

ORDINANCE NO. 3504

AN ORDINANCE PROVIDING FOR THE CALLING OF A SPECIAL ELECTION IN THE CITY OF ALBANY, OREGON, ON NOVEMBER 3, 1970, FOR THE PURPOSE OF SUBMITTING TO THE LEGAL VOTERS OF THE CITY OF ALBANY, OREGON, THE QUESTION OF ADOPTING A SPECIAL CONTINUING FIVE (5) YEAR TAX LEVY OF \$92,400.00 PER YEAR OUTSIDE THE 6% LIMITATION, BEGINNING WITH THE YEAR 1971-72, TO PROVIDE FUNDS FOR THE PAYMENT OF ADDITIONAL CITY EMPLOYEES AND TO SUPPLEMENT EXISTING SALARIES AMONG EMPLOYEES IN THE CITY; AND FOR FURTHER SUBMITTING TO THE LEGAL VOTERS OF THE CITY OF ALBANY A CHARTER AMENDMENT REQUIRING COLLECTIVE BARGAINING AGREEMENTS, AND DECLARING AN EMERGENCY.

RECITALS:

1. WHEREAS, an initiative petition has been filed with the appropriate names affixed requiring the submission of an initiative measure to the legal voters of the City of Albany, providing for a Charter amendment requiring collective bargaining agreements between the City Council and employee bargaining units covering wages, hours, working conditions, retirement, pensions, and other benefits and establishing time schedules and procedures, and

2. WHEREAS, it is necessary to submit the questions establishing a continuing levy to the legal voters of the City of Albany, Oregon, and it is further necessary to submit the question of Charter amendment requiring collective bargaining to the legal voters of the City of Albany, Oregon, now, therefore,

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: SPECIAL ELECTION CALLED

Two propositions set forth in Section 2 and Section 3 of this ordinance should be submitted in the manner prescribed in this ordinance to the legal voters of the City of Albany, Oregon, at a special election to be held on the 3rd day of November, 1970.

There is a state wide general election being held in the State of Oregon and in the City of Albany and as a part thereof on the 3rd day of November, 1970, and this special election is called to be held concurrently therewith.

Section 2: PROPOSITION TO BE VOTED

At the election there shall be submitted to the legal voters of the City of Albany, for their approval or rejection, the following proposition:

"Shall the City of Albany levy a special continuing five (5) year tax levy not to exceed Ninety-two Thousand Four Hundred DOLLARS (\$92,400.00) per year outside the six percent (6%) limitation as provided in the Oregon Constitution, beginning with the tax year 1971-72, to provide for the payment of salaries for additional employees in the City, and supplementing existing salaries of City employees?"

The rate of levy deemed necessary to raise the above amount is estimated as follows:

For 1971-72	The sum of Seventy-eight Hundredths Dollars (\$0.78) per thousand dollars of true cash value of taxable property within the City
For 1972-73	The sum of Seventy-eight Hundredths DOLLARS (\$0.78) per thousand dollars of true cash value of taxable property within the City
For 1973-74	The sum of Seventy-eight Hundredths DOLLARS (\$0.78) per thousand dollars of true cash value of taxable property within the City
For 1974-75	The sum of Seventy-eight Hundredths DOLLARS (\$0.78) per thousand dollars of true cash value of taxable property within the City
For 1975-76	The sum of Seventy-eight Hundredths DOLLARS (\$0.78) per thousand dollars of true cash value of taxable property within the City

Section 3: PROPOSITION TO BE NOTED

At the election there shall be submitted to the legal voters of the City of Albany, for their approval or rejection, the following proposition:

"Shall the Charter of the City of Albany be amended by adding thereto a new chapter recognizing public employee bargaining units and bargaining agents of municipal employee groups and to bargain collectively with such agents, to enter into collective bargaining agreements with them for their respective memberships with the amendment and the new Chapter to read as follows:

'Section 1: DECLARATION OF POLICY.

