

June 22, 2009

**MEMORANDUM**

**TO:** Tri-City Citizens Alliance

**FROM:** Keith L. Cubic, Planning Director

**RE:** City Annexation Alternatives

I am writing in follow-up to our townhall meeting of June 9, 2009. During the meeting we discussed in some detail the six methods available to cities to annex unincorporated lands. After the meeting I consulted with legal counsel on one of the annexation methods (election) and received more information. This memo is an update and clarification in response to one of the questions at the meeting. I ask that you place this additional information on your website along with the other materials the County has provided the citizens alliance. Thanks in advance!

Question: Does the annexation by election require two majorities to pass?

The correct answer is Yes. But, there is additional information. The double majority election requirement for annexation can be modified by a city. There is one exception to the double majority election requirement. It is found in ORS 222.120(1) and provides a city is not required to submit an election proposal to the residents of the city unless required to do so by the city charter.

That means if a double majority election is not required by the city charter then an election can be held for just the area to be annexed. A majority vote of the area is still required and the city still must hold proper public hearings to complete the annexation.

Therefore, the answer is Yes a vote requires a majority but an annexation by vote does not always require a double majority vote. The language of the city charter governs whether the annexation election must go to the city voters.

I wanted to clarify the response to the question and hope the additional information is helpful. Please let me know if you have other questions.

c: Commissioner Susan Morgan