

APPENDIX D

TRUST FOR PUBLIC LAND PUBLIC FINANCE FEASIBILITY STUDY 2022



TRUST FOR
PUBLIC
LAND™

City of Gresham, Oregon

Public Finance Feasibility Study

September 2022





1333 NW Eastman Parkway Gresham, OR 97030 | 503.657.3000

3/15/2022

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Public Land
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David Weinstein
Western Conservation Finance Director The Trust for
Public Land
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Dear Ms. Kovalik and Mr. Weinstein:

On behalf of the City of Gresham, I would like to request technical assistance from The Trust for Public Land in connection with our efforts to finance our parks, trails, open spaces, and other conservation priorities. As part of your advice and assistance, I understand you may undertake feasibility research, conduct a public opinion survey, and develop strategies for our consideration.

I am interested not only in the factual information that you can provide, but also your organization's opinions and recommendation on public financing measures available to the City of Gresham. This could include the public's priorities and attitudes concerning outdoor recreation, parks, trails, natural areas and other aspects of land and water conservation.

Information provided to the City of Gresham will be public record as a matter of law. This request does not in any way commit public funds to the efforts of The Trust for Public Land related to this request, nor does it require public disclosure of any confidential information of the organization.

This request will continue in effect for any advice you offer or presentations you submit for the use of this body related to such matters. In addition, I would like to take this opportunity to request that you continue to be available to provide technical advice and assistance in this area and on related matters in the future.

Lastly, I would like to extend a preemptive thank you for this important work that will inform our process as we forward.

Sincerely,

Mayor Travis Stovall
City of Gresham

MAYOR TRAVIS STOVALL | OFFICE OF MAYOR

1333 NW EASTMAN PARKWAY GRESHAM, OR 97030

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Introduction

The Trust for Public Land is a national nonprofit land conservation organization working to protect land for human enjoyment and well-being. The Trust for Public Land helps conserve land for parks, greenways, recreation areas, watersheds, working lands, and wilderness. Since 1972, the Trust for Public Land has protected more than 3 million acres and completed more than 4,760 park and conservation projects. To help public agencies or land trusts acquire land, the Trust for Public Land's Conservation Finance program assists communities in identifying and securing public financing. The Trust for Public Land offers technical assistance to elected officials, public agencies, and community groups to design, pass, and implement public funding measures that reflect community priorities.

Since 1996, the Trust for Public Land has been involved in more than 610 successful ballot measures and dozens of successful legislative campaigns that have created more than \$84 billion in new funding for parks, restoration, climate and land conservation. Voters have approved 83 percent of the ballot measures assisted by the Trust for Public Land, including 19 successful measures in Oregon since 1996. Recent successes include the passage of a 5-year City of Portland property tax levy for parks and recreation with a focus on equitable access to parks. Additionally, two measures in the City of Eugene to improve parks and recreation: a five-year operations levy and a \$39 million construction bond. The measures were approved with 66 percent and 63 percent of the vote, respectively.

In 2014, voters in the City of Portland passed a \$68 million bond for park improvements and, as well as a 5-year local option property levy of 9.6 cents per \$1,000 for park improvement, operations, and maintenance in the Portland Metro special district in 2013. In 2012, voters in the Bend Park and Recreation District approved a \$29 million bond for the purpose of protecting natural areas, connecting trails, improving parks, and providing water safety. Also in 2012, a \$20 million bond for the acquisition and improvement of parks, trails, watersheds, wildlife habitat, and other natural areas was passed by voters in the Willamalane Park and Recreation District.

The City of Gresham has asked the Trust for Public Land to explore public funding options available for parks and recreation in the city. Given the substantial investment of time and resources required for a successful conservation finance initiative, preliminary research is essential to determine the feasibility of such an effort. This research provides a stand-alone, fact-based reference document that can be used to evaluate financing mechanisms from an objective vantage point.^{1,2}

If city officials decide to pursue dedicated funding, then the finance option(s) should match political and fiscal realities in the city. Next steps might include testing voter attitudes toward a specific set of funding proposals. The Trust for Public Land would recommend conducting a public opinion survey that tests ballot language, tax tolerance, and program priorities of Gresham voters.

¹ The contents of this report are based on the best available information at the time of research and drafting, July 2022.

² This feasibility study is not a legal document and should not be relied upon as a legal opinion.

Report Background

The City of Gresham, Oregon has long enjoyed a history of parks and natural area appreciation. City residents, when asked in 1988 and 1990, favored taxing themselves to acquire parkland and protect natural areas. However, as the economy worsened with the 2008 Great Recession, voters rejected funding for virtually any public service, including fire, police and parks. At the same time, the city was forced to eliminate positions, including within the parks department, resulting in degrading amenities, a maintenance backlog, and missed opportunities for beginning to reach recommended parks and recreation (P&R) service levels.

As we all know, parks are more than just fields set aside from development. They offer places for healthy and safe recreation, exercise, and competition. They offer moments of solitude and escape when we need it most. And they offer countless opportunities to our local businesses in retaining and attracting a quality workforce. Simply put, parks are paramount in the quality of life we all seek.

The city has recognized that while times are tough, the need for sustainable parks funding is increasing. The City convened a Green Ribbon Task Force in 2009 to research and make recommendations for available parks-funding options, and also contracted with The Trust for Public Land (TPL) to work with the City and the Task Force on working through options. This work culminated in a Finance Feasibility Study and recommendation to Gresham City Council to pursue voter approval of a new taxing district at an \$8.5 million per year level.

While this recommendation was not ultimately pursued, Gresham did put forth an operating levy to voters in 2014 to fund Police, Fire, and P&R services, which failed to pass. Facing inevitable reductions in core services, the Gresham City Council enacted a temporary \$7.50/month Parks, Fire, and Parks “PFP” utility fee. Five percent of the revenue from this fee has been applied to Parks and Recreation services, which was subsequently doubled to \$15 per month per property. For fiscal year 2022/23, this fund will recognize revenue of approximately \$7.8 million.

In recent years, the city has desired to replace the temporary PFP fee with permanent and more equitable (less regressive) and sustainable funding and enhance P&R services. To this end, P&R was included on the City Council’s annual work plan in 2021 and 2022, and in fall of 2021 a 30-person Parks & Recreation Community Advisory Group (PRCAG) was formed from a diverse cross-section of the population to map the City’s existing parks assets and recreation services (public and private) and develop a prioritized list of desired future P&R assets and recreation programs.

While this work is occurring, this report updates the 2010 Our Parks, Our Future Finance Feasibility Study. It analyzes Gresham’s current funding for its parks and open spaces and examines the most viable options for financing park and open space acquisition and improvements.

While the City’s PRCAG is developing a prioritized list of new parks assets and recreation programs for City Council to consider creating new funding mechanisms for, information about the financial impacts to the community for a range of future program costs will be vital in the decision-making process. While the City’s current program is funded at approximately \$3 million per year and generally considered insufficient, the ability and willingness of the community to financially support a very large program is unknown.

Therefore, this report will focus on ways to create dedicated public funding to achieve a path towards sustainability. This information will help inform the PRCAG and Gresham City Council’s decisions about the size of a P&R program to pursue and can be extrapolated to identify costs when a more specific P&R program is chosen.

