

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 114

BY LOCAL GOVERNMENT COMMITTEE

AN ACT

1 RELATING TO URBAN RENEWAL; AMENDING SECTION 50-2006, IDAHO CODE, TO PRO-
2 VIDE FOR AN ELECTION, TO REVISE PROVISIONS RELATING TO ESTABLISHING A
3 BOARD OF COMMISSIONERS, TO PROVIDE FOR COMPOSITION OF A BOARD OF COM-
4 MISSIONERS, TO PROVIDE FOR BOARD TERMS, TO REVISE PROVISIONS RELATING
5 TO REMOVAL OF A COMMISSIONER, TO PROVIDE FOR FILLING A VACANCY, TO RE-
6 VISE PROVISIONS RELATING TO THE ELECTION OF BOARD OFFICERS AND TO MAKE A
7 TECHNICAL CORRECTION.
8

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

10 SECTION 1. That Section 50-2006, Idaho Code, be, and the same is hereby
11 amended to read as follows:

12 50-2006. URBAN RENEWAL AGENCY. (a) There is hereby created in each mu-
13 nicipality an independent public body corporate and politic to be known as
14 the "urban renewal agency" for the municipality; provided, that such agency
15 shall not transact any business or exercise its powers hereunder until or un-
16 less the local governing body has made the findings prescribed in section
17 50-2005, Idaho Code.

18 (b) Upon the local governing body making such findings, the urban
19 renewal agency is authorized to transact the business and exercise the
20 powers hereunder by a board of commissioners to be ~~appointed or designated~~
21 established as follows:

22 ~~(1) The mayor, by and with the advice and consent of the local govern-~~
23 ~~ing body, shall appoint a board of commissioners of the urban renewal~~
24 ~~agency which shall consist of not less than three (3) commissioners~~
25 ~~nor more than nine (9) commissioners. In the order of appointment, the~~
26 ~~mayor shall designate the number of commissioners to be appointed, and~~
27 ~~the term of each, provided that the original term of office of no more~~
28 ~~than two (2) commissioners shall expire in the same year. The commis-~~
29 ~~sioners shall serve for terms not to exceed five (5) years, from the~~
30 ~~date of appointment, except that all vacancies shall be filled for the~~
31 ~~unexpired term~~ A board of commissioners of the urban renewal agency
32 shall be elected at a countywide election by qualified electors of the
33 county in which the urban renewal agency is established. The board of
34 commissioners shall consist of not more than five (5) commissioners.
35 Board commissioners shall be determined by a plurality of the votes
36 cast by qualified electors. Board commissioners may not hold any other
37 elective office of the state of Idaho or of any political subdivision of
38 the state, except for elected precinct committeemen elected pursuant
39 to section 34-624, Idaho Code. On any board of commissioners there
40 shall be one (1) more commissioner who resides within the boundaries of
41 the municipality wherein the urban renewal agency is located than com-
42 missioners who reside outside the municipality but within the county.

1 Commissioner terms shall be staggered, with a simple majority of com-
2 missioners serving four (4) year terms and a minority serving two (2)
3 year terms.

4 (2) For inefficiency or neglect of duty or misconduct in office, a com-
5 missioner may be removed by a majority vote of the board only after a
6 hearing and after he shall have been given a copy of the charges at least
7 ten (10) days prior to such hearings and have had an opportunity to be
8 heard in person or by counsel. Any commission position which becomes
9 vacant at a time other than the expiration of a term, shall be filled by a
10 majority vote of the board. The board may elect any person to fill such
11 vacant position where such person meets the requirements of a commis-
12 sioner provided for in this chapter.

13 ~~(2) By enactment of an ordinance, the local governing body may appoint~~
14 ~~and designate itself to be the board of commissioners of the urban re-~~
15 ~~newal agency, in which case all the rights, powers, duties, privileges~~
16 ~~and immunities vested by the urban renewal law of 1965, and as amended,~~
17 ~~in an appointed board of commissioners, shall be vested in the local~~
18 ~~governing body, who shall, in all respects when acting as an urban re-~~
19 ~~newal agency, be acting as an arm of state government, entirely separate~~
20 ~~and distinct from the municipality, to achieve, perform and accomplish~~
21 ~~the public purposes prescribed and provided by said urban renewal law of~~
22 ~~1965, and as amended.~~

23 ~~(3) By enactment of an ordinance, the local governing body may termi-~~
24 ~~nate the appointed board of commissioners and thereby appoint and des-~~
25 ~~ignate itself as the board of commissioners of the urban renewal agency.~~

26 (c) A commissioner shall receive no compensation for his services but
27 shall be entitled to the necessary expenses, including traveling expenses,
28 incurred in the discharge of his duties. Each commissioner shall hold office
29 until his successor has been appointed and has qualified. A certificate of
30 the appointment or reappointment of any commissioner shall be filed with the
31 clerk of the municipality and such certificate shall be conclusive evidence
32 of the due and proper appointment of such commissioner.

33 The powers of an urban renewal agency shall be exercised by the commis-
34 sioners thereof. A majority of the commissioners shall constitute a quo-
35 rum for the purpose of conducting business and exercising the powers of the
36 agency and for all other purposes. Action may be taken by the agency upon a
37 vote of a majority of the commissioners present, unless in any case the by-
38 laws shall require a larger number.

39 ~~The mayor may appoint a chairman, a cochairman, or a vice chairman for~~
40 ~~a term of office of one (1) year from among the commissioners, thereafter~~
41 ~~the commissioners shall elect the chairman, cochairman or vice chairman for~~
42 ~~a term of one (1) year from among their members. An agency may employ an~~
43 ~~executive director, technical experts and such other agents and employees,~~
44 ~~permanent and temporary, as it may require, and determine their qualifica-~~
45 ~~tions, duties and compensation. For such legal service as it may require,~~
46 ~~an agency may employ or retain its own counsel and legal staff. An agency~~
47 ~~authorized to transact business and exercise powers under this chapter shall~~
48 ~~file, with the local governing body, on or before March 31 of each year a~~
49 ~~report of its activities for the preceding calendar year, which report shall~~
50 ~~include a complete financial statement setting forth its assets, liabili-~~

1 ties, income and operating expense as of the end of such calendar year. At
2 the time of filing the report, the agency shall publish in a newspaper of
3 general circulation in the community a notice to the effect that such report
4 has been filed with the municipality and that the report is available for
5 inspection during business hours in the office of the city clerk or county
6 recorder and in the office of the agency.

7 (d) An urban renewal agency shall have the same fiscal year as a munici-
8 pality and shall be subject to the same audit requirements as a municipality.
9 An urban renewal agency shall be required to prepare and file with its lo-
10 cal governing body an annual financial report and shall prepare, approve and
11 adopt an annual budget for filing with the local governing body, for informa-
12 tional purposes. A budget means an annual estimate of revenues and expenses
13 for the following fiscal year of the agency.

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