

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

AN ORDINANCE FOR THE PURPOSE)	ORDINANCE NO. 90-335
OF CORRECTING THE BALLOT TITLE)	
FOR THE METRO ZOO TAX BASE)	Introduced by Tanya Collier,
BALLOT MEASURE AND DECLARING)	Presiding Officer
AN EMERGENCY)	

WHEREAS, Ordinance No. 90-329 adopted by the Council of the Metropolitan Service District on January 25, 1990, submitted to the voters of the District a ballot measure to authorize a tax base dedicated to the Metro Washington Park Zoo; and

WHEREAS, The Ballot Title submitted by the Council erroneously contained a ballot question containing twenty-one words which exceeds the maximum number of words allowed pursuant to ORS 310.390 by one word; and

WHEREAS, There is a need to correct the Ballot Title immediately to comply with statutorily established deadlines in order for the ballot measure to be properly submitted to the voters and published in the Voters' Pamphlet; now, therefore,
THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

1. The ballot question contained in the Ballot Title submitted to the voters of the District pursuant to Ordinance No. 90-329 is hereby amended to read as follows:

CAPTION: ESTABLISHES A TAX BASE DEDICATED TO OPERATING THE ZOO.

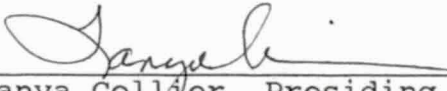
QUESTION: SHALL METROPOLITAN SERVICE DISTRICT ESTABLISH A \$5,100,000 TAX BASE STARTING FISCAL YEAR 1990-91 TO OPERATE THE METRO WASHINGTON PARK ZOO?

EXPLANATION: THIS MEASURE PROVIDES A \$5,100,000 TAX BASE TO OPERATE THE ZOO. IT STARTS JULY 1, 1990, WHEN THE

CURRENT \$5,500,000 VOTER-APPROVED LEVY FOR ZOO OPERATION AND CONSTRUCTION ENDS. CURRENTLY, THERE IS NO TAX BASE (\$0) TO OPERATE THE ZOO. THE TAX BASE WILL BE USED WITH ZOO GATE AND CONCESSION SALES INCOME TO OPERATE AND MAINTAIN THE ZOO. THE ESTIMATED TAX RATE RESULTING FROM THE BASE WOULD BE 15 CENTS PER \$1,000 OF ASSESSED VALUE AT CURRENT VALUES, OR \$9.01 FOR A HOME ASSESSED AT \$60,000. ANY CONSTITUTIONALLY AUTHORIZED INCREASE IN THE TAX BASE SUBSEQUENTLY LEVIED BY THE COUNCIL SHALL BE APPORTIONED TO THE ZOO FUNCTIONS OR ACTIVITIES SPECIFIED BY THE COUNCIL IN THE BALLOT TITLE IN THE SAME PROPORTION AS THE ORIGINAL ALLOCATION. IF THE DISTRICT REDUCES OR CEASES TO PROVIDE A FUNCTION OR ACTIVITY FOR WHICH THE TAX BASE HAS BEEN ALLOCATED, THEN THE COUNCIL MAY USE THAT PORTION OF THE TAX BASE FOR ANY LAWFUL PURPOSE OF THE DISTRICT.

2. In that statutory deadlines exist which require that the corrected ballot title adopted by this Ordinance be submitted to the appropriate election officials immediately in order to ensure publication of materials in the Voters' Pamphlet, the Council pursuant to Metro Code Section 2.01.070(1) finds that an emergency exists and hereby by unanimous vote of all members present and voting waives the requirements of ORS 198.550(1) and directs the Clerk of the Council to publish notice of the adoption of this emergency ordinance pursuant to ORS 198.560(3).

ADOPTED by the Council of the Metropolitan Service District this 8th day of February, 1990.


Tanya Collier, Presiding Officer

DBC/gl
1011

ATTEST:

I certify that the Executive Officer did not veto this ordinance.


