

**REFERRED BY INITIATIVE PETITION
CITY OF NEWBERG
MEASURE 36-70**

**REPEAL CITY CODE SECTIONS ON LOCAL
IMPROVEMENT DISTRICTS**

QUESTION: Shall the subsection of the Code entitled "Local Improvement Districts" be repealed effective July 1, 2004?

SUMMARY: This measure is proposed by Initiative Petition. The proposal would amend the Code of Newberg by repealing Sections 36.40 through 36.56 entitled "Local Improvement Districts" (LID) and prescribe an effective date as July 1, 2004.

These sections proposed for repeal establish the procedures to be followed when an LID is formed to construct a public or capital improvement. Costs are assessed to the property within the district. The code provides for an engineer's report to identify plans for improvement and estimated costs. Notice is given to LID property owners, and a public hearing with an opportunity to object is held. If the City approves the project, the district is created, bids are solicited, and initial assessments may be made. After construction, the actual cost is determined, and the final assessments are made. The payments may be made over a period of time, which is usually 10 to 30 years.

The LID ordinance was adopted by the City Council on June 3, 1996.

No additional or replacement language has been proposed by this measure.

**NO ARGUMENTS WERE SUBMITTED IN
SUPPORT OF THIS MEASURE**

EXPLANATORY STATEMENT

BACKGROUND: A "yes" vote on this measure would repeal sections 36.40 to 36.56 of the Code of Newberg, entitled the "Local Improvement District Ordinance." This repeal would be effective as of July 1, 2004. A "no" vote on this measure would retain the existing Local Improvement District Ordinance.

A local improvement district (LID) is used to construct and finance a capital construction project that specially benefits specific properties, such as construction of sidewalks, street improvements, sewer mains, or water mains. Specially benefited properties are assessed and pay a share of the construction costs. Assessed property owners may pay the assessed costs initially or over a certain amount of time. Property owners may petition the City to create an LID, or the City may initiate the process. State law and the Newberg Charter authorize the City to create LIDs, to assess benefited properties, and to adopt ordinances that prescribe the procedures for creating LIDs.

Newberg has adopted an ordinance, known as the "Local Improvement District Ordinance," that prescribes the procedures that the City must follow in creating an LID. This measure proposes to repeal this Local Improvement District Ordinance. The ordinance requires the City to first prepare an Engineering Report, which details the local improvement to be constructed, estimates the costs of the improvement, considers what amount the City should pay and what other means are available to finance the improvement, recommends which properties should be assessed, and estimates the cost that each benefited property will pay if the LID is created.

The City then provides notice of this information to the property owners and holds a public hearing to hear any testimony in favor of or objections to the LID. The City must consider all objections. The Newberg Local Improvement District Ordinance provides that if persons representing 80 percent or more of the proposed assessment object, then the process is stopped, except in certain cases, including emergencies. The ordinance provides that the City has to require a bid and a bond for the construction. Furthermore, property owners are allowed to pay for the assessed costs over time of not less than 10 years but no more than 30 years. The assessment to the properties is recorded and acts as a lien on the properties.

EFFECT OF PASSAGE: Sections 36.40 to 36.56 of the Code of Newberg, entitled the "Local Improvement District Ordinance," would be repealed. The procedures for creating LIDs thus would be governed by State law and not by the Code of Newberg.

The effective date of the measure would be July 1, 2004. This could affect LIDs in process.

EFFECT OF FAILURE: If the measure fails, no changes will be made to the Code. The procedures for creating LIDs thus will continue to be governed by the Newberg Local Improvement District Ordinance.

Copies of the Newberg Local Improvement District Ordinance are available at Newberg City Hall - 414 East First Street, Newberg, Oregon.

Submitted by Dawn M. Wilson, Petitioning/Elections Officer
City of Newberg

ARGUMENT IN OPPOSITION

VOTE NO ON THIS MEASURE

This measure repairs the law setting out a method by which the City can assist in making improvements to a neighborhood.

A Local Improvement District (LID) is an important tool for the citizens and for the City to support construction of roads, sidewalks, curbs, sewer, storm water and water systems.

The Newberg Mayor and City Council believe that property owners benefiting from these public improvements should pay for these improvements. In many cases, the property owners initiate the process and ask the City to create an LID.

Why deny this right to Newberg citizens?

The Newberg Code provides a fair and legal method to initiate an LID, to notify property owners, hear objections, and allow payment over time. The Code protects property owners in a number of ways including that if a designated percentage of property owners object, the improvement does not proceed. If a neighborhood wants a road or other improvement built and are willing to pay for it, why take away the main tool that may be used to have it done?