'WHEREAS, since 1963 the State of Oregon has enacted and adopted laws contained in Sections 243.710 to 243.780, inclusive, of Oregon Revised Statutes (Laws of 1963 Chapter 579) setting forth the right of public employees to join labor organizations of their choice and the right of public employers to enter into collective bargaining agreements with employee representatives and the purpose of such state law has been to promote the improvement of the relationship between public employers and their employees by providing a uniform basis for recognizing the right of public employees to join labor organizations of their own choosing and to be represented by such organizations in matters concerning their employment relations with public employers; and

'WHEREAS, the State of Oregon by enactment of Chapter 671 Oregon Laws of 1969 by the Fifty-fifth Legislative Assembly implemented the provisions of Sections 243.710 to 243.780, inclusive, created a State of Oregon Public Employee Relations Board, provided specific procedures to provide for the election and certification of a ' " labor organization" ' to represent public employees to insure that collective bargaining is undertaken by the public employer and labor organization in good faith, and provided that in the event of deadlocks in negotiations to provide for a fact finding investigation to be made by a Fact Finding Committee and provided said Fact Finding Committee may attempt to mediate a dispute; and

"WHEREAS, in the event that the Fact Finding Committee appointed by the Public Employee Relations Board is unable to settle a deadlock, the State law makes no provision for the ultimate settlement of any controversy or dispute between the public employer and the labor organization; and

"WHEREAS, recognizing that the City budget is recommended by the Budget Committee under State law, which said Budget Committee includes among its members the City Council, and if the budget exceeds the six percent limitation of the City's tax base, the tax levy therefor must be approved by the voters of the City, and the voters of the City may be the final arbiter of any collective bargaining dispute that relates to direct or indirect monetary benefits to the City employees; and

"WHEREAS, it is in the public interest to adopt this Charter Amendment to further the purpose of the collective bargaining laws of the State of Oregon and in addition thereto to establish a fair and equitable means of resolution of labor disputes and impasses and to protect the interest of the Citizens of the City of Albany.

"Section 2. The City of Albany is hereby declared a 'Public Employer' and does hereby request the Public Employee Relations Board to make its services and facilities available for the purpose of establishing public employee representations pursuant to Oregon Revised Statute Section 243.711(5) and Sections 243.751(1).

"Section 3. The City Manager, or his agent or representative, shall be the negotiator for the City of Albany. The City Manager and the labor organization shall:

"(a) Not later than February 15th of any year if either party proposes a collective bargaining agreement to be in effect for the following fiscal year, such party shall present to the other party in writing any items or subjects for collective bargaining and each party shall furnish the other party on written request such information as is necessary for good faith bargaining required herein.

"(b) Not later than March 1st commence bilateral collective bargaining in good faith.

"Section 4. Mediation Required. If by May 1 of any year the City Manager and the labor organization cannot agree on the terms for collective bargaining agreement, then the City Manager shall request the Oregon State Conciliation Service for assistance in mediating the unresolved matters.

"Section 5. Fact Finding Procedures. If by May 15 all matters have not been resolved by mediation and a collective bargaining agreement is not in final form for submission to the City Council, then the City Manager shall forthwith ask for the assistance of the Public Employee Relations Board for a fact finding committee pursuant to the State law above set forth and the rules of the Public Employee Relations Board for the purpose of settling any unresolved matters. The request for said Fact Finding Committee shall include a request to the Public Employee Relations Board that one member thereof be from Linn County.

"(a) Not later than June 1 thereafter, the Fact Finding Committee shall adopt their Report of Findings and Recommendations.

"Section 6. Impasse Procedures. If by June 5 thereafter the parties have not reached an agreement, then the City Manager shall request the members of the Fact Finding Committee to act as an Impasse Committee to settle any unresolved matter by means of either mediation, additional fact finding, or nonbinding or binding arbitration or all of said procedures at its option.

"(a) In the event of arbitration of unresolved matters by the Impasse Committee, the Committee's determination shall be binding on the parties, that is to say, upon the City Manager and labor organization.

"(b) Not later than June 15 the Impasse Committee shall announce its determination and recommended conclusion of any and all matters to the City Manager and labor organization.