Executive Summary

At the request of the City of Gresham the Trust for Public Land has undertaken a feasibility analysis to explore public funding options to support city parks and recreation. In order to understand what an appropriate funding source or sources would be, this report first provides a brief overview of existing park and recreation programs, governance, and funding as well as some background about the community. Next, the report analyzes possible alternatives for funding parks and recreation facilities, including the authority for their use and revenue raising-capacity. Finally, since most revenue options require approval by voters, this report provides pertinent election information, such as voter turnout history and election results for local finance measures.

To generate P&R funding, the City of Gresham could consider the following options: the property tax levy, general obligation bonding, a park district, and a park utility fee. Several other potential options are analyzed as well. Not all funding options are realistic for Gresham, but merely show the breadth of legally available funding mechanisms. Throughout Oregon (and most of the West), the two most frequently used funding mechanisms for parks purposes are property tax levies and general obligation bonds. For Gresham, these are two mechanisms that should be tested in a public-opinion survey, if this next step is pursued.

Property tax: A \$0.20 operating levy would generate about \$2 million in annual revenue, costing the average household (based on the median assessed value of \$221,930) \$44/year. An operating levy has a lifespan of five years, generating in total almost \$10 million. A simple majority of voters must approve the local option levy at either a general or primary election.

General Obligation Bond: A \$15 million bond measure would cost the average household \$27/year over the life of the bond, which assumes 20 years. Proceeds may be used for land acquisition or park and open space capital projects, but not for operation and maintenance purposes or recreational programming. A general obligation bond must be approved by a simple majority of voters at either a general or primary election.

City Park and Recreation District: A \$0.20 property tax levy would generate roughly \$2 million/year at an annual household cost of \$44.

Regional Park and Recreation District: A \$0.20 property tax levy would generate roughly \$2.5 million/year at an annual household cost of \$40 per \$200,000 of assessed value.

Formation of a park and recreation district requires petition to the County Commissioners by 15 percent of registered voters within the proposed district, and then a majority of voters must pass the district in an election. Once formed, a simple majority of voters must approve district bonds, but the district can authorize an annual property tax levy without a vote, based on the permanent rate established at the district's formation. It should be noted that a district could be formed to provide full parks and recreation services, or a discrete component, such as recreation. The scope and associated financial impact of a district will affect its political viability and probability of success with voters. Also, the legal ties and political relationship between a P&R or recreation-only district and the City should be clearly defined during district formation, as a district must have an elected board of directors separate from the City Council.

Park Utility Fee: A \$4/month/residential and commercial fee would generate over \$2.1 million annually and cost the average ratepayer \$48/year.

Specific Tax: Assessed as a fixed sum per dwelling and/or commercial unit. The sum is up to the discretion of Council. If Gresham proposed a \$30 per unit tax it could generate over \$1.35 million annually based on an approximate number of residential units of 45,000.

City Park and Recreation Fees: Up to the discretion of Council. Equity considerations should be taken into account to ensure access to services for all.

System Development Charges (SDCs): The City currently has approximately \$2.3 million in the Parks SDC Fund and charges a \$4,370 SDC/dwelling unit within Gresham. Additionally, there are Parks SDCs for Pleasant Valley (\$5,917) and Springwater (\$7,588). Because SDC revenue fluctuates greatly, as they're dependent on the housing market, it's hard to predict what an increase in SDCs would generate without doing extensive market studies. It should be noted, however, that because SDCs can be used ONLY to fund growth-related improvements, SDCs can rarely be used to fund an entire project.

Urban Renewal Agencies: Up to the discretion of Council. Could raise funds through tax increment financing for blighted area revitalization

Next steps should include selecting the funding option(s) that best matches the fiscal needs and political realities in the city and testing voter attitudes toward a specific funding proposal(s). The Trust for Public Land recommends conducting a public opinion survey that tests ballot language, tax tolerance, and program priorities of voters in Gresham.

Overview³

The City of Gresham is located in northwestern Oregon, in the eastern part of the Portland metropolitan area, in Multnomah County. It is comprised of approximately 23.3 square miles reaching north to the Columbia River and south to the county line. Major manufacturing industries include aircraft frames, integrated circuits for the microelectronics industry, industrial equipment and food processing.

Gresham is Oregon's fourth largest city and the Portland metro region's second largest city. Gresham is located just minutes from iconic Mount Hood, Multnomah Falls and the Columbia River Gorge National Scenic Area, the city of Portland, and Portland International Airport. Numbers from the 2020 U.S. Census released in mid-August show that Gresham leapfrogged Hillsboro to become the state's No. 4 city, behind Portland, Eugene and Salem. The numbers also show a slight increase in city's Hispanic population and slight decreases in its white population. According to the Census, Gresham's population increased dramatically from the 2010 census, increasing nearly 8.2 percent, to the city's current population of 114,247. Gresham has been considered a bedroom community to the City of Portland.

Demographics

Gresham Demographics				
Population	Note	Gresham	Multnomah County	Oregon
Population, Census, April 1, 2020		114,247	815,428	4,246,155
Population, Census, April 1, 2010		105,594	735,334	4,237,256
Race and Hispanic Origin				
White alone, percent		77.5%	79%	86.7%
Black or African American alone, percent	(a)	4%	6%	2.2%
American Indian and Alaska Native alone, percent	(a)	1.5%	1.4%	1.8%
Asian alone, percent	(a)	4.4%	8.1%	4.9%
Native Hawaiian and Other Pacific Islander alone, percent	(a)	0.8%	0.7%	0.5%
Two or More Races, percent		8.3%	4.7%	4.0%
Hispanic or Latino, percent	(b)	21.3%	12%	13.4%
White alone, not Hispanic or Latino, percent		63.9%	69.1%	75.1%
Housing				
Owner-occupied housing unit rate, 2016-2020		55%	54.4%	62.8%
Median value of owner-occupied housing units, 2016-2020		\$318,300	\$410,800	\$336,700
Median gross rent, 2016-2020		\$1,233	\$1,309	\$1,173
Families & Living Arrangements				
Households, 2016-2020		39,932	334,849	1,642,579
Language other than English spoken at home, percent of persons age 5 years+, 2016-2020		26.6%	19.9%	15.3%
Education				
High school graduate or higher, percent of persons age 25 years+, 2016-2020		86.9%	92.0%	91.1%
Bachelor's degree or higher, percent of persons age 25 years+, 2016-2020		22.7%	46.5%	34.4%
Health				
With a disability, under age 65 years, percent, 2016-2020		11.9%	9%	9.9%
Persons without health insurance, under age 65 years, percent		9.4%	8.3%	8.6%
Income & Poverty				
Median household income (in 2020 dollars), 2016-2020		\$58,250	\$71,425	\$65,667
Per capita income in past 12 months (in 2020 dollars), 2016-2020		\$27,811	\$41,612	\$35,393
Persons in poverty, percent		16.1%	11.2%	11%
<i>Source: US Census Quickfacts</i>				
<i>Fact Notes: (a) Includes persons reporting only one race (b) Hispanics may be of any race, so also are included in applicable race categories</i>				

³ 2021 CAFR Page 1

Like the rest of Oregon, Multnomah County still has a non-Hispanic white majority. That holds true for Gresham, Troutdale and Fairview. However, changes have occurred.

In 2010, Gresham's Hispanic/Latino demographic was about 18.9 percent of the population. The 2020 census found that that increased to 21.3 percent.

Within the significant growth of Gresham, the number of residents that identify as white alone, not Hispanic or Latino, decreased from approximately 69 percent to approximately 64 percent, indicating an increase in the diversity of Gresham residents.

