

ORDINANCE NO. 5793

AN ORDINANCE OF THE CITY OF ALBANY, LINN AND BENTON COUNTIES, OREGON, CALLING FOR AN ELECTION TO SUBMIT TO THE ELECTORS OF THE CITY THE QUESTION OF REVISING THE CITY OF ALBANY CITY CHARTER TO REQUIRE VOTER APPROVAL AND VOTER NOTIFICATION TO CREATE OR SUBSTANTIALLY CHANGE URBAN RENEWAL PLANS.

WHEREAS, on October 8, 2012, an initiative measure, proposing to amend the City Charter was presented to the Albany City Council; and

WHEREAS, the aforesaid proposed measure has been determined by the City Clerk to contain the requisite number of valid signatures to require that the petition be put before the voters of the City of Albany pursuant to AMC 2.88.050; and

WHEREAS, the next election date, which is not less than 90 days following the date that the Initiative Petition was presented to the City Council is March 12, 2013.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: Date of Election. An election with a question set forth in Section 2 of the ordinance shall be submitted in the manner prescribed herein to the legal voters residing within the City of Albany, on the 12<sup>th</sup> day of March 2013.

Section 2: Form of Question. Shall the Charter be amended to require voter approval and voter notification to create or substantially change Urban Renewal Plans?

Section 3: Summary. This measure amends the City Charter to require voter approval for the creation of Urban Renewal Districts or for proposed substantial changes to Urban Renewal Plans in Albany. These changes will require voter approval to create an Urban Renewal Agency, approve an Urban Renewal Plan or to make a substantial change to an existing Plan which would authorize new Urban Renewal indebtedness. Before such a vote, the City would be required to mail a voter notification document to all electors in the City and to post a notification on the City website.

The measure would also provide that the retirement of previously authorized urban renewal indebtedness will result in the termination of the Urban Renewal Agency, with any continuing obligations or rights of the terminated agency being assumed by the City. The termination of a City Urban Renewal Agency will occur whether or not the Plan has projects or funds available for Agency Projects.

A complete text of the proposed change is attached as Exhibit "A" and is available on the City website at [www.cityofalbany.net](http://www.cityofalbany.net), and at City Hall, the Downtown Library, and the Main Library.

Section 4: Hours of Election. The election shall be conducted as a mail-in election.

Section 5: Notice of Election. Notice of election shall be given by the County Clerks and City Elections Officer, as provided in the general election laws of the State of Oregon and the Charter of the City of Albany.

Section 6: Ballot Form. The City Attorney shall cause to be delivered to the City Elections Officer a Notice of Election and Ballot Title in substantially the form attached as Exhibit "B".

Section 7: Emergency Clause. Inasmuch as this ordinance is necessary for the immediate preservation of the peace, health, and safety of City of Albany, Oregon, an emergency is hereby declared to exist. This ordinance will be in full force and effect immediately upon its passage by the Council and approval by the Mayor.

Passed by the Council: October 24, 2012

Approved by the Mayor: October 24, 2012

Effective Date: October 24, 2012

  
\_\_\_\_\_  
Mayor

ATTEST:

  
  
\_\_\_\_\_  
City Clerk

Exhibit "A"

ACT TO REQUIRE VOTER APPROVAL OF URBAN RENEWAL

Be it enacted, the Albany City electors propose amending to Albany City Charter by adding the following Sections within CHAPTER VIII PUBLIC IMPROVEMENTS Section 43.1 URBAN RENEWAL CITIZEN RIGHT TO VOTE

Voter Approval of Urban Renewal

A City urban renewal agency shall not be activated or authorized to exercise additional powers without the approval of the City electors at a general election.

Every new urban renewal plan, or substantial change to an existing plan which would authorize new Urban Renewal Indebtedness shall be referred to City electors for their approval at a primary or general election.

Voter Notification

Whenever an election required by this Section is conducted the City shall determine the information required to complete the public notice statements A-D of this section.

Public Notice Statements shall be posted on the City web site at least 45 days in advance of the election and mailed to City electors no more than ten days in advance of distributing ballots.

(A) "ATTENTION VOTER: IMPORTANT INFORMATION ABOUT (insert local measure number)."

(B) "If approved, this measure will authorize new Urban Renewal Indebtedness (URI). Repayment of such debt may significantly reduce the amount of property tax revenues that would be otherwise available for public schools, police, fire, library and other public services within Albany City for (insert maximum duration of URI, listed in years and months)."

(C) "The maximum amount of new Urban Renewal Indebtedness permitted by this measure is (insert the maximum new URI permitted by proposed plan or amendment)."

(D) "The maximum amount of interest payable for this debt is (insert the maximum amount of interest payments for the new URI over the life span of the debt)."

Public Notice Statements do not need to be mailed to the City electors if included within the beginning of the explanatory statement of the proposed measure within the County Voter's Pamphlet.

### Approvals by Ordinance

The City shall not approve or amend a plan by any means other than by ordinance. Non-substantial changes to any plan may be approved by non-emergency ordinance of the City Council. Any ordinance approved by the Council shall not go into effect until voter approval is obtained.

### Termination

Upon the retirement of all urban renewal indebtedness authorized by the City urban renewal plans, a City urban renewal agency will cease and it shall be terminated. Any continuing obligations or rights of a terminated agency shall be assumed by the city.

### Definitions as used in this Section

Urban Renewal plan” and “plan” have the same meaning given those terms in ORS Chapter 457 as it now exists or may hereafter be amended, or a similar plan adopted under any other provision of law.

Substantial change” means any change proposed to be made to an existing urban renewal plan that:

- (A) Expands the boundary, duration or borrowing authority of any plan; or,
- (B) Alters the basic purpose, engineering or financing principles of a voter-approved plan.

“Urban Renewal Indebtedness” and “URI” mean debt incurred pursuant to an urban renewal plan where repayment is pledged from ad valorem taxes assessed within the City limits of Albany.

### Implementation

This Section shall become immediately effective upon passage by the electors. Therefore the City may not use or pledge additional City revenues for repayment of URI unless the use of those City revenues:

- (A) was pledged by the City prior to the passage of this Chapter;
- (B) was approved by electors for that purpose; or,
- (C) is mandated by operation of law.

Prior to any public hearing to consider legislation that would conflict with provisions of this Chapter or prevent them from operating the City must provide at least two weeks notice of the proposed legislation and hearing date to all City electors. Any legislation passed in violation of this provision shall be void.

If any provision of this Chapter is barred from operation by superior law, the other provisions shall remain unaffected.

## Exhibit "B"

**Caption:** Charter Amendment Requiring Voter Approval for Urban Renewal in Albany.

**Question:** Shall the Charter be amended to require voter approval and voter notification to create or substantially change Urban Renewal Plans?

**Summary:** This measure amends the City Charter to require voter approval for the creation of Urban Renewal Districts or for proposed substantial changes to Urban Renewal Plans in Albany. These changes will require voter approval to create an Urban Renewal Agency, approve an Urban Renewal Plan or to make a substantial change to an existing Plan which would authorize new Urban Renewal indebtedness. Before such a vote, the City would be required to mail a voter notification document to all electors in the City and to post a notification on the City website.

The measure would also provide that the retirement of previously authorized urban renewal indebtedness will result in the termination of the Urban Renewal Agency, with any continuing obligations or rights of the terminated agency being assumed by the City. The termination of a City Urban Renewal Agency will occur whether or not the Plan has projects or funds available for Agency Projects.