

**RESOLUTION NO. 21-858-06**

**A RESOLUTION OF THE CITY OF JOHN DAY ADOPTING CERTAIN FINDINGS IN SUPPORT OF HOLDING AN EMERGENCY ELECTION; AND APPROVING REFERRAL TO CITY'S ELECTORS THE QUESTION OF IMPOSING A FIVE-YEAR LOCAL OPTION TAX LEVY FOR PUBLIC SAFETY PURPOSES.**

WHEREAS, City of John Day ("City") has all powers that the constitutions, statutes, and common law of the United States and Oregon expressly or impliedly grant or allow an Oregon municipal corporation; and

WHEREAS, State of Oregon limits on property taxation implemented in 1990 and 1997 have limited City's ability to fully fund services the community desires, including, without limitation, public safety and police services, from permanent property tax rates; and

WHEREAS, City's police department (the "Department") is funded by general fund revenues in the form of property taxes, state shared revenue, franchise fees, and transfers from other departments; and

WHEREAS, the Department has experienced annual operating deficits due to declining state shared revenue and increased operating costs; and

WHEREAS, these deficits have impaired the ability of the Department to maintain its equipment in good working condition; and

WHEREAS, certain service levels offered to the community are often far short of best practices and standards and City lacks sufficient funds to sustain the Department; and

WHEREAS, City anticipates increased costs to sustain the Department, including, without limitation, costs arising out of an incoming collective bargaining agreement, aging vehicles in need of replacement, increased regulation (including training and new certification requirements), and recruiting and hiring a new police chief when the current chief retires on or about September 1, 2021; and

WHEREAS, if City desires to recruit a new chief after the current chief retires, City needs to obtain funding to sustain the Department; and

WHEREAS, City finds that the funding shortages present an imminent threat to City's ability to provide adequate public safety services; and

WHEREAS, if City is unable to secure the appropriate funding to support the department, City may not be able to provide law enforcement and public safety services; and

WHEREAS, in light of these pressing concerns, City's budget committee considered several funding options, including, without limitation, contracting with Grant County for law enforcement services or referring a local option levy to the voters; and

WHEREAS, the budget committee recommended that City adopt a local option tax levy at the rate of \$50,000.00 per year, which is approximately \$0.50 per \$1,000.00 of assessed value; and

WHEREAS, the purpose of the levy is to provide City sufficient operating funds to allow (a) City to recruit and hire a new chief, and (b) the Department to maintain minimum levels of public safety and law enforcement service in City; and

WHEREAS, Chapter VII of the 1993 City of John Day Charter (the "Charter") provides that except as the Charter or City ordinance provides otherwise, a city election must conform to state law applicable to the election; and

WHEREAS, ORS 221.230 prescribes the applicable election dates for city measures and as of the effective date of this Resolution No. 21-858-06 (this "Resolution") the next available election date is the third Tuesday in September 2021; and

WHEREAS, ORS 221.230(3) provides that an emergency election may be held on a date other than those provided under ORS 221.230(1) and/or (2) if the city governing body finds by resolution that an emergency exists that requires an election sooner than the next available election date to avoid extraordinary hardship to the community; and

WHEREAS, pursuant to ORS 221.230(5), the John Day City Council (the "Council") held a public hearing on May 27, 2021 for the purpose of making findings substantiating the fact that an emergency exists that requires an election sooner than the next available election date to avoid extraordinary hardship to the community; and

WHEREAS, City finds that delaying an election until September will result in an extraordinary hardship on City and the community due to City's inability to timely recruit and train a police chief and provide adequate public safety services; and

WHEREAS, by adoption of this Resolution, the Council (a) finds that an emergency exists that requires an election sooner than the next available election date, and (b) refers to City's electors the question of whether to impose a five-year local option levy for public safety and law enforcement purposes.

NOW, THEREFORE, the John Day City Council hereby resolves as follows:

1. Findings. In addition to the above-stated findings, which are hereby adopted, the Council finds that an emergency exists that requires an election sooner than the next available election date to avoid extraordinary hardship to the community. Council's determination that an emergency exists is supported by the following findings: (a) City's funding shortfalls present an imminent risk that City will be unable to provide adequate public safety and law enforcement services to City's residents; (b) City's budget shortfalls have impaired City's ability to complete other necessary public improvement projects; (c) recruiting and hiring a police chief in an expedient manner is in the best interests of City; and (d) City must budget, prepare, and plan for its provision of law enforcement services.

2. Measure.

2.1 A measure election is hereby called for the purpose of submitting to City's electors a measure imposing an operating tax levy in the amount of \$50,000.00 per year, which equates to approximately \$0.50 per \$1,000.00 of assessed value for five years beginning fiscal year 2021-2022. Funds from the levy will be dedicated to City's police department operations and used to provide year-round public safety services and law enforcement in City. The proposed rate will raise \$50,000.00 in 2021-2022, \$50,000.00 in 2022-2023, \$50,000.00 in 2023-2024, \$50,000.00 in 2024-2025, and \$50,000.00 in 2025-2026, for a total of \$250,000.00.

