

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: An Ordinance Amending Chapter 2.11 of the City Code by Adding New Sections Relating to the Process for Enacting Ordinances and Declaring an Emergency

FOR AGENDA OF: 04-06-21 **BILL NO:** 21092

CITY MANAGER'S APPROVAL: 

DEPARTMENT OF ORIGIN: City Attorney
Bill Kirby

DATE SUBMITTED: 03-26-21

CLEARANCES:

PROCEEDING: ORDINANCE
First Reading

EXHIBITS: 1. Draft Ordinance

BUDGET IMPACT

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$0	BUDGETED \$0	REQUIRED \$0

RECOMMENDED ACTION:

The Mayor read aloud and verbatim the following regarding the proposed ordinance (Exhibit 1):

“On April 13, 2021, during the regularly scheduled City Council meeting, a public hearing will be held regarding the following proposed ordinance: An Ordinance Amending Chapter 2.11 of the City Code by Adding New Sections Relating to the Process for Enacting Ordinances and Declaring an Emergency.”

ORDINANCE NO. TBD

AN ORDINANCE AMENDING CHAPTER 2.11 OF THE CITY CODE BY ADDING NEW SECTIONS RELATING TO THE PROCESS FOR ENACTING ORDINANCES AND DECLARING AN EMERGENCY

Whereas, on February 11, 2020, the City Council adopted Resolution No. 4627, referring to the voters of Beaverton a measure proposing a new city charter and adopting a ballot title for the referral;

Whereas, on May 19, 2020, the voters of Beaverton voted to adopt the Beaverton Charter of 2021, which became operative on January 1, 2021;

Whereas, the newly adopted charter changes the city's procedures for adopting ordinances;

Whereas, the Beaverton Code (Code) requires modifications to be consistent with the new ordinance-adoption procedures set forth in the charter.

Now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. Amendment. The Code is amended by adding the sections as shown in Exhibit A, which is attached and incorporated by this reference.

Section 2. Severability. The sections and subsections of this ordinance are severable. If any part of this ordinance is held unconstitutional or otherwise invalid by a court of competent jurisdiction, the remaining parts shall remain in full force and effect unless:

- A. The remaining parts are so essentially and inseparably connected with and dependent upon the unconstitutional or invalid part that it is apparent that the remaining parts would not have been enacted without the unconstitutional or invalid part; or
- B. The remaining parts, standing alone, are incomplete and incapable of being executed according to the legislative intent.

Section 3. Effective Date. This ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this ordinance takes effect on its passage.

First reading the _____ day of _____, 2021.

Public hearing the _____ day of _____, 2021.

Duly passed by the City Council the _____ day of _____, 2021.

Signed:

Attested:

Lacey Beaty, Mayor

Catherine Jansen, City Recorder

2.11.012. Definitions

As used in this chapter:

A. "Agenda bill" is a document prepared by staff explaining an issue being discussed at a council meeting.

B. "Ordinance" means a legislative enactment of the city and does not include administrative or quasi-judicial resolutions or orders.

C. "Substantive amendment" is an amendment to a proposed ordinance that, if the ordinance were enacted and codified, could not be edited under the authority granted the city attorney under BC 1.05.010 to edit the city code.

2.11.028 Ordinance Adoption Procedures.

A. Standard Adoption.

1. For at least seven days before the required public hearing on a proposed ordinance, a complete draft of the proposed ordinance, including any incorporated exhibits, must be:
 - a. available in paper for public inspection in the city recorder's office during business hours, and
 - b. electronically published on the city's website.
2. Staff must prepare an agenda bill for the public hearing announcement of the proposed ordinance. The agenda bill must include, at minimum:
 - a. the full title of the proposed ordinance, and
 - b. an announcement of the council meeting date when the required public hearing on the proposed ordinance will be held.
3. The public hearing announcement for the ordinance must occur at a council meeting on a date before the required public hearing. The public hearing announcement is complete when a staff or council member reads aloud the title of the proposed ordinance and announces the date of the council meeting when the public hearing on the ordinance will be held. The public hearing on the proposed ordinance may be held at any council meeting after the public hearing announcement for the proposed ordinance.
4. Staff must prepare an agenda bill for the public hearing on the proposed ordinance. The agenda bill must include, at minimum:
 - a. the full title of the proposed ordinance, and

- b. a statement that after the public hearing is closed, the council may move to adopt the proposed ordinance at the same council meeting.