"(c) The City shall pay all expenses of the Impasse Committee.

"Section 7. City Council Action. Notwithstanding anything in this Charter Amendment contained, any agreement regardless of how reached, whether by arbitration or agreement between the parties, shall not be binding upon the City Council until the Council votes to accept or reject. A negotiated collective bargaining agreement arrived at by the City Manager and the labor organization and/or Impasse Committee shall be referred to the Common Council of the City of Albany for approval or rejection only. The Council may not otherwise act upon the proposal referred to it.

"Section 8. Charter Amendment Enforcement. The enforcement and compliance with the provisions of this Charter Amendment may be by a suit in equity brought in the Circuit Court of the State of Oregon for Linn County by the City, or by a duly elected bargaining representative, against any person or party who it is claimed has violated this Charter Amendment.

"Section 9. If any provisions of this act or the application thereof to any person or circumstances is held invalid, the remainder of this act, and the application of such provision to other persons or circumstances, shall not be affected thereby, and to this end the provisions of this act are declared to be severable.

"Section 10. All acts or parts of acts inconsistent herewith are hereby repealed.

"Section 11. This Act shall take effect immediately."

Section 4. DESIGNATION OF POLLING PLACES, POLL BOOKS AND JUDGES

The regular polling places designated by the County Court of Linn County, Oregon, in each voting precinct in the City of Albany are hereby designated as the polling places for the special city election. The poll books adopted by the County Court of Linn County, Oregon, as the poll books for the state wide general election for the voting precincts in the City of Albany hereby are adopted as the poll books for the special City election. The judges and clerks of election appointed by the County Court of Linn County, Oregon, to serve at the state wide general election hereby are designated as the judges and clerks of and for the special City election.

Section 5. HOURS OF ELECTION

The polls for the special City election shall be open in each of the voting precincts at the same hour, and should be kept open until the same hour, as the polls are opened and closed for the state wide general election that will be held on the same date.

Section 6. NOTICE OF ELECTION

Notice of election shall be given by publication twice in a newspaper of general circulation in the City of Albany, Oregon, not more than twenty (20) nor less than ten (10) days before the election. Notices of the election shall be posted for not less than twenty (20) days before the election in three public places within the City. The notice in the newspaper and those posted in three public places shall be in substantially the following form:

"NOTICE OF SPECIAL ELECTION

"On the 3rd day of November, 1970, in the City of Albany, Linn County, Oregon, from 8:00 a.m. to 8:00 p.m. a special election will be held at which the following measures will be submitted to the voters for their approval:

---

"Shall the City of Albany levy a special continuing five (5) year tax levy not to exceed Ninety-two Thousand Four Hundred DOLLARS (\$92,400.00) per year outside the six percent (6%) limitation as provided in the Oregon Constitution, beginning with the tax year 1971-72, to provide for the payment of salaries for additional employees in the City, and supplementing existing salaries of City employees?"

The rate of levy deemed necessary to raise the above amount is estimated as follows:

For 1971-72	The sum of Seventy-eight Hundredths DOLLARS (\$0.78) per thousand dollars of true cash value of taxable property within the City	
For 1972-73	The sum of Seventy-eight Hundredths DOLLARS (\$0.78) per thousand dollars of true cash value of taxable property within the City	
For 1973-74	The sum of Seventy-eight Hundredths DOLLARS (\$0.78) per thousand dollars of true cash value of taxable property within the City	Yes <input checked="" type="checkbox"/>
For 1974-75	The sum of Seventy-eight Hundredths DOLLARS (\$0.78) per thousand dollars of true cash value of taxable property within the City	No <input checked="" type="checkbox"/>

For 1975-76

The sum of Seventy-eight Hundredths DOLLARS (\$0.78) per thousand dollars of true cash value of taxable property within the City

SHALL THE CHARTER OF THE CITY OF ALBANY be amended by adding a new chapter thereto requiring the City of Albany through its Council or agents, to bargain collectively and to negotiate written contracts with the appropriate employee bargaining units regarding conditions or employment, wages, hours, working conditions, retirement, pensions, and other benefits, establishing bargaining time schedules and procedures, requiring settlement of disputes by binding arbitration, and arbitration costs to be paid by the City?

