

RESOLUTION 16-03

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**A RESOLUTION RELATED TO VOTER APPROVED ANNEXATIONS AND SENATE BILL 1573, DIRECTING STAFF TO COMPLY WITH SECTION 11.1 OF THE CITY CHARTER AND PHILOMATH ZONING ORDINANCES**

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 Philomath 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 Philomath voted and exercised the power of initiative to amend the Charter by enacting Section 11.1, which requires that any annexation to the City of Philomath be approved by a prior majority vote among the electorate, unless mandated by State law; and

WHEREAS, the City of Philomath adopted a Comprehensive Plan and Zoning Ordinances, 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 Zoning Ordinances 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 Philomath 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 Philomath will proceed with annexation proposals;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PHILOMATH 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

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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

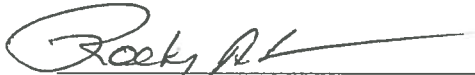
BE IT FURTHER RESOLVED that City Staff are directed to comply with the Charter, Comprehensive Plan and Land Development Code of the City of Philomath by processing all proposals for annexation without regard to Senate Bill 1573; and

BE IT FURTHER RESOLVED that the City Manager and City Attorney are directed to defend the City Charter and the rights of the voters of Philomath and to file appropriate legal action on behalf of the City to do so.

PASSED by the Council this 23<sup>rd</sup> day of May 2016.

APPROVED by the Mayor this 23<sup>rd</sup> day of May 2016.

SIGNED:

  
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Rocky Sloan, Mayor

ATTEST:

  
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Ruth Post, MMC, City Recorder