

Notice of Measure Election

SEL 802

rev 1/14: ORS 250.035, 250.041, 250.275, 250.285, 254.095, 254.465

City

Notice

Date of Notice <i>August 26, 2014</i>	Name of City or Cities <i>City of Estacada</i>	Date of Election <i>3-464</i> November 4, 2014
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The following is the final ballot title of the measure to be submitted to the city's voters.

Final Ballot Title Notice of receipt of ballot title has been published and the ballot title challenge process has been completed.

Caption 10 words which reasonably identifies the subject of the measure

Seasonal motor vehicle fuel tax for Estacada streets.

Question 20 words which plainly phrases the chief purpose of the measure

Shall Estacada impose a seasonal tax on motor vehicle fuel sold in the City to pay for street improvement costs?

Summary 175 words which concisely and impartially summarizes the measure and its major effect

This measure, if passed, would approve revising Estacada Municipal Code ("Code") Section 3.30.020 and adding Code sections 3.30.030 and 3.30.040.A1-2, imposing a three cent per gallon tax on motor vehicle fuel sold in Estacada annually from May 1 through September 30. The seasonal tax would be collected by motor fuel dealers and paid to the City.

Net tax revenue received under the Code would only be used for construction, reconstruction, improvement, and repair of streets, roads and public highways within Estacada. The Code includes a record-keeping requirement for fuel dealers and provides for credits if a dealer makes an over-payment. It imposes penalties on a dealer for nonpayment and exempts certain fuel (exported fuel, fuel sold to the armed forces, and fuel in vehicles coming into Estacada) from taxation.

At the rate of three cents per gallon, annual revenue is expected to be between \$35,000 and \$55,000.

A copy of the proposed Code changes are available on the City's website at www.cityofestacada.org.

Explanatory Statement 500 words that impartially explains the measure and its effect, if required attach to this form

If the county is producing a voters' pamphlet an explanatory statement must be submitted for any measure referred by the city governing body and if required by local ordinance, for any initiative or referendum.

Measure Type	County producing voters' pamphlet		Local ordinance requiring submission		Explanatory statement required	
<input checked="" type="checkbox"/> Referral	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Not applicable		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Initiative	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Referendum	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Authorized City Official Not required to be notarized

→ By signing this document, I hereby state that I am authorized by the city to submit this Notice of Measure Election and I certify that notice of receipt of ballot title has been published and the ballot title challenge process for this measure completed.

Name <i>Denise Carey</i>	Title <i>City Recorder</i>	Work Phone <i>503 630-8270</i>
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8/26/14
Date Signed

Measure Explanatory Statement for County Voters' Pamphlet

Important! Please read all instructions before completing this form. This form is to be used when filing a 'Measure Explanatory Statement for County Voters' Pamphlet' with your County Elections office. If a local government is located in more than one county, the county clerk of the county in which the city hall of the city or the administrative office of the local government is located shall be the filing officer for the 'Measure Explanatory Statement for County Voters' Pamphlet'.

Filing Information

Election: Primary 20____ General 20¹⁴ Special____ Measure # 3-464

Ballot Title Caption

Seasonal motor vehicle fuel tax for Estacada streets.

Name of Person responsible for content of 'Explanatory Statement' (as it should appear in the Voters' Pamphlet):

Peter Watts

Name of Jurisdiction/Organization Person is authorized to represent (as it should appear in the Voters' Pamphlet):

City of Estacada

CONTACT INFORMATION

Phone: Cell: _____ Work: (503) 598-7070 Home: _____

E-Mail: peter.watts@jordanramis.com

SIGNATURE

 _____ 8/29/14
Signature of person responsible for content of 'Explanatory Statement' Date

MEASURE EXPLANATORY STATEMENT

See attached for 'Measure Explanatory Statement' (500 word/number MAX).

For Office Use only:

County: Clack

Signed? Yes No

'Measure Explanatory Statement' attached?

Yes No

Intake Staff Initials: fw

Word Count (500 max):

Digital copy? Yes No

Review Staff Initials:

Measure Explanatory Statement (500 word/number MAX).

3-464

This measure would establish a seasonal 3-cent per gallon gas tax on motor vehicle fuel sold within the Estacada city limits. The tax would be collected from May 1 to September 30. The funds generated would be used to fund street maintenance.

Background:

The City of Estacada has no dedicated funding source to maintain and repair streets. A growing number of streets are in need of maintenance and repair.

Proceeds from this tax will be dedicated by ordinance to the resurfacing and repavement of existing city streets. Revenue collected from System Development Charges is limited to specified uses that generally do not include routine maintenance and repair of existing streets. Proceeds from this tax will not be used for construction of new streets.

