

RESOLUTION 2016-14

A RESOLUTION RELATED TO VOTER APPROVED ANNEXATIONS AND SENATE BILL 1573, DIRECTING STAFF TO COMPLY WITH SECTION 53 OF THE CITY CHARTER AND CORVALLIS LAND DEVELOPMENT CODE

Minutes of the May 2, 2016 Corvallis City Council meeting, continued.

A resolution submitted by Councilor Hann.

WHEREAS, the Constitution of the State of Oregon limits the grant of power to the Oregon Legislature by reserving to the people the right of initiative and referendum, and further reserves to the voters of cities the right of initiative and referendum on local, special and municipal legislation, and further reserves to the voters of cities the right to adopt and amend municipal charters; and

WHEREAS, the people of the City of Corvallis voted and exercised the power under the Constitution and laws of the State of Oregon to enact a home rule charter; and

WHEREAS, the people of the City of Corvallis voted and exercised the power of initiative to amend the Charter by enacting Section 53, which requires that any annexation to the City of Corvallis be approved by a prior majority vote among the electorate, unless mandated by State law; and

WHEREAS, the City of Corvallis adopted a Comprehensive Plan and a Land Development Code, acknowledged by the State of Oregon as consistent with Statewide Planning Goals and State land use laws; and

WHEREAS, consistent with the City Charter, both the Comprehensive Plan and Land Development Code require that proposed annexations which comply with the land use criteria, except for those annexations mandated due to health hazards, must be referred to the voters for approval by a majority of the electorate, prior to being final; and

WHEREAS, in 2016 the Oregon Legislature passed an emergency law, Senate Bill 1573 (Chapter 51, Oregon Laws 2016), directing that annexation decisions must be made by the governing body of cities, and may not be made by the voters; and

WHEREAS, Senate Bill 1573 acts outside of the authority granted to the legislature by the Oregon Constitution by attempting to effectively amend the city charters of Corvallis and other home rule cities, and by frustrating the rights of the voters of cities to exercise their home rule authority; and

WHEREAS, Senate Bill 1573 conflicts with the City Charter, and the public, City Staff and applicants need to understand how the City of Corvallis will proceed with annexation proposals;


NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CORVALLIS RESOLVES that notwithstanding Senate Bill 1573, the City Council intends to refer all annexation approvals to the voters as required by the City Charter, Comprehensive Plan and Land Development Code; and

BE IT FURTHER RESOLVED that City Staff are directed to seek applicants' voluntary agreements to submit annexation proposals to the voters as required by the City Charter; and

BE IT FURTHER RESOLVED that City Staff are directed to comply with the Charter, Comprehensive Plan and Land Development Code of the City of Corvallis by processing all proposals for annexation without regard to Senate Bill 1573; and

BE IT FURTHER RESOLVED that the City Manager and City Attorney are directed to seek assistance, resources and support from other cities and organizations in order to defend the City Charter and the rights of the voters of Corvallis.

BE IT FURTHER RESOLVED that the City Manager and City Attorney are directed to seek assistance, resources and support from other cities and organizations in order to defend the City Charter and the rights of the voters of Corvallis and to file appropriate legal action on behalf of the City to do so.



Councilor

Upon motion duly made and seconded, the foregoing resolution was adopted, and the Mayor thereupon declared said resolution to be adopted.