Troutdale's Hispanic/Latino population is about 15 percent and Fairview is even higher with 18 percent. In fact, Troutdale, Gresham and Fairview's Hispanic/Latino population are all larger than the county's average, which is 12 percent. Oregon's population as a whole is about 13 percent Hispanic/Latino.

People who identify as Black or African American make up about 4.8 percent of the Gresham population. Gresham's Black/African American community grew from 2010, when the group only represented 3.5 percent of the population.⁴

Governance

Members of the Gresham City Council are selected at large directly by the electorate to serve as the policy making board of the city. The City of Gresham operates under the council–manager form of government. The city council consists of the mayor and six councilors, all of whom serve four-year terms. Nonpartisan elections for the City Council and Mayor are held in November of even-numbered years. These City elected officials' positions will be on the ballot in November 2022:

- Mayor
- Council Position 2
- Council Position 4
- Council Position 6

Gresham City Council		
Name	District	Term Expires
Travis Stovall	Mayor	2022
Dina DiNucci	Council Position 1	2024
Eddy Morales	Council Position 2, Council President	2022
Vince Jones-Dixon	Council Position 3	2024
Mario Palmero	Council Position 4	2022
Sue Piazza	Council Position 5	2024
Janine Gladfelter	Council Position 6	2022

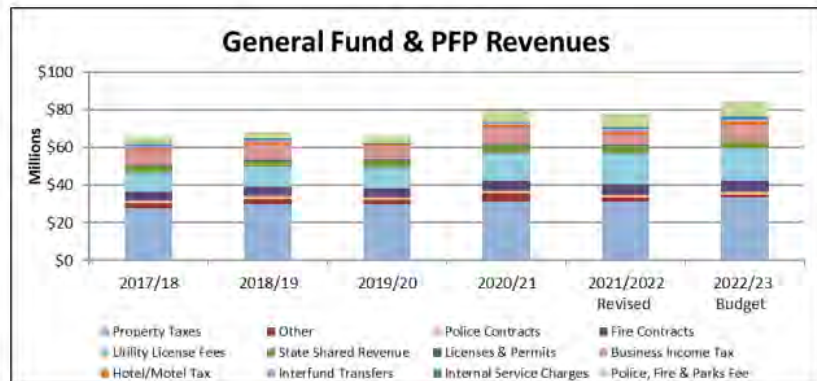
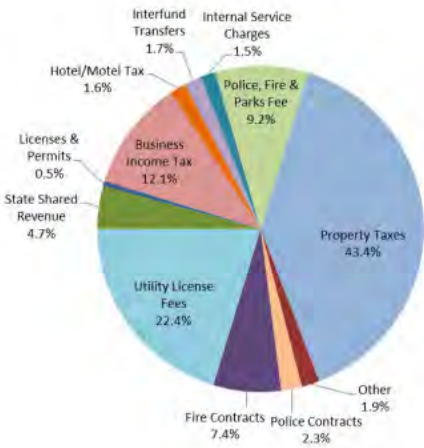
Finances⁵

For fiscal year 2021/22, Gresham will have an operating budget of more than \$220 million, with a general fund operating budget of \$77,308,238. The 2022/23 proposed budget increase these numbers by \$16.8 million or 10.5 percent. The General Fund is largely comprised of property taxes (43.4%), utility license fees (22.4%), business income tax (12.1%) and the Police Fire & Parks Fee (PFP) (9.2%).

⁴ Gresham's population jumps 8% as city grows more diverse October 2021 by Angel Rosas, Pamplin Media Group

⁵ Excerpted from 2022/23 proposed budget

General Fund Operating Revenues



The economic impacts of the past several years all have a trickle-down impact to the local economy and in turn the City of Gresham’s revenue streams. While Gresham and the Portland Metro area’s economy was impacted by the COVID-19 pandemic over the last 2 years, many industries have or have nearly returned to normal levels, and this trend is expected to continue. Overall, the state of Oregon has regained most of the jobs lost over the last several years and the unemployment rate is currently at 3.8 percent. Inflation is at a 4- decade high, and the Federal Reserve began raising interest rates for the first time since 2018 to combat the inflationary pressures. Despite the inflation, consumer spending is still at pre-pandemic levels.

In this environment, most of the City’s revenues are performing well and are expected to continue in the same manner for the period covered by the proposed budget. This includes property taxes, business income tax, utility charges, building fees, and utility license fees as a few examples. Many of these are in part strong due to the significant construction activity that is occurring within the city and an overall strong economy. Other revenues such as planning fees and gas taxes have more uncertainty regarding the outlook. Planning fees have been at low levels for the last several years and activity is not showing signs of returning to higher levels for now.

In addition to local revenues, there has been a significant increase in the amount of external funds available to the city through grants and direct allocations. In March 2021, the federal government passed the American Rescue Plan Act which included payments to many Americans, but also included direct allocations at the state, county, and local levels. New grant opportunities have also become available, and the city is taking advantage of these opportunities as it is prudent to do so.

While the approval for projects using American Rescue Plan Act Funds (“ARPA”) is not a part of the City’s annual budget process, it is important to recognize the impact and significance that this funding has had on the City. The City received \$12.7 million in 2021 in ARPA funds and will receive a second allocation of the same amount in 2022. The community provided the city with feedback on how they would like to spend these funds and the City Council adopted principles to guide the decision on how these funds are spent. The City Council approved the use of these funds for strategic, timely and urgent investments to serve the community as follows: • Business Grant Program - \$510,000 • City of Gresham COVID-19 Expenses - \$500,000 • Community Assistance Grant Program - \$350,000 • Computer Replacement - \$600,000 • Housing & Homelessness - \$1,950,000 • Organizational Stability - \$2,805,000 • Public Safety - \$4,436,000 • Planning for the Future - \$400,000 • Utility Assistance Program – \$120,000 • Youth Violence Prevention Program - \$1,000,000.

It should be noted that many jurisdictions through the country have used these funds for parks and park related expenditures.

Parks and Recreation Funding in Gresham ⁶

In tough economic climates, Parks budgets often face even greater challenges than many other City service budgets, as maintenance costs that get deferred disproportionately grow over time; in other words, without ongoing maintenance to keep those assets current, the backlog to maintain them begins to grow exponentially. That, combined with higher uses during the Pandemic economic downturns (as more citizens look to inexpensive or free entertainment) and current service levels that are well-below national standards, cuts to the Gresham Parks budget puts an enormous, and unsustainable strain on Gresham's Parks assets.

Within the general fund, Gresham has allocated about \$3 million annually over the past four years to P&R services. The FY2021-2022 budget increased staffing and resources in the parks management, administration, recreation programming and operation and maintenance programs. A Parks and Recreation Program Manager was hired, the City's Natural Resources Planner was transferred to a Parks Planning role, and a Program Technician split between the City's Facilities team and recreation tasks (administration of the City's P&R reservation system) was shifted to focus full-time on P&R support. Also, \$300,000 in General Fund resources were allocated toward partnerships with community organizations to provide recreation programming.

The Parks & Recreation Division maintains over 314 acres of active parks, eight miles of trails, and is the community steward for over 800 acres of natural areas. The division coordinates with community volunteers, when available, on maintenance and operation related activities. Parks & Recreation supports the administration of recreational programs and an athletic field and picnic shelter reservation system. The department also supports a variety of special events each year including the Community Spirit of Gresham, the Hood to Coast Relay Race and Gresham Arts Festival to name a few. Operating expenditures for Parks & Recreation are budgeted in the General Fund and in the Police, Fire and Parks Subfund. Parks related capital improvement projects are budgeted in the Park CIP Fund with resources from system development charges, grants, loans and private donations.