Yes

No

"The City and County precincts within the City of Albany, Linn County, Oregon, shall have uniform boundaries and the same election boards. The polling places in the City for the special City election shall be at the same places as provided by the County of Linn for the state wide general election to be held on the same day, November 3, 1970, and to such places as the election boards may legally adjourn. The City Council by ordinance, has appointed the identical officers appointed by the County Court of Linn County, Oregon, for the state wide general election as the judges and clerks of the special city election to serve in each of the polling places in the respective precincts to which they are appointed by the County Court of Linn County, Oregon.

WITNESS MY HAND AND SEAL of the City of Albany this \_\_\_\_\_ day of October, 1970.

Recorder"

The Recorder shall advertise and post or cause to be posted the notice as required by this section. The notice of election required to be given by this ordinance shall constitute the only notice necessary and all ordinances and resolutions in conflict herewith shall not apply to the notices required to be given of this election.

Section 7: BALLOT FORM

The following is the number and form in which the questions shall be printed on the official ballot.

"MEASURE NO. \_\_\_\_\_ VOTE YES OR NO. MARK AN "X" IN THE SQUARE FOR THE ANSWER VOTED FOR.

Referred to the people by the City Council

SHALL THE CITY OF ALBANY levy a special continuing five (5) year tax levy of not to exceed Ninety-Two Thousand Four Hundred DOLLARS (\$92,400.00) per year outside the six percent (6%) limitation as provided in the Oregon Constitution, beginning with the tax year 1971-72, to provide for the payment of salaries for additional City employees and to provide for the supplementing of existing salaries of City employees? The rate of levy deemed necessary to raise the above amount is estimated as follows:

For 1971-72

The sum of Seventy-eight Hundredths DOLLARS (\$0.78) per thousand dollars of true cash value of taxable property within the City

For 1972-73            The sum of Seventy-eight Hundredths DOLLARS  
(\$0.78) per thousand dollars of true cash value  
of taxable property within the City            Yes

For 1973-74            The sum of Seventy-eight Hundredths DOLLARS  
(\$0.78) per thousand dollars of true cash value  
of taxable property within the City            No

For 1974-75            The sum of Seventy-eight Hundredths DOLLARS  
(\$0.78) per thousand dollars of true cash value  
of taxable property within the City

For 1975-76            The sum of Seventy-eight Hundredths DOLLARS  
(\$0.78) per thousand dollars of true cash value  
of taxable property within the City

---

"MEASURE NO. \_\_\_\_\_ VOTE YES OR NO. MARK AN "X" IN THE SQUARE FOR  
THE ANSWER VOTED FOR.

Sponsored by the Initiative Petition and Referred to the  
People by the City Council

---

CHARTER AMENDMENT REQUIRING COLLECTIVE BARGAINING AGREEMENTS. Shall  
the Charter of the City of Albany be amended by adding a chapter thereto  
requiring the City of Albany, through its Council or agents, to bargain  
collectively and negotiate written contracts with appropriate employee  
bargaining units regarding conditions of employment, wages, hours,  
working conditions, retirement, pensions, and other benefits, establishing  
bargaining time schedules and procedures, requiring settlement of disputes  
by binding arbitration, and arbitration costs to be paid by the City.

YES

NO

---

**Section 8: EMERGENCY CLAUSE**

WHEREAS, it is in the betterment of the public health, interest, safety and  
general welfare of the citizens of the City of Albany that this matter be disposed of at  
the earliest possible moment, therefore, an emergency is hereby declared to exist and  
this ordinance shall become immediately effective upon its passage by the Council and  
approved by the Mayor.

Passed by the Council: August 26, 1970

Approved by the Mayor: August 26, 1970

Russell W. [Signature]  
Mayor

Effective Date: August 26, 1970

ATTEST:

Ernestine Deham  
City Recorder