE TAX LEVY TO FUND THE BUDGET SHALL~~
22 ~~BE SET IN ACCORDANCE WITH THE PRIOR YEAR’S REVENUE~~
23 ~~CONSISTENT WITH NEBRASKA LAW (Neb. Rev. Stat. §77-1601).”~~

24 ~~SHALL ARTICLE IX, SECTIONS 25, 25a, 26, and 26a OF THE~~
25 ~~CHARTER OF THE CITY OF LINCOLN BE AMENDED TO CONSOLIDATE~~
26 ~~PROVISIONS DEALING WITH THE CITY BUDGET, WHETHER ANNUAL OR~~
27 ~~BIENNIAL, AND TO PROVIDE THAT IF THE CITY COUNCIL ADOPTS A~~
28 ~~BUDGET BY A VOTE OF FOUR (4) OR MORE MEMBERS OF THE COUNCIL,~~
29 ~~THE BUDGET IS NOT SUBJECT TO A VETO AND THAT, IF THE CITY~~
30 ~~COUNCIL FAILS TO OBTAIN FOUR (4) VOTES TO ADOPT A BUDGET PRIOR~~
31 ~~TO THE DATE PROSCRIBED BY THE CHARTER, THE MAYOR’S BUDGET~~
32 ~~WILL BE DEEMED TO HAVE BEEN ADOPTED.~~

33 CHARTER AMENDMENT - AMEND ARTICLE IX, SECTIONS Sections 25
34 THROUGH 26a, 25a, and 26, and remove 26a of the OF THE CHARTER TO
35 AMEND THE CITY BUDGET PROCESS TO PROVIDE FOR EARLIER
36 RELEASE OF THE MAYOR’S PROPOSED BUDGET; AND TO PROVIDE
37 THAT SHOULD THE COUNCIL AND THE MAYOR FAIL TO REACH
38 AGREEMENT ON A FINAL BUDGET, OR SHOULD THE COUNCIL FAIL TO
39 OVERRIDE A MAYORAL VETO OF THE BUDGET, THE PREVIOUS FISCAL
40 YEAR’S REVENUE AND DEPARTMENT BUDGET AMOUNTS SHALL BE THE

1 BASIS OF THE BUDGET AND APPROPRIATIONS FOR THE UPCOMING
2 BUDGET PERIOD.

3 SHALL ARTICLE IX, SECTIONSections 25 THROUGH, 25a, and 26, BE
4 AMENDED and Section 26a of the OF THE CHARTER BE
5 AMENDEDREMOVED TO AMEND THE CITY BUDGET PROCESS TO
6 PROVIDE FOR EARLIER RELEASE OF THE MAYOR'S PROPOSED
7 BUDGET; AND TO PROVIDE THAT SHOULD THE COUNCIL AND THE
8 MAYOR FAIL TO REACH AGREEMENT ON A FINAL BUDGET; OR SHOULD
9 THE COUNCIL FAIL TO OVERRIDE A MAYORAL VETO OF THE BUDGET,
10 THE PREVIOUS FISCAL YEAR'S REVENUE AND DEPARTMENT BUDGET
11 AMOUNTS SHALL BE THE BASIS OF THE BUDGET AND APPROPRIATIONS
12 FOR THE UPCOMING BUDGET PERIOD.

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 the proposition set forth in Section 1 hereof, and the City Clerk is directed
23 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