

## **ORDINANCE NO. 253**

### **AN ORDINANCE OF THE CITY OF COOS BAY, IMPLEMENTING THE PROVISIONS OF ORS CHAPTER 457, AS AMENDED BY OREGON LAWS 1997, CHAPTER 541, BY CHOOSING AN OPTION FOR THE COLLECTION OF AD VALOREM PROPERTY TAX REVENUES FOR URBAN RENEWAL PLANS IN URBAN RENEWAL DISTRICTS LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF COOS BAY**

The City of Coos Bay ordains as follows:

#### **Section 1. Findings.**

(a) The City of Coos Bay adopted the 1988 City of Coos Bay Urban Renewal Plan (by Ordinance No. 130 on September 20, 1988, and amended the 1988 City of Coos Bay Urban Renewal Plan by Ordinance No. 210 on October 4, 1994 ("the 1988 Plan")).

(b) The City of Coos Bay adopted the Coos Bay Empire District Urban Renewal Plan by Ordinance No. 216 on August 30, 1995 ("the Empire Plan").

(c) On May 20, 1997, the voters of the State of Oregon adopted Ballot Measure 50, amending the Oregon Constitution, imposing limitations on ad valorem taxation of real property within the State of Oregon. As part of legislation implementing Measure 50, the 1997 Oregon Legislative Assembly enacted Oregon Laws 1997, Chapter 541, amending ORS Chapter 457, by making changes to the means whereby urban renewal projects are funded by ad valorem property tax revenues, and allowing a municipality with an "existing urban renewal plan," defined by Oregon Laws Chapter 541 as an urban renewal plan adopted by ordinance prior to December 6, 1996, to continue to collect ad valorem property taxes to pay when due, indebtedness issued or incurred to carry out urban renewal plans, as permitted by Article XI, Section 11(16) of the Oregon Constitution.

(d) Under ORS 457.435(2), as amended, a municipality with an existing urban renewal plan must choose one of three options for the collection of ad valorem property taxes to pay when due, indebtedness issued or incurred to carry out the urban renewal plan, as permitted by Article XI, Section 11(16) of the Oregon Constitution:

(1) ORS 457.435(2)(a) ("Option 1") provides that amounts shall be collected sufficient to pay the obligations as budgeted for in the existing urban renewal plan from the division of taxes pursuant to ORS 457.440, and, if the amount estimated to be received under ORS 457.440 is insufficient to meet the budgeted obligations for a given tax or fiscal year, amounts shall be collected from a special levy made upon all the taxable property in the municipality that activated the urban renewal agency for the amount of the remainder;

(2) ORS 457.435(2)(b) ("Option 2") provides that amounts shall be collected from a special levy upon all of the taxable property in the municipality that activated the

urban renewal plan, sufficient to pay the obligations as budgeted in the existing urban renewal plan, made in the amount stated in the notice given under ORS 457.440(2);

**(3)** ORS 457.435(2)(c), ("Option 3") provides for the collection of an amount to pay the obligations as budgeted for in the existing urban renewal plan from the division of taxes pursuant to ORS 457.440, and for the collection of the remainder or the amount stated in the notice given under ORS 457.444(2)(c) from a special levy made upon all the taxable property in the municipality that activated the urban renewal agency; provided, however, that the amount to be raised by the division of taxes may be limited to less than the full amount which could be raised by the division of taxes.

**(e)** The Urban Renewal Agency of the City of Coos Bay met on January 15, 1998, and voted to recommend to the City Council of the City of Coos Bay the adoption of Option 1 for the collection of ad valorem property taxes to pay for indebtedness issued or incurred under the 1988 Plan and the Empire Plan.

**(f)** On April 8, 1998, the Agency, acting by and through its duly designated representative Urban Renewal Agency Chairperson Joe Benetti, met with the Board of Commissioners for Coos County and the City Council of the City of Coos Bay, governing bodies of affected municipalities under ORS 457.437(1), to review the Agency's recommended option to collect such ad valorem property taxes.

**(g)** On April 15, 1998, the Board of Commissioners for Coos County adopted a resolution in favor of the option recommended by the Agency.

**(h)** The City Council of the City of Coos Bay has considered the recommendation of the Urban Renewal Agency, and comments and matters discussed at the meetings described in Subsection (f) of this Section, and the resolutions, if any, in support of or in opposition to the recommended option, and finds that ORS 457.435(2)(a) is the appropriate method of collecting ad valorem property taxes sufficient to pay, when due, indebtedness issued or incurred to carry out the 1988 City of Coos Bay Urban Renewal Plan and the Coos Bay Empire District Urban Renewal Plan, as permitted by Article XI, Section 11(16) of the Oregon Constitution.

## **Section 2. Choice of Option.**

**(a)** ORS 457.435(2)(a), Option 1, is hereby adopted as the method for collecting ad valorem property taxes sufficient to pay when due, indebtedness issued or incurred to carry out the 1988 City of Coos Bay Urban Renewal Plan as permitted by Article XI, Section 11(16) of the Oregon Constitution.

**(b)** ORS 457.435(2)(a), Option 1, is hereby adopted as the method for collecting ad valorem property taxes sufficient to pay when due, indebtedness issued or incurred to carry out the Coos Bay Empire District Urban Renewal Plan as permitted by Article XI, Section 11(16)

of the Oregon Constitution.

**Section 3. Severability.** The sections, subsections, paragraphs, and clauses of this ordinance are severable. The invalidity of any one section, subsection, paragraph or clause shall not affect the validity of the remaining sections, subsections, paragraphs or clauses.

**Section 4.** This ordinance shall take effect 30 days after the enactment by the Council and signature by the Mayor.

The foregoing ordinance was enacted by the City Council of the City of Coos Bay this 19<sup>th</sup> day of May, 1998, by the following vote:

Yes:	Mayor Verger and Councilors Benetti, McKeown, Spangler, and Weeks
No:	None
Absent:	Councilors Miller and Stufflebean

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Joanne Verger  
Mayor of the City of Coos Bay  
Coos County, Oregon

ATTEST:

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Joyce Jansen  
Deputy Recorder of the City of Coos Bay  
Coos County, Oregon