Key issues and in the operating plan for fiscal year 2022/23 include:

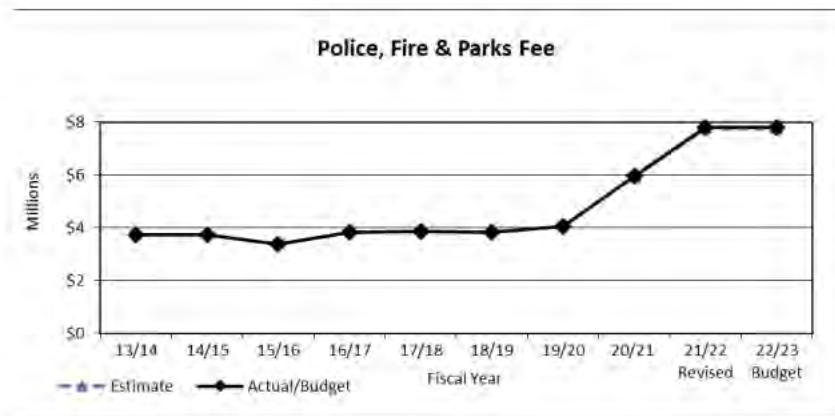
- Continuing assessment of all developed and undeveloped parks in the system to provide a baseline understanding of parks levels of service, deferred maintenance needs, and accessibility issues.
- Assessing park and recreation programs and work toward equitable actions that remove barriers to participation, foster inclusiveness, and serve diverse populations.

Police, Fire and Parks Fee (PFP)

On December 4, 2012, the City Council passed a 17-month temporary fee supporting Public Safety and Parks. Council voted to extend the fee on June 5, 2014. This fee is charged for residences and businesses through the Utility Billing System. The revenue is split between the Police, Fire and Parks departments, with 95 percent going to public safety and 5 percent to parks. Effective in January 2021, the City Council approved extending the temporary fee increase (from \$7.50 to \$15 per month) to support police, fire and parks services through June 30, 2023. The fee hadn't changed since its adoption in 2012, while costs to provide police, fire and parks have grown.

For fiscal year 2022/23, this fund will recognize revenue of approximately \$7.8 million.

⁶ Largely excerpted from 2022/23 Proposed Budget



With the 2010 “Our Parks, Our Future” Green Ribbon Task Force the City outlined its top 25 realistic projects which included some acquisitions, development, capital replacement, and recreational programs. The projects were expected to cost \$5 million annually over 20 years. In addition to the top 25 projects, capital replacement projects were expected to cost about \$1 million annually and annual maintenance would run about \$2.5 million annually. Planning and design would also need to be taken into account, but this could be financed through the current parks budget. The total cost of these improvements were expected to be about \$99.6 million with an annual need of \$8.5 million in additional funds.

With the inclusion of Parks & Recreation as a 2021 and 2022 City Council Work Plan project and the formation of the City’s Parks & Recreation Community Advisory Group, these priorities are being revisited and updated. This work is anticipated to conclude in the summer of 2022.




Park Access and Equity ⁷

The Trust for Public Land created a 10-minute Walk analysis to measure and analyze current access to parks in cities, towns, and communities nationwide. In our analysis, Gresham, the primary urbanized area, has 76 percent of its population living within a 10-minute walk of a park. The national average is 55 percent. In addition, eleven percent of city land is used for parks and recreation. The national median is 15 percent.




The following maps show priority areas for new parks according to ParkServe, a comprehensive database of local parks in nearly 14,000 cities, towns and communities maintained by TPL. All populated areas in a city that fall outside of a 10-minute walk of a park are assigned a level of priority, based on a comprehensive index of six equally weighted demographic and environmental metrics. Also shown is who is being served by parks based on age, income, and race/ethnicity.

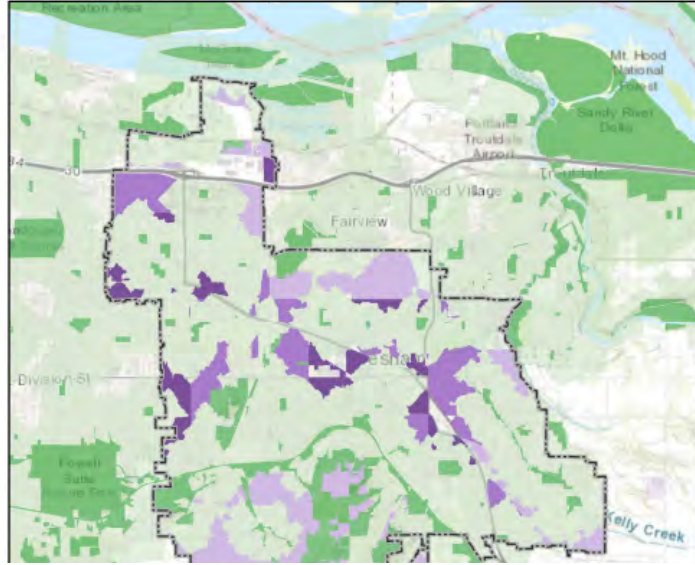
⁷ ParkServe © <https://www.tpl.org/city/salt-lake-city-utah>

Legend

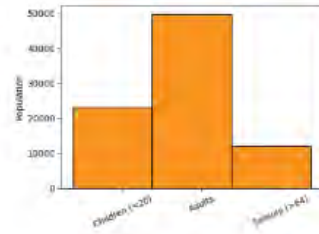
-  City Boundary
-  Parks
-  Service Areas

Priority areas for new parks

-  Very high priority
-  High priority
-  Moderate priority

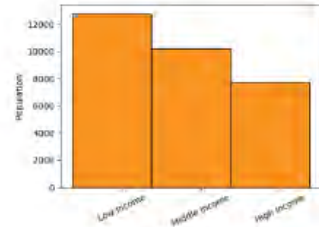


Age	Served
Children (less than age 20)	23,089
Adults (age 20 to age 64)	49,817
Seniors (age 65 and up)	12,111



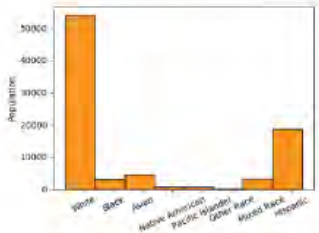
Households by Income	Served
Low income	12,795
Middle income	10,206
High income	7,717

(Generated From Regional Median Incomes)



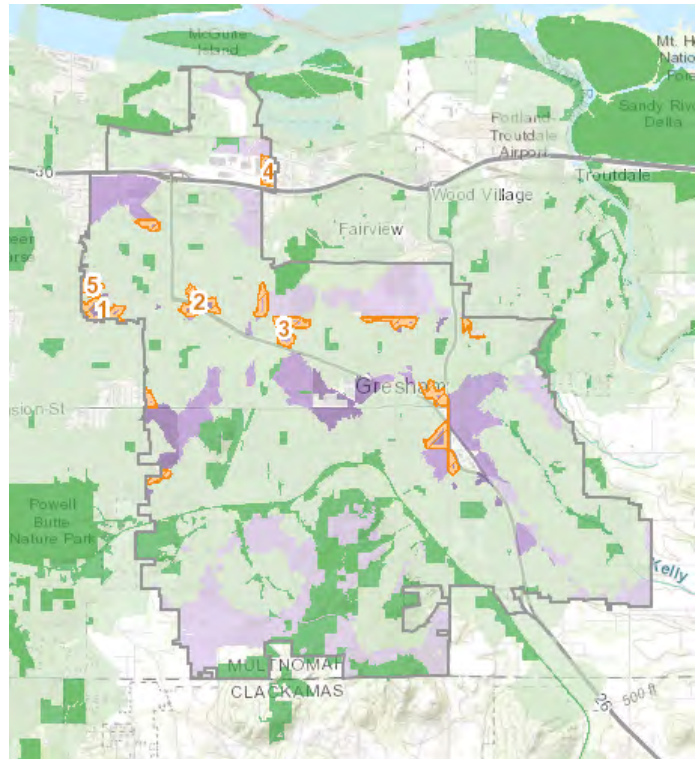
Race/Ethnicity	Served
White*	53,951
Black*	3,041
Asian*	4,565
Native American*	598
Pacific Islander*	708
Other Race*	116
Mixed Race*	3,265
Hispanic	18,773

* Excludes those that report Hispanic origin (which is captured separately from race by the U.S. Census)



Demographic information is derived from ESRI 2021 Demographic Forecast Block Groups data.

