

SUPREME COURT OF NEBRASKA

Butler County School District 12-0502 v. Freeholder Petitioners 1
through 10: Fern Jansa et al.

Butler Cty. Sch. Dist. v. Freeholder Petitioners, 286 Neb. 814 (2013) · No. No. S-13-123 · Decided November 8,
2013

SUMMARY

The Nebraska Supreme Court affirmed the district court’s determination that a county freeholder board had jurisdiction over petitions seeking to transfer property between school districts. The court held that the common-law prior jurisdiction rule did not apply because the school-district merger proceedings and the freeholder petition proceedings were not equivalent. The court also affirmed the district court’s judgment upholding the Board’s order granting the freeholder petitions.

CASE DETAILS

COURT	Supreme Court of Nebraska
WRITING FOR THE COURT	Miller-Lerman, J.; Heavican, C.J.; Wright, J.; Connolly, J.; Stephan, J.; McCormack, J.; Cassel, J.
JURISDICTION	Nebraska
DECIDED	November 8, 2013
DOCKET	No. S-13-123
DISPOSITION	affirmed
PROCEDURAL POSTURE	East Butler appealed the district court's determination that the prior jurisdiction rule did not apply and that the Saunders County freeholder board had jurisdiction over freeholder petitions seeking to transfer property between school districts. The Nebraska Supreme Court affirmed.
STANDARD OF REVIEW	A jurisdictional question not involving a factual dispute is reviewed as a matter of law, and questions of law are independently reviewed.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Butler County School District 12-0502, also known as East Butler Public School District v. Brenda Coufal, Freeholder Petitioners 1 through 10: Fern Jansa et al.

TOPICS

appellate jurisdiction

appellate procedure

administrative law

municipal law

PRACTICE AREAS

appellate procedure

administrative law

municipal law

school district reorganization

QUESTIONS PRESENTED

1. Whether the common-law prior jurisdiction rule applied when a school-district merger proceeding and freeholder property-transfer proceeding involved the same territory.
2. Whether the Saunders County freeholder board had jurisdiction to hear and grant the freeholders' petitions.

HOLDINGS

1. The prior jurisdiction rule does not apply because the school-district merger proceeding and the freeholder property-transfer proceeding were not equivalent proceedings.
2. The freeholder board had jurisdiction over the freeholders' petitions, and the district court correctly affirmed the board's order.
3. When a jurisdictional question presents no factual dispute, an appellate court determines it as a matter of law and independently reviews the lower court's legal conclusions.

KEY QUOTATIONS

“Under the prior jurisdiction rule, when two public bodies claim jurisdiction over the same territory in annexation proceedings, the public body which takes the first valid step toward annexation has the superior claim.” (at 820)

“The prior jurisdiction rule applies where the proceedings are equivalent. If they are not equivalent, the prior jurisdiction rule does not apply.” (at 821)

FACTUAL BACKGROUND

East Butler and the Prague Public School District filed a petition and plan for dissolution and merger with the State Committee for the Reorganization of School Districts on April 13, 2010. One week later, freeholders filed petitions with the Saunders County freeholder board seeking to remove their property from the Prague District and attach it to the Wahoo District. The reorganization committee later approved the merger, while the freeholder board approved the freeholders' petitions; the property at issue was included in the merger plan.

PROCEDURAL HISTORY

Freeholders petitioned a county freeholder board to move their property from the Prague Public School District to the Wahoo Public School District while East Butler and Prague had a school-district merger petition pending before the State Committee for the Reorganization of School Districts. The district court initially dismissed East Butler's appeal for lack of jurisdiction, but the Nebraska Supreme Court reversed and remanded in Butler County

School District v. Freeholder Petitioners, 283 Neb. 903, 814 N.W.2d 724 (2012), holding that East Butler had standing and had timely appealed. On remand, the district court held that the merger and freeholder proceedings were not equivalent, declined to apply the prior jurisdiction rule, and affirmed the board's order; the Nebraska Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Butler Cty. Sch. Dist. v. Freeholder Petitioners, 283 Neb. 903, 814 N.W.2d 724 (2012)
- Holdsworth v. Greenwood Farmers Co-op., 286 Neb. 49, 835 N.W.2d 30 (2013)
- Pinnacle Enters. v. City of Papillion, 286 Neb. 322, 836 N.W.2d 588 (2013)
- City of Elkhorn v. City of Omaha, 272 Neb. 867, 725 N.W.2d 792 (2007)
- State v. Reorganized District No. 11, 307 S.W.2d 501 (Mo. 1957)
- Yandle v. Mecklenburg County and Mecklenburg County v. Town of Matthews, 85 N.C. App. 382, 355 S.E.2d 216 (1987)
- City of Burlington v. Town of Elon College, 310 N.C. 723, 314 S.E.2d 534 (1984)
- Nicholson v. Red Willow Cty. Sch. Dist. No. 0170, 270 Neb. 140, 699 N.W.2d 25 (2005)