

RESOLUTION NO. 1913

A RESOLUTION CALLING AN ELECTION ON NOVEMBER 8, 2016, TO REFER TO THE VOTERS OF THE CITY OF COTTAGE GROVE, OREGON, A THREE CENT INCREASE IN THE CITY'S MOTOR VEHICLE FUEL TAX AND ADOPTING A BALLOT TITLE

WHEREAS, Section 4 of the Charter of the City of Cottage Grove provides that the City has all powers that the constitutions, statutes and common law of the United States and Oregon expressly or impliedly grant or allow the City, as fully as though this charter specifically enumerated each of those powers; and

WHEREAS, Chapter 5.26 of the Cottage Grove Municipal Code imposes a business license tax on motor vehicle fuel dealers of \$.03 per gallon of all motor vehicle fuel sold, used or distributed by the dealer in the City (Gas Tax); and

WHEREAS, proceeds from the City's Gas Tax are used by the City to construct, reconstruct, improve, repair, maintain, and operate public highways, roads, and streets within the City; and

WHEREAS, the Cottage Grove City Council desires to increase the amount of the City's Gas Tax by \$.03, for a total tax of \$.06 per gallon; and

WHEREAS, ORS 319.950 requires that any change in the amount of the City's Gas Tax be approved by the voters of Cottage Grove.

NOW, THEREFORE, THE CITY OF COTTAGE GROVE RESOLVES AS FOLLOWS:

Section 1. A city election is called for the purpose of submitting to the qualified electors of the City of Cottage Grove an ordinance increasing the amount of the City's business license tax on motor vehicle fuel dealers (Gas Tax) to \$.06 per gallon, a copy of which is attached to this Resolution as Exhibit A and incorporated into this Resolution by reference.

Section 2. The ballot title for this measure shall be as follows:

CAPTION: Increase City Gas Tax to \$.06 Per Gallon

QUESTION: Shall the City's Gas Tax increase from \$.03 per gallon to \$.06 per gallon?

SUMMARY: If adopted by the voters, this measure would increase the City's gas tax by \$.03 per gallon, for a total city gas tax of \$.06 per gallon. Revenues from the City's gas tax are used exclusively to construct, reconstruct, improve, and maintain City streets. The proposed increase in the City's gas tax would create more revenue for road construction, maintenance and repair in the City.

Section 3. The City Council orders this City election to be held in the City of Cottage Grove, Oregon, concurrently with the general election, on the 8<sup>th</sup> day of November, 2016, in accordance with the provisions of Chapter 254 of the Oregon Revised Statutes. The ballots shall be counted and tabulated and the results certified as provided by law.

Section 4. The election shall be conducted by Lane County. The County Clerk for Lane County is hereby instructed to prepare ballots and to take other actions necessary to conduct the election.


Section 5. If a majority of the legal voters of the City voting on this measure approve this measure, the ordinance attached as Exhibit A to this Resolution shall take effect on January 1, 2017.

Section 6. This Resolution, including the proposed ballot title shall be delivered to the City Recorder on the date of its adoption.

Section 7. The City Recorder shall give notice of this measure as required by law and take such other actions and otherwise proceed with the election as provided by law so as to carry out the purposes of this Resolution.

Section 8. This Resolution shall become effective immediately upon its adoption.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR THIS 8<sup>TH</sup> DAY OF AUGUST, 2016.

  
Thomas C. Munroe, Mayor  
Dated: Aug 08, 2016

ATTEST:


  
Richard Meyers, City Manager  
Dated: August 8, 2016

Exhibit A  
ORDINANCE NO. \_\_\_\_\_

WHEREAS, Section 4 of the Charter of the City of Cottage Grove provides that the City has all powers that the constitutions, statutes and common law of the United States and Oregon expressly or impliedly grant or allow the City, as fully as though this charter specifically enumerated each of those powers; and

WHEREAS, Chapter 5.26 of the Cottage Grove Municipal Code imposes a business license tax on motor vehicle fuel dealers of \$.03 per gallon of all motor vehicle fuel sold, used or distributed by the dealer in the City (Gas Tax); and

WHEREAS, proceeds from the City's Gas Tax are used by the City to construct, reconstruct, improve, repair, maintain, and operate public highways, roads, and streets within the City; and

WHEREAS, the citizens of the City of Cottage Grove desire to increase the amount of the City's Gas Tax by \$.03, for a total tax of \$.06 per gallon;

NOW THEREFORE, THE CITY OF COTTAGE GROVE ORDAINS AS FOLLOWS:

Section 1. Section 5.26.030 of the Cottage Grove Municipal Code is amended as follows:

5.40.010 Amount and payment.

In addition to any fees or taxes otherwise provided for by law, every dealer engaging in the city in the sale, use or distribution of motor vehicle fuel shall:

A. Not later than the twenty-fifth day of each calendar month, render a statement to the tax administrator on forms prescribed, prepared and furnished by the tax administrator of all motor vehicle fuel sold, used or distributed by him/her in the city as well as all such fuel sold, used or distributed in the city by a purchaser thereof upon which sale, use or distribution the dealer has assumed liability for the applicable license tax during the preceding calendar month.

B. Pay a license tax computed on the basis of six cents per gallon of such motor vehicle fuel so sold, used or distributed as shown by such statement in the manner and within the time provided in this code.

Section 2. Severability. Any provision of this Ordinance which proves to be invalid, void, or illegal shall in no way affect, impair, or invalidate any other provision of this Ordinance, and the remaining provisions of this Ordinance shall remain in full force and effect.

Section 3. Effective Date. If approved by a majority of the voters of the City of Cottage Grove at the statewide general election held on Tuesday, November 8, 2016, this ordinance shall take effect on January 1, 2017.