

GENERAL ORDINANCE NO. 12-1324**AN ORDINANCE ESTABLISHING PROCEDURES FOR THE
FORMATION OF ECONOMIC IMPROVEMENT DISTRICTS,
AND FOR LEVYING AND COLLECTING SPECIAL ASSESSMENTS****THE CITY COUNCIL OF THE CITY OF THE DALLES ORDAINS AS FOLLOWS:**

Section 1. Definitions. As used in this ordinance, the following words and phrases shall have the following meanings, except when the context requires otherwise:

- A. “Economic improvement” means”:
1. The planning or management of development or improvement activities;
 2. Landscaping or other maintenance of public areas;
 3. Promotion of commercial activity or public events;
 4. Activities in support of business recruitment and development;
 5. Improvements in parking systems or parking enforcement; or
 6. Any other economic improvement activity for which an assessment may be made on property specifically benefitted thereby.
- B. “Economic improvement plan” means a plan setting out:
1. A description of economic improvements proposed to be carried out, with any appropriate phasing plan or schedule;
 2. The number of years, subject to the provisions in this ordinance concerning the duration of economic improvement districts, in which assessments are proposed to be levied;
 3. A preliminary estimate of the annual cost of the proposed economic improvements;
 4. The proposed boundaries designated by map or perimeter description of an economic improvement within which subject properties would be assessed to finance the cost of the economic improvement;

5. The proposed formula for assessing the cost of economic improvements against subject properties;
 6. If applicable, information about the organization requesting the creation of the economic improvement district;
 7. Reasons why the economic improvement district should be created;
 8. If applicable, a list of anticipated agreements between the proposed economic improvement district and other organizations; and
 9. The administration fee, if any, to be paid to the City for administering the economic improvement district.
- C. “Lot” means a lot, block, or parcel of land.
- D. “Owner” means the owner of the title to real property or the contract purchaser of record shown on the last available complete assessment roll in the office of the Wasco County Assessor.

Section 2. Economic Development Plan. The City Council may consider creation of an economic improvement district on its own motion, or at the request of any person, entity, association, or City staff. Any request for consideration of the creation of an economic improvement district shall contain a proposed economic development plan. If the City Council decides to consider such a district on its own motion, it shall instruct the City staff to prepare an economic improvement plan. If an organization is willing to carry out improvement activities, City staff shall coordinate with that organization in developing the economic improvement plan.

Section 3. Notice. A public hearing before the City Council shall be held on the question of establishment of the economic improvement district. Notices of the proposed hearing shall be mailed or delivered personally to affected property owners, and shall announce the intention of the City Council to construct or undertake the economic improvement project and to assess benefitted properties. The notice shall state the time and place of the public hearing. This hearing shall be scheduled not sooner than thirty (30) days after the mailing or delivery of the notice.

Section 4. Hearing. If, after the hearing held pursuant to Section 3, the City Council determines that the economic improvements would afford special and peculiar benefit to properties within the economic improvement district different in kind or degree from that afforded to the general public, and that the economic improvement district should be established, then the City Council may adopt an ordinance stating those findings and establishing the district. The City Council shall then determine whether the properties benefitted shall bear all or a portion of the cost, and shall require notice of any proposed assessment be mailed or personally

delivered to the owner of each lot to be assessed, which notice shall state the amount of the assessment proposed on the property of the owner receiving the notice. The ordinance shall require the City Clerk to prepare the proposed assessment for each lot. The notice shall state the time and place of a second public hearing at which affected property owners may appear to support or object to the proposed assessment. The second hearing shall not be held sooner than thirty (30) days after the mailing or personal delivery of the notices. At the second hearing, the City Council may consider objections and may adopt, correct, modify or revise the proposed assessments. The City Council shall exempt residential real property and any portion of a structure used for residential purposes, those properties exempt from general property taxation under State law, and any other type of property that the City Council determines should be exempt from the assessment. The ordinance shall also provide that the assessments will not be made and the economic improvement project will be terminated when written objections are received at the second public hearing from owners of property upon which more than 33% of the total amount of the assessments is levied.

Section 5. Duration. Any economic improvement district formed pursuant to the provisions of this ordinance, shall be in effect for a period of three (3) to five (5) consecutive years as recommended in the economic improvement plan, commencing upon adoption of an ordinance assessing the affected properties as provided for in Section 7 of this ordinance. The City Council may extend the duration of the economic improvement district, after following the required public notice requirements and opportunity for remonstrances contained in ORS 223.132.

Section 6. Assessment. If written objections equivalent to the requisite 33% are not received as provided above, the City Council may adopt a final ordinance levying the appropriate assessments. Upon adoption of the final ordinance, the City Clerk shall enter any assessments in the City lien docket. The assessments shall be collected in the same manner as provided by general ordinance for the collection of local improvement assessments. Failure to pay may result in foreclosure in the same manner as provided for such other local improvement assessments.

Section 7. Advisory Committee. Any assessment ordinance may require creation of an advisory committee for each economic improvement district, to allocate expenditures of monies for economic improvement activities within the scope of this ordinance. If an advisory committee is created, the City Council shall strongly consider appointment of owners of property within the economic improvement district to the advisory committee. An existing association of property owners or tenants may enter into an agreement with the City to provide the proposed economic improvement.

Section 8. Expenditures. Money derived from assessments levied under the procedures set forth in this ordinance shall be spent only for the economic improvements set forth in the Economic Improvement Plan and for the cost of the City administration of the economic improvement district.

Section 9. Partition. When there has been an approved partition of a parcel and that parcel has a special assessment outstanding which remains wholly or partially unpaid, and full payment or an installment payment is not due, then any owner, mortgagee, or lien holder of any property affected by this partition may apply for an apportionment of the special assessment. Apportionment of the special assessment shall be done by resolution of the City Council, and that resolution shall be filed in the City lien docket. Where the special assessment is being paid in installments, the installments remaining unpaid shall be prorated among those small parcels so that each parcel shall be charged with the percentage of the remaining installment payments equal to the percentage of the unpaid assessment charged to the parcel upon apportionment. Apportionment shall be on the same basis as the original assessment.

Section 10. Severability. Should any portion of this ordinance be held to be invalid or unenforceable, it shall not affect the validity of the ordinance as a whole or of any other portion thereof.

Passed by the City Council and Approved by the Mayor May 14, 2012.