- 5. The council must hold a public hearing on the proposed ordinance on the date previously announced, but it may continue the hearing to a later date certain if, in the sole judgment of the council, a continuance of the public hearing is either necessary or convenient. If a scheduled council meeting is cancelled, a public hearing on a proposed ordinance scheduled for that meeting is automatically continued to the next regularly scheduled council meeting unless the council, in its sole judgment, continues the public hearing to another date.

- 6. Once the public hearing on a proposed ordinance is closed, the council may then:
 - a. move to adopt the ordinance at the same meeting, or

 - b. specify further action to be taken regarding the ordinance, including providing direction to draft amendments or to postpone adoption to a later meeting.

- B. Expedited Adoption.
 - 1. For at least seven days before the required public hearing on a proposed ordinance, a complete draft of the proposed ordinance, including any incorporated exhibits, must be:
 - a. available in paper for public inspection in the city recorder's office during business hours, and

 - b. electronically published on the city's website.

 - 2. Staff must prepare an agenda bill for the proposed ordinance. The agenda bill must include, at minimum:
 - a. the full title of the proposed ordinance,

 - b. an announcement of the council meeting date when the required public hearing on the proposed ordinance will be held, and

 - c. a request that the council unanimously consent to the expedited consideration of the proposed ordinance.

 - 3. If at the council meeting when the required public hearing on the proposed ordinance is held:
 - a. the council members present and voting unanimously allow the expedited consideration of the proposed ordinance, then the council members and city attorney are excused from reading aloud the title of the proposed ordinance and announcing a later date for a public hearing on the ordinance. Instead, the council may hold a public

hearing on the proposed ordinance and consider adoption of the ordinance at the same council meeting.

b. the council does not unanimously allow the expedited consideration of the proposed ordinance, a staff or council member may read aloud the title of the proposed ordinance and announce a later council meeting date when the public hearing on the ordinance will be held.

4. The council may adopt an ordinance under expedited consideration only upon the unanimous approval of the council members present and voting. If the ordinance is not adopted, the council must specify further action to be taken regarding the ordinance, including providing direction to draft amendments or to bring the proposed ordinance back to council pursuant to standard ordinance adoption procedures.

C. **Emergency Adoption.** When a state of emergency exists as defined in BC 2.01.012, the council may adopt an ordinance to address the state of emergency by modifying the expedited adoption process in subsection B in any lawful manner the council determines necessary or convenient under the circumstances. Modifications may include, but are not limited to, reducing or waiving the seven-day publication requirement or adopting the ordinance without a public hearing. The modification of the ordinance adoption process must be made with the consent of all council members present and voting.

D. **Ordinance Titles and Agendas.** Whenever the proposed adoption, amendment, or repeal of an ordinance is listed as a subject anticipated to be considered at a public meeting, the meeting notice must describe the ordinance that is subject to the proposed action using the ordinance's full title.

E. **Amendment to Proposed Ordinance.** Any substantive amendment to a proposed ordinance made after the ordinance's public hearing announcement, expedited consideration, or emergency consideration must be:

1. electronically published on the city's website and made available in paper for public inspection in the city recorder's office at least twenty-four hours in advance of the public meeting, or
2. read aloud at a council meeting.

F. **Effective Date of Ordinance.** Unless otherwise specified in the ordinance, an ordinance becomes effective 30 days after its adoption. An ordinance with an emergency clause takes effect upon its adoption unless the emergency clause specifies another date that is less than 30 days after the ordinance's adoption, in which instance the specified date is the ordinance's effective date. Whether an ordinance includes an emergency clause and when an ordinance becomes effective or operative is a legislative decision of the council regardless of whether an actual state of emergency exists within the city.