

Tracking Amended Ordinances

(A new ordinance amends a portion of a previous ordinance rather than repealing the whole thing)

Instructions:	<ol style="list-style-type: none"> 1. Fill out Tracking Amended Ordinance form; this will become the attachment. 2. In the upper right hand corner of the first page of the official copy of the previous ordinance, write "amended by Ord. No. ____". Make a copy of the first page; leave the official document in the binder. 3. Delete the first page of the ordinance in Laserfiche. 4. Scan in the photocopy of the first page of the ordinance in Laserfiche; and scan in the attachment behind the ordinance. 5. File the attachment behind the ordinance in the Vault.
Subject:	Measure 22-117, Canvass of Votes
Amending Ordinance:	Ord. No. 5812
Approval Date:	June 12, 2013
Agenda Item:	Amending Ordinance No. 5806 and calling for an election to submit to the electors of the City of Albany the question of revising the City of Albany Charter concerning voter authorization of City borrowing.
Previous Ordinance:	Ord. No. 5806
Approval Date:	April 10, 2013
Agenda Item:	Canvassing Ordinances related to March 12, 2013, election.
Details:	<p>Ord. No. 5812 amends Ord. No. 5806 with the following changes to Section 5 and Section 6:</p> <p><u>Section 5:</u> The City Manager is directed to bring forward recommendations for the formation of a Charter Review Committee which is directed to study Measure 22-117 and propose a Charter amendment that affects its principal provisions while minimizing and avoiding likely unintended consequences and expenses.</p> <p><u>Section 6:</u> The City Council expresses its intention to consider the recommendations of the Charter Review Committee and to place before the voters for their consideration at the General Election held in November 2013 September 17, 2013 election an appropriate question or questions to allow a clear and unambiguous Charter amendment that will expand the rights of Albany voters to participate in City decisions to borrow money and to make such other changes as the Council deems advisable to recognize and give due weight to the expression of citizen intent contained in Measure 22-117 while avoiding unnecessary City expense.</p>

Attach - Ord No. 5806

ORDINANCE NO. 5806

AN ORDINANCE CANVASSING THE VOTE OF THE MARCH 12, 2013, CHARTER AMENDMENT ELECTION CONCERNING INITIATIVE MEASURE 22-117, DETERMINING THE OUTCOME THEREOF, AND DECLARING AN EMERGENCY

WHEREAS, Measure No. 22-117 was placed before the voters of the City of Albany on March 12, 2013, as the result of a citizen's initiative petition; and

WHEREAS, it is the duty of the Albany City Council to canvass the vote, determine the outcome of the election, and to take appropriate action; and

WHEREAS, the Abstract of Votes prepared by Steve Druckenmiller, the duly-elected, qualified Clerk of the County of Linn, State of Oregon, as to the ballots cast in the Linn County election, held Tuesday, March 12, 2013, regarding citizen's Initiative Measure 22-117 for the City of Albany have been received; and

WHEREAS, the Abstract of Votes prepared by Codi Trudell, the duly-appointed, qualified Elections Supervisor of the County of Benton, State of Oregon, as to the ballots cast in the Benton County election, held Tuesday, March 12, 2013, regarding citizen's Initiative Measure 22-117 for the City of Albany have been received; and

WHEREAS, the City Council recognizes its obligation to follow Oregon law which establishes specific requirements for determining the passage of citizen-initiated measures of this type; and

WHEREAS, in considering its responsibilities, the Council, relying on the advice of the City Attorney with regard to the requirements of the law, finds as follows:

- A. The Constitution of the State of Oregon at Article II, Section 23 provides that any initiative measure that includes a proposed requirement for more than a majority of votes cast by the electorate to approve any change in law or government action shall become effective only if approved by at least the same percentage of voters specified in the proposed initiative.
- B. Initiative Measure 22-117 provided that new debt, debt extensions, and debt increases would require the approval of a majority of Albany electors to be effective.
- C. An elector is defined by ORS 250.005(2) as an individual **qualified to vote** under Section 2, Article II, of the Oregon Constitution.
- D. Section 2, Article II, of the Oregon Constitution describes the qualifications of electors to include U.S. citizenship, 18 years of age, state residency prior to the election, and registration to vote.
- E. An elector is one lawfully qualified to vote regardless of whether one actually participates in an election.
- F. Initiative Measure 22-117 was a citizen initiative which proposed that future government action would require majority approval of all eligible and qualified voters, not just a majority of all eligible and qualified voters who choose to vote.
- G. Initiative Measure 22-117 proposed to require future government action based upon an absolute majority vote and therefore must be approved by a similar absolute majority of eligible and qualified city voters in order to have passed.
- H. At the time of the March 12, 2013 election, Albany was deemed to have 27,012 electors; therefore, Initiative Measure 22-117 required 13,507 affirmative votes to be effective.
- I. The Elections Officer of Linn County has certified to the City that Initiative Measure 22-117 received 3,987 yes votes and 3,201 no votes.
- J. The Elections Officer of Benton County has certified to the City that Initiative Measure 22-117 received 990 yes votes and 1,074 no votes.
- K. Considering the total vote results from Linn and Benton counties, Initiative Measure 22-117 received 4,977 yes votes but required 13,507 yes votes for passage.
- L. The Charter of the City of Albany can only be amended by the people of the City of Albany following the requirements of state law.