2.2 City's attorney has prepared the ballot title caption, question, and summary for the measure attached hereto as Exhibit A and incorporated herein by this reference. The ballot measure (including the caption, question, and summary) is hereby approved.

3. Election Conducted by Mail. The measure election will be held in City on August 3, 2021. As required under ORS 254.465, the measure election will be conducted by mail by the Grant County Clerk according to the procedures adopted by the Oregon Secretary of State.

4. Delegation. The city manager or his or her designee is authorized to act on behalf of City and take such further action as is necessary to carry out the intent and purposes set forth herein in compliance with applicable law.

5. Explanatory Statement. The explanatory statement for the measure attached hereto as Exhibit B and incorporated herein by this reference is hereby approved.

6. Filing with County Elections Office; Notice of Ballot Title; Right to Appeal. The city manager will deliver the Notice of Measure Election to the Grant County Clerk for inclusion on the ballot for a City election to be held on August 3, 2021. Upon receiving the ballot title for this measure, the Grant County Clerk will publish in the next available edition of a newspaper of general circulation in City a notice of receipt of ballot title, including notice that an elector may file a petition for review of the ballot title.

7. Severability; Effective Date. The provisions of this Resolution are severable. If any section, subsection, sentence, clause, and/or portion of this Resolution is for any reason held invalid, unenforceable, and/or unconstitutional, such invalid, unenforceable, and/or unconstitutional section, subsection, sentence, clause, and/or portion will (a) yield to a construction permitting enforcement to the maximum extent permitted by applicable law, and (b) not affect the validity, enforceability, and/or constitutionality of the remaining portion of this Resolution. This Resolution will be in full force and effect from and after its approval and adoption.

APPROVED AND ADOPTED by the City Council of the City of John Day and signed by the mayor this \_\_\_\_ day of \_\_\_\_\_, 2021.

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Ron Lundbom, Mayor

Attest:

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Nicholas Green, City Manager

Exhibit A  
Caption, Question, and Summary

CAPTION

Five-year local option levy for law enforcement operations.

QUESTION

Shall John Day impose a tax of \$50,000.00 per year for five years to fund law enforcement operations?  
This measure may cause property taxes to increase more than three percent.

SUMMARY

**This measure may be passed only at an election with at least 50 percent voter turnout.** Approval of this City of John Day measure would impose the levy through fiscal year 2025-2026. The levy would begin fiscal year 2021-2022 at the rate of \$50,000.00 per year. All revenues from this levy will be used to fund the City's police department. Approval of the levy will provide continued funding for the City's police department, allow the City's police department to continue operating, and allow City to, among other things, increase supervision, retain experienced officers, recruit and hire a new police chief, repair and replace aging vehicles and equipment, provide officer training, and provide sufficient funds to cover increased training and certification costs.

The proposed rate will raise \$50,000.00 in 2021-2022, \$50,000.00 in 2022-2023, \$50,000.00 in 2023-2024, \$50,000.00 in 2024-2025, and \$50,000.00 in 2025-2026, for a total of \$250,000.00. It is estimated that the proposed tax will result in a rate of approximately \$0.50 per \$1,000.00 assessed value in the first year. The estimated tax cost for this measure is an ESTIMATE ONLY based on the best information available from the county assessor at the time of estimate and may reflect the impact of early payment discounts, compression, and the collection rate.

Exhibit B  
Explanatory Statement

Approving this City of John Day measure will impose a local option levy through fiscal year 2025-2026. The levy would begin fiscal year 2021-2022 at the rate of \$50,000.00 per year, which is approximately \$0.50 per \$1,000.00 assessed value tax rate.

During the 2021-2022 fiscal year budget committee hearing, the City of John Day budget committee approved a motion recommending that the City Council refer a five-year \$50,000.00 per year local option levy to the City's electors to fund the John Day Police Department.

The Police Department is funded by general fund revenues in the form of property taxes, state shared revenue, franchise fees, and transfers from other City departments.

The Police Department has experienced annual operating deficits due to declining state shared revenue and increased operating costs. The Police Department's operating deficits have placed limitations on the City's ability to fund other needed public improvements and City projects. Also, these deficits have impaired the ability of the Police Department to maintain its equipment in good working condition. The current chief of police is retiring in September of 2021 and a new police chief will need to be recruited and hired, which may add additional costs and expenses. The Police Department is also facing concerns of rising costs in the future due to costs and expenses arising out of increased regulation, training, and certification requirements.

All tax revenues from this ballot measure will be used for and dedicated exclusively to Police Department operations, including, without limitation, repairing and replacing aging equipment, training officers, retaining experienced officers, and funding public safety services. Approval of this measure will provide the Police Department with \$50,000.00 of operating revenue each year for the next five years, which will likely allow the City to continue operating the Police Department at its present level of service.

A "no" vote on this measure will likely result in the City discontinuing the Police Department and transitioning the remaining police department (including the existing three full-time officers) to the Grant County Sheriff's Office if Grant County agrees to enter into a law enforcement services agreement with the City of John Day.