

RESOLUTION NO. 2845

A CONTINUING RESOLUTION FINDING AN EMERGENCY TO EXIST WHEN THE COUNCIL READS AN ORDINANCE TWICE IN A SINGLE MEETING.

WHEREAS, Section 38(2) of the Albany Charter of 1956, allows the City Council of the City of Albany to call for the second reading and adoption of an ordinance at a single meeting of the Council by the unanimous vote of all councilors present when an emergency exists, and

WHEREAS, the City Council places the highest priority upon the prompt and expeditious completion of City business, and

WHEREAS, many ordinances require prompt enactment in order to minimize possible financial loss to the City; to avoid unnecessary waste of Council and staff time; and to promptly address public needs and concerns, and

WHEREAS, in many instances, while prompt enactment of an ordinance is necessary, a formal emergency clause is not appropriate inasmuch as the use of such a clause would make the ordinance in question immediately effective upon passage, thereby reducing the public's opportunity to become familiar with the ordinance prior to its effective date and eliminating the opportunity for the filing of a referendum petition by interested citizens.

NOW, THEREFORE, it is resolved by the City Council of the City of Albany as follows:

1. Any time that a councillor moves for the second reading of an ordinance during a single meeting, that councillor's motion shall be deemed to include a finding that emergency justifies the passage of the ordinance at a single meeting notwithstanding the presence or absence of an emergency clause which would make the ordinance effective upon passage; and

2. This resolution shall continue in full force and effect until its repeal by the City Council of the City of Albany.

Dated this 25th day of January 1989.

CITY OF ALBANY

By *[Signature]*
Mayor

ATTEST:

[Signature]
City Recorder



City of Albany

CITY ATTORNEY

January 8, 1990

SENT VIA FACSIMILE

Debbie Andrews
Finance Department
City of Albany
P.O. Box 490
Albany, OR 97321

Dear Debbie:

At your request, I am writing you this letter to provide you with my interpretation concerning Resolution No. 2845. The significant aspects of this resolution are as follows:

1. An ordinance adopted through this procedure which does not contain a standard emergency clause is effective on the 30th day after its passage and approval by the Mayor.
2. The procedure set forth in the ordinance does not require a full Council. It requires only a unanimous vote of all councilors present (this assumes that at least four members of the Council are present and unanimously move for adoption of the ordinance pursuant to this procedure).

When this resolution was adopted, the Council was advised that they were on uncertain ground, but elected to employ this procedure to avoid the necessity of making separate findings concerning emergency every time they wished to read an ordinance twice in a single meeting or adopting formal emergency clauses.

If you have other questions, please advise.

Very truly yours,


James V. B. Delapoer

JVBD:kn

