

RESOLUTION NO. 92-1

A RESOLUTION CLASSIFYING CERTAIN FEES, CHARGES, AND BONDS AS NOT SUBJECT TO, OR EXEMPT FROM THE LIMITATIONS OF ARTICLE XI, SECTION 11B OF THE OREGON CONSTITUTION (MEASURE 5).

The City Council of the City of Seneca finds that:

A. Article XI, Section 11b of the Oregon Constitution (Measure 5) imposes limits on only certain types of fees and charges imposed by local governments.

B. HB 2250, enacted by the 1991 Legislature to implement Article XI, Section 11b, provides that local governments may adopt resolutions classifying its existing fees and charges as either subject to, or not subject to the limits in Article XI, Section 11b of the Oregon Constitution.

C. If a local government adopts such a classifying resolution, HB 2250, requires that notice of the adoption be published within 15 days of the adoption to ensure that the public is notified of the action and has an opportunity to challenge the classification in court.

D. If no one challenges the classification within sixty days after adoption of the resolution, and assuming that notice is published as required, HB 2250 then prohibits any challenge at a later time to the local government's classification of a fee or charge as subject to the limits in Article XI, Section 11b of the Oregon Constitution, thereby providing the local government additional certainty in preparing and relying on its budget.

E. It is in the public interest that such classification of fees charges and bonds that are not subject to, or exempt from the limits of Article XI, Section 11b of the Oregon Constitution be made at this time.

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SENECA, Municipal Corporation of the State of Oregon as follows:

Section 1. The fees and charges set forth on Exhibit A attached hereto and incorporated herein by reference are classified as not subject to the limits of Article XI, Section 11b of the Oregon Constitution.

Section 2. The fees and charges set forth on Exhibit B attached hereto and incorporated herein by reference are classified as incurred charges and are therefore exempt from the limits of Article XI, Section 11b of the Oregon Constitution.

Section 3. The bonds set forth on Exhibit C attached hereto and incorporated herein by reference are classified as exempt bonded indebtedness and taxes imposed to pay principal and interest on those bonds are exempt from the limits of Article XI, Section 11b of the Oregon Constitution.

Section 4. Within 15 days of the adoption of this Resolution, the City Recorder shall cause to be published in a newspaper of general circulation within the City, a notice of adoption of this resolution classifying fees and charges. The notice shall:

a. Appear in the general news section of the newspaper, not in the classified advertisements.

b. Measure at least three square inches;

c. Be printed in a type size at least equal to 8-point type; and

d. State that the City has adopted a resolution classifying taxes, fees and charges as not subject to the limits of Article XI, Section 11b of the Oregon Constitution, that the reader may contact a designated City official to obtain a copy of the resolution, that judicial review of the classification may be sought within 60 days of the date the resolution was adopted, and if no such review is sought within the time specified, no subsequent challenges to the classification will be permitted.

The foregoing Resolution adopted the 11 day of February, 1992.



Keith Schatz, Mayor

ATTEST:



Kristin L. Long

EXHIBIT A.

TAXES, FEES AND CHARGES

ORDINANCE NUMBER & SECTION

Electricity Franchise
Telephone Franchise
Sewer Connection Fee
Sewer User Fee
Water Service Deposit
Water User Charges

Ordinance 57-7
Ordinance 56-6
Ordinance 22-4a
Ordinance 22-2
Ordinance 19-2
Ordinance 58-9

EXHIBIT B

TAX LEVIES

LEVY

1991-92 Levy Within the Tax Base

AMOUNT

\$14204.00

EXHIBIT C

BONDED INDEBTEDNESS

<u>Name of Bond</u>	<u>Date Issued</u>	<u>Balance at 12/31/91</u>
1974 Sewer Bond	8/22/74	\$110,025.62