

Board of Education Regular Meeting
Wednesday, June 21, 2023 11:00 AM
Notice of the meeting was posted in the Henderson News on
June 15, 2023.

Conference Room
1501 Front St
Henderson, NE 68371-8929

Our Mission: Heartland Community School strives to provide challenging educational opportunities for ALL students to reach their highest level of excellence.

Agenda

1. **Preliminary Procedures**
 - 1.1. **Call to Order**
 - 1.2. **Public Notice of the Meeting**
 - 1.3. **Roll Call**
2. **Action Items**
 - 2.1. **Discuss, Consider, and Take Any Necessary Action To Approve A Resolution Calling For A Special Election To Exceed Certified Tax Request Authority**
3. **Adjournment**

**CERTIFICATE
AS TO RESOLUTION FOR ELECTION TO EXCEED
PROPERTY TAX REQUEST AUTHORITY**

The undersigned hereby certifies to the Election Commissioner of York County, Nebraska, that attached hereto is a true and correct copy of the Resolution of the Board of Education (the “Board”) of York County School District 0096 (Heartland Community Schools) in the State of Nebraska (the “District”) calling for a special election regarding a proposition to exceed the property tax request authority of the District. Such Resolution was adopted by the Board at its meeting duly held on June 21, 2023, was filed with the Election Commissioner of York County, Nebraska on or before June 23, 2023, being the eighth Friday prior to the date of the special election as set forth in the Resolution, and has not been subsequently rescinded or modified by the Board.

EXECUTED AND DATED June 21, 2023.

**YORK COUNTY SCHOOL DISTRICT 0096
(HEARTLAND COMMUNITY SCHOOLS) IN
THE STATE OF NEBRASKA**

By _____
Title _____

**ACKNOWLEDGMENT OF ADVANCE RECEIPT OF
NOTICE OF MEETING**

The undersigned Members of the Board of Education (the “Board”) of York County School District 0096 (Heartland Community Schools) in the State of Nebraska (the “District”) hereby acknowledge receipt of advance notice of a meeting of the Board, and the agenda for such meeting, held at 11:00 a.m. on Wednesday, June 21, 2023, in the conference room at the District’s school building, 1501 Front Street, Henderson, Nebraska.

DATED June 21, 2023.

June 21, 2023
Henderson, Nebraska

A meeting of the Board of Education (the “Board”) of York County School District 0096 (more commonly referred to as Heartland Community Schools) in the State of Nebraska (the “District”) was held at 11:00 a.m. on Wednesday, June 21, 2023, in the conference room at the District’s school building, 1501 Front Street, Henderson, Nebraska. Advance publicized notice of such meeting was given in strict accordance with the provisions of Article 14, Chapter 84, Reissue Revised Statutes of Nebraska, as amended (the “Open Meetings Act”), and set forth (a) the time, date and place of this meeting, (b) that this meeting would be open to the attendance of the public and (c) that an agenda of then known subjects to be taken up at the meeting kept continuously current could be obtained from the office of the Superintendent of Schools (the “Superintendent”). A copy of said advance publicized notice was ordered annexed to the minutes of this meeting as Attachment 1. Each Board Member was previously furnished with a copy of said advance publicized notice, the same having been transmitted to each Board Member simultaneously with its publicizing, and a copy of their acknowledgment of advance receipt of such notice is attached to these minutes as Attachment 2. Additionally, reasonable efforts were made to provide advance notification of the meeting to all news media requesting the same of the time, date and place of the meeting.

The President of the Board, _____, presided, and the Acting Secretary of the Board, _____, recorded the proceedings. On roll call the following Board Members were present: _____

The following Board Members were absent: _____.

A quorum being present and the meeting duly commenced, the following proceedings were had and done.

The President stated that a complete copy of the Open Meetings Act was available at the meeting for public inspection and indicated the location of such copy. All proceedings hereafter shown were taken while the meeting was open to the attendance of the public.

* * * * *

(Other Proceedings)

* * * * *

The President then stated that it was necessary for the Board to give consideration to submitting to the voters of the District at such election a proposition authorizing the District to exceed its property tax request authority by \$1,831,026. After discussion, Board Member _____ introduced and moved the adoption of a resolution titled as follows, a true and correct copy of which is attached hereto as Attachment 3:

A RESOLUTION CALLING FOR AN ELECTION TO BE HELD IN YORK COUNTY SCHOOL DISTRICT 0096 (HEARTLAND COMMUNITY SCHOOLS) REGARDING A PROPOSITION THAT THE DISTRICT EXCEED ITS PROPERTY TAX REQUEST AUTHORITY

The foregoing resolution having been read in its entirety, Board Member _____ seconded the motion for its passage and adoption. After consideration, the roll was called and the following Board Members voted in favor of the passage and adoption of said Resolution: _____

_____.

The following Board Members voted against the same: _____.

