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ORDINANCE NO. 38C3

ORDINANCE PROVIDING FOR THE CALLING OF A CITY TAX BASE ELECTION IN THE CITY OF ALBANY, OREGON ON THE 5TH DAY OF NOVEMBER, 1974, FOR THE PURPOSE OF SUBMITTING TO THE LEGAL VOTERS OF THE CITY OF ALBANY, 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 AND DECLARING AN EMERGENCY.

WHEREAS, the City Council of the City of Albany, Oregon has determined that a new tax base should be established as authorized by Subsection (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 Albany, Oregon; now, therefore,

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN 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 the legal voters of the City of Albany, Oregon, at a city tax base election to be held on the 5th day of November, 1974.

Section 2: Form of Proposition

At the city tax base election there shall be submitted to the legal voters of the City of Albany, Oregon for their approval or rejection, the following proposition:

"Shall the City of Albany, Linn and Benton Counties, Oregon increase its tax base from \$426,388.35 to \$734,388.00 ?"

Section 3: Election Part of Statewide General Election

There is a regular statewide general election being held in the State of Oregon and in the City of Albany on the 5th day of November, 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 conducted by the same election boards that handle the regular statewide general election in the election precincts in which the City of Albany is located, at the regular statewide general election to be held on the 5th day of November, 1974. Such election boards hereby are designated

as the election boards for the city tax base election and shall hold the respective offices as designated for the regular statewide general election.

Section 5: Polls

The polls for the city tax base election shall be open 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 regular statewide general election that shall be held on the same day.

Section 6: Notice of Election

Notice of the city tax base election shall be given by publication twice in the Albany Democrat-Herald, a newspaper of general circulation in the City of Albany, Oregon, not more than 30 nor less than 10 days before the election. Notices of the city tax base election shall be posted for not less than 20 days before the election in three public places within the city. The notice in the newspaper and that posted in three public places shall be in substantially the following form:

NOTICE OF ELECTION TO ESTABLISH NEW CITY TAX BASE

On November 5, 1974 in the City of Albany, Linn and Benton Counties, Oregon, from 8:00 a.m. to 8:00 p.m. a city tax base election shall be held at which the following proposition will be submitted to the legal voters of the City of Albany for their approval or rejection:

ESTABLISHING NEW CITY TAX BASE

Shall the City of Albany of Linn and Benton Counties, Oregon increase its tax base from the present \$ 426,388.35 to \$ 734,388.00.

YES

NO

This proposition, if adopted, will establish a new tax base for the City of Albany, Oregon, for the purpose of applying the limitation on taxation set forth in Section 11, Article XI, Oregon Constitution. The present tax base is \$ 426,388.35. The new tax base, if adopted, will be \$ 734,388.00, and the new tax base, if adopted, shall first apply to the levy for the fiscal year next following this election.

The city and county precincts within the City of Albany will have uniform boundaries and the same election boards. The polling places in the city for the city tax base election shall be at the same places as provided by Linn County for the regular statewide general election to be held on the same day, November 5, 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 County Clerk of Linn County, Oregon, for the regular statewide general election, as the judges and clerks 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 County Clerk of Linn County.

Witness this my hand and seal of the City of Albany, Oregon, this _____ day of October, 1974.

City Recorder

Section 7: Posting of Notices; Voter's Pamphlets Unnecessary

The City Recorder shall advertise and cause to be posted the notices required by Section 6 of this ordinance. The notices of the city tax base election required to be given by Section 6 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 of this election. It shall be unnecessary for either the City of Albany or any official thereof to furnish the legal voters at the 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 8: Number and Form of the Question

The following is the number and form in which the question shall be printed on the official ballot:

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

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Referred to the people by the City Council of the City of Albany.

ESTABLISHING NEW CITY TAX BASE

Shall the City of Albany, Linn and Benton Counties, Oregon, increase its tax base from \$ 426,388.35 to \$ 734,388.00 ?

YES

NO

Section 9: Emergency Declared

Whereas, it is in the betterment of the public health, interest, safety and general welfare of the citizens of the City of Albany that this matter be disposed of at the earliest possible moment, therefore, an emergency is hereby declared to exist and this ordinance shall become immediately effective upon its passage by the Council and approval by the Mayor.

PASSED BY THE COUNCIL: August 28, 1974

APPROVED BY THE MAYOR: August 28, 1974

EFFECTIVE DATE: August 28, 1974

Cliff Davis
Mayor

ATTEST:

Ernest W. Isham
City Recorder