

RESOLUTION NO. 1424

A RESOLUTION ESTABLISHING A ROAD MAINTENANCE REGULATORY FUND, ADOPTING AND APPROPRIATING A BUDGET FOR FISCAL YEAR 1997-98 IN THE AMOUNT OF \$324,000, AND MAKING FINDINGS AND DETERMINATIONS THAT THE STREET MAINTENANCE USER FEE IS NOT SUBJECT TO SECTION 11(19), ARTICLE XI OF THE OREGON CONSTITUTION.

WHEREAS, Ordinance No. 484 enacted on July 21, 1997, a new regulatory program of maintaining a safe, functioning street system measured at a Pavement Condition Index (PCI) rating in the 65-75 range and established a road maintenance fund dedicated exclusively to fund the street maintenance regulatory program through a street user fee; and

WHEREAS, City Resolution No. 1394, approved July 21, 1997, established the methodology and billing categories and provided for a road maintenance user fee to fund the regulatory program of street maintenance services; and

WHEREAS, the City adopted the 1997-98 fiscal year budget on June 16, 1997 and did not anticipate Road Maintenance user fee revenues or corresponding expenditures; and

WHEREAS, the City now desires to implement the collection of said user fee and account for the expenditures of funds dedicated and used exclusively for a regulatory program to maintain and provide for a safe, functioning street system; and

WHEREAS, Chapter 541, including Sections 455—462, of Oregon Laws, was enacted July 14, 1997, after the first reading of Ordinance No. 484 and before Ordinance No. 484's final enactment on July 21, 1997; and

WHEREAS, Sections 455—462 provide a method for determining that no shift in funding from property tax to the road maintenance user fee has occurred and that the funding mechanism is not subject to Section 11(19), Article XI of the Oregon Constitution; and

WHEREAS, the City of Wilsonville has not had prior to Ordinance No. 484 and implementing Resolution No. 1394 either a street management regulatory program or a supporting street user fee; and

WHEREAS, the City of Wilsonville has not collected as yet such fees since Ordinance No. 484 and Resolution No. 1394 were adopted, and such fees will be a new fee; and

WHEREAS, the street management regulatory program is a qualified government product or service; and

WHEREAS, user fees are allocated in the sum of \$324,000, for the partial fiscal year 1997-98, with an annualized average for five years of \$483,000 each year thereafter, none of which is attributable as a portion of a property tax reduction amount under Section 458(1) of Chapter 541; and

WHEREAS, the City of Wilsonville has duly advertised the Chapter 541 findings recited herein 14 days prior to the City Council public meeting and hearing to consider this matter on October 20, 1997, and has duly advertised the public hearing on the supplemental budget for October 6, 1997, and announced continuance of the public hearing to October 20, 1997; and

WHEREAS, the City must adopt a supplemental budget in accordance with ORS 294.480 to expend revenues not anticipated when the budget was adopted.

NOW, THEREFORE, THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:

1. The City will create a separate fund for accounting for road maintenance regulatory services, such fund to be known as the Road Maintenance Regulatory Fund.

2. The City hereby adopts a supplemental budget for fiscal year 1997-98 in the sum of \$324,000 and appropriates road maintenance user fee funds as follows:

Road Maintenance Resources

Road Maintenance Fee	\$320,000
Interest	<u>\$ 4,000</u>
Total Resources	\$324,000

Road Maintenance Requirements

Capital Outlay	\$280,000
Contingency	<u>\$ 44,000</u>
Total Requirements	\$324,000

3. The City determines:

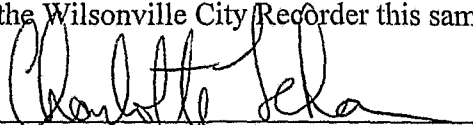
(a) The road maintenance user fee is a fee as set forth in the City Attorney's opinion dated October 1, 1997, on file with the City Recorder;

(b) Based on the findings recited above and incorporated herein, the road maintenance user fee revenues fund a qualified government product or service;

(c) The proposed use of the road maintenance user fee revenues does not result in a shift during the initial implementation period by replacing property tax reduction amounts with the proceeds of the proposed fee to fund a qualified government service;

4. The City further determines that the road maintenance user fee is a funding mechanism which is not subject to Section 11(19), Article XI of the Oregon Constitution.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof this 20th day of October, 1997, and filed with the Wilsonville City Recorder this same date.


CHARLOTTE LEHAN, Mayor

ATTEST:

Sandra C. King, CMC, City Recorder

SUMMARY OF VOTES:

Mayor Lehan	<u>Yes</u>
Councilor Kirk	<u>Yes</u>
Councilor Helser	<u>Yes</u>
Councilor Luper	<u>Abstain</u>
Councilor Barton	<u>Yes</u>