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TITLE: ESTABLISHED PROCEDURE TO BE USED IN THE CITY FOR THE USE OF INITIATIVE AND REFERENDUM

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1:

The people of the city are authorized to enact, amend or repeal all local laws for the city by initiative and referendum process. These powers are reserved to the people by Article IV of the Oregon Constitution.

Section 2:

The manner of exercising initiative and referendum powers reserved by the Oregon Constitution to the people, as to municipal legislation of the City of Albany, shall be as set forth in this ordinance.

Section 3: Referendum Petitions

Referendum petitions against any ordinance, franchise or resolution passed by the city council shall be signed by not less than 10% of the voters of the city. The signatures shall be verified in a manner provided in ORS 254.042. Petitions shall be filed with the city recorder within 30 days after the passage of the ordinance, resolution or franchise. Any ordinance bearing an emergency clause shall not be subject to referendum.

Section 4: Procedure for Initiative Measures on a City Ordinance, Charter or Amendment to the Charter

If any ordinance, charter or amendment to the charter of the city is proposed by an initiative petition, said initiative petition shall be signed by not less than 15% of the voters of the city. The signatures shall be verified in the manner provided in ORS 254.042. The petition shall be filed with the city recorder within 90 days after the filing with the city recorder of a signed copy by the person or organization under whose authority the measure is to be initiated.

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Section 5: Action After Filing Petition

Upon a receipt of an initiative or referendum petition and the filing thereof by the city recorder, he shall transmit the said petition to the next session of the city council. The council shall either ordain or reject the petitions, as proposed, within 30 days. If the council shall reject the petition or take no action on it, the city recorder shall submit to the voters of the city at the next election held not less than 90 days after the petition was first presented to the council.

Section 6: Questions Proposed in the Petition

The council may ordain the ordinance or amendment and refer it to the people or it may ordain such ordinance without referring it to the people. If the latter is done, it shall be subject to referendum petition in like manner as other ordinances. If the council rejects the ordinance or amendment or takes no action on it, it may ordain a competing ordinance or amendment, which shall be submitted by the city recorder to the people of the city at the same election at which the initiative proposal is submitted. Said competing ordinance or amendment shall be prepared by the council and ordained within 30 days allowed for its action on the measure proposed by the initiative petition. The mayor shall not have the power to veto either of such measures. If conflicting ordinances or conflicting charter amendments are submitted to the people at the same election and two or more conflicting measures are approved by the people, then the measure which receives the greatest number of affirmative votes shall be paramount in all particulars as to which there is conflict, even though such measure may not have received the greatest majority.

Section 7: Voter's Pamphlets

Not less than ten (10) days before the election on which measures are to be voted upon, the city recorder shall cause copies of voter's pamphlets containing such measures to be distributed in such a manner that a copy is available to each registered elector in the city. Arguments supporting or opposing municipal measures shall be filed with city recorder in conformance with the requirements of ORS 255.415. The person or organization filing any argument in support or opposing municipal measures shall pay to the city recorder, at the time of filing such argument, a fee determined by the city recorder to be sufficient to pay all the expenses for paper

and printing of the argument, excluding binding, and the voter's pamphlet. When such arguments are printed in the voter's pamphlet and the cost finally determined, the city recorder shall refund, to the person or organization who paid it to him, any surplus fee. The cost of printing, binding and distributing the measures proposed and of binding and distributing the arguments should be paid by the city, it being intended that only the cost of the paper in printing the arguments, excluding binding, shall be paid by the person or organizations filing them. It is intended to make the procedure, set forth in this ordinance, as nearly as practicable, the same as the initiative and referendum procedure for measures relating to people in the state at large.

Section 8: Qualification of Signers of Petitions

Any registered voter of the city may sign a petition for referendum or for the initiative of any measure which he is entitled to vote upon. No person shall sign any name other than his own to any petition or knowingly sign his name more than once for the same measure at one election; nor shall anyone sign who is not, at the time of signing, a registered elector of the state of Oregon.

Passed by the Council: February 14, 1979

Approved by the Mayor: February 14, 1979

Effective Date: March 16, 1979

Richard J. Allen
Mayor

ATTEST:

[Signature]
City Recorder