The following Board Members were absent or did not vote: _____.

Said Resolution having been voted upon favorably by a majority of the Members of the Board, the President declared the Resolution duly passed and adopted.

* * * * *

(Other Proceedings)

* * * * *

Motion to adjourn.

Acting Secretary, Board of Education

President, Board of Education

ATTACHMENT 1

ADVANCE PUBLICIZED NOTICE OF MEETING

ATTACHMENT 2

ACKNOWLEDGMENT OF ADVANCE RECEIPT OF NOTICE OF MEETING

ATTACHMENT 3
ELECTION RESOLUTION

See Tab #3

A RESOLUTION CALLING FOR AN ELECTION TO BE HELD IN YORK COUNTY SCHOOL DISTRICT 0096 (HEARTLAND COMMUNITY SCHOOLS) REGARDING A PROPOSITION THAT THE DISTRICT EXCEED ITS PROPERTY TAX REQUEST AUTHORITY

BE IT RESOLVED BY THE BOARD OF EDUCATION OF YORK COUNTY SCHOOL DISTRICT 0096 (HEARTLAND COMMUNITY SCHOOLS) IN THE STATE OF NEBRASKA AS FOLLOWS:

Section 1. The Board of Education (the “**Board**”) of York County School District 0096 (Heartland Community Schools) in the State of Nebraska (the “**District**”) hereby makes the following findings and determinations:

(a) The District is fully organized and has been so organized for more than one year prior to the passage of this Resolution as a Class III school district under Sections 79-102 and 79-407, Reissue Revised Statutes of Nebraska, as amended; the District maintains both elementary and high school grades under the direction of a single board of education; and the District embraces territory having a population of less than 150,000 inhabitants; and

(b) Section 77-3442(2), Reissue Revised Statutes of Nebraska, as amended (the “**Levy Limitation Act**”), authorizes Nebraska school districts, including the District, to levy a maximum property tax levy of \$1.05 per one hundred dollars of taxable valuation of property subject to the levy; and

(c) For the 2022-23 fiscal year, the District is levying an aggregate property tax levy of \$0.52486 per one hundred dollars of taxable valuation for its general fund and its special building fund; and

(d) On May 31, 2023, the Governor of Nebraska signed and approved LB243, the School District Property Tax Limitation Act, which was passed by the Nebraska Legislature on May 25, 2023 with an emergency clause (the “**Property Tax Act**”), which provides that commencing with the 2023-24 fiscal year, Nebraska school districts, including the District, may not exceed their property tax request authority, except as expressly permitted in the Property Tax Act, regardless of whether such school district has unused taxing authority under the Levy Limitation Act; and

(d) Each school district’s property tax request authority is to be calculated annually by the Nebraska Department of Education (the “**Department**”); and

(e) After consultation with the Department, the Board and District staff have concluded that even though the District presently has unused taxing authority of \$0.52514 under the Levy Limitation Act, the District’s initial property tax request authority under the Property Tax Act for the 2023-24 fiscal year will not generate sufficient revenues to pay anticipated expenditures from the District’s general fund and building fund which it otherwise would have been able to pay prior to the enactment of the Property Tax Act; and

(f) Section 5 of the Property Tax Act provides that a school district may exceed its property tax request authority by an amount approved by at least 60% of legal voters voting on the issue at a special election called for such purpose upon the recommendation of the school board of such school district; and

(f) Because of the enactment of the Property Tax Act, it is necessary that the District call for a special election to be held regarding a proposition that the District be authorized to exceed its annual property tax request authority by not more than \$1,831,026 to pay the District's anticipated general fund and building fund expenditures when due.

Section 2. The Board hereby directs and calls for a special election to be held in the District on Tuesday, August 15, 2023 (the "**Election**"), at which time there shall be submitted to the qualified electors of the District the following proposition:

"Shall York County School District 0096 (Heartland Community Schools) in the State of Nebraska be authorized to exceed its annual property tax request authority by not more than \$1,831,026, which amount shall remain below the District's maximum levy limit?"

The ballots to be voted upon and cast at the Election shall have printed thereon the foregoing proposition, followed by the words: "FOR said increase to annual property tax request authority" and "AGAINST said increase to annual property tax request authority" following the proposition. Qualified electors voting in favor of the proposition shall blacken the oval opposite the words "FOR said increase to annual property tax request authority" following said proposition, and qualified electors voting against the proposition shall blacken the oval opposite the words "AGAINST said increase to annual property tax request authority" following said proposition.

