

ORDINANCE NO. 12-1008

AN ORDINANCE AUTHORIZING SUBMISSION OF EXPLANATORY STATEMENTS BY THE CITY FOR INCLUSION IN THE CLACKAMAS COUNTY VOTERS PAMPHLET FOR MATTERS SUBMITTED TO THE VOTERS UNDER THE REFERENDUM OR INITIATIVE POWERS; DECLARING AN EMERGENCY.

WHEREAS, the initiative and referendum powers are reserved to the people by the terms of Article IV, section 1 of the Oregon Constitution as to both state and municipal legislation; and

WHEREAS, Article IV, subsection 1(5) provides that municipalities like Oregon City may provide for the manner of exercising the initiative and referendum powers as to municipal legislation; and

WHEREAS, under the terms of OAR 165-022-0040, the City must pass an ordinance if it wishes to prepare explanatory statements on matters that are initiated or referred to the voters by petition; and

WHEREAS, the City Commission believes it in the public interest for the City to exercise its constitutional authority to provide for the manner of exercising the initiative and referendum powers as to municipal legislation and to comply with the aforementioned administrative rule and to therefore authorize the City to prepare explanatory statements for matters referred or initiated by petition in order that the City is assured of its ability to explain potential municipal legislation to the voters of Oregon City.

NOW, THEREFORE, based on the foregoing, the City of Oregon City ordains as follows:

Section 1. A new Chapter – 1.30 (Elections Code) – is hereby added to the Oregon City Municipal Code and a new section - 1.30.010 - is added to that Chapter, all of which is to read as follows:

Chapter 1.30 – Elections Code

1.30.010 Initiative and Referendum Explanatory Statements.

1.30.010 Initiative and Referendum Explanatory Statements.

A. The City Manager or City Attorney are designated and authorized to prepare explanatory statement(s) for the Clackamas County Voter's Pamphlet for matters relating to municipal

legislation referred or initiated by petition consistent with the terms of ORS 251.345 and OAR 165-022-0040.

B. The explanatory statement as prepared by either the City Manager or the City Attorney shall conform to the requirements imposed by state law and regulation and shall be approved by the City Commission prior to submittal to the County Clerk.

Section 2. In order that the City Attorney or City Manager are properly authorized to prepare the explanatory statements submitted to the Clackamas County Voter's Pamphlet for upcoming referendum or initiative measures that may arise in the next thirty days, an emergency is hereby declared and this ordinance is and shall be effective from and after its passage by the Commission.

Read for the first time at a regular meeting of the City Commission held on the 28th of August 2012, and the forgoing ordinance was finally enacted by the Commission on this 28th day of August 2012.

DOUG NEELEY, Mayor

Attested to this 28th day of August 2012:

Approved as to legal sufficiency:

Nancy Ide, City Recorder

City Attorney