

ORDINANCE NO. 18-171-01

AN ORDINANCE OF THE CITY OF JOHN DAY AMENDING ORDINANCE NO. 17-170-01, AN ORDINANCE CREATING THE GRANT COUNTY DIGITAL NETWORK COALITION IN ACCORDANCE WITH ORS 190.085, TO MODIFY THE EFFECTIVE DATE OF THE COALITION'S INTERGOVERNMENTAL AGREEMENT; AND DECLARING AN EMERGENCY.

WHEREAS, ORS 190.010 provides that units of local government may enter into agreements for the performance of any functions and activities that any party to the agreement, or its officers or agents, has the authority to perform; and

WHEREAS, under ORS 190.085, each party to an intergovernmental agreement creating an intergovernmental entity must enact an ordinance ratifying the creation of the intergovernmental entity prior to the effective date of the intergovernmental agreement; and

WHEREAS, on November 14, 2017, the Council adopted Ordinance No. 17-170-01 (the "Original Ordinance") to (a) declare its intent to create an intergovernmental entity by intergovernmental agreement, and (b) ratify creation of the intergovernmental entity; and

WHEREAS, by the adoption of this Ordinance No. 18-171-01 (this "Ordinance"), the Council desires to amend Section 4 of the Original Ordinance to identify that the effective date of the Agreement is April 10, 2018.

NOW, THEREFORE, the City of John Day ordains as follows:

1. Findings. The above-stated findings are hereby adopted.
2. Short Title; Definitions. This Ordinance, together with the Original Ordinance, may be referred to as the "Grant County Digital Network Coalition Ratifying Ordinance" and will be cited and referred to herein as this "Ordinance." For purposes of this Ordinance, the terms and phrases contained in this Ordinance have the meanings assigned to them in the Original Ordinance.
3. Amendment - Effective Date. Section 4 of the Original Ordinance is amended to provide that the effective date of the Agreement is April 10, 2018.
4. Severability; Corrections. This Ordinance is hereby made part of the Original Ordinance. The provisions of the Original Ordinance that are not amended or modified by this Ordinance remain unchanged and in full force and effect. All pronouns contained in this Ordinance and any variations thereof will be deemed to refer to the masculine, feminine, or neutral, singular or plural, as the identity of the parties may require. The singular includes the plural and the plural includes the singular. The word "or" is not exclusive. The words "include," "includes," and "including" are not limiting. Any reference to a particular law, statute, rule, regulation, code, or ordinance includes the law, statute, rule, regulation, code, or ordinance as now in force and hereafter amended. If any section, subsection, sentence, clause, and/or portion of this Ordinance is for any reason held invalid, unenforceable, and/or unconstitutional, such invalid, unenforceable, and/or unconstitutional section, subsection, sentence, clause, and/or portion will (a) yield to a construction permitting enforcement to the maximum extent permitted by applicable law, and (b) not affect the validity, enforceability, and/or constitutionality of the

remaining portion of this Ordinance. This Ordinance may be corrected by order of the Council to cure editorial and/or clerical errors.

5. Emergency Declaration. The Council finds that passage of this Ordinance is necessary for the immediate preservation of the peace, health, and safety of City's citizens. Therefore, an emergency is declared to exist and this Ordinance will be in full force and effect upon its passage by the Council and approval by the mayor.

This Ordinance was PASSED and ADOPTED by the Council by a vote of ___ for and ___ against and APPROVED by the mayor on April 10, 2018.

Ron Lundbom, Mayor

ATTEST:

Nicholas Green, City Manager