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MUNICIPAL GOVERNANCE - NEBRASKA

Dodge County Humane Society v. City of Fremont

Supreme Court of Nebraska - July 14, 2023 - N.W.2d - 314 Neb. 714 - 2023 WL 4536101

Humane society, a nonprofit organization, filed petition in error that named city, with which it had entered into contract for animal control services, and city council after council approved motion that authorized city mayor to send humane society letter regarding termination of contract, alleging that city had no cause to terminate and had failed to comply with contractual termination prerequisites.

The District Court denied motion to dismiss brought by city and council and ordered contract reinstated. City and council appealed.

The Supreme Court held that city council was not exercising judicial function when it voted to approve motion for mayor to send letter.

City council was not exercising judicial function when it voted to approve motion for mayor to send letter to county humane society regarding termination of animal control contract into which parties had entered, and thus trial court lacked jurisdiction to hear humane society's petition in error; while council, at meeting, opened floor for members of public to comment on agenda item concerning motion to send notice of termination, and several residents, as well as humane society's attorney, commented, such public comment was not required, and council did not receive evidence or testimony into official record or render decision in adversarial proceeding consistent with due process.