

ORDINANCE NO. 43717

AN ORDINANCE proposing amendment to remove Section 2.15 of the Home Rule Charter of the City of Omaha, 1956, as amended, which describes the process for granting, extending, changing or modifying the terms of Franchises within the City of Omaha; to provide for the submission of the proposed amendment to the qualified electors of the City of Omaha for their approval or rejection at the Statewide Presidential Primary Election to be held on May 14, 2024; to repeal Section 2.15 of the Home Rule Charter of the City of Omaha as heretofore existing; and to provide the effective date hereof.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OMAHA:

Section 1. That there be, and hereby is, submitted to the qualified electors of the City of Omaha at the Statewide Presidential Primary Election to be held on May 14, 2024, for their approval or rejection, a proposal to remove Section 2.15 of the Home Rule Charter, 1956, as amended, to provide that such sections shall be amended to read as follows:

**Section 2.15. Franchises.**

~~Any ordinance or resolution granting, extending, changing, or modifying the terms and conditions of a franchise shall not be passed until at least four weeks shall have elapsed after its introduction or proposal, nor until the ordinance or resolution has been published at least twice weekly during each of two consecutive weeks in each daily newspaper of general circulation in the city, nor shall it become effective or binding until submitted to the electors and approved by a majority vote. The Council may add any additional requirements of notice that it may see fit. A new franchise shall not hereafter be granted or any modification or extension of any existing franchise made unless payment be provided and reserved to the city to be based either upon a fixed reasonable amount per year or a fixed percentage of the earnings under the operation of the franchise so granted, and not then until the same has been submitted to a vote and approved by the electors at a general city election or special election called for that purpose. No ordinance or resolution affecting any franchise shall be passed as an emergency measure."~~

Section 2. The ballot for said proposed amendment shall be submitted to the qualified electors of the City of Omaha in substantially the following form:

"OFFICIAL BALLOT  
STATEWIDE PRESIDENTIAL PRIMARY ELECTION  
HELD MAY 14, 2024  
CHARTER AMENDMENT

SHALL SECTION 2.15 OF THE HOME RULE CHARTER OF THE CITY OF OMAHA, WHICH DESCRIBES THE PROCESS FOR GRANTING, EXTENDING, CHANGING OR MODIFYING THE TERMS OF FRANCHISES WITHIN THE CITY OF OMAHA BE REMOVED, ALL AS PROVIDED IN THE NOTICE OF ELECTION?

\_\_\_\_\_ YES  
\_\_\_\_\_ NO

Section 3. Under said question and proposition on the ballot shall be printed the word "Yes" and the word "No". All ballots of qualified electors cast at the aforesaid election with an "X" or other clear or intelligible mark placed before the word "Yes" shall be understood to be, and shall be counted, in favor of the proposition set forth in said question, and all ballots of qualified electors cast at the aforesaid election with an "X" or other clear or intelligible mark placed before the word "No" shall be understood to be, and shall be counted, against the proposition set forth in said question.

Section 4. That said ballots shall be white in color and printed in black ink or other color designated in conformance with Section 32-806 of the Revised Statutes of Nebraska, 1943, as amended.

Section 5. The officer having charge of General and Special Elections of the City of Omaha shall conduct the election in all respects the same as other City elections and in the manner provided by law.

Section 6. The City Clerk is hereby directed to transmit a certified copy of this

ORDINANCE NO. 43717  
Page 3

Ordinance to the Election Commissioner of Douglas County, Nebraska, and to give public notice to the electors, as provided by law.

Section 7. If said proposition is approved by the electors, then Section 2.15 of the Home Rule Charter of the City of Omaha, as heretofore existing, shall be repealed.

Section 8. This Ordinance is declared to be administrative and not legislative in character and, therefore, under the provisions of Section 2.12 of the Home Rule Charter of the City of Omaha, 1956, as amended, and Rule 7 of the Rules adopted by the City Council of the City of Omaha, it shall become effective from and after its adoption.

INTRODUCED BY COUNCILMEMBER

*[Signature]*

APPROVED BY:

*Jean Stothert* 2-27-24  
MAYOR OF THE CITY OF OMAHA DATE

PASSED FEB 27 2024 7-0

ATTEST:

*[Signature]* 2-27-24  
CITY CLERK OF THE CITY OF OMAHA DATE

APPROVED AS TO FORM:

*[Signature]* 1/30/24  
DEPUTY CITY ATTORNEY DATE