

**RESOLUTION NO. 593**

A RESOLUTION RELATING TO THE PROHIBITION, WITHOUT VOTER APPROVAL, OF IMPOSING A TAX OR CREATING A TAXING AUTHORITY; REFERRING TO THE ELECTORATE OF THE CITY OF STAYTON 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.

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,

WHEREAS, the City of Stayton, by and through its Charter, has vested in itself all powers pursuant to Oregon’s “Initiative and Referendum” provisions (Or. Const. Art. IV §I); and,

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,

WHEREAS, Article XI §11, Oregon Constitution, prohibits the levying of taxes over a specific percentage of the existing tax base, without prior voter approval; and, 1996 Oregon Ballot Measure No. 47 may modify the Oregon Constitutional limitation by further limitation; and,

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 resolves as follows:

**SECTION 1: AUTHORITY**

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

**SECTION 2: AMENDMENT TO CHARTER**

All sections of the Stayton City Charter 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 resolution 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” and cited herein as “resolution.”

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 intent of the City Council to propose an amendment to the Stayton City Charter which, if approved by the voters, 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: CHARTER AMENDMENT PROPOSED**

**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.

**SECTION 5: 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 election to be held March 11, 1997.

**SECTION 6: BALLOT**

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

a. Caption:

VOTER APPROVAL FOR TAXATION ABOVE THE OREGON CONSTITUTIONAL LIMITATION

b. Question

SHALL THE STAYTON CITY COUNCIL BE REQUIRED TO OBTAIN VOTER APPROVAL FOR TAX IMPOSITIONS ABOVE THE OREGON CONSTITUTIONAL LIMITATION?

c. Summary

THIS CHARTER AMENDMENT, IF APPROVED, WOULD NOT ALLOW THE IMPOSITION OF A TAX 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. ANY TAX PROPOSED BY THE STAYTON CITY COUNCIL OR THE ESTABLISHMENT OF A TAXING AUTHORITY CREATED BY THE STAYTON CITY COUNCIL THAT MAY IMPOSE A TAX ABOVE THE OREGON CONSTITUTIONAL LIMITATION WOULD REQUIRE PRIOR VOTER APPROVAL.

**SECTION 7: VOTER PAMPHLET**

The City of Stayton shall file, along with its Notice of Measure Election, an Explanatory Statement for the local voters 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 ORS Ch. 251.

Adopted by the Stayton City Council this 16<sup>th</sup> day of December, 1996.

Date: 12-12-96, 1996 By: Willmer Van Vleet  
WILLMER VAN VLEET, Mayor

Date: 12/18/, 1996 Attest: Thomas L. Barthel  
THOMAS L. BARTHEL, City Administrator

**APPROVED AS TO FORM:**

Date: DEC 20 1996, 1996 David A. Rhoten  
DAVID A. RHOTEN, City Attorney