

RESOLUTION NO. 3193

A RESOLUTION classifying certain fees, charges, and bonds as not subject to, or exempt from the limitations of Article XI, Section 11b of the Oregon Constitution.

WHEREAS, Article XI, Section 11b of the Oregon Constitution imposes limits on certain types of fees and charges imposed by local governments and

WHEREAS, ORS 305.583(8), enacted by the 1991 legislature to implement Article XI, Section 11b, provides that local governments may adopt resolutions classifying its existing fees, charges, and bonded indebtedness as either subject to, or not subject to the limits in Article XI, Section 11b of the Oregon Constitution and

WHEREAS, if a local government adopts such a classifying resolution, ORS 305.583(8) requires that notice of the adoption be published within 15 days of the adoption to ensure that the public is notified of the action and has an opportunity to challenge the classification in court and

WHEREAS, if no one challenges the classification within sixty days after adoption of the resolution, and assuming that notice is published as required, ORS 305.583 then prohibits any challenge at a later time to the local government's classification of a fee, charge, or bonded indebtedness as not subject to the limits in Article XI, Section 11b of the Oregon Constitution, thereby providing the local government additional certainty in preparing and relying on its budget and

WHEREAS, it is in the public interest that such classification of fees, charges and bonded indebtedness that are not subject to, or exempt from the limits of Article XI, Section 11b of the Oregon Constitution be made at this time.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Albany, a Municipal Corporation of the State of Oregon, as follows:


Section 1. The fees and charges set forth on Exhibit A attached hereto and incorporated herein by reference are classified as not subject to the limits of Article XI, Section 11b of the Oregon Constitution.

Section 2. The bonds set forth on Exhibit B attached hereto and incorporated herein by reference are classified as exempt bonded indebtedness and taxes imposed to pay principal and interest on those bonds are exempt from the limits of Article XI, Section 11b of the Oregon Constitution.

Section 3. Within 15 days of the adoption of this Resolution, the City Recorder shall cause to be published in a newspaper of general circulation within the City, a notice of adoption of this resolution classifying fees and charges. The notice shall:

- a. Appear in the general news section of the newspaper, not in the classified advertisements;
- b. Measure at least three square inches;
- c. Be printed in a type size at least equal to 8-point type, and
- d. State that the City has adopted a resolution classifying taxes, fees and charges as not subject to the limits of Article XI, Section 11b of the Oregon Constitution, that the reader may contact the City Recorder to obtain a copy of the resolution, that judicial review of the classification may be sought within 60 days of the date the resolution was adopted, and if no such review is sought within the time specified, no subsequent challenges to the classifications will be permitted.

DATED THIS 12<sup>th</sup> DAY OF August, 1992.

  
Mayor

ATTEST:

  
Deputy City Recorder

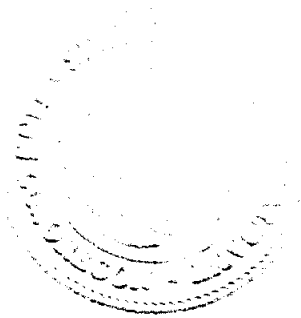


Exhibit "A"  
to  
Resolution No. 3193

- 2.08.010 Nomination filing fee
- 3.04 Privilege tax--electrical power and light business
- 3.14 Transient room tax
- 3.18 Liberty television franchise
- 3.20 Pacific Northwest Bell telephone franchise
- 3.24 Burlington Northern franchise
- 3.28 Albany-Lebanon Sanitation franchise
- 3.30 Long distance telecommunications company franchise
- 5.04 Business licenses
- 5.08 Peddlers-Solicitors license fee
- 5.10.050 Transient and itinerant merchants and vendors fee
- 5.12.080 Taxicabs fees
- 5.20.060 Private detectives-merchant patrolmen fee
- 5.30.030 Massage parlors application fee
- 5.30.050 Massagist license application fee
- 5.30.090 Multiple massage establishments fee
- 5.36 Gas utility tax
- 5.40.020 Septic tank cleaning trucks user fee
- 5.48.080 Fire and going out-of-business sales license fee
- 6.18.040 Dangerous dogs fee
- 7.28.106 Park regulations fee

