

BOARD OF COUNTY COMMISSIONERS
SARPY COUNTY, NEBRASKA

RESOLUTION SUSPENDING THREE READINGS REQUIREMENT IN ADOPTION OF
PUBLIC NUDITY ORDINANCE

WHEREAS, pursuant to Neb. Rev. Stat. § 23-104(6) (Reissue 2012), the County has the power to do all acts in relation to the concerns of the county necessary to the exercise of its corporate powers;

WHEREAS, pursuant to Neb. Rev. Stat. § 23-103 (Reissue 2012), the powers of the County as a body are exercised by the County Board;

WHEREAS, pursuant to Neb. Rev. Stat. § 23-190 (Reissue 2012), by a three-fourths vote, the County Board may suspend the requirement that the county ordinance be read by title on three different days;

WHEREAS, a motion was made to suspend the three readings requirement and a vote was taken; and,

WHEREAS, the County Board has determined that it is in the best interests of the citizens of Sarpy County to suspend the three readings requirement.

NOW, THEREFORE, BE IT RESOLVED by the Sarpy County Board of Commissioners that this Board does hereby suspend the three readings requirement of the public nudity ordinance as set out in Neb. Rev. Stat. § 23-190 (Reissue 2012).

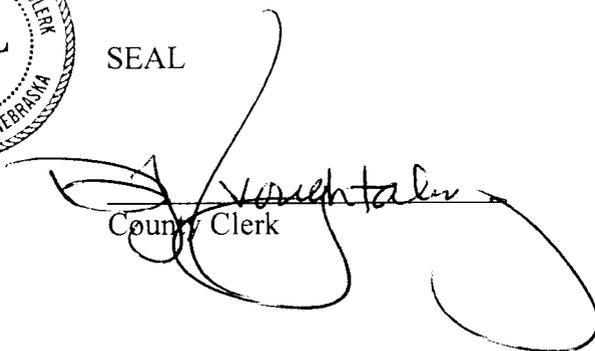
The above Resolution was approved by a vote of the Sarpy County Board of Commissioners at a public meeting duly held in accordance with the applicable law on the 10th day of December, 2013.

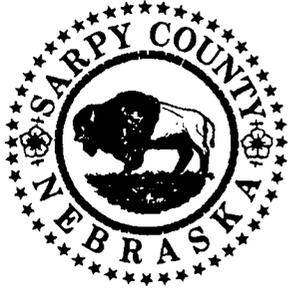

Sarpy County Board Chairman



Attest:

SEAL


County Clerk



Office of the County Attorney

Hall of Justice • 1210 Golden Gate Drive • Suite 3147
Papillion, NE 68046-2889
(402) 593-2230 • FAX: (402) 593-4359

L. Kenneth Polikov
Sarpy County Attorney

MEMORANDUM

To: County Board of Commissioners
From: Bonnie Moore
RE: Public Nudity Adoption Procedure
Date: December 6, 2013

The next step in the ordinance adoption procedure is adoption (see page 2 for the complete ordinance adoption procedure). If you should chose to adopt the public nudity ordinance, there are two methods for doing so:

Method 1 (requires three weeks before voting to adopt):

The ordinance must be read by title on three different days, or in other words, at three different meetings. After the third reading, the ordinance can be adopted by a majority vote.

In short form, this procedure requires:

1. Ordinance read by title at three different meetings
2. Move for final adoption after the third reading

Method 2 (requires no extra time before voting to adopt):

If you wish to pass the ordinance in a more expedient manner, you may want to choose this method. One of the board members can call for a vote to suspend the three readings requirement as outlined in procedure one. If three-fourths of the board votes affirmatively to suspend the requirement, the ordinance must then be read by title or number followed by a motion for final adoption. Please note that the entire text of the ordinance does not need to be read into the record. However, if you wish to have it read aloud, such can be accomplished without a vote.

In short form, this method requires:

1. Motion and vote to suspend the three readings requirement
2. Ordinance read by title or number into the record
3. Motion and vote for final adoption

If you have any questions about the ordinance or the procedure for adoption, please do not hesitate to contact me.

Ordinance Adoption Procedure

1. Board procedures:
 - a. VOTE: County Board shall vote to draft an ordinance.
 - i. Motion should instruct County Attorney and County Administrator to draft ordinance and may include goals or guidelines for the proposed ordinance. **(DONE)**
 - b. Once drafted, ordinance is placed on board agenda for discussion purposes. **(DONE)**
 - c. Upon request of county board member, ordinance shall be placed on agenda to proceed with adoption of ordinance as set forth in numbers 2 through 8 below. **(DONE)**
2. NOTICE: County Board must provide notice of the time when the ordinance is set for consideration before the board. **(DONE)**
 - a. The notice must appear once a week for two weeks in a newspaper of general circulation and must contain the entire wording of the ordinance and the time and place of the public hearing. **(DONE)**
 - b. The last publication of the notice cannot be less than five days or more than two weeks prior to the public hearing. **(DONE)**
3. PUBLIC HEARING: Must have at least one public hearing. **(DONE)**
4. NOTIFY CITIES: Before adoption, County Clerk must provide a copy of the ordinance to the clerk of each city within the county no later than seven days after the first reading or public hearing, whichever comes first. **(DONE)**
 - a. Cities have *seven days* after receipt to respond and provide a copy of any ordinance specifying where the city is enforcing an ordinance on a similar subject matter outside its corporate boundaries. **(DONE)**
5. READINGS: Ordinance must be read by title on three different days *unless*, after the public hearing:
 - a. VOTE: *Three-fourths* of the board vote to suspend the three readings requirement.
 - i. If suspended, ordinance read by title or number and moved for final adoption.
 - ii. VOTE: If suspended, a vote of *three-fourths* of the board may require a reading of the ordinance in full.
 - b. ADOPT: Requires a *majority vote*.
6. PUBLISH ADOPTED ORDINANCE: Ordinance must be published in a newspaper within fifteen days after adoption.
7. EFFECTIVE DATE: Ordinance is effective fifteen days after adoption.