Utilizing a "user charge" or seasonal fuel tax instead of a utility fee, property tax, or bond, for street purposes will allow the City to maintain and repair its streets, using revenue collected from those who actually use the streets, including the thousands of visitors who pass through Estacada on their way to the upper Clackamas recreational area.

The Council has discussed the need for a dedicated funding source for some time now. The state legislators have been working on legislation that would provide a statewide transportation funding package to benefit cities. So far, no such funding has been approved.

Tax Imposed:

The tax would be collected from May 1 through September 30 of each year from motor vehicle fuel dealers within the city that engage in sales, distribution, or use of motor vehicle fuel. Dealers will pay a monthly tax of 3 cents per gallon for each gallon of motor vehicle fuel brought into the city. Since the tax may be passed along by dealers to the retail level, the tax would be paid primarily by the public, both residents and non-residents, who purchase motor vehicle fuel within the City of Estacada. Fuels to be taxed include gasoline, diesel, mogas, methanol and any other flammable or combustible gaseous, liquid or solid substance, by whatever name such substance is known or sold, usable primarily as fuel for the operation of motor vehicles. If a person has a vehicle with a 20 gallon tank, and fills up 3 times a month the increased cost from the fuel tax paid in a month would be \$1.80.

Administration:

The tax will be collected by the City or its designee.

Effective date:

The tax would take effect May 1, 2015.



14 SEP 2 AM 10:01:38

CITY OF ESTACADA

"Close to everything, but away from it all"

3-404

September 4, 2012

Clackamas County Elections Division
1710 Red Soils Court, Suite 100
Oregon City, OR 97045

RE: City of Estacada – Notice of City Measure Election

Dear Sir or Madam:

On August 25, 2014 the Estacada City Council passed Resolution 2014–016 - A Resolution of the Estacada City Council calling a measure election to submit to the electors of the city the question of imposing a seasonal motor vehicle fuel tax.

Notice is hereby given that on Tuesday, November 4, 2014, an election will be held within the boundaries of the City of Estacada, Clackamas County, Oregon. The election will be conducted by mail. The following shall be the ballot title of the measure to be submitted to the city's voters on this date:

CAPTION: Seasonal motor vehicle fuel tax for Estacada streets.

QUESTION: Shall Estacada impose a seasonal tax on motor vehicle fuel sold in the City to pay for street improvement costs?

SUMMARY: This measure, if passed, would approve revising Estacada Municipal Code ("Code") Section 3.30.020 and adding Code sections 3.30.030 and 3.30.040.A1-2, imposing a three cent per gallon tax on motor vehicle fuel sold in Estacada annually from May 1 through September 30. The seasonal tax would be collected by motor fuel dealers and paid to the City.

Net tax revenue received under the Code would only be used for construction, reconstruction, improvement, and repair of streets, roads and public highways within Estacada. The Code includes a record-keeping requirement for fuel dealers and provides for credits if a dealer makes an over-payment. It imposes penalties on a dealer for nonpayment and exempts certain fuel (exported fuel, fuel sold to the armed forces, and fuel in vehicles coming into Estacada) from taxation.

At the rate of three cents per gallon, annual revenue is expected to be between \$35,000 and \$55,000.

A copy of the proposed Code changes are available on the City's website at www.cityofestacada.org.

I have enclosed Resolution 2014 – 016, Notice of City Measure Election, and the Explanatory Statement for the County Voters' Pamphlet.

Sincerely,

[REDACTED]
Denise Carey
City Recorder

Enclosures

3464

RESOLUTION 2014 – 016

A RESOLUTION OF THE ESTACADA CITY COUNCIL CALLING A MEASURE ELECTION TO SUBMIT TO THE ELECTORS OF THE CITY THE QUESTION OF IMPOSING A SEASONAL MOTOR VEHICLE FUEL TAX.

WHEREAS, the City of Estacada Charter states that the citizens of Estacada reserve to themselves exclusively the ability to increase the amount of an existing fee or charge by more than 3% over the previous year and that the qualified voters of the City may only exercise such power at a general election in an even numbered year; and

WHEREAS, revenues from existing sources, including the Oregon State Motor Fuel Tax and the City's budget are not adequate to maintain the City of Estacada's street system, and;

WHEREAS, without additional funding, street maintenance will be deferred that will lead to more expensive renovations, and the condition of Estacada's street system will decline each year, and;

WHEREAS, a well-maintained street system provides for increased safety, supports property values, prolongs the life of public and private vehicles, and contributes to a more attractive community, and;

WHEREAS, after due consideration, the City Council has determined that a seasonal motor vehicle fuel tax would benefit the public interest by providing a source of revenue to cover the costs of needed construction, improvement and repair of roads, streets, and public highways for which the city is responsible to construct, operate or maintain, and;

WHEREAS, the City of Estacada has decided to refer a measure to the voters at the November 4, 2014 general election, which, if approved, would amend the Estacada Municipal Code to impose a three (3) cent per gallon seasonal Motor Vehicle Fuel Tax during the period of May 1 through September 30 of every year;

NOW, THEREFORE, the City of Estacada resolves as follows:

Section 1: That an election is hereby called on and for the City of Estacada, Clackamas County, Oregon, for the purpose of submitting to the legal voters the question:

Shall Estacada impose a seasonal tax on motor vehicle fuel sold in the City to pay for street improvement costs?

