

**CITY OF TIGARD, OREGON  
TIGARD CITY COUNCIL  
RESOLUTION NO. 13-35**

A RESOLUTION OF THE TIGARD CITY COUNCIL SUBMITTING TO THE VOTERS A PROPOSED CHARTER AMENDMENT TO BE CONSIDERED AT THE NOVEMBER 5, 2013, GENERAL ELECTION, THAT WOULD AMEND SECTIONS 47 AND 48 OF THE TIGARD CHARTER RELATING TO URBAN RENEWAL

---

WHEREAS, the citizens of Tigard approved the City Center Urban Renewal Area Plan (“Plan”) in 1996 and the City has been implementing that plan; and

WHEREAS, the City’s bond counsel has indicated that ambiguous terms in the City Charter sections relating to urban renewal areas call into question the City’s ability to fully execute the Plan in a manner consistent with state law; and

WHEREAS, the ambiguous terms in Charter Sections 47 and 48 can be clarified by amending those sections of the Charter; and

WHEREAS, after due consideration, the Tigard City Council has decided to forward a proposed Charter Amendment to the voters.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: An election is hereby called in and for the City of Tigard, Washington County, Oregon, for the purpose of submitting to the legal voters the question:

Should the Charter be amended to clarify urban renewal provisions and conform with state law?

SECTION 2: The measure election hereby called shall be held in the City of Tigard on the 5<sup>th</sup> day of November 2013. The election shall be conducted by mail pursuant to ORS 254.465 and 254.470.

SECTION 3: The Tigard City Council authorizes the mayor, the city manager (each an “authorized representative”) or a designee of the authorized representative to act on behalf of the City of Tigard and to take such further action as is necessary to carry out the intent and purposes herein in compliance with the applicable provisions of law.

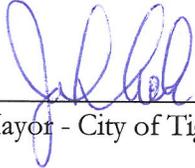
SECTION 4: Pursuant to ORS 250.275(5), the Tigard City Council directs the city elections officer to file with the Washington County Elections Office a Notice of City Measure Election in substantially the form of the attached and incorporated Exhibit A on a date no earlier than the eighth business day after the date on which Exhibit A is filed with the city elections officer but in any event, no later than September 5, 2013. The Washington County Elections Office is required to produce and disseminate a facsimile of the ballot in accordance with ORS 254.205.

SECTION 5: Pursuant to ORS 251.345, the Tigard City Council directs the city manager to prepare a Measure Explanatory Statement for publication in the county voters' pamphlet; said statement shall be filed with the Washington County Elections Office at the same time the Notice of City Measure Election is filed by the city elections officer.

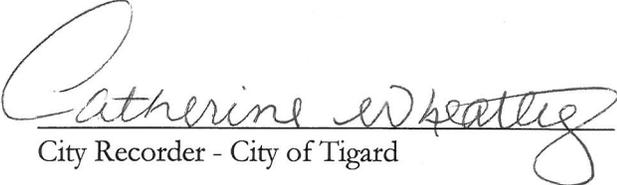
SECTION 6: The Act, containing the full Charter amendment, is attached hereto as Exhibit B and incorporated in this resolution by reference.

SECTION 7: This resolution is effective immediately upon passage.

PASSED: This 23<sup>rd</sup> day of July 2013.

  
\_\_\_\_\_  
Mayor - City of Tigard

ATTEST:

  
\_\_\_\_\_  
City Recorder - City of Tigard

# EXHIBIT A

## NOTICE OF CITY MEASURE ELECTION

Secretary of State Elections Division | 255 Capitol St. NE, Suite 501, Salem, OR 97310 | p. 503.986.1518 | f. 503.373.7414 | www.oregonvotes.org

### Notice of City Measure Election

**SEL 802**

Rev 01/10, ORS 250.020, 250.041  
250.275, 250.285, 254.095, 254.465

#### City and Notice Information

Notice is hereby given on \_\_\_\_\_, 2013, that a measure election will be held in

City of Tigard Oregon on November 5, 2013.  
Name of City or Cities Date of Election

The following shall be the ballot title of the measure to be submitted to the city's voters:

#### Caption 10 words

Charter amendment to clarify urban renewal provisions.

#### Question 20 words

Should the Charter be amended to clarify urban renewal provisions and conform with state law?

#### Summary 175 words

In 2006, Tigard voters approved the City Center Urban Renewal Plan ("Plan"). It has recently come to the attention of the City that state law changes adopted after the urban renewal provisions of the Charter were passed have created ambiguities in the Charter that need to be resolved in order to conform the Charter with state law and allow the City to obtain bonding necessary to fully implement the Plan.

This measure, if approved, would resolve those ambiguities to conform the Charter with state law and allow the City to obtain bonding for the Plan. The portions of the urban renewal provisions in the Tigard Charter requiring that voters approve any amendment to the Plan that would impose additional property taxes outside the urban renewal area would remain in effect. Voter approval would also still be needed to authorize any new urban renewal plan.

*The following authorized city official hereby certifies the above ballot title is true and complete, which includes publication of notice and the completion of the ballot title challenge process.*

Signature of Authorized City Official not required to be notarized

Date Signed mm/dd/yy

Printed Name of Authorized City Official

Title

## EXHIBIT B

### AN ACT

A Charter amendment submitted to the voters by the Tigard City Council. The Charter of the City of Tigard is amended to read (new language is underlined, deleted language is stricken) as shown below and referenced in City of Tigard Resolution No. 13-\_\_\_\_\_.

#### Section 47.

After November 6, 2013, ~~t~~The City shall not approve an urban renewal plan or an amendment of an urban renewal plan ~~if such plan includes~~ **that initiates the use of** tax increment financing as a permissible **method** ~~means~~ of paying the debts and obligations of the agency unless, prior to the activation and implementation of **such** tax increment financing, such method is approved by the voters of the City at a regular or special City election held in May or November. **The City Center Urban Renewal Plan dated December 6, 2005, initiated the use of tax increment financing and is deemed to be approved in its entirety for purposes of this Section 47.**

#### Section 48.

Any urban renewal plan or amendment thereof hereafter proposed or adopted shall require that the plan, including the method of financing same, shall be approved by the voters at a regular or special City election in May or November, if such plan or amendment **permits the City or the Agency to impose additional property taxes** ~~would or could involve the levying of a tax~~ on properties outside the urban renewal area to pay the debts or obligations to be incurred in carrying out the plan. Notwithstanding the foregoing, separate approval at an election is not required for:

- (1) Expenditures by the City, as distinguished from the urban renewal agency, which have been duly identified and included in a duly adopted City budget; or
- (2) Issuance of Bancroft bonds (ORS 223.205 to 223.295) in connection with assessments for local improvement districts, if such issuance is otherwise authorized by law.

I:\adm\cathy\election\2012\light rail referendum\exhibit b - an act.docx