The map to the right shows heat risk priority areas in Gresham. These areas highlight where urban heat islands coincide with high density of people outside a 10-minute walk of a park. For each city, the park priority area block groups that are in the top two quintiles for heat AND the top two quintiles for population density were extracted, then merged into contiguous areas. The top five of these areas with the highest population are labeled on the map, indicating where many people live without park access and are exposed to relatively high land surface temperatures.



Choosing a Local Funding Strategy

Generally, there are three primary types of revenue sources available to local governments to pay for parks and recreation: discretionary annual spending, creation of dedicated funding streams, and debt financing. The financing options utilized by a community will depend on a variety of factors such as taxing capacity, budgetary resources, voter preferences, and political will.

Significant, dedicated funding generally comes from broad-based taxes and/or the issuance of bonded indebtedness, which often require the approval of voters. In the Trust for Public Land's experience, local governments that create funding via the budget process often provide substantially less funding than those that create funding through ballot measures. As elected officials go through the process of making critical budgetary decisions, funding for land conservation often lags behind other public purposes, and the amount appropriated tends to be less than what voters would support. It is understandably often difficult to raise taxes without an indisputable public mandate for the intended purpose.

Ballot measures provide a tangible means to implement a local government's vision. With their own funding, local governments are better positioned to secure scarce funding from state or federal governments or private philanthropic partners. In addition, having a predictable funding source empowers the local jurisdiction to establish long-term parks and recreation priorities that meet important community goals and values.

Nationwide, a range of public financing options has been utilized by local jurisdictions to fund parks and open space, including general obligation bonds, the local sales tax, and the property tax. The ability of local governments to establish dedicated funding sources depends upon state enabling authority.

In Oregon, a range of public financing options have been utilized to fund parks and land conservation, such as the property tax and general obligation bonding. TPL's research will focus on broad-based mechanisms capable of generating significant funding at the local level that are practical and have been proven. Many of these funding options require voter approval. In 1988, Gresham voters passed a \$4.5 million parks acquisition bond. In 1990, they led the region by voting to protect natural and scenic resources by approving a \$10.285 million bond measure to pay for the purchase of these lands. More recently, however, voters in Gresham have shown an aversion for public finance/spending measures, including one parks-related measure, and most recently a five-year local option levy for increased police service. Therefore, public opinion polling is recommended to gauge potential support for any funding measure to be considered for parks, trails, and open space in Gresham.

Local Conservation Finance Ballot Measures in Oregon

The property tax and general obligation bonds are the principal local, voter-approved revenue sources that could be permitted for conservation purposes in Oregon. Counties and municipalities are authorized to acquire land and easements for purposes including parks, trails, watershed protection, floodplain management, farmland, and cultural and historic preservation. These mechanisms have different requirements for authorization. In Oregon, municipalities rather than counties have largely undertaken conservation finance ballot measures. Most of these measures are bonds, which can only be used for capital expenses.⁸ The property tax may be used to fund operations and maintenance.

Oregon voters have shown moderate support for funding parks and open space measures – approving 24 of 37 local funding questions (65 percent) since 1996. The most common finance mechanism utilized by local jurisdictions in the state is general obligation bonds, which accounted for 18 of the successful ballot measures. Three jurisdictions, the City of Portland, the Metro Regional Government, and the City of Eugene, have passed local option property taxes for parks and land conservation.⁹

⁸ The Trust for Public Land's Conservation Almanac Database

⁹ The Trust for Public Land's LandVote Database

Oregon Local Conservation Finance Measures 1996-present					
Finance Mechanism	# Of Measures	# Passed	% Passed	Parks and Conservation Funds Approved	Total Funds Approved
Bond	25	18	72%	\$991,910,000	\$1,106,695,000
Meals Tax	1	1	100%	\$6,000,000	\$30,000,000
Property tax	11	5	45%	\$385,528,000	\$434,928,000
Total	37	24	65%	\$1,383,438,000	\$1,571,623,000

Source: The Trust for Public Land's LandVote Database

Public Finance Options for Gresham

Bonds

Upon voter approval, a city may issue general obligation bonds to finance capital construction or capital improvements, such as land acquisition or building construction. Generally, bond proceeds are limited to capital projects and may not be used for operations and maintenance purposes.¹⁰ An Oregon city may not issue or have outstanding at the time of issuance general obligation bonds in a principal amount that exceeds three percent of the real market value of the taxable property within its boundaries.¹¹ The city determines the maturity dates for bonds to provide for short-term, interim, or long-term borrowing and establishes the principal amounts, interest rates, and other terms and conditions of the bonds.¹²

In order to pay the principal of and interest on outstanding general obligation bonds, the city levies annually an ad valorem property tax on the taxable property within the boundaries of the city. The revenues of this levy may only be used to pay the principal of and interest on the general obligation bond.¹³ Property taxes imposed to pay the principal and interest on voter-approved general obligation bonds for capital construction or improvements are not subject to the property tax limits of Measure 5.¹⁴

General obligation bonds are a popular finance mechanism for funding land conservation in Oregon. Since 1996, several municipalities in Oregon have passed general obligation bonds for parks and recreation. See Appendix A for examples of municipal bond ballot language.

In 1988, Gresham voters approved a \$4.5 million bond for park purposes, including acquisition and improvements. The measure passed with 51 percent support and a margin of 359 votes. And as mentioned previously, in November 1990, the city of Gresham asked its voters to approve a \$10.25 million open space bond and won with 59 percent support. The 1990 bond was paid off in 2009.

Debt Limit

As of June 30, 2021, the city had no outstanding long-term debt. Pursuant to Oregon Revised Statutes Section 287A.050, outstanding general obligation debt for cities may not exceed three percent of the real market value of all properties within city limits. For Gresham, this maximum is \$535 million.

General Obligation Bond for Parks

Gresham could consider issuing general obligation bonds for parks. The table below illustrates the estimated annual debt service, required property tax rate, and annual household cost of various general obligation bond issue amounts that could be considered by the city. For example, a \$15 million bond would add about \$1.2 million to the city's annual

¹⁰ Federal IRS rules governing the issuance of tax-exempt bonds limit the use of proceeds to capital purposes such that only a small fraction of bond funds may be used for maintenance or operations. State and local laws may further limit the use of bond proceeds.

