

ORDINANCE NO. 859

AN ORDINANCE PROPOSING A MEASURE FOR A FOUR-YEAR LOCAL OPTION TAX IN THE AMOUNT OF \$260,000 PER YEAR BEGINNING FISCAL YEAR 2005-2006, TO BE PLACED ON THE MAY 18, 2004 PRIMARY ELECTION BALLOT, FOR PARTIAL SUPPORT OF THE CITY'S LIBRARY, POOL AND PARKS PROGRAMS; AND, DECLARING AN EMERGENCY.

WHEREAS, the City of Stayton has determined there will continue to be insufficient revenues in fiscal years 2005-06 through 2008-09 to ensure adequate funding of mandated programs and still properly allow for other programs directed toward providing or enhancing desirable levels of City services to Stayton residents;

WHEREAS, the Stayton City Council has determined that \$260,000 in additional revenue sources, not presently available within the permanent tax rate imposed by State of Oregon Ballot Measures 47 and 50, are necessary, in each year over the next four fiscal years, to partially fund Library, Pool and Parks programs;

WHEREAS, State of Oregon Ballot Measures 47 and 50 provide the framework and limitations for voter-approved local option taxes;

WHEREAS, consecutive 3-year local option tax ballot measures, for similar purposes, were passed by Stayton voters on November 3, 1998 and May 21, 2002, respectively;

WHEREAS, it is the Stayton City Council's intent to submit a ballot measure for the May 18, 2004 Statewide Primary Election, for a four year local option tax, to the registered voters of the City of Stayton for approval; and,

WHEREAS, due to election law deadlines, it is appropriate that an emergency be declared as to the enactment of this Ordinance so that it is in full force and effect immediately from and after its adoption by the Stayton City Council.

NOW THEREFORE, the Stayton City Council does ordain as follows:

SECTION 1: TAX PROPOSED

For the purpose of partial support of the City's Library, Pool and Parks programs for Stayton residents, a local option tax is proposed in the amount of \$260,000 each year for four fiscal years, within the limitations of Article XI, Section 11b of the Oregon Constitution, beginning in Fiscal Year 2005-2006.

SECTION 2: SUBMITTAL TO QUALIFIED ELECTORS OF THE CITY OF STAYTON

This measure shall be submitted to the qualified electors of the City of Stayton, for their approval or rejection, at the statutorily provided State of Oregon Primary Election on May 18, 2004.

SECTION 3: BALLOT TITLE

For the purpose of submitting this measure to the Stayton electorate, the following ballot title is hereby approved and adopted:

a. Caption

Four Year Local Option Tax for Library, Pool, Parks Support

b. Question

Shall the City of Stayton implement a \$260,000 operating tax annually for four years, beginning in Fiscal Year 2005-2006?

This measure may cause property taxes to increase more than three percent.

c. Summary

This measure may be passed only at an election with at least a 50 percent voter turnout.

The City of Stayton is seeking a four-year local option tax of \$260,000 per year, beginning in Fiscal Year 2005-2006, to partially fund the library, swimming pool and park programs.

The proposed tax will offset the loss of the existing 3-year library/pool/parks local option tax passed in 2002, ending with Fiscal Year 2004-2005. An allowance is made for delinquent and uncollectible taxes. This tax would raise a total of \$1,040,000 over the four year period.

Library support includes maintaining existing service levels (hours open to public) and current book and audio-visual budgets, establishes a computer replacement schedule and makes some allowance for increased staffing and books if the library is expanded.

Pool support includes maintaining existing service level and capital projects, including installation of lockers, sidewalk repairs, interior painting and a public address system.

Parks program support includes reconstructing the tennis courts, replacement of playground equipment in Pioneer Park and funding for park trails.

It is estimated that this tax will result in a rate of \$.699 per \$1,000 of assessed value in the first year. The estimated tax cost for this measure is an ESTIMATE

ONLY based on the best information available from the county assessor at the time of estimate.

SECTION 4: ALTERNATE TEXT FOR SECTION 3 BALLOT TITLE "QUESTION"

In the event of an interpretive ruling, from either the Oregon Department of Revenue or the Marion County Assessor, as to the effect of a U.S. District Court of Oregon decision in the matter of "Caruso v. Yamhill County and State of Oregon", the following text may be substituted and submitted as the Ballot Title "Question" contained in Section 3.b. of this Ordinance:

"b. Question

Shall the City of Stayton implement a \$260,000 operating tax annually for four years, beginning in Fiscal Year 2005-2006?"

SECTION 5: VOTER PAMPHLET

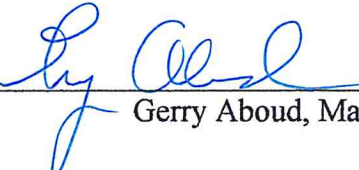
The City of Stayton shall file, prior to appropriate filing deadlines, an impartial Explanatory Statement for the local Voter's Pamphlet. The Explanatory Statement shall be not more than 500 words and shall be a fair and impartial statement describing the proposed measure and the reasons for it. There is no fee for filing the Explanatory Statement. The authority for this requirement is Oregon Revised Statutes Chapter 251.

SECTION 6: Upon adoption by the Stayton City Council and the Mayor's signing, this Ordinance shall become effective immediately.

ADOPTED BY THE STAYTON CITY COUNCIL this 17th day of February, 2004.

CITY OF STAYTON

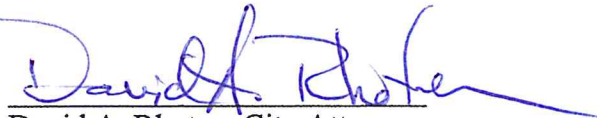
Signed: 2/18, 2004

By: 
Gerry Aboud, Mayor

Signed: 2/20, 2004

ATTEST: 
Chris Childs, City Administrator

APPROVED AS TO FORM:


David A. Rhoten, City Attorney