

ORDINANCE NO. 5792

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 CHARTER TO FURTHER LIMIT CITY DEBT.

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

WHEREAS, the aforesaid 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 12th day of March 2013.

Section 2: Form of Question. Shall the Albany City Charter be amended to further limit City Debt?

Section 3: Summary. The current City Charter provides that, except by the consent of the voters, the City's voluntary floating indebtedness shall conform to state law. This citizen proposed initiative measure seeks to amend the City Charter to restrict the total debt of the City to the total debt which the City had as of February 28, 2012. Approval of the measure restricts the City's indebtedness to an amount less than allowed under state law. Under the proposed measure, no new debt or debt extensions would be allowed without the approval of a majority of electors in a primary, special or general election. The measure also provides that no debt shall exceed levels which are provided under state law.

A complete text of the proposed change is attached as Exhibit "A" and is available on the City website at 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".

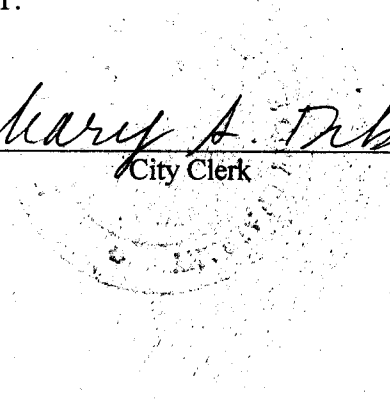
Section 7: Emergency Clause. Inasmuch as this ordinance is necessary for the immediate preservation of the peace, health, and safety of City of Albany, Oregon, an emergency is hereby declared to exist. This ordinance will be in full force and effect immediately upon its passage by the Council and approval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

Passed by the Council: October 24, 2012

Approved by the Mayor: October 24, 2012

Effective Date: October 24, 2012

ATTEST:


Mary A. Dibble
City Clerk


Mayor

Exhibit "A"

ACT TO LIMIT INDEBTEDNESS for CITY OF ALBANY, OREGON

Be it enacted, the Albany City electors propose amending the City Charter
CHAPTER IX - - MISCELLANEOUS PROVISIONS - - Section 44 - - Debt Limit.

ADD THE FOLLOWING:

The maximum debt allowed for City of Albany, Oregon shall be the total debt of the City as of 28 February 2012 at 5 pm local time.

No new debt or debt extensions requested by The City Council after 28 February 2012 shall be allowed without approval of a majority of Albany City electors in a primary, special or general election.

Only with the approval of a majority of Albany City electors in a primary, special or general election shall Albany City be allowed to increase indebtedness above the 28 February 2012 level. The debt limit established by State law shall never be violated.

Exhibit "B"

Caption: Charter Amendment to Limit City's Debt

Question: Shall the Albany City Charter be amended to further limit City Debt?

Summary: The current City Charter provides that, except by the consent of the voters, the City's voluntary floating indebtedness shall conform to state law. This citizen proposed initiative measure seeks to amend the City Charter to restrict the total debt of the City to the total debt which the City had as of February 28, 2012. Approval of the measure restricts the City's indebtedness to an amount less than allowed under state law. Under the proposed measure, no new debt or debt extensions would be allowed without the approval of a majority of electors in a primary, special or general election. The measure also provides that no debt shall exceed levels which are provided under state law.