¹¹ Unless the city charter provides a lesser limitation; Oregon Revised Statutes §287A.050

¹² Oregon Revised Statutes §287A.300

¹³ Oregon Revised Statutes §287A.140

¹⁴ Oregon Constitution Article XI Section 11b. Measure 5 constitutionally limits total non-school property taxes to one percent (\$10 per \$1,000 assessed value), which significantly limits local revenue options.

debt service and would cost approximately \$27 per year for the median homeowner over the life of the bond (20 years).

City of Gresham Bond Financing Costs			
Bond Issue	Annual Debt Service	Tax Rate	Annual Cost Per Household*
\$5,000,000	\$401,213	0.0411	\$9
\$10,000,000	\$802,426	0.0822	\$18
\$15,000,000	\$1,203,639	0.1233	\$27
\$18,000,000	\$1,444,367	0.1479	\$33
\$20,000,000	\$1,604,852	0.1643	\$36
<i>Assumes a 20-year bond issue at 5.0% interest rate</i>			
<i>Total taxable assessed value = \$9,765,170,900, Multnomah County Assessor.</i>			
<i>*Median assessed value = \$221,930 City of Gresham.</i>			

The Trust for Public Land’s bond cost calculations provide a basic estimate of debt service, tax increase, and cost to the typical homeowner in the community of potential bond issuances. Assumptions include the following: the entire debt amount is issued in the first year and payments are equal until maturity; 20-year maturity; and a conservative five percent interest rate. The property tax estimates assume that the jurisdiction would raise property taxes to pay the debt service on bonds. The cost per household represents the maximum estimated annual impact of increased property taxes levied to pay the debt service. The estimates do not take into account growth in the tax base due to new construction, annexation over the life of the bonds, or the possibility that the jurisdiction will sell bonds only as needed for specific projects, rather than all at once. The annual debt service and cost per household are the maximum tax impacts that could occur if the entire debt amount is issued at once. The jurisdiction’s officials, financial advisors, bond counsel and underwriters would establish the actual terms of any bond.

Implementation¹⁵

General obligation bonds must be approved by a majority of the voters voting in a May or November general election, or at a special election with at least 50 percent voter turnout (i.e., approved by a “double majority” of voters).¹⁶

Bond measures can be submitted to voters on the following dates:

- second Tuesday in March (double majority required);
- third Tuesday in May;
- third Tuesday in September (double majority required); or
- first Tuesday after the first Monday in November.¹⁷

The general election is held on the first Tuesday after the first Monday in November of each even-numbered year.¹⁸

Ballot Language Requirements

The ballot title of any measure, other than a state measure, to be initiated or referred shall consist of:

- A caption of not more than 10 words which reasonably identifies the subject of the measure;
- A question of not more than 20 words which plainly phrases the chief purpose of the measure so that an affirmative response to the question corresponds to an affirmative vote on the measure; and
- A concise and impartial statement of not more than 175 words summarizing the measure and its major effect.¹⁹

If the election is not the May or November election, and thus the “double majority” requirement applies, the ballot must include the following statement as the first statement of the ballot title summary:

¹⁵ Cal. Public Resources Code §5790.

¹⁶ League of Oregon Cities, Debt Issuance Manual, September 2020

¹⁷ Oregon Revised Statutes §221.230

¹⁸ League of Oregon Cities, Debt Issuance Manual, September 2007

¹⁹ Oregon Revised Statutes §250.035

- “This measure may be passed only at an election with at least a 50 percent voter turnout.”
- The words of this statement do not count towards the word limits described above.²⁰

The ballot title of any measure requesting elector approval of bonds, the principal and interest on which will be payable from taxes imposed on property or property ownership that are not subject to the limitations of sections 11 and 11b, Article XI of the Oregon Constitution (including general obligation bonds), shall contain the following statement immediately after the ballot title question and appearing with it, in this manner:

- “Question: (herein the question is stated) If the bonds are approved, they will be payable from taxes on property or property ownership that are not subject to the limits of sections 11 and 11b, Article XI of the Oregon Constitution.”
- The words of this statement do not count towards the word limits described above.

The ballot title statement for any measure requesting elector approval of bonds, the principal and interest on which is to be payable from taxes imposed on property or property ownership that are not subject to the limitations of sections 11 and 11b, Article XI of the Oregon Constitution (including general obligation bonds), shall contain a reasonably detailed, simple and understandable description of the use of proceeds.

The front of the outer envelope in which the ballot title is delivered shall state, clearly and boldly printed in red, “CONTAINS VOTE ON PROPOSED TAX INCREASE.”²¹

Local Option Property Tax Levy ²²

The property tax generates approximately 43 percent of funding for Gresham’s general fund. In 2022, Gresham had a total taxable assessed value of \$9.8 billion.

While property tax revenue makes up only a portion of most city budgets, it is usually a critical resource supporting daily operations. Both the Oregon Constitution and Oregon Revised Statutes limit the amount and types of tax a city may impose. The first property tax limitation came in 1990 with the passage of Ballot Measure 5. Article XI, Section 11(b), Oregon Constitution. Ballot Measure 5 imposed a tax rate limit on local governments: one for schools (kindergarten through community colleges), and one for all other local governments. Oregon local governments are limited to billing each property tax account no more than \$10.00 per \$1,000 of **real market value** (RMV) plus any voter approved general obligation bonded debt (school districts have a \$5.00 limit).

Ballot Measure 50 was adopted by the voters in November 1996. Measure 50 created a new property tax system by repealing the tax base system and replacing it with a permanent tax rate system with some local options and the concept of maximum assessed value. The measure set the maximum assessed value for each property in 1997 equal to 90 percent of the 1995-96 real market value and placed a cap on **assessed value** (AV) growth of 3 percent annually, except for new construction, subdivision, remodeling, rezoning, loss of special assessment or exemption.

Because assessed values were initially established at levels below real market values, and because the real estate market has appreciated at a rate of more than three percent in most years since Ballot Measure 50 passed, the assessed values of many properties are substantially lower than their real market values. This means that assessed values may continue to increase even though the real market value of a property can be falling as a result of current market conditions.

When the total of a local government (non-school) tax rates on a property for all purposes except payment of general obligation bonds exceed \$10 per \$1,000 of real market value, the property is said to be in compression. All property tax levies except levies for general obligation bonds are subject to compression.

²⁰ Oregon Revised Statutes §250.036

²¹ Oregon Revised Statutes §250.037

²² The property tax overview was largely excerpted from League of Oregon Cities, City Handbook, May 2013.

Local option levies are subject to “special compression.” This means that local option levies are reduced (to zero if necessary) before other levies are reduced to bring the total tax on the property down to the Measure 5 limit. Compression is calculated separately for each property, so it is possible for one property to be in compression, while the neighboring property is not.

A city may determine through the budget process that it needs additional funds to operate. State law allows for local option levies, either for a specific or general purpose. Local option levies for operating purposes may only extend for five years. Levies for capital purposes may extend for ten years or the useful life of the project, whichever is shorter. Voter approval is required.

Local option levies can be structured as either a fixed dollar amount per year for the term of the levy or as a fixed rate per thousand dollars of assessed value. There are pros and cons to each approach and a government should carefully weigh these as they decide what to put forth to the voters.

Since 1996, three jurisdictions in Oregon have passed local option levies for parks and land acquisition. For example, The City of Eugene has a property tax levy in 2018 for park operations and maintenance:

See Appendix B for examples of local option levy ballot language.