LIDs have been used in a different situation to allow developers to put off building roads, or other improvements, when it didn't make sense to build them upon initial construction of a subdivision. The obligation to build the road stayed with the properties. Problems have occurred when it came time to add improvements and property owners didn't wish to be liable for the cost. For this reason, the City no longer allows developers to defer improvements in this manner.

In fairness to all, the affected property owners should pay the cost of local improvement to a local development. An LID is an appropriated tool for accomplishing this.

The Mayor, the City Council and concerned citizens urge a NO vote on this measure.

VOTE NO ON MEASURE 36-70

Submitted by Bob Larson, Treasurer
Newberg First PAC

The printing of this argument does not constitute an endorsement by Yamhill County, nor does the county warrant the accuracy or truth of any statement made in the argument

**BALLOTS MUST BE RETURNED TO
AN OFFICIAL BALLOT DROP SITE
OR TO THE
YAMHILL COUNTY CLERK'S OFFICE
BY 8:00 P.M., MARCH 8, 2005**



**COUNTY OF YAMHILL
VOTERS' PAMPHLET
MARCH 8, 2005
SPECIAL ELECTION**

CITY OF NEWBERG

NOTICE

**YOU MAY DELIVER YOUR VOTED
BALLOT POSTAGE-FREE TO THE
FOLLOWING OFFICIAL DROP SITES**

Dayton City Hall - Open 24 Hrs
416 Ferry St., Dayton

Chehaltem Park District - Open 24 Hrs
1802 Haworth Ave, Newberg

Newberg Public Safety - Open 24 Hrs
Parking Lot, Howard St, Newberg

24 Hr. drive-by drop box

East end of courthouse parking lot
Enter 5th St.—Exit 6th St, McMinnville

Yamhill County Clerk's Office
Courthouse, 535 NE 5th Street, Rm. 119
McMinnville

Open 9AM-5PM, election day 7AM-8PM

**ELECTION DAY, MARCH 8, 2005, THE DROP
SITES WILL BE OPEN UNTIL 8:00 P.M.**

**REFERRED BY INITIATIVE PETITION
CITY OF NEWBERG—MEASURE 36-71**

**AMENDS CHARTER TO REPEAL THE SECTION
RELATING TO SPECIAL ASSESSMENTS**

QUESTION: Shall Section 42 of the City Charter entitled Special Assessments be repealed?

SUMMARY: The measure is proposed by Initiative petition. The proposal would amend the City Charter by repealing Section 42 entitled Special Assessments of Chapter IX entitled Public Improvements. A vote of the people is required to amend the Charter.

Section 42 specifically states that the procedure for special assessments dealing with the amount of property owned for park, police, to owners, hearings, enforcing laws, and other acts shall be governed by State law or by City ordinances. The section does not establish the procedures.

Pursuant to this Section of the Charter, the City has enacted local improvement district ordinances and other special assessment district ordinances that are adopted in the Code of Newberg. This measure would remove the Section from the Charter.

No additional or replacement language has been proposed by this measure.

**NO ARGUMENTS WERE SUBMITTED IN
SUPPORT OF THIS MEASURE**

EXPLANATORY STATEMENT

BACKGROUND: A "yes" vote on the measure would repeal Section 42, entitled "Special Assessments," of the Newberg Charter. This section is part of Chapter IX, entitled "Public Improvements." A "no" vote would retain Section 42 in the Newberg Charter.

Section 42, which this measure would repeal, states that the procedure for special assessments is governed by applicable State laws or general ordinances of the City. Special assessments include assessments to properties for the costs of public improvements that specially benefit those properties, such as sidewalks, street improvements, sewer mains, or water mains. Newberg has, as part of the Code of Newberg, a general ordinance that establishes detailed procedures for making special assessments. The State of Oregon has laws that authorize cities to prescribe procedures for and make special assessments, provided those procedures meet the requirements of State law and the Oregon Constitution. Under the general grant of power to the City in the Newberg Charter and pursuant to State law, Newberg has the authority to do acts allowed under State law, whether or not specific sections of the Charter expressly state that authority. Section 42 of the Newberg Charter does not specifically grant authority to the City to enact ordinances regulating the procedure for special assessments. However, it does state that State laws or the general ordinances of the City shall govern such procedure.

EFFECT OF PASSAGE: Section 42 (Special Assessments) of Chapter IX (Local Improvements), the Newberg Charter would be repealed. The Newberg Charter will no longer expressly state that the procedure for special assessments shall be governed by State laws or general ordinances of the City. State law will remain unaffected by this passage.