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

Section 1: The findings enumerated above are adopted.

Section 2: The City of Albany accepts the vote totals provide by Linn and Benton Counties with regard to Initiative Measure 22-117 as follows:

TOTAL CERTIFIED			
22-117:	<u>Linn County</u>	<u>Benton County</u>	<u>Total Votes</u>
Yes	3,987	990	4,977
No	3,201	1,074	4,275

Section 3: Measure 22-117 did not receive the number of votes required for passage and cannot lawfully be placed in the Charter of the City of Albany.

Section 4: Notwithstanding the failure of Measure 22-117 to achieve the votes required for passage, the City Council recognizes that the measure received approval by a majority of the participating voters and therefore is an expression of legitimate citizen concern.

Section 5: The City Manager is directed to bring forward recommendations for the formation of a Charter Review Committee which is directed to study Measure 22-117 and propose a Charter amendment that affects its principal provisions while minimizing and avoiding likely unintended consequences and expenses.

Section 6: The City Council expresses its intention to consider the recommendations of the Charter Review Committee and to place before the voters for their consideration at the General Election held in November 2013 an appropriate question or questions to allow a clear and unambiguous Charter amendment that will expand the rights of Albany voters to participate in City decisions to borrow money and to make such other changes as the Council deems advisable to recognize and give due weight to the expression of citizen intent contained in Measure 22-117 while avoiding unnecessary City expense.

Section 7: Pending the outcome of the Charter amendment process referred to in Section 6 above, the City Council expresses its intention to comply with the legal meaning of Measure 22-117 as it is written, based on the advice of Bond Counsel [and the City Attorney].

Section 8: 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, an emergency is declared to exist; and this Ordinance shall be in full force and effect when signed by the Mayor.

Passed by the Council: April 10, 2013

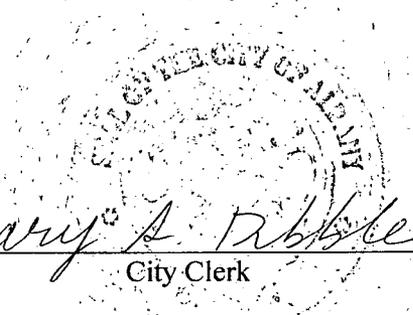
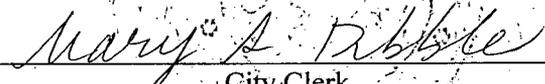
Approved by the Mayor: April 10, 2013

Effective Date: April 10, 2013



 Mayor

ATTEST:

 City Clerk

JURISDICTIONAL CANVASS

Final Certified Returns

Special Election
March 12, 2013

01 = BALLOTS CAST
22-116 CITY OF ALBANY
VOTE FOR 1
02 = Yes
03 = No
04 = OVER VOTES
05 = UNDER VOTES

VOTES PERCENT

2,068

1,037 50.41
1,020 49.59
0
11

22-117 CITY OF ALBANY

VOTE FOR 1

06 = Yes
07 = No
08 = OVER VOTES
09 = UNDER VOTES

VOTES PERCENT

990 47.97
1,074 52.03
0
4

	01	02	03	04	05	06	07	08	09
0011 11	2068	1037	1020	0	11	990	1074	0	4

I, CERTIFY THAT THE VOTES RECORDED ON THIS
ABSTRACT CORRECTLY SUMMARIZE THE TALLY OF
VOTES CAST AT THE ELECTION INDICATED.