9.14.030 Remediation of contaminated soil fee

10.08 Sewer fees, charges and assessments

10.12.040 Industrial waters users fee and charges

10.12.050 Wastewater discharge permit fee

10.14.020 Sewer connections of unassessed properties fee

11.01 Water fee, charges, and assessments

13.21.170 Forfeitures

13.21.110 Barricade of parking space(s) fee

14.04.040 Encroachment liens

14.08.010 Use of streets for construction and repair permit

14.12.020 Excavation permit

14.16.030 Sidewalk repairs permit

14.24.010 Benches on public sidewalks permit

15.04 Local improvements and special assessments

15.06 Private construction of public improvements

17.28.110 Uniform fire code appeals and filing fee

18.04.050 Building codes special permit fees

18.04.140 Construction of basic plan several times--permit and review

18.04.150 Construction of basic plan several times--one plan-check fee

18.04.180 New construction exterior design permit

18.04.185 New construction exterior design review

18.04.190 Demolition and moving permits

18.04.210 Demolition--Permit--Expiration

- 18.04.220 Demolition--Permit--Suspension or revocation
- 18.04.050 Building codes special permit fees
- 18.18.010 Moving buildings permit
- 18.28.010 Swimming pool building permit

All fees and charges associated with development including but not limited to:

**Construction Permits**

- Non-residential & Residential over 4 units
- Residential - New construction (1 to 4 units)
- Residential - Addition/Remodeling
- Garage
- Carport
- Storage Shed
- Reroof
- Fire Damage Repair

**Plumbing Permits**

**Mechanical Permits**

**Plan Review**

- Non-residential & Residential over 4 units
- Residential (1 to 3 units)

**Manufactured Home Permits**

**Miscellaneous Permits**

- Change of Occupancy
- System Development Charges
  - Sewer - Non-Residential
  - Residential
  - Water - Commercial, Industrial and Residential
- Sewer in Lieu of Assessments

**Sign Permits**

**Planning Fees**

- Adjustments
- Annexations
- Appeals
- Conditional Use
- Comprehensive Plan Amendments
- Development Code Amendments
- Greenway Use Permits
- Historic Review
- Manufactured Home Parks
- Nonconforming Situations
- Planned Developments
- Property Line Adjustments
- Site Plan Review

**Subdivisions**

**Vacations**

**Variances**

**Zoning Map Amendments**

**Ambulance User Fees**

**Fire Incident Recovery Fee**

**FireMed Membership Fees**

**Fireworks Permit**

**Fuel Tank Removal Permit**

**Hazardous Materials Incident Recovery Fee**

**Tannic Installation Permit**

Exhibit B  
to  
Resolution No. 3193

<u>Bonded Indebtedness</u>	<u>Original Issue Amount of Bonds</u>
<b>GENERAL OBLIGATION</b>	
1) Crossover Advance Refunding Water Bonds--1985 Issue	9,370,000
2) Water Refunding Bonds--1987 Issue	9,095,000
3) Senior Center Bond--1987 Issue	800,000
<b>BANCROFT</b>	
1) Bancroft Bond--1982 Issue	1,400,000
2) Bancroft Bonds--1988 Issue	500,000
<b>REVENUE</b>	
1) Sewer Revenue Bonds--1986 Issue	3,560,000
2) Sewer Revenue Bonds--1989 Issue	4,100,000
3) Water Revenue Bonds--1989 Issue	3,500,000
4) Water Revenue Bonds--1990 Issue	1,500,000
5) Water Revenue Bonds--1991 Issue	2,000,000
6) Water Revenue Bonds--1992 Issue	3,000,000
<b>URBAN RENEWAL</b>	
1) 1991 Construction Bonds--Series A	3,000,000
2) 1991 Refunding Bonds--Series B	2,360,000