EFFECT OF FAILURE: If the measure fails, no changes will be made to the City Charter. The Newberg Charter will continue to expressly state that the procedure for special assessments shall be governed by State laws or general ordinances of the City.

Copies of the Newberg Charter are available at Newberg City Hall - 414 East First Street, Newberg, Oregon.

Submitted by Dawn M. Wilson, Paralegal/Elections Officer
City of Newberg

ARGUMENT IN OPPOSITION

VOTE NO ON THIS MEASURE

Repeal of the section of the Newberg City Charter pertaining to Special Assessments would have a profound detrimental impact on the future development of the City.

Amending the City Charter by repealing Section 42, Special Assessments, could be the demise of numerous types of assessments, not just the repeal of provisions pertaining to Local Improvement Districts (LID). Special assessments, and LIDs in particular, provide an opportunity for a neighborhood to petition the City for specific improvements in their neighborhood, and have a choice of financing options not otherwise available. This method of obtaining improvements and financing does not burden the rest of the citizens in other neighborhoods of the entire City.

New development should pay the cost to extend all services including but not limited to water system, sewer, storm water, road, sidewalk and curbs. Presently, these costs can be charged to the property owners doing the development and who ask for or consent to the improvements through special assessments.

If this measure passes, the ability of the City to have these property owners pay for the cost of the development of their property could be very limited. In addition, property owners who want improvements to their neighborhood and are willing to pay for the cost of those improvements may not be allowed to make the improvements or have available financial alternatives.

The Mayor, the City Council and concerned citizens urge a NO vote on this measure.

VOTE NO ON MEASURE 36-71

The printing of this argument does not constitute an endorsement by Yamhill County, nor does the county warrant the accuracy or truth of any statement made in the argument

Submitted by Bob Larson, Treasurer
Newberg First PAC

VOTER REGISTRATION INFORMATION

To be eligible to vote in the March 8, 2005, election, a completed voter registration card must be on file with the Yamhill County Clerk by not later than 5:00 p.m., February 15, 2005.

YOU MAY REGISTER TO VOTE IF:

- You are a citizen of the United States.
- You will be 18 years of age or older on election day.
- You are a resident of Oregon.
- **YOU MUST RE-REGISTER TO VOTE IF:**
- Your residence or mailing address changes.
- Your name changes.
- You wish to change party affiliation.

VOTING INSTRUCTIONS

When you get your ballot packet in the mail after February 18, 2005, immediately examine it to make certain it is complete. It should contain the following items:

- A printed ballot on which you may vote your choice.
- A secrecy envelope with voting instructions printed on it.
- A pre-addressed blue trimmed return envelope in which to return your ballot.
- This Yamhill County Voters Pamphlet.
- If any items are missing, contact the Yamhill County Clerk's Office, at 503-434-7518, and a replacement ballot packet will be sent to you.

VOTING YOUR BALLOT

To vote "yes" or "no" on a measure, with a pencil or pen, simply complete the arrow next to the vote of your choice.

If you need assistance voting your ballot or if you make an error on your ballot, spoil it in any way or lose it, you may obtain a replacement ballot by contacting the Yamhill County Clerk's Office at 503-434-7518.

RETURNING YOUR VOTED BALLOT

Follow the instructions on the secrecy envelope. Fold your ballot along the pre-scored fold and seal it into the secrecy envelope.

SEAL the return envelope and **SIGN** the statement on the back of the envelope. Your ballot will not be counted if your envelope is not signed.

IMPORTANT NOTE: IF YOU HAVE MOVED OR YOUR NAME HAS CHANGED AND YOU HAVE NOT YET RE-REGISTERED, YOU MAY STILL BE ABLE TO DO SO. CONTACT THE YAMHILL COUNTY CLERKS OFFICE AT 503-434-7518 OR 503-554-7850 FROM NEWBERG. FAX: 503-434-7520—TDY 1-900-735-2900

**REFERRED BY THE CITY OF DAYTON
MEASURE 36-72**

CITY OF DAYTON HOME RULE CHARTER

QUESTION: Shall the City of Dayton adopt a new home rule charter?

SUMMARY: This measure would replace the current city charter with a new one. The city council believes the new charter would improve city government.

The Oregon Constitution gives city voters the right to adopt charters. Charters grant legal authority to cities and set duties. Dayton voters adopted the current charter in 1983. The role of the mayor is now different from that in the charter. Under the 1983 charter, the mayor can only veto when there is a council tie. The mayor has a veto, but does not use it. The City has an administrator, but the current charter does not define the duties.