Codi Judell
BENTON COUNTY RECORDS & ELECTIONS



NAME HEADING CANVASS

LINN COUNTY, OREGON

Final and Official

SPECIAL ELECTION

MARCH 12, 2013

RUN DATE:03/22/13 05:08 PM

REPORT-EL111

PAGE 0001

WITH 23 OF 23 PRECINCTS REPORTING

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 I E A B C T V T T
 S R L A A O O U O
 T S L S T T R T
 E L T A E N A
 R O L R O L
 E T U
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0001 001	628	263	41.88
0003 003	545	240	44.04
0005 005	801	220	27.47
0008 008	995	281	28.24
0011 011	549	193	35.15
0014 014	716	178	24.86
0015 015	273	69	25.27
0016 016	734	262	35.69
0018 018	2245	743	33.10
0048 048	921	455	49.40
0084 084	951	205	21.56
0089 089	695	274	39.42
0091 091	1087	252	23.18
0092 092	1677	437	26.06
0093 093	1771	454	25.64
0094 094	693	219	31.60
0095 095	1081	352	32.56
0096 096	838	425	50.72
0100 100	1370	467	34.09
0102 102	1204	420	34.88
0105 105	642	197	30.69
0106 106	733	224	30.56
0107 107	1145	393	34.32
CANDIDATE TOTALS	22294	7223	32.40

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RECYCLABLE

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SPECIAL ELECTION

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22-116 CITY OF ALBANY -- Urban Renewal

WITH 23 OF 23 PRECINCTS REPORTING

VOTE FOR 1

	OV		UV		
	VO		NO		
	ET		DT		
Y	N	R	E	E	
e	o	S	R	S	
s	(NON)	(NON)			
0001 001	87	174	1	1	
0003 003	85	152	0	3	
0005 005	101	119	0	0	
0008 008	183	97	0	1	
0011 011	95	97	0	1	
0014 014	121	57	0	0	
0015 015	41	28	0	0	
0016 016	128	134	0	0	
0018 018	462	277	0	4	
0048 048	252	201	1	1	
0084 084	125	77	0	3	
0089 089	176	98	0	0	
0091 091	155	94	0	3	
0092 092	265	172	0	0	
0093 093	293	157	0	4	
0094 094	133	86	0	0	
0095 095	231	120	0	1	
0096 096	210	212	0	3	
0100 100	298	167	0	2	
0102 102	281	137	1	1	
0105 105	135	62	0	0	
0106 106	122	101	0	1	
0107 107	241	152	0	0	
CANDIDATE TOTALS		4220	2971	3	29
CANDIDATE PERCENT		58.42	41.13	.04	.40

22-117 CITY OF ALBANY -- City Debt

WITH 23 OF 23 PRECINCTS REPORTING

VOTE FOR 1

	OV		UV	
	VO		NO	
	ET		DT	
Y	N	R	E	E
e	o	S	R	S
s	(NON)	(NON)		
0001 001	77	182	1	3
0003 003	77	163	0	0
0005 005	98	122	0	0

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1							1
2							2
3							3
4	0008 008	170	107	0	4		4
5	0011 011	94	99	0	0		5
6	0014 014	122	55	0	1		6
7	0015 015	42	26	0	1		7
8	0016 016	120	142	0	0		8
9	0018 018	413	328	0	2		9
10	0048 048	243	208	0	4		10
11	0084 084	112	93	0	0		11
12	0089 089	169	105	0	0		12
13	0091 091	148	103	0	1		13
14	0092 092	248	185	1	3		14
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Final and Official

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PAGE 0003

22-117 CITY OF ALBANY -- City Debt

WITH 23 OF 23 PRECINCTS REPORTING

VOTE FOR 1

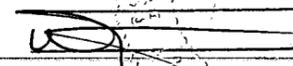
O V U V
V O N O

Y e N E T D T
s o R E E
(NON) (NON) S R S

(CONTINUED FROM PREVIOUS PAGE)

	Y e s (NON)	N o (NON)	E R S	T E S	D T E E R S
0093 093	283	171	0	0	
0094 094	127	92	0	0	
0095 095	231	120	0	1	
0096 096	193	227	0	5	
0100 100	283	181	0	3	
0102 102	263	154	0	3	
0105 105	126	71	0	0	
0106 106	123	100	0	1	
0107 107	225	167	0	1	
CANDIDATE TOTALS	3987	3201	2	33	
CANDIDATE PERCENT	55.19	44.31	.02	.45	

I hereby certify this copy to be a true, full and correct copy of the original now on record in my office.
STEVE DRUCKENMILLER

 County Clerk
March 22, 2013
Deputy

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