

AGENDA ITEM SUMMARY

DATE: 04/05/2010 DEPARTMENT: Legal/Administrative DEPT. HEAD SIGNATURE: HD & Ned

SUBJECT: Determine make-up of the Urban Renewal Agency Board of Commissioners

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

On January 25, 2010, the Hailey City Council adopted a Resolution 2010-02 finding that the need exists in Hailey for an Urban Renewal Agency. The second step of the process toward implementing a URA is to appoint Commission Members. There are three approaches to this step:

1. Appoint 3-9 members of the community as the URA Board of Commissioners. The mayor would put together a list of nominees, and the council would confirm the appointments (this process normally is done by Resolution).
2. Appoint 3-9 members of the community to the URA Board of Commissioners, with some (up to 2) being city council members. This is a process that was recommended during the January 25 discussion by Don Keirn (this too would be done by Resolution)

50-2006 b(1) The mayor, by and with the advice and consent of the local governing body, shall appoint a board of commissioners of the urban renewal agency which shall consist of not less than three (3) commissioners nor more than nine (9) commissioners. In the order of appointment, the mayor shall designate the number of commissioners to be appointed, and the term of each, provided that the original term of office of no more than two (2) commissioners shall expire in the same year. The commissioners shall serve for terms not to exceed five (5) years, from the date of appointment, except that all vacancies shall be filled for the unexpired term. For inefficiency or neglect of duty or misconduct in office, a commissioner may be removed only after a hearing and after he shall have been given a copy of the charges at least ten (10) days prior to such hearings and have had an opportunity to be heard in person or by counsel

3. Appoint the Mayor and Council as the URA Board of Commissioners. This is allowed to be done by ordinance under IC 50-2006 (b) (2)

IC 50-2006 (b)(2) By enactment of an ordinance, the local governing body may appoint and designate itself to be the board of commissioners of the urban renewal agency, in which case all the rights, powers, duties, privileges and immunities vested by the urban renewal law of 1965, and as amended, in an appointed board of commissioners, shall be vested in the local governing body, who shall, in all respects when acting as an urban renewal agency, be acting as an arm of state government, entirely separate and distinct from the municipality, to achieve, perform and accomplish the public purposes prescribed and provided by said urban renewal law of 1965, and as amended.

(3) By enactment of an ordinance, the local governing body may terminate the appointed board of commissioners and thereby appoint and designate itself as the board of commissioners of the urban renewal agency.

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:

IC 50-2006 c) A commissioner shall receive no compensation for his services but shall be entitled to the necessary expenses, including traveling expenses, incurred in the discharge of his duties.

Hailey staff, consisting of City Administrator Heather Dawson, City Treasurer Becky Stokes, and City Planning Director Beth Robrahn are willing to assist in the development of an urban renewal plan. After the URA Plan is adopted and the tax incremental financing begins to develop its own revenue source, the URA would be able to fund or assist with funding of staff.

50-2006 (d) An urban renewal agency shall have the same fiscal year as a municipality and shall be subject to the same audit requirements as a municipality. An urban renewal agency shall be required to prepare and file with its local governing body an annual financial report and shall prepare, approve and adopt an annual budget for filing with the local governing body, for informational purposes. A budget means an annual estimate of revenues and expenses for the following fiscal year of the agency.

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)

The City Attorney has drafted an ordinance by which the city council, if it chooses, can assign itself the job or URA Board of Commissioners.

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

The City Administrator recommends that the Hailey City Council assign itself, through ordinance, the job of URA Board of Commissioners. From a practical standpoint, the URA board could convene on appropriate Monday's at 5:00 p.m. to review the staff's Plan development and make recommendations. After the URA is formed and the tax-increment financing begins to accumulate, the council could repeal the ordinance and establish a board of community members under either method 1. or 2. above, and have the funding to train and provide staff support to that board.

It is anticipated that after the three readings of the Ordinance establishing the city council as the URA Board of Commissioners are held, staff can begin bringing plan elements forward in May and June.

FOLLOW-UP REMARKS:

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HAILEY ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING HAILEY'S MUNICIPAL CODE TO ADD A NEW CHAPTER _____ ESTABLISHING A HAILEY URBAN RENEWAL BOARD OF COMMISSIONERS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, pursuant to Idaho Code § 50-2005, the Hailey City Council has adopted Hailey Resolution No. 2010-____ and has created the Hailey Urban Renewal Agency;

WHEREAS, Idaho Code § 50-2006 authorizes the Hailey City Council to appoint a board of commissioners for the Hailey Urban Renewal Agency;

WHEREAS, Idaho Code §§ 50-2006 and 50-2017 establish certain guidelines and limitations on commissioners of any urban renewal agency; and

WHEREAS, the Hailey City Council wish to adopt procedures for the appointment and administration of the board of commissioners for the Hailey Urban Renewal Agency.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HAILEY, IDAHO, AS FOLLOWS:

Section 1. The Hailey Municipal Code is hereby amended to add a new Chapter ____, as follows:

HAILEY URBAN RENEWAL BOARD OF COMMISSIONERS

Section _____. Establishment of Hailey Urban Renewal Board of Commissioners.

