

Bond Case Briefs

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REFERENDA - NEBRASKA

City of Hastings v. Sheets

Supreme Court of Nebraska - July 12, 2024 - 317 Neb. 88 - 8 N.W.3d 771

City brought action against referendum petitioners under the Municipal Initiative and Referendum Act, seeking a declaration that city was not required to hold a special referendum election to put its decision to demolish viaduct before the voters, and petitioners counterclaimed seeking the opposite declaration.

After a stipulated trial, the District Court sustained city's request for a declaratory judgment. Petitioners appealed and filed a petition to bypass, which was granted.

The Supreme Court held that:

- Demolition of viaduct rendered the action moot, and
- Public interest exception to the mootness doctrine did not apply.

Public interest exception to mootness doctrine did not apply to allow appellate review of moot declaratory judgment case involving a dispute as to city's need to hold a special referendum election concerning its decision to demolish viaduct that was demolished during pendency of action, where the particular set of facts concerning initiative and referendum petitions were often greatly dissimilar, the specific circumstances of the case created a difficult, if not troublesome, situation to provide an authoritative adjudication to guide public officials in the future, and same or similar problems presented by the appeal were not likely to recur.