

AN ORDINANCE OF ALBANY, LINN AND BENTON COUNTIES, OREGON, AMENDING THE CITY OF ALBANY CITY CHARTER AS APPROVED BY THE ELECTORS OF THE CITY OF ALBANY AT THE SEPTEMBER 17, 2013, SPECIAL ELECTION; AND DECLARING AN EMERGENCY.

WHEREAS, the City Council of the City of Albany referred to the electors of the City of Albany revisions to the City of Albany Charter at the September 17, 2013, Special Election; and

WHEREAS, the electors of the City of Albany voted to adopt the City of Albany Charter revisions (Measure 22-119) as referred by the City Council.

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

Section 1: The City Council of the City of Albany adopts the Charter changes revising the language in Section 44, Debt Limit, as follows:

Section 44 Debt Limit.

~~Except by consent of the voters, the City's voluntary floating indebtedness shall conform with state law. For the purposes of calculating the limitation, however, the legally authorized debt of the City in existence at the time this charter takes effect shall not be considered. All City officials and employees who create or officially approve any indebtedness in excess of this limitation shall be jointly and severally liable for the excess.~~

After enactment of this section by the people, The City Council shall not authorize any borrowing unless the borrowing is specifically permitted by this Section 44.

a) **Definition of Borrowing.** "Borrowing" means any general obligation bond, revenue bond, full faith and credit financing agreement or subject-to-appropriation financing agreement or other contract in which a party agrees to advance money to the City in exchange for the City's agreement to repay the advanced funds with interest over a period of more than thirteen months.

b) **New borrowings with voter approval.** The City Council may borrow money if the borrowing is approved by the City's electors. A borrowing shall be deemed to be approved by the City's electors if the number of votes cast in favor of the borrowing exceeds the number of votes cast against the borrowing.

c) **Local improvement district bonds.** The City Council may borrow money without approval of the City's electors if the borrowing finances a local improvement pursuant to ORS Chapter 223 (the Bancroft Bonding Act) or any similar, replacement statute, the City Council will impose assessments for the cost of the local improvement on benefitted property owners, and the city expects to be able to pay the borrowing from assessment payments made by those benefitted property owners.

d) **State law override.** The City Council may borrow money without approval of the City's electors if an Oregon statute authorizing the borrowing provides that the authority is not limited by other laws, such as a local charter limitation.

e) **Emergency borrowings.** (1) The City Council may borrow money without approval of the City's electors if:

(i) the City publishes notice of the public hearing called for in this subsection e) in a newspaper of general circulation in the City at least two times before the hearing date;

(ii) the first notice of the public hearing is published not less than seven calendar days before the hearing date;

(iii) the hearing notice describes the date, time, place, and the amount proposed to be borrowed;

(iv) following the hearing, the City Council adopts an ordinance making a legislative determination that:

- (A) an emergency exists,
- (B) the borrowing must be done quickly to avoid or mitigate that emergency, and
- (C) the project(s) to be financed with the borrowing are necessary to avoid or mitigate that emergency.

(2) For purposes of this subsection e):

- (i) "emergency" means a situation that poses an immediate risk of significant economic loss to the City, or an immediate risk to health, life, or property.
- (ii) "significant economic loss" means an economic loss that exceeds \$250 thousand.
- (iii) "immediate risk" means a risk that, at the time of the hearing, has already resulted in a loss or harm, or that is expected to result in a loss or harm that will occur before the City can obtain approval of its electors for a new borrowing pursuant to subsection b) of this section.

f) Refinancings for savings. The City Council may borrow money without approval of the City's electors to refinance a City borrowing if the total principal and interest scheduled to be paid on the refinancing is less than the total principal and interest that was scheduled to be paid on the borrowing that is refinanced.

g) Personal Liability. All members of the City Council who vote to approve a borrowing in excess of the amounts permitted by this Section 44 shall be jointly and severally liable for the excess. However, a member of the City Council shall not be liable under this paragraph if the member voted in good faith and in reliance upon an opinion of the City Attorney, Bond Counsel, or other legal counsel engaged to provide an opinion concerning the borrowing in question, also given in good faith, that the borrowing for which the member voted is permitted by this Section 44.

Section 2: The City Recorder is instructed to take all appropriate action to codify the measure in the City Charter.

Section 3: Emergency Clause. In as much as this ordinance is necessary for the immediate preservation of the public peace, health, and safety of the City of Albany, or to facilitate the prompt and timely completion of important City business, an emergency is hereby declared to exist; and this Ordinance shall take effect and be in full force and effect when signed by the Mayor.

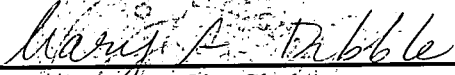
Passed by the Council: 10/9/2013

Approved by the Mayor: 10/9/2013

Effective Date: 10/9/2013


Mayor

ATTEST:



City Clerk