Section 3. The Secretary of the Board or the Superintendent of Schools (the "**Superintendent**") shall certify a copy of this Resolution to the Election Commissioner of York County, Nebraska (the "**Election Commissioner**"), being the county containing the greatest number of electors in the District entitled to vote on the proposition described herein, on or before June 23, 2023, which is the eighth Friday prior to the date of the Election.

Section 4. The Election shall be conducted by the Election Commissioner in accordance with Sections 32-101 et seq., Reissue Revised Statutes of Nebraska, as amended (the "**Election Act**") and the Property Tax Act. At the discretion of the Election Commissioner, the Election may be conducted by mail in accordance with Sections 32-952 through 32-960 of the Election Act. Each of the Secretary of the Board and the Superintendent is individually authorized and directed, in conjunction with the Election Commissioner, to do all other things and take all other action appropriate or necessary in order to cause said proposition to be submitted to the qualified electors of the District as above provided. The District shall reimburse the Election Commissioner for the expenses of conducting the Election, if any.

Section 5. As required by Section 32-802 of the Election Act, the Board requests that not later than 42 days prior to the Election, the Election Commissioner shall publish notice of the Election and shall post such notice in the office of the Election Commissioner. In addition, the Board authorizes and directs the Secretary of the Board or the Superintendent to publish, or to cause to be published, a separate notice of the Election in *The York News-Times*, or such other legal newspaper of general circulation in the District, one time each week for four consecutive weeks, the first such publication occurring at least 20 days prior to the Election. Such notice of the Election shall be substantially in the form submitted to this meeting (with any changes as may be required by the Election Commissioner), which is attached hereto as Exhibit A.

Section 6. The Secretary of the Board or the Superintendent shall furnish the final form of the ballot for the Election to the Election Commissioner no later than 42 days prior to the date of such Election (or such earlier date as may be requested by the Election Commissioner). The ballot shall be substantially in the form submitted to this meeting (with any changes as may be required by the Election Commissioner), which is attached hereto as Exhibit B.

Section 7. If required by the Election Commissioner, the Secretary of the Board or the Superintendent shall certify to the Election Commissioner a list of all registered electors of the District in counties other than York County qualified to vote on the proposition, if any.

Section 8. This Resolution shall be in force and take effect from and after its passage as provided by law.

ADOPTED June 21, 2023.

**YORK COUNTY SCHOOL DISTRICT 0096
(HEARTLAND COMMUNITY SCHOOLS) IN THE
STATE OF NEBRASKA**

By: _____
President, Board of Education

ATTEST:

Acting Secretary, Board of Education

EXHIBIT A
NOTICE OF ELECTION

**NOTICE OF ELECTION TO EXCEED
PROPERTY TAX REQUEST AUTHORITY**

**YORK COUNTY SCHOOL DISTRICT 0096
(HEARTLAND COMMUNITY SCHOOLS)
IN THE STATE OF NEBRASKA**

TUESDAY, AUGUST 15, 2023

Public notice is hereby given to the qualified electors of York County School District 0096 (Heartland Community Schools) in the State of Nebraska (the “District”) that at a special election to be held in said District on Tuesday, August 15, 2023, there shall be submitted to the qualified electors of the District the following proposition:

“Shall York County School District 0096 (Heartland Community Schools) in the State of Nebraska be authorized to exceed its annual property tax request authority by not more than \$1,831,026, which amount shall remain below the District’s maximum levy limit?”



FOR

said increase to annual property tax
request authority



AGAINST

said increase to annual property tax
request authority

Qualified electors voting in favor of such proposition shall blacken the oval opposite the words “FOR said increase to annual property tax request authority” following said proposition, and qualified electors voting against such proposition shall blacken the oval opposite the words “AGAINST said increase to annual property tax request authority” following said proposition.

[POLLING PLACE ELECTION:]

The polling places will be open continuously from 8:00 a.m. to 8:00 p.m. on the date of the election. The polling places for qualified electors of the District will be as follows:

POLLING PLACE

ADDRESS

The polling places are accessible to individuals with physical mobility limitations.

Qualified electors wishing to vote early, or by absentee ballot, as permitted by law, may do so in person or by requesting a ballot for early voting from the Election Commissioner of York County, Nebraska, at the Election Commissioner’s office. For questions, procedures and/or deadlines regarding voter registration, early voting, absentee voting and in-person voting, please contact the Election Commissioner.]

[ELECTION BY MAIL:]

By Mail Election

This election will be an election by mail. Each registered voter residing within the District will receive a ballot by mail at his/her address as it appears on the voter registration register; and therefore no polling places will be open for voting. Ballots will be mailed by the Election Commissioner of York

County on _____, 2023. Registered voters wishing to vote in the Special Election who will be absent from their residence between _____, 2023 and August 15, 2023 may contact the York County Election Commissioner's Office.