- a) Pursuant to Hailey Resolution No. 2010-02 and the findings of the Hailey City Council as prescribed in Idaho Code § 50-2005, the Hailey City Council has created the Hailey Urban Renewal Agency. The Hailey Urban Renewal Agency does hereby establish a board of commissioners consisting of not less than three (3), nor more than nine (9) commissioners of the Hailey Urban Renewal Agency.
- b) The mayor, by and with the advice and consent of the Hailey City Council, shall appoint a board of commissioners of the urban renewal agency. In the order of appointment, the mayor shall designate the number of commissioners to be appointed, and the term of each, provided that the original term of office of no more than two (2) commissioners shall expire in the same year. The commissioners shall serve for terms not to exceed five (5) years, from the date of appointment, except that all vacancies shall be filled for the unexpired term. By enactment of an ordinance, the Hailey City Council may terminate the appointed board of commissioners and thereby appoint and designate itself as the board of commissioners of the Hailey Urban Renewal Agency.
- c) In the alternative, the Hailey City Council may appoint and designate itself to be the board of commissioners of the Hailey Urban Renewal Agency by enactment of an ordinance, in which case all the rights, powers, duties, privileges and immunities vested by Idaho Code §§ 50-2001 et seq., and as amended, in an appointed board of commissioners, shall be vested in the Hailey City Council, who shall, in all respects when acting as the Hailey Urban Renewal Agency, be acting as an arm of state

government, entirely separate and distinct from the City of Hailey, to achieve, perform and accomplish the public purposes prescribed and provided by Idaho Code §§ 50-2001 et seq., and as amended.

d) For inefficiency or neglect of duty or misconduct in office, a commissioner may be removed only after a hearing and after the commissioner shall have been given a copy of the charges at least ten (10) days prior to such hearings and have had an opportunity to be heard in person or by counsel.

e) A commissioner shall receive no compensation for commissioner's services but shall be entitled to the necessary expenses, including travel expenses, incurred in the discharge of the commissioner's duties. Each commissioner shall hold office until a successor has been appointed and has qualified. A certificate of the appointment or reappointment of any commissioner shall be filed with the Hailey City Clerk and such certificate shall be conclusive evidence of the due and proper appointment of such commissioner.

f) The powers of an Hailey Urban Renewal Agency shall be exercised by the commissioners thereof. A majority of the commissioners shall constitute a quorum for the purpose of conducting business and exercising the powers of the agency and for all other purposes. Action may be taken by the agency upon a vote of a majority of the commissioners present, unless in any case the bylaws shall require a larger number.

g) The mayor of the City of Hailey may appoint a chairman, a cochairman, or a vice chairman for an initial term of office of one (1) year from among the commissioners. Thereafter, the commissioners shall elect the chairman, cochairman or vice chairman for a term of one (1) year from among their members. The Hailey Urban Renewal Agency may employ an executive director, technical experts and such other agents and employees, permanent and temporary, as it may require, and determine their qualifications, duties and compensation. For such legal service as it may require, the Hailey Urban Renewal Agency may employ or retain its own counsel and legal staff.

h) The Hailey Urban Renewal Agency shall file, with the City of Hailey, on or before March 31 of each year a report of its activities for the preceding calendar year, which report shall include a complete financial statement setting forth its assets, liabilities, income and operating expense as of the end of such calendar year. At the time of filing the report, the Hailey Urban Renewal Agency shall publish in a newspaper of general circulation in the City of Hailey a notice to the effect that such report has been filed with the City of Hailey and that the report is available for inspection during business hours in the office of the Hailey City Clerk and in the office of the Hailey Urban Renewal Agency.

i) The Hailey Urban Renewal Agency shall have the same fiscal year as the City of Hailey and shall be subject to the same audit requirements as the City of Hailey. The Hailey Urban Renewal Agency shall be required to prepare and file with the City of Hailey an annual financial report and shall prepare, approve and adopt an annual budget for filing with the City of Hailey, for informational purposes. A budget means an annual estimate of revenues and expenses for the following fiscal year of the Hailey Urban Renewal Agency.

j) The Hailey Urban Renewal Agency shall comply with the public records law pursuant to chapter 3, title 9, Idaho Code, open meetings law pursuant to chapter 23, title 67, Idaho Code, the ethics in government law pursuant to chapter 7, title 59, Idaho Code, and the competitive bidding provisions of chapter 28, title 67, Idaho Code.

k) No public official or employee of the City of Hailey (or board or commission thereof), and no commissioner or employee of the Hailey Urban Renewal Agency shall voluntarily acquire any

personal interest, direct or indirect, in any urban renewal project, or in any property included or planned to be included in any urban renewal project in the City of Hailey or in any contract or proposed contract in connection with such urban renewal project. Where such acquisition is not voluntary, the interest acquired shall be immediately disclosed in writing to the Hailey Urban Renewal Agency and such disclosure shall be entered upon its minutes. If any such official, commissioner or employee presently owns or controls, or owned or controlled within the preceding two (2) years, any interest, direct or indirect, in any property which he or she knows is included or planned to be included in an urban renewal project, the official, commissioner or employee shall immediately disclose this fact in writing to the Hailey Urban Renewal Agency, and such disclosure shall be entered upon the its minutes, and any such official, commissioner or employee shall not participate in any action by the City of Hailey (or board or commission thereof), or the Hailey Urban Renewal Agency affecting such property. Any violation of the provisions of this section shall constitute misconduct in office.

Section 2. Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 3. All City of Hailey ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

Section 4. This ordinance shall be in full force and effect from and after the required three (3) readings, approval, and publication according to law.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY THE MAYOR THIS ____ DAY OF _____, 2010.

Richard L. Davis, Mayor, City of Hailey

Attest:

Mary Cone, City Clerk

Publish: Idaho Mountain Express _____, 2010