Clerk of the Council





METRO

2000 SW First Avenue
Portland, OR 97201-5398
(503) 221-1646
Fax 241-7417

February 8, 1990

The Honorable Tanya Collier
Presiding Officer
Metropolitan Service District
2000 S. W. First Avenue
Portland, OR 97201-5398

Executive Officer
Rena Cusma

Metro Council

Mike Ragsdale
Presiding Officer
District 1

Gary Hansen
Deputy Presiding
Officer
District 12

Lawrence Bauer
District 2

Jim Gardner
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Richard Devlin
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Tom DeJardin
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George Van Bergen
District 6

Ruth McFarland
District 7

Judy Wyers
District 8

Tanya Collier
District 9

Roger Buchanan
District 10

David Knowles
District 11

Dear Presiding Officer Collier:

Re: Ordinance No. 90-335

Ordinance No. 90-335 would correct the ballot title for the Metro Washington Park Zoo tax base ballot measure approved by the Council on January 25, 1990. The ballot title approved by the Council inadvertently included 21 words in the ballot question portion of the ballot title. ORS 310.390(1)(b) limits the ballot question to no more than 20 words. Ordinance No. 90-335 would correct this error by eliminating the word "THE" from the ballot question prior to the title of the District. This would not alter the meaning of the question and while perhaps grammatically awkward would use the same terminology to refer to the District as was used in the ballot title approved by the Council in Resolution No. 90-1194 which submitted a Zoo capital serial levy to the voters.

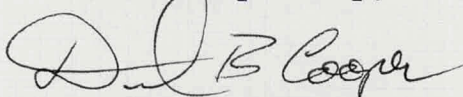
Ordinance No. 90-335 is an emergency ordinance. Pursuant to ORS 198.550 ordinances are required to be read twice at two separate meetings. Notice of the ordinance being on the agenda must be published prior to the meetings pursuant to ORS 198.540. The exception to these requirements is for ordinances "To meet an emergency." If the ordinance is to meet an emergency and the reasons requiring immediate action are described in the ordinance, the ordinance may be introduced, read once and put on its final passage at any meeting without being described in a published agenda. The unanimous approval of all members of the "board" at the meeting, a quorum being present, is required to adopt an emergency ordinance. ORS 198.550(3). The Council's own rules of procedures contained in Metro Code Chapter 2.01 reflect the requirements of the state statutes. The Ordinance if approved by a unanimous vote of all members present at the meeting would be effective pursuant to Metro Code Section 2.01.070(1).

The Honorable Tanya Collier
February 8, 1990
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The reasons requiring immediate action are set forth in the ordinance as being in order to comply with statutorily established deadlines in order for the ballot measure to be properly submitted to the voters and published in the Voters' Pamphlet.

ORS 251.285(5) requires that any District measure submitted for inclusion in the state Voters' Pamphlet must be submitted not later than the 70th day before the election and only after the time for filing a request for judicial review of the ballot title and explanatory material has passed. The time period for requesting judicial review of a ballot title is seven business days after the filing of the title with the elections officer. (Because the explanatory statement to be printed in the Voters' Pamphlet was properly approved and published the time period for objecting to it has passed.) In order to comply with the statutory deadlines, the ballot title must be filed with the Multnomah County Elections Office no later than February 22, 1990. If not filed until then, the filing of a petition seeking judicial review of the ballot title would automatically preclude inclusion of the material in the Voters' Pamphlet. Early submission of the ballot title is necessary to allow time for resolving any challenge. Even if unchallenged, action on Ordinance No. 90-335 at the February 22, 1990, regular Council meeting would be too late.

Yours very truly,



Daniel B. Cooper,
General Counsel

gl
1048

cc: Donald Carlson



METRO

2000 SW First Avenue
Portland, OR 97201-5398
(503) 221-1646
Fax 241-7417

February 16, 1990

Allen Robertson
Multnomah County Elections
1040 S. E. Morrison Street
Portland, Oregon 97214-2495

Dear Mr. Robertson:

Enclosed are forms we received in our office regarding filing in reference to a tax base and levy measure for Metro's Washington Park Zoo. We formally transmitted our filing of the ballot titles to you on February 9, 1990 with the accompanying ordinance and resolution. Please advise me if any other information is needed.