Voter Registration Deadlines

1. _____, 2023 is the last day for mail-in registrations, registrar registrations, delivered registrations and agency registrations.
2. _____, 2023 at _____ p.m. is the last day for in-person voter registration in the office of the Election Commissioner of York County.

Any voter who changes information on a current registration or registers to vote after the ballots have been mailed but before the in-person registration deadline of _____, 2023 by _____ p.m., will be given a ballot at the time of registration or change.

Ballot Return Deadline

Voted ballots that are sealed in the "Return Identification Envelope" may be returned by one of the following means:

1. U.S. Mail: Place \$[_____] postage on the envelope and mail the ballot to Election Commissioner of York County, 510 N. Lincoln Avenue, Room 103, York, NE 68467; or
2. Hand Delivery: Deliver the ballot to the Election Commissioner of York County in the York County Election Office, 510 N. Lincoln Avenue, Room 103, York, NE 68467 [or in the drop box located _____].

NOTE: All ballots must be in the possession of the Election Commissioner of York County no later than _____ p.m. on Election Day, August 15, 2023.]

York County Election Commissioner Information

Mailing Address and Location: York County Election Commissioner, 510 N. Lincoln Avenue, Room 103, York, NE 68467

Phone: 402-362-7759

E-Mail: clerk@yorkcountyne.com

Regular Office Hours: 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding holidays.

BY ORDER OF THE BOARD OF EDUCATION OF YORK COUNTY SCHOOL DISTRICT 0096 (HEARTLAND COMMUNITY SCHOOLS) IN THE STATE OF NEBRASKA.

PUBLISH - 4 Times (July 19, July 26, August 2 and August 9, 2023)

EXHIBIT B
SAMPLE BALLOT

SAMPLE BALLOT

**ELECTION TO EXCEED
PROPERTY TAX REQUEST AUTHORITY**

**YORK COUNTY SCHOOL DISTRICT 0096
(HEARTLAND COMMUNITY SCHOOLS)
IN THE STATE OF NEBRASKA**

TUESDAY, AUGUST 15, 2023

“Shall York County School District 0096 (Heartland Community Schools) in the State of Nebraska be authorized to exceed its annual property tax request authority by not more than \$1,831,026, which amount shall remain below the District’s maximum levy limit?”



FOR

said increase to annual property tax
request authority



AGAINST

said increase to annual property tax
request authority

Qualified electors voting in favor of such proposition shall blacken the oval opposite the words “FOR said increase to annual property tax request authority” following said proposition, and qualified electors voting against such proposition shall blacken the oval opposite the words “AGAINST said increase to annual property tax request authority” following said proposition.

		22-23		23-24					
				Amount Submitted For Voter Approval		LB243 Maximum Allowable by Board Action			
		Tax Request	Levy (Bond at LB2 calculation)	Tax Request	Levy (Bond at LB2 calculation)	Tax Request	Levy (Bond at LB2 calculation)		
Taxing Funds	General Fund	\$4,198,964	\$0.517024	\$4,693,242	\$0.556880	\$4,348,001	\$0.515915	General Fund	Taxing Funds
	Special Building Fund	\$63,636	\$0.007836	\$1,128,544	\$0.133908	\$0	\$0.000000	Special Building Fund	
	Bond Fund	\$545,455	\$0.088917	\$545,455	\$0.085685	\$545,455	\$0.085685	Bond Fund	
LB243 Specific	LB243 Certified Tax Request Authority	NA		\$3,990,760		\$3,990,760		LB243 Certified Tax Request Authority	LB243 Specific
	LB243 General Fund & Special Building Fund Combined Request	\$4,262,600		\$5,821,786		\$4,348,001		LB243 General Fund & Special Building Fund Combined Request	
	Tax Request Authority Above Certified Amount	NA		\$1,831,026		\$357,241		Tax Request Authority Above Certified Amount	
Total Tax Request	Total Consolidated Tax Request	\$4,808,055		\$6,367,241		\$4,893,456		Total Consolidated Tax Request	Total Tax Request
Levy & Valuation	LB243 General & Special Building Levy	\$0.524860		\$0.690788		\$0.515915		LB243 General & Special Building Levy	Levy & Valuation
	LB2 Bond Levy	\$0.088917		\$0.085685		\$0.085685		LB2 Bond Levy	
	Total Valuation	\$812,140,998		\$842,774,956		\$842,774,956		Total Valuation	
	LB2 Bond Valuation	\$613,444,222		\$636,583,338		\$636,583,338		LB2 Bond Valuation	

23-24 Valuation Growth Projection -- 3.772%