

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 504

BY LOCAL GOVERNMENT COMMITTEE

AN ACT

1 RELATING TO URBAN RENEWAL LAW; AMENDING SECTION 50-2006, IDAHO CODE, TO ES-  
2 TABLISH PROVISIONS RELATING TO A RESOLUTION FOR THE SELECTION OF A BOARD  
3 OF COMMISSIONERS, TO REVISE PROVISIONS RELATING TO A BOARD OF COMMIS-  
4 SIONERS AND TO DELETE PROVISIONS RELATING TO AN ENACTMENT OF AN ORDI-  
5 NANCE.  
6

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

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

10 50-2006. URBAN RENEWAL AGENCY. (a) There is hereby created in each mu-  
11 nicipality an independent public body corporate and politic to be known as  
12 the "urban renewal agency" that was created by resolution as provided in sec-  
13 tion 50-2005, Idaho Code, before July 1, 2011, for the municipality; pro-  
14 vided, that such agency shall not transact any business or exercise its pow-  
15 ers hereunder until or unless: (1) the local governing body has made the  
16 findings prescribed in section 50-2005, Idaho Code; and provided further,  
17 that such agency created after July 1, 2011, shall not transact any busi-  
18 ness or exercise its powers provided for in this chapter until (2) a majority  
19 of qualified electors, voting in a citywide or countywide election depend-  
20 ing on the municipality in which such agency is created, vote to authorize  
21 such agency to transact business and exercise its powers provided for in this  
22 chapter.

23 If prior to July 1, 2011, the local governing body has made the findings pre-  
24 scribed in subsection (a) (1) of this section then such agency shall transact  
25 business and shall exercise its powers hereunder and is not subject to the  
26 requirements of subsection (a) (2) of this section.

27 (3) Effective July 1, 2012, the city council or board of county commis-  
28 sioners shall adopt by resolution the method by which existing urban  
29 renewal agencies shall select a board of commissioners either by the  
30 mayor, by and with the advice and consent of the local governing body, or  
31 by provisions provided for in subsection (b) of this section.

32 (b) Upon satisfaction of the requirements under subsection (a) of this  
33 section, the urban renewal agency is authorized to transact the business and  
34 exercise the powers hereunder by a board of commissioners to be established  
35 as follows:

36 (1) The mayor, by and with the advice and consent of the local governing  
37 body, shall appoint a board of commissioners of the urban renewal agency  
38 A board of commissioners of the urban renewal agency shall be elected by  
39 qualified electors in a plurality of votes cast in the election in the  
40 city or county in which the urban renewal agency is established after  
41 July 1, 2012, which shall consist of not less than three (3) commis-  
42 sioners nor more than nine (9) commissioners. In the order of appointment,

1 the mayor shall designate the number of commissioners to be appointed,  
2 and the term of each, provided that the original term of office of no  
3 more than two (2) commissioners shall expire in the same year. The com-  
4 missioners shall serve for terms not to exceed five (5) years, from the  
5 date of appointment, except that all vacancies shall be filled for the  
6 unexpired term. Board commissioners may not hold any other elective  
7 office of the city or county in which the urban renewal agency resides,  
8 except for elected precinct committeemen elected pursuant to section  
9 34-624, Idaho Code. On any board of commissioners, terms shall be stag-  
10 gered, with a simple majority of commissioners serving four (4) year  
11 terms and a minority serving two (2) year terms.

12 (2) For inefficiency or neglect of duty or misconduct in office, a com-  
13 missioner may be removed by a majority vote of the board or by the local  
14 governing body only after a hearing and after he shall have been given a  
15 copy of the charges at least ten (10) days prior to such hearing and have  
16 had an opportunity to be heard in person or by counsel. Any commission  
17 position which becomes vacant at a time other than the expiration of a  
18 term shall be filled by a majority vote of the board. The board may elect  
19 any person to fill such vacant position where such person meets the re-  
20 quirements of a commissioner provided for in this chapter.

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

31 ~~(4) By enactment of an ordinance, the local governing body may termi-~~  
32 ~~nate the appointed board of commissioners and thereby appoint and des-~~  
33 ~~ignate itself as the board of commissioners of the urban renewal agency.~~

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

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

47 The commissioners shall elect the chairman, cochairman or vice chair-  
48 man for a term of one (1) year from among their members. An agency may employ  
49 an executive director, technical experts and such other agents and employ-  
50 ees, permanent and temporary, as it may require, and determine their qual-

1   ifications, duties and compensation. For such legal service as it may re-  
2   quire, an agency may employ or retain its own counsel and legal staff. An  
3   agency authorized to transact business and exercise powers under this chap-  
4   ter shall file, with the local governing body, on or before March 31 of each  
5   year a report of its activities for the preceding calendar year, which report  
6   shall include a complete financial statement setting forth its assets, lia-  
7   bilities, income and operating expense as of the end of such calendar year.  
8   The agency shall be required to hold a public meeting to report these find-  
9   ings and take comments from the public. At the time of filing the report, the  
10   agency shall publish in a newspaper of general circulation in the community  
11   a notice to the effect that such report has been filed with the municipality  
12   and that the report is available for inspection during business hours in the  
13   office of the city clerk or county recorder and in the office of the agency.

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

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