

ORDINANCE NO. 580

AN ORDINANCE PROVIDING FOR THE CALLING OF A CITY TAX BASE ELECTION IN THE CITY OF CANBY, CLACKAMAS COUNTY, OREGON, ON MAY 28, 1974, FOR THE PURPOSE OF SUBMITTING TO THE LEGAL VOTERS OF THE CITY OF CANBY, OREGON, THE QUESTION OF ESTABLISHING A NEW TAX BASE FOR THE PURPOSE OF APPLYING THE LIMITATION ON TAXATION SET FORTH IN SECTION 11, ARTICLE XI, OREGON CONSTITUTION.

WHEREAS, the City Council of the City of Canby, Oregon, has determined that a new tax base should be established as authorized by Section 2, Section 11, Article XI, Oregon Constitution, in order to permit the proper operation of the City affairs within the limitation contained in Section 11, Article XI, Oregon Constitution; and

WHEREAS, it is necessary to submit the question of establishing a new tax base to the legal voters of the City of Canby, Oregon,

NOW, THEREFORE,

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1: DATE OF ELECTION. The proposition set forth in Section 2 of this Ordinance shall be submitted in the manner prescribed in this Ordinance to legal voters of the City of Canby, Oregon, at a City Tax Base Election to be held on Tuesday, May 28, 1974.

Section 2: FORM OF PROPOSITION. At the City Tax Base Election there shall be submitted to the legal voters of the City of Canby for their approval or rejection the following proposition:

"Shall the City of Canby, Clackamas County, Oregon, increase its tax base from \$70,000 to \$500,000?"

Section 3: ELECTION PART OF STATEWIDE PRIMARY ELECTION. There is a regular Statewide Primary Election being held in the

State of Oregon and in the City of Canby on Tuesday, May 28, 1974, and this City Tax Base Election is called to be held concurrently therewith and as a part thereof.

Section 4: ELECTION BOARDS. The City Tax Base Election shall be handled by the same Election Boards that handle the regular Statewide Primary Election in the election precincts in which the City of Canby is located at the regular Statewide Primary Election to be held on Tuesday, May 28, 1974. Such Election Boards hereby are designated as the Election Boards for the City Tax Base Election, and shall hold their respective offices as designated for the regular Statewide Primary Election but such Election Boards shall not count the ballots cast in the City Tax Base Election.

Section 5: VOTING HOURS. The polls for the City Tax Base Election shall be opened in each of the voting precincts at the same hour and shall be kept open until the same hour as the polls are opened and closed for the Statewide Primary Election that will be held on the same day.

Section 6: QUALIFIED VOTERS. The Election Boards handling the election shall permit only those electors to vote on the question of establishing a new City tax base who are otherwise qualified to vote at the Statewide Primary Election and who reside within the boundaries of the City of Canby.

Section 7: NOTICE OF ELECTION. Notice of the City Tax Base Election shall be given by publication twice in The Canby Herald, a newspaper of general circulation printed and published in the City of Canby, Clackamas County, Oregon, not more than

twenty (20) or less than ten (10) days before the election. Notices of the City Tax Base Election shall be posted for not less than twenty (20) days before the election in three (3) public and conspicuous places within the City and also at each polling place. The Notice in the newspaper and that posted shall be in substantially the following form:

NOTICE OF ELECTION TO ESTABLISH NEW CITY TAX BASE

On Tuesday, May 28, 1974, in the City of Canby, Clackamas County, Oregon, from 8:00 a.m. until 8:00 p.m. a City Tax Base Election will be held at which the following proposition will be submitted to the legal voters of the City of Canby for their approval or rejection:

ESTABLISHING NEW CITY TAX BASE.

Shall the City of Canby, Clackamas County, Oregon, increase its tax base from \$70,000 to \$500,000?

The voter shall place an (X) or a (✓) in the box to indicate his choice. Vote YES or NO.

100 YES

101 NO

This proposition if adopted will establish a new tax base for the City of Canby, Oregon, for the purpose of applying the limitation on taxation set forth in Section 11, Article XI, Oregon Constitution. The present tax base is \$70,000, the new tax base if adopted will be \$500,000, and the new tax base if adopted shall first apply to the fiscal year next following this election.

The polling places in the City for the City Tax Base Election will be at the same places as provided by Clackamas County for the Statewide Primary Election to be held on the same day, Tuesday, May 28, 1974, and to such places as the Election Boards may legally adjourn.

The City Council by Ordinance has appointed the identical officers appointed by the Clackamas County Election Department for the Statewide Primary Election as the election officers of the City Tax Base Election to serve in each of the polling places in the respective precincts to which they are appointed by the Clackamas County Election Department.

WITNESS my hand and seal of the City of Canby this
____ day of _____, 1974.

City Recorder

Section 8: POSTING OF NOTICES; VOTERS PAMPHLETS UNNECESSARY.

The City Recorder shall advertise and post or cause to be posted the Notices required by Section 7 of this Ordinance. The Notices of the City Tax Base Election required to be given by Section 7 of this Ordinance shall constitute the only notice necessary, and all Ordinances or Resolutions in conflict herewith shall not apply to the Notices required to be given at this election. It shall be unnecessary for either the City of Canby or any official thereof to furnish the legal voters at the City Tax Base Election pamphlets containing either: (a) the text of the proposition or (b) arguments in support of or in opposition to the proposition.