Sincerely,

Donald E. Carlson by gpwb
Donald E. Carlson
Council Administrator

gpwb

elecfil2.ltr

cc: Greg McMurdo, Government Relations Manager

Executive Officer
Rena Cusma

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NOTICE OF MEASURE ELECTION

Metropolitan Service District
Name of District

On May 15, 1990, an election will be held in
Date of Election

Metropolitan Service District
Name of District

The following measure will be submitted to the voters of the district:

(Put text of ballot title on reverse side)

Donald E. Carlson by apth
Authorized signature

Council Administrator
Title

FILING DEADLINES: MARCH, MAY, AND NOVEMBER - 61 DAYS PRIOR TO THE ELECTION.
AUGUST - 43 DAYS PRIOR TO THE ELECTION.
JUNE AND SEPTEMBER - 34 DAYS PRIOR TO THE ELECTION.

(Text of ballot title)

Serial Levy for Capital Construction at the Zoo

Caption (10 words maximum)

QUESTION: (20 words maximum) Shall Metropolitan Service District
Levy \$1,512,000 Each Year for Next Three Years for Capital
Construction at Metro Washington Park Zoo?

*PURPOSE: (150 words maximum) This measure allows the District to levy
\$1,512,000 each year for three years starting July 1, 1990. The total
levy is \$4,536,000. In 1986 District voters approved a three-year
serial levy of \$5,500,000 for Zoo operations and construction. The
1986 levy expires June 30, 1990. This new levy will provide funds to
renovate the Children's Zoo (Animals Around Us Exhibit) and make other
improvements to Zoo facilities and equipment. The levy is outside the
6 percent limitation specified in the Oregon Constitution.

* For measures authorizing tax levies or establishing new tax bases: a concise and impartial statement of not more than 150 words, explaining chief purpose of the measure and giving reasons for the measure. If an estimated tax is included in a ballot title, it must be based on a current estimate of assessed value by the County Assessor and must include the statement: "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." Such statement required by ORS 310.395 shall not be included in the 150 word limitation.

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(Text of ballot title)

Establishes a Tax Base Dedicated to Operating the Zoo

Caption (10 words maximum)

QUESTION: (20 words maximum) Shall Metropolitan Service District
Establish a \$5,100,000 Tax Base Starting Fiscal Year 1990-91 to
Operate the Metro Washington Park Zoo?

*PURPOSE: (150 words maximum) This measure provides a \$5,100,000 tax
base to operate the Zoo. It starts July 1, 1990, when the current
\$5,500,000 voter-approved levy for Zoo operation and construction ends.
Currently, there is no tax base (\$0) to operate the Zoo. The tax base
will be used with Zoo gate and concession sales income to operate and
maintain the Zoo. The estimated tax rate resulting from the base would
be 15 cents per \$1,000 of assessed value at current values, or \$9.01
for a home assessed at \$60,000. Any constitutionally authorized increase
in the tax base subsequently levied by the Council shall be apportioned
to the Zoo functions or activities specified by the Council in the ballot
title in the same proportion as the original allocation. If the District
reduces or ceases to provide a function or activity for which the tax base
has been allocated, then the Council may use that portion of the tax base
for any lawful purpose of the District.

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shall not be included in the 150 word limitation.



METRO

Memorandum

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

DATE: February 12, 1990
TO: Rena Cusma, Executive Officer
FROM: Gwen Ware-Barrett, ^{gwbe} Acting Clerk of the Council
RE: TRANSMITTAL OF ORDINANCE NOS. 90-335 AND 90-329 FOR
CONSIDERATION OF VETO

Attached for your consideration is a true copy of Ordinance No. 89-335, An Ordinance for the Purpose of Correcting the Ballot Title for the Metro Zoo Tax Base Ballot Measure and Declaring an Emergency; and Ordinance No. 90-329, For the Purpose of Submitting a Metro Service District Tax Base Measure for the Metro Washington Park Zoo adopted by the Council February 8, 1990.

If you wish to veto either of these ordinances, I must receive a signed and dated written veto message from you no later than 5:00 p.m., Thursday, February 15, 1990. The veto message, if submitted, will become part of the permanent record. If no veto message is received by the time stated above, these ordinances will be considered finally adopted.

I, Unette Thorley, received this memo and a true copy of Ordinance Nos. 90-335 and 90-329 from the Council Clerk February 12, 1990.

Dated: 2/12/90

GPWB:pa
mem.ord