

ORDINANCE NO. 766

AN ORDINANCE RELATING TO THE LIMITATION OF IMPOSING A TAX OR CREATING A TAXING AUTHORITY, REFERRING TO THE ELECTORATE OF THE CITY OF STAYTON THE AUTHORITY TO APPROVE OR REJECT, BY CITIZENS' VOTE, THE IMPOSITION OF TAXES OR CREATION OF TAXING AUTHORITIES WHICH MAY IMPOSE A TAX ABOVE THE OREGON CONSTITUTIONAL LIMITATION.

1. WHEREAS, The Oregon Constitution, Article XI § 2 provides that “the legal voters of every city and town [may] enact and amend their municipal charter, subject to the constitution and criminal laws of the state of Oregon”; and,
2. WHEREAS, the City of Stayton, by and through its Charter, has vested in itself all powers pursuant to Oregon’s “Inititive and Referendum” provisions (Or. Const. Art. IV §I); and,
3. WHEREAS, ORS 222.410 grants control of local affairs to the city “to take all actions necessary or convenient for the government of its local affairs”; and,
4. WHEREAS, Article XI §11, Oregon Constitution, limits the levying of taxes over six percent (6%) of the existing tax base, without prior voter approval; and,
5. WHEREAS, 1996 Oregon Ballot Measure No. 47 may modify the Oregon Constitution’s six percent (6%) by further limits; and
6. WHEREAS, the Stayton City Council desires to permit the voters of the City of Stayton to participate in decisions as to taxes imposed upon them or establishing an entity which may impose a tax above the Oregon Constitutional limitation.

NOW THEREFORE, the Stayton City Council hereby ordains as follows:

SECTION 1.: AUTHORITY

This ordinance is adopted under the authority of and pursuant to Oregon laws, and the authority of the City of Stayton under its Charter.

SECTION 2.: INCORPORATION TO EXISTING ORDINANCES

All ordinances and sections of the Stayton Municipal Code referencing the Stayton City Council’s taxing power are hereby amended to reflect the requirement of the electorate to vote as to the imposition of taxes or establishment of taxing authorities by the Stayton City Council, either of which may, or be empowered to impose a tax above the Oregon Constitutional limitation.

SECTION 3.: GENERAL PROVISIONS

A. **Short Title.** This ordinance shall be know as the "Voter Approval Required of Taxes and Establishment of Taxing Authorities, either of which may Impose a Tax Above the Oregon Constitutional Limitation Ordinance" and cited herein as "ordinance."

B. **Purposes, Policy and Scope.** In the interest of allowing the electorate to ratify or reject certain types of taxes imposed upon it by the Stayton City Council, or the establishment of an authority created by the Stayton City Council that has the ability to levy taxes which may impose a tax above the Oregon Constitutional limitation, it is the policy and intent of the City to adopt an ordinance which will prohibit any tax proposed by the Stayton City Council or the establishment of a taxing authority created by the Stayton City Council, from being imposed or established without prior voter approval, if such tax or entity may impose a tax above the Oregon Constitutional limitation.

SECTION 4.: SPECIFIC AMENDMENT

A. **Taxing Authority Subject to Electorate.** There shall be no tax imposed or any authority, entity or agency created by the Stayton City Council which may impose a tax above the Oregon Constitutional limitation, without prior voter approval.

Adopted by the Stayton City Council this _____ day of _____, 1996.

Date: _____

By: _____
WILLMER VAN VLEET, Mayor

Date: 12/18/96

Attest: _____
THOMAS L. BARTHEL, City Administrator

APPROVED AS TO FORM:

Date: Dec. 2, 1996

DAVID A. RHOTEN, City Attorney