Section 9: NUMBER AND FORM OF THE QUESTION. The following is the number and form in which the question shall be printed upon the Official Ballot:

VOTE YES OR NO. MARK X OR ✓ IN THE SQUARE FOR THE ANSWER VOTED FOR.

Referred to the people by the Canby City Council

ESTABLISHING NEW CITY TAX BASE

Shall the City of Canby, Clackamas County, Oregon, increase its tax base from \$70,000 to \$500,000?

100 YES

101 NO

Section 10: BALLOTS, BALLOT BOXES AND ELECTION SUPPLIES.

The City Recorder shall furnish to the Election Boards handling the City Tax Base Election ballots and ballot boxes and such other election supplies as may be required by the Boards for the City Tax Base Election.

Section 11: DEPOSIT OF BALLOTS. The ballots for the City Tax Base Election shall be deposited in the ballot boxes provided by the City.

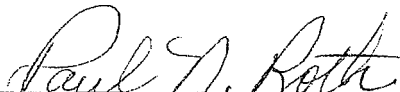
Section 12: DELIVERY AND PICKUP OF BALLOTS, BALLOT BOXES AND ELECTION SUPPLIES. The City Recorder shall, prior to 8:00 a.m. on Tuesday, May 28, 1974, deliver to the respective Election Boards ballots and ballot boxes and such other election supplies as may be required for the City Tax Base Election. After the polls are closed on Tuesday, May 28, 1974, the Election Boards shall lock the ballot boxes containing the ballots for the City Tax Base Election without counting such ballots, and shall deliver the ballot boxes to the Canby City Recorder who shall securely keep the locked ballot boxes until they are delivered to the City's Counting Board.

Section 13: COUNTING BOARD. The City Recorder shall appoint four (4) electors who are residents in the City of Canby, Oregon, who can read and write the English language and who are not City officials. These four (4) electors, together with the City Recorder, shall constitute the Counting Board. The Counting Board shall meet at 9:00 a.m. on Wednesday, May 29, 1974, at the Canby City Hall and shall open the ballot boxes and proceed to count the ballots. The provisions of ORS 250.461, 250.471, 250.510 and 250.541, so far as they are applicable, shall be

observed in the counting of the ballots, posting of the results, and sending of the election records and supplies to the County Clerk. The City Recorder shall provide the Counting Board with election return forms which shall be filled out and signed by the Counting Board after the counting has been completed.


Section 14: EMERGENCY DECLARED. It being deemed by the Canby City Council that an emergency exists, this Ordinance shall take effect immediately upon its final passage by the Canby City Council.

Passed on first reading at a regular meeting of the Canby City Council held on the 1st day of April, 1974; ordered posted for a period of two (2) full calendar weeks as required by the Canby City Charter and to come up for final reading and action of the Canby City Council at a regular meeting thereof to be held on Monday, May 6, 1974, at the hour of 8:00 p.m. at the Canby City Hall.



PAUL N. ROTH - Mayor

ATTEST:



J. R. RICHARDSON - City Recorder

Passed on final reading at a regular meeting of the Canby City Council held on the 6th day of May, 1974, by the following vote: Yeas 4. Nays 0.



PAUL N. ROTH - Mayor

ATTEST:



J. R. RICHARDSON - City Recorder

WADE P. BETTIS
RAYMOND R. REIF
WADE P. BETTIS, JR.

BETTIS & REIF
ATTORNEYS AT LAW
160 N.W. THIRD AVENUE
CANBY, OREGON 97013

TELEPHONES
266-1113
655-1674
AREA CODE 503

March 25, 1974

Mr. J. R. Richardson, Recorder
City of Canby
P. O. Box D
Canby, Oregon 97013

Re: New City Tax Base Election - May 28, 1974

Dear Jarrel:

I am enclosing the original of Ordinance No. 580 providing for the new City Tax Base Election at the May Primaries. Please make sufficient copies of this Ordinance for advance distribution to all Councilmen, City Manager Wyman and for required postings after the first reading which is scheduled for Monday, April 1, 1974, and final reading on Monday, May 6th.

I will prepare and deliver to you later the required Notices for posting and publication and also a list of the polling precincts for the posting requirements. I will also instruct you by separate letter later concerning the Sample Ballots and Official Ballots and their distribution to the County Election Department in advance of the election.

Sincerely,

BETTIS & REIF


Wade P. Bettis

WPB:EN
Encl.

cc: Honorable Paul N. Roth, Mayor
Mr. Harold A. Wyman, Administrator

March 6, 1974

James Mattis
Research Attorney
Bureau of Municipal Research & Service
P. O. Box 3177
Eugene, OR 97403

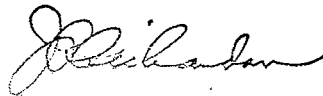
Dear Mr. Mattis:

Enclosed herewith are copies of all Canby ordinances from #481-579 for codification. Ordinances prior to #480 are in the 1965 compilation. *My* check list, which is enclosed, shows that copies of all ordinances are enclosed or the number deleted and plainly marked why. I believe there are eight such deletions. If you find that one or more copies are not enclosed, please advise me.

Also enclosed is a copy of a letter from City Attorney Wade Bettis dated October 26, 1973, recommending guidelines for compilation procedure. I just discussed the procedure with Attorney Bettis a few moments ago and he had nothing to add to his previous letter.

If you experience any difficulty or have any questions, please contact me by letter or telephone (266-3393).

Very truly yours,



J. R. Richardson
City Recorder

JRR:cl

Enclosures