

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 570

BY REVENUE AND TAXATION COMMITTEE

AN ACT

1 RELATING TO URBAN RENEWAL LAW; AMENDING SECTION 50-2005, IDAHO CODE, TO  
2 REQUIRE THAT A RESOLUTION PROVIDE FOR THE HOLDING OF AN ELECTION AND  
3 TO PROVIDE THAT NO URBAN RENEWAL AGENCY AND NO MUNICIPALITY SHALL  
4 EXERCISE AUTHORITY GRANTED UNDER URBAN RENEWAL LAW UNTIL APPROVED BY  
5 MAJORITY VOTE AT AN ELECTION; AND AMENDING SECTION 50-2006, IDAHO CODE,  
6 TO PROVIDE THAT AN URBAN RENEWAL AGENCY SHALL NOT TRANSACT BUSINESS  
7 OR EXERCISE POWERS CONFERRED UNDER URBAN RENEWAL LAW UNTIL OR UNLESS  
8 APPROVED BY A MAJORITY OF THOSE VOTING UPON A CERTAIN QUESTION AND TO  
9 MAKE A TECHNICAL CORRECTION.  
10

11 Be It Enacted by the Legislature of the State of Idaho:

12 SECTION 1. That Section 50-2005, Idaho Code, be, and the same is hereby  
13 amended to read as follows:

14 50-2005. FINDING OF NECESSITY BY LOCAL GOVERNING BODY -- SUBMISSION TO  
15 ELECTORS FOR APPROVAL. (a) No urban renewal agency and no municipality shall  
16 exercise the authority hereafter conferred by this ~~act~~ chapter until after  
17 the local governing body shall have adopted a resolution finding that: (1)  
18 one (1) or more deteriorated or deteriorating areas as defined in this ~~act~~  
19 chapter exist in such municipality; (2) the rehabilitation, conservation,  
20 redevelopment, or a combination thereof, of such area or areas is necessary  
21 in the interest of the public health, safety, morals or welfare of the  
22 residents of such municipality; and (3) there is need for an urban renewal  
23 agency to function in the municipality. Such resolution shall also provide  
24 for holding an election consistent with the provisions of subsection (b) of  
25 this section.

26 (b) No urban renewal agency and no municipality shall exercise the  
27 authority conferred by this chapter until the question of whether the  
28 rehabilitation, conservation, redevelopment, or a combination thereof, of  
29 an area designated in the resolution adopted pursuant to subsection (a) of  
30 this section is necessary and there is a need for an urban renewal agency  
31 to function in the municipality, is submitted to the qualified electors  
32 residing in such area and approved by a majority of those voting upon the  
33 question. Such election shall be held in the manner provided in chapter 4,  
34 title 50, Idaho Code.

35 SECTION 2. That Section 50-2006, Idaho Code, be, and the same is hereby  
36 amended to read as follows:

37 50-2006. URBAN RENEWAL AGENCY. (a) There is hereby created in each  
38 municipality an independent public body corporate and politic to be known as  
39 the "urban renewal agency" for the municipality; provided, that such agency  
40 shall not transact any business or exercise its powers hereunder until or

1 unless the local governing body has made the findings prescribed in section  
2 50-2005, Idaho Code, and until or unless approved by a majority of those  
3 voting upon the question prescribed in section 50-2005, Idaho Code.

4 (b) Upon the local governing body making such findings and upon voter  
5 approval, the urban renewal agency is authorized to transact the business  
6 and exercise the powers hereunder by a board of commissioners to be appointed  
7 or designated as follows:

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

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

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

36 (c) A commissioner shall receive no compensation for his services but  
37 shall be entitled to the necessary expenses, including traveling expenses,  
38 incurred in the discharge of his duties. Each commissioner shall hold office  
39 until his successor has been appointed and has qualified. A certificate of  
40 the appointment or reappointment of any commissioner shall be filed with the  
41 clerk of the municipality and such certificate shall be conclusive evidence  
42 of the due and proper appointment of such commissioner.

43 The powers of an urban renewal agency shall be exercised by the  
44 commissioners thereof. A majority of the commissioners shall constitute a  
45 quorum for the purpose of conducting business and exercising the powers of  
46 the agency and for all other purposes. Action may be taken by the agency upon  
47 a vote of a majority of the commissioners present, unless in any case the  
48 bylaws shall require a larger number.

49 The mayor may appoint a chairman, a cochairman, or a vice chairman for  
50 a term of office of one (1) year from among the commissioners, thereafter

1 the commissioners shall elect the chairman, cochairman or vice chairman  
2 for a term of one (1) year from among their members. An agency may  
3 employ an executive director, technical experts and such other agents and  
4 employees, permanent and temporary, as it may require, and determine their  
5 qualifications, duties and compensation. For such legal service as it may  
6 require, an agency may employ or retain its own counsel and legal staff.  
7 An agency authorized to transact business and exercise powers under this  
8 chapter shall file, with the local governing body, on or before March 31  
9 of each year a report of its activities for the preceding calendar year,  
10 which report shall include a complete financial statement setting forth  
11 its assets, liabilities, income and operating expense as of the end of such  
12 calendar year. At the time of filing the report, the agency shall publish in  
13 a newspaper of general circulation in the community a notice to the effect  
14 that such report has been filed with the municipality and that the report  
15 is available for inspection during business hours in the office of the city  
16 clerk or county recorder and in the office of the agency.

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

24 (e) An urban renewal agency shall comply with the public records law  
25 pursuant to chapter 3, title 9, Idaho Code, open meetings law pursuant to  
26 chapter 23, title 67, Idaho Code, the ethics in government law pursuant to  
27 chapter 7, title 59, Idaho Code, and the competitive bidding provisions of  
28 chapter 28, title 67, Idaho Code.