In 2004 the League of Oregon Cities adopted a new model charter. The model defines the legal authority of the mayor and city council. It clearly sets the duties of a city manager. The mayor has a veto, but no veto. The model charter is shorter and easier to read. The city council adapted the model charter to better meet the present and future needs of the City of Dayton.

A full text copy of the proposed charter is available for reference at the Dayton City Recorder's Office.

**EXPLANATORY STATEMENT
MEASURE 36-72**

This measure is a proposed new Home Rule Charter for the City of Dayton. The new charter would replace the current city charter that was adopted by Dayton voters in 1983. The city council believes the new charter would improve city government.

The Oregon Constitution gives city voters the right to adopt home rule charters. A charter grants authority to a city government. It sets the duties for the council and mayor. Many charters also create the office of city manager and set its duties.

Under the 1983 Dayton charter, the mayor only votes when there is a tie vote of the councilors. The mayor has a veto over some council decisions. The actual role of the mayor has changed over the years. The mayor presides at council meetings and does not vote, but almost never attempts to veto council decisions. The City has had a city administrator for many years. The existing charter does not create the office and does not define the duties for the administrator.

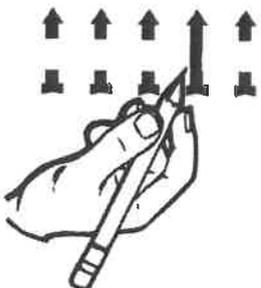
In early 2004 the League of Oregon Cities (LOC) adopted its 6th edition of a model city charter. LOC adopted its previous model in 1988. The new LOC model more specifically describes city authority. The actions of the mayor and city council are more clearly defined. It adds the duties of a city manager. Under the LOC models, the mayor has a veto, but no veto. The model charter is also shorter and easier to read than older city charters. The Dayton City Council adapted the 2004 LOC model to better meet the current and future needs of the City of Dayton.

**NO ARGUMENTS WERE
SUBMITTED IN SUPPORT OR IN
OPPOSITION TO THIS MEASURE**

*Submitted by Sue C. Hollis, City Administrator/Recorder
City of Dayton*

**INSTRUCTIONS
FOR MARKING BALLOT**

**TO VOTE,
CONNECT
THE ARROW**



**IF YOU MAKE AN ERROR
PLEASE RETURN YOUR BALLOT TO THE ELECTION OFFICIAL
AND REQUEST A NEW BALLOT**



REMEMBER!

If you are a "Snowbird" or plan to be away from your home address for an extended length of time, give Yamhill County elections department your address away from home along with the dates you will be away. We will mail your ballots to your absentee address while you are away.

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IMPORTANT: YOUR BALLOT WILL NOT BE COUNTED IF IT IS NOT RECEIVED IN TIME.

NOTICE

YOU MAY DELIVER YOUR VOTED BALLOT POSTAGE-FREE TO THE FOLLOWING OFFICIAL DROP SITES:

Dayton City Hall 416 Ferry St. Dayton Open 24 Hours	Newberg Public Safety Parking Lot, Howard Street, Newberg Open 24 Hours
Courthouse- Jail Parking Lot McMinnville Open 24 Hours	Chehalam Park Dist. 1802 Haworth Ave. Newberg Open 24 Hours
County Clerk's Office Courthouse, 535 NE 5th St. - Room 119 McMinnville	Clerk's Office hours 9:00AM-5:00PM Monday-Friday Election day 7AM-8PM

BALLOTS MUST BE RETURNED TO AN OFFICIAL BALLOT DROP SITE OR TO THE YAMHILL COUNTY CLERK'S OFFICE BY 8:00 P.M., MARCH 8, 2005



COUNTY OF YAMHILL VOTERS' PAMPHLET MARCH 8, 2005 SPECIAL ELECTION CITY OF DAYTON

IMPORTANT NOTE: IF YOU HAVE MOVED OR YOUR NAME HAS CHANGED AND YOU HAVE NOT YET REREGISTERED, YOU MAY STILL BE ABLE TO DO SO. CONTACT THE YAMHILL COUNTY CLERK'S OFFICE, 503-434-7518 FOR FURTHER INFORMATION.

Compiled and Distributed by

Jan Coleman

Yamhill County Clerk

503-434-7518

TDY 1-800-735-2900

FAX 503-434-7520

elections@co.yamhill.or.us

www.co.yamhill.or.us/clerk/elections

**ELECTION DAY, MARCH 8, 2005
DROP SITES WILL BE OPEN UNTIL**

8:00 P.M.