Property Tax Ballot Measures Approved in Oregon, 1996-present				
Jurisdiction Name	Date	Description	Total Funds Approved	% Yes
Portland	11/3/20	5-year, \$.80 per \$1,000 property tax increase for parks, recreation and natural area protection	\$239,078,000	64%
Eugene	5/15/18	5-year, \$.19 per \$1,000 local option levy for park operations and maintenance	\$15,750,000	66%
Portland Metro	5/21/13	5-year, local option levy of \$.096 per \$1,000 for park improvement and operations and maintenance	\$50,000,000	56%
Portland	11/5/02	5-year \$.39 per \$1,000 assessed value property tax increase for park services, repairs, maintenance, and recreation programs.	\$49,400,000	65%

Source: The Trust for Public Land's LandVote Database

Operating Levies

Local options levies for operating purposes provide local governments with the possibility of collecting additional operating dollars from property taxes beyond the permanent levy. Although these collections are subject to Measure 50 compression, local option levies may present the most significant, efficient and equitable form of revenue raising options for local governments.²³ Local option levies for operating purposes may only extend for five years.

Capital Levies

Local option levies can be used for capital purposes. Levies for capital purposes can extend up to the lesser of 10 years or the useful life of the financed capital items. Capital items can include any capitalizable asset, including items that are specifically excluded from general obligation debt by Measure 50. Capital local options levies are rarely seen in Oregon. Because the levy is subject to the same voter approval requirement as GO bonds, but the revenue stream is subject to the Measure 5 tax rate limits, municipalities tend to favor GO bond authority over the local option levy. However, because general obligation bond proceeds are more limited in usage, some jurisdictions have opted for local option levies to pay for things that would otherwise be disallowed under general obligation bond provisions (for example, supplies and equipment).²⁴

Local Option Levy in Gresham

Gresham imposes a permanent property tax of \$3.6129 per \$1,000 of assessed value. As illustrated in the table below, Gresham has one of the lowest property tax rates amongst many Oregon cities.

²³ League of Oregon Cities, Debt Issuance Manual, September 2020

²⁴ League of Oregon Cities, Debt Issuance Manual, September 2020

Property Tax Comparison			
On a home with \$160,000 taxable value ⁺			
City	Property Tax Rate per \$1,000 of TAV*	Additional Voter Approved Rate *	Amount of Taxes Received by City*
Portland	\$ 7.20 **	\$ -	\$ 1,152
Eugene	7.01	0.24	1,159
Albany	6.40	0.95	1,176
Salem	5.83	-	933
Medford	5.30	-	847
Corvallis	5.11	-	817
Lake Oswego	4.97 ***	-	795
Springfield	4.74	1.49	997
Oregon City	4.16	-	665
Milwaukie	4.07	-	651
Beaverton	3.88	-	620
Troutdale	3.77	-	602
Hillsboro	3.67	1.72	862
Gresham	3.61	-	578
Fairview	3.49	-	558

+ Based on 2009-10 average residential Taxable Assessed Value
 * Excludes bonded debt. TAV = Taxable Assessed Value
 ** Includes Special Levy for Firefighter & Police Disability and Retirement
 *** Inside School District (Lake Oswego has a different rate outside the School District)

The table below summarizes the estimated revenues and costs of various local levy amounts. For example, an increase of \$0.2 per \$1000 of assessed value would generate roughly \$2 million per year at a cost of \$44 per year for the average household, notwithstanding any Measure 5 compression.

Gresham Property Tax Estimates			
Mill Increase	Taxable valuation	Annual revenue	Annual cost per household*
0.0500	\$9,765,170,900	\$488,259	\$11
0.0850	\$9,765,170,900	\$830,040	\$19
0.1000	\$9,765,170,900	\$976,517	\$22
0.2000	\$9,765,170,900	\$1,953,034	\$44
0.3000	\$9,765,170,900	\$2,929,551	\$67

*Median assessed value = \$221,930

Implementation Procedure

Local options levies can be imposed only with voter approval. Local options levy elections are subject to the same “double majority” requirements as general obligation bonds. If the election was held in May or November, the double majority requirement would not apply. The March and September elections are subject to the “double majority” requirement.

Ballot Language Requirements and Examples

The ballot title of any measure, other than a state measure, to be initiated or referred shall consist of:

- A caption of not more than 10 words which reasonably identifies the subject of the measure;
- A question of not more than 20 words which plainly phrases the chief purpose of the measure so that an affirmative response to the question corresponds to an affirmative vote on the measure; and

- A concise and impartial statement of not more than 175 words summarizing the measure and its major effect.²⁵

If the election is not the May or November election, and thus the “double majority” requirement applies, the ballot must include the following statement as the first statement of the ballot title summary:

- “This measure may be passed only at an election with at least a 50 percent voter turnout.”
- The words of this statement do not count towards the word limits described above.²⁶

The ballot title for a measure authorizing the imposition of local option taxes shall contain the following statement and information:

- “This measure may cause property taxes to increase more than three percent.”

As part of the question, the ballot title for a measure authorizing or renewing the authorization of the imposition of local option taxes shall state:

- The length in years of the period during which the proposed local option tax will be imposed.
- The first fiscal year in which the proposed local option tax will be imposed.²⁷

If the measure is authorizing the imposition of local option taxes, the front of the outer envelope in which the ballot title is delivered shall state, clearly and boldly printed in red, “CONTAINS VOTE ON PROPOSED TAX INCREASE”.²⁸

For a levy imposed based on a fixed amount, the statement in the ballot title for the measure that explains the chief purpose of the measure and gives reasons for the measure shall state the total amount of money to be raised by the proposed local option tax, in dollars and cents. If the statement in the ballot title for the measure submitted includes an estimated tax impact, it shall be based on the most current estimate of assessed value from the county assessor. The measure shall bear 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 and may reflect the impact of early payment discounts, compression and the collection rate.”
- This statement is to be added to and made a part of the 175-word statement, however, will not count towards the 175-word limitation.

For a levy imposed based on a fixed millage rate, an estimate of the total amount of money to be raised for each year of the proposed local option tax shall be stated in dollars and cents. If this levy raises more money than estimated, the excess collections above that estimate shall be considered a budget resource for the levy fund in the next fiscal year of the subdivision. This statute does not apply to an election authorizing general obligation bonds or the tax levies to repay general obligation bonds. This statement is to be added to and made a part of the 175-word statement, however, will not count towards the 175-word limitation.²⁹

Special Districts³⁰

Special districts are units of local government that provide specific services within a defined area. Most districts perform a single function, but in some instances, their enabling legislation allows them to provide several, usually related, types of services. Advocates of special districts say they are more popular with citizens than general purpose governments because people understand what they are getting for their money. On the other hand, many people are not aware that special districts exist, making it unlikely they will show up at meetings or demand accountability and leaving districts potentially vulnerable to special interest control.

²⁵ Oregon Revised Statutes §250.035

²⁶ Oregon Revised Statutes §250.036

²⁷ Oregon Revised Statutes §280.070

²⁸ Oregon Revised Statutes §250.038

²⁹ Oregon Revised Statutes §280.075

³⁰ §§266.010 to .550; and <http://ref.sdao.com/formation/HandbookFormationChapter.pdf>

The formation of most types of special districts is covered in Oregon Revised Statute (ORS) Chapter 198 - “Special Districts Generally.” Some types of districts have additional requirements for formation that are found in that particular type of district’s principal enabling statute.

The League of Oregon Cities is generally against the formation of new special taxing districts in Oregon because of the competition with existing taxing entities. A new Urban Flood Safety and Water Quality District was formed over Multnomah County in 2019 by the Oregon State Legislature, but the bill language prohibits the district from having a permanent property tax rate, instead favoring a utility rate.