Section 2: The election on the measure hereby called shall be held in the City of Estacada on November 4, 2014. The election shall be conducted by mail pursuant to ORS 254.465 and 254.470.

Section 3: The Estacada City Council authorizes the mayor, the city manager (each an "authorized representative") or a designee of the authorized representative, to act on behalf of the City of Estacada and to take such further action as is necessary to carry out the intent and purposes herein in compliance with the applicable provisions of law.

Section 4: Pursuant to ORS 250.285 the ballot title was filed with the city elections officer. The city elections officer shall file with the Clackamas County Elections Office a statement of the city measure to be voted on, including the ballot title, not later than September 4, 2014.

Section 5: Pursuant to ORS 251.345, the Estacada City Council directs the city manager to prepare a Measure Explanatory Statement for publication in the county voters' pamphlet; said statement shall be filed with the Clackamas County Elections Office.

Section 6: The Notice of Measure Election is attached hereto as Exhibit A and incorporated into this resolution by reference. The Act, containing the proposed changes to Chapter 3.30 of the Estacada Municipal Code, is attached hereto as Exhibit B and incorporated in this resolution by reference.

Section 7: This resolution is effective immediately upon passage.

Passed and effective this 25th day of August, 2014.



ATTEST:



Exhibit A

14 SEP 2 AM 10:01:10

Notice of Measure Election

SEL 802

City

3-464

rev 1/14: ORS 250.035, 250.041, 250.275, 250.285, 254.095, 254.465

Notice

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Name of City or Cities

Date of Election

City of Estacada

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<input type="checkbox"/> Referendum	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No

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Name

Title

Work Phone

Signature

Date Signed

Exhibit B

THE ACT

3.30.020 Definitions.

3-464

As used in this chapter, unless the context requires otherwise:

"Broker" means and includes every person other than a dealer engaged in business as a broker, jobber or wholesale merchant dealing in motor vehicle fuel.

"Bulk transfer" means any change in ownership of motor vehicle fuel contained in a terminal storage facility or any physical movement of motor vehicle fuel between terminal storage facilities by pipeline or marine transport.

"city" means city of Estacada and any person, agency or other entity authorized by the city to act as its agent related to administration of the chapter or collection of the motor vehicle fuel tax.

"Dealer" means any person who:

1. Imports or causes to be imported motor vehicle fuels for sale, use or distribution in, and after the same reaches the city, but "dealer" does not include any person who imports into this city motor vehicle fuel in quantities of five hundred (500) gallons or less purchased from a supplier who is licensed as a dealer under ORS 319.010 to 319.430 and who assumes liability for the payment of the applicable license tax to this city; or
2. Produces, refines, manufactures or compounds motor vehicle fuels in the city of Estacada for use, distribution or sale in this city; or
3. Acquires in this city for sale, use or distribution in this city motor vehicle fuels with respect to which there has been no license tax previously incurred; or
4. Acquires title to or possession of motor vehicle fuels in this city and exports the product out of this city.

"Distribution" means, in addition to its ordinary meaning, the delivery of motor vehicle fuel by a dealer to any service station or into any tank, storage facility or series of tanks or storage facilities connected by pipelines, from which motor vehicle fuel is withdrawn directly for sale or for delivery into the fuel tanks of motor vehicles whether or not the service station, tank or storage facility is owned, operated or controlled by the dealer.

"Motor vehicle" means all vehicles, engines or machines, movable or immovable, operated or propelled by the use of motor vehicle fuel.

"Motor vehicle fuel" means and includes gasoline, diesel, and any other inflammable or combustible gas or liquid, by whatever name such gasoline, gas or liquid is known or sold, usable as fuel for the operation of motor vehicles, except gas or liquid, the chief use of which, as determined by the city, is for purposes other than the propulsion of motor vehicles upon the highways of this city.

"Motor vehicle fuel handler" means any person who acquires or handles motor vehicle fuel within the city through a storage tank facility with capacity that exceeds five hundred (500) gallons of motor vehicle fuel.

"Person" includes every natural person, association, firm, partnership, corporation or the United States but does not include the city.

"Season" means and includes May 1 through September 30 of every year.

"Service station" means and includes any place operated for the purpose of retailing and delivering motor vehicle fuel into the fuel tanks of motor vehicles.