

ORDINANCE RECORD

REDFIELD DIRECT E2401275KV

ORDINANCE NO. 1565

AN ORDINANCE OF THE CITY OF LA VISTA, NEBRASKA TO AMEND MUNICIPAL CODE SECTIONS 33.72 AND 33.73; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY AND AN EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA:

SECTION 1. Municipal Code Section 33.72 is hereby amended to read as follows:

§ 33.72 NONDISCLOSURE GENERALLY.

Pursuant to Neb. RS 84-712.05 or other applicable Nebraska statutes, the following records, unless publicly disclosed in an open court, open administrative proceeding, or open meeting, or disclosed by the city pursuant to its duties, shall not constitute public records and shall be withheld and not disclosed to the public:

- (A) Any records described in Neb. RS 84-712.05, including without limitation 84-712.05(3) described in § 33.73(A);
- (B) Nonpublic records as defined in § 33.76; and
- (C) All other records and parts thereof that are from time to time permitted or required to be withheld by the city under any applicable law, including without limitation § 33.73(B).

SECTION 2. Municipal Code Section 33.73 is hereby amended to read as follows:

§ 33.73 NONDISCLOSURE OF TRADE SECRETS, ACADEMIC, SCIENTIFIC PROPRIETARY, COMMERCIAL AND OTHER INFORMATION.

(A) Following are the types of records that shall be withheld pursuant to Neb. RS 84-712.05(3):

- (1) Trade secrets as that term is defined from time to time by state or federal courts of Nebraska applying Nebraska law, the Nebraska Trade Secrets Act or other applicable law;
- (2) Academic and scientific research work which is in process and unpublished; and
- (3) Other proprietary or commercial information which if released would give advantage to business competitors and serve no public purpose. To be withheld under this subsection:
 - (a) The information must be:
 - 1. Proprietary or commercial information;
 - 2. Customarily regarded as confidential in the industry; and
 - 3. If disclosed, the information may provide an identifiable commercial or business advantage to one or more specified business competitors; and
 - (b) There is no public interest in disclosure, or the interests in nondisclosure outweigh any public interest in disclosure.

(B) In addition to, and not in limitation of, any other provision of this subchapter, business information received by the city in the course of administration of its economic development program shall, to the maximum extent permitted by law, be and remain confidential pursuant to § 33.72(B), § 33.73(A), Neb. RS 84-712.05, binding agreement of the city with a qualifying business participating in the economic development program requiring the city to maintain the confidentiality of business information, § 33.73(B)(1)

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below, and/or any other provision of applicable law now or hereafter enacted or amended, and shall not be disclosed.

- (1) Members of the Citizens Advisory Review Committee, in their capacity as members and consistent with their responsibilities as members, may from time to time be permitted access to business information received by the city in the course of its administration of the municipal economic development program, and members of the Committee shall maintain the confidentiality of and not disclose such information. Unauthorized disclosure of any business information which is confidential under Neb. RS 84-712.05 shall be a Class III misdemeanor.
- (2) **BUSINESS INFORMATION** means all information of or related to a business, its owners and/or affiliates that is identified by the person providing the information as confidential, including, but not limited to, information related to operations, accounts, projects, performance, marketing, planning, financial statements, results and budgeting, but does not include:
 - (a) Information which is or becomes generally available to the public;
 - (b) Information rightfully received by the city from a third party and with respect to which there is no obligation of confidentiality of the city;
 - (c) Information independently developed by the city or any third party and with respect to which there is no obligation of confidentiality of the city; and
 - (d) Information disclosed pursuant to a court order or other operation of law.

SECTION 3. Repeal of Conflicting Ordinances. Sections 33.72 and 33.73 as originally enacted, and all ordinances and parts of ordinances as previously enacted that are in conflict with this ordinance or any part hereof, are hereby repealed.

SECTION 4. Severability Clause. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this ordinance. The Mayor and City Council hereby declare that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION 5. Effective Date. This Ordinance shall be in force and take effect from and after passage, approval and publication in pamphlet form as provided by law.

PASSED AND APPROVED THIS 4TH DAY OF NOVEMBER 2025.

CITY OF LA VISTA


Douglas Kindig, Mayor

ATTEST:


Rachel D. Carl, CMC
City Clerk