

RESOLUTION NO. 21-868-16

A RESOLUTION OF CITY OF JOHN DAY DEFERRING THE EFFECTIVE DATE OF ORDINANCE NO. 21-195-06, JOHN DAY TLT ORDINANCE, TO OCTOBER 01, 2021.

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

WHEREAS, on July 13, 2021, the City's city council passed Ordinance No. 21-195-06, An Ordinance of the City of John Day Implementing a Three Percent Transient Lodging Tax; and

WHEREAS, the John Day TLT Ordinance was made effective on September 1, 2021; and

WHEREAS, on or around August 05, 2021, the City entered into a Transient Lodging Tax Collection Intergovernmental Agreement with the Oregon Department of Revenue (DOR) to administer the TLT tax; and

WHEREAS, the DOR cannot begin administering the tax until the first quarter following the quarter in which the ordinance is passed; and

WHEREAS, the Council finds it expedient to defer the effective date of the ordinance to October to allow for the DOR to perform the administration;

NOW, THEREFORE, BE IT RESOLVED that City of John Day resolves as follows:

1. Findings. The above-stated findings contained in this Resolution No. 21-868-16 (this "Resolution") are hereby adopted.

2. Authorization; Notice. The Council hereby authorizes the city manager to notify the transient lodging tax collectors, transient lodging providers, and transient lodging intermediaries of the change in the John Day TLT Ordinance effective date to October 1, 2021. The Council authorizes, approves, and directs the city manager, and his or her designee, acting individually and without further Council approval and/or authorization, to take all actions necessary or appropriate to implement this Resolution.

3. Miscellaneous. All pronouns contained in this Resolution and any variations thereof will be deemed to refer to the masculine, feminine, or neutral, singular or plural, as the identity of the parties may require. The singular includes the plural and the plural includes the singular. The word "or" is not exclusive. The words "include," "includes," and "including" are not limiting. The provisions of this Resolution are hereby declared 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 may be corrected by order of the Council to cure editorial and/or clerical errors.

ADOPTED by the City Council of City of John Day and signed by the mayor this 14th day of September, 2021.

Ron Lundbom, Mayor

ATTEST:

Nicholas Green, City Manager