Park and Recreation District

In Oregon, a community³¹ may form a municipal corporation³² to provide park and recreation facilities for the inhabitants. Roughly, 50 park and recreation districts exist, with the largest being Tualatin Hills Park and Recreation District in Beaverton.³³

Parks and Recreation Districts may be formed by petition of voters or landowners, or by a local government. Creation of a countywide district would require a public vote.³⁴ An elected board comprised of three to five members governs the park and recreation district. A park and recreation district has the power to construct, reconstruct, alter, enlarge, operate and maintain lakes, parks, recreation grounds and buildings; to acquire necessary lands; and to call necessary elections after the formation of the district. In addition, to finance itself, a park and recreation district may impose impact fees, levy property taxes, and issue revenue and general obligation bonds.³⁵ Voter approval is required to impose taxes or issue bonds.

The Oregon Revised Statutes Chapter 266 on parks and recreation districts says little about how to form the district. No ballot language requirements are specified. Therefore, it may be useful to look at ballot examples from other districts. See Appendix C for one example.

Forming a New District

The first step in forming a special district is usually to form a committee to analyze the need for the district and to discuss the steps that must be undertaken. Consideration should be given to the area that will be served, the assessed valuation of the area, the revenue that could be provided by a reasonable tax or user fee, long and short-term debt structure, if any, and how to generate needed funds for a security bond and possibly an election. Formation may take as long as 12 to 24 months, depending on the type of district and whether the district will need to assess property taxes.

A special district may be formed from contiguous or noncontiguous territory located in one or more adjoining counties. Exceptions to this may exist in individual principal acts that govern the formation and authorities of specific types of districts. **A district may also include territory within a city if the city governing body consents to the formation.** The boundaries of a new district may only include territory that can be reasonably served by the facilities or services of the proposed district. **Territory within another district performing the same services as the proposed district may not be included in a new district unless the territory is withdrawn, either by a simultaneous withdrawal proceeding or automatically by statute, from the former district.** There are no park districts in Multnomah County. The county does have a library levy.

There are three procedures that may be used to form a special district:

- The consent of all property owners within the area of the proposed district,

³¹ The relevant statutory chapter does not define a “community.” However, because park and recreation districts may be formed on a less-than-countywide basis, it is assumed that a city may form such a district.

³² A municipal corporation is statutorily defined to mean a city; county; special district; corporation which is conferred powers of the state for the purpose of local government; or public corporation, including a cooperative body formed between municipal corporations. §297.405.

³³ [Oregon Property Tax Statistics Supplement](#), at 232-236.

³⁴ ORS 198.810. A vote is not required if a petition to create the district is signed by all landowners in the district. ORS 198.830.

³⁵ Levy is limited to one-half of one percent (.005) of the real market value of all taxable property. ORS 266.420. General obligation debt may not exceed two and one-half percent of the real market value of property in the district. ORS 266.512.

- The filing of a petition for formation, or
- Initiation and order of the County Board of Commissioners.

The procedures are described in more detail in Appendix D.

An elected board comprised of three to five members governs the park and recreation district. A park and recreation district has the power to construct, reconstruct, alter, enlarge, operate and maintain lakes, parks, recreation grounds and buildings; to acquire necessary lands; and to call necessary elections after the formation of the district. In addition, to finance itself, a park and recreation district may levy property taxes and, upon voter approval, issue revenue and general obligation bonds.

Property Taxes Imposed by a Park and Recreation District

Each year, the district board determines and fixes the amount of money to be levied and raised by property taxes. However, the revenue generated from the property tax may not exceed one-half of one percent (0.005) of the real market value of all taxable property within the district. For example, a park and recreation district that encompassed Gresham would be restricted to property tax revenue of roughly \$96 million (based on the 2022 real market value of about \$19.2 billion). In addition, the property tax fixed by the board may not exceed the permanent rate limitation approved by voters at the formation election. Property taxes levied by a park and recreation district will result in increased tax revenue compression that affects all general government taxing districts.

The district may also levy an additional property tax for the payment of debt service on bonds.³⁶ The revenue generated from this additional property tax must be retained by the county treasurer and kept in a separate fund designated as the "_____ Park and Recreation District bond interest and sinking fund."³⁷

Park and Recreation Districts may acquire property and rights of way either within or without the limits of the district.³⁸

If a citywide Park and Recreation District were formed in Gresham that included all property in the city, the estimated revenue from a property tax levy would be same as that provided for a city levy as shown in the table below. For example, a levy of \$0.2 would generate roughly \$2 million annually and would cost the average homeowner in the district about \$44 per year.

Gresham Property Tax Estimates			
Mill Increase	Taxable valuation	Annual revenue	Annual cost per household*
0.0500	\$9,765,170,900	\$488,259	\$11
0.0850	\$9,765,170,900	\$830,040	\$19
0.1000	\$9,765,170,900	\$976,517	\$22
0.2000	\$9,765,170,900	\$1,953,034	\$44
0.3000	\$9,765,170,900	\$2,929,551	\$67

*Median assessed value = \$221,930

Issuance of Bonds by a Park and Recreation District

A park and recreation district may also issue general obligation or revenue bonds to provide funds for the acquisition of land, for land improvements and development of parks and recreation grounds, and for capital recreation facility construction and improvements. The issuance of general obligation and revenue bonds must be approved by a majority of those voting at an election called for that purpose. The bond election may be called by the district board on its own resolution or must be called by the board when a petition specifying the bond is filed.³⁹

The aggregate amount of general obligation bonds issued and outstanding at any one time shall not exceed two and one-half percent (2.5) of the real market value of all taxable property of the district. For example, a park and recreation district that encompassed the entire city of Gresham would have a general obligation bond limitation of

³⁶ Five of the 46 park and recreation districts in Oregon levy additional property taxes for debt service on bonds.

³⁷ Besides a sinking fund for debt service, the park and recreation board may establish sinking funds for the purpose of defraying the costs of acquiring land for park and recreation sites, and for acquiring or constructing buildings or facilities thereon or therein.

³⁸ ORS §266.410(3).

³⁹ The requirements for preparing, circulating and filing a petition must follow the procedure for an initiative petition, as contained in §§255.135 to .205.

about \$481 million. General obligation bonds issued by a park and recreation district must mature within 30 years from the date of issuance.

Revenue bonds are issued in the same manner and form as general obligation bonds of the district but are not subject to a debt limitation. Revenue bonds are payable from revenues only, meaning all or any part of the unobligated net revenue of the district or a recreational facility of the district.

In summation, should Gresham consider the formation of a park and recreation district within the city boundaries, such district could theoretically levy property taxes to generate a maximum of \$96 million and could issue a maximum of \$488 million in general obligation bonds. Such an outcome is highly unlikely, however, since the entire City doesn't collect nearly that amount.

Park and Recreation District Bond Elections⁴⁰

Regular district elections occur in each odd-numbered year on the third Tuesday in May.

Special district elections must take place on the

- second Tuesday in March;
- third Tuesday in May;
- third Tuesday in September; or
- first Tuesday after the first Monday in November.

Specific to bond elections, the district elections authority must deliver to the elections officer a notice stating the date of the election and a ballot title not later than the 61st day⁴¹ before the district bond election. The notice must include (i) the purpose for which the bonds are to be used; (ii) the amount and the term of the bonds; (iii) the kind of bonds proposed to be issued, and (iv) a statement that an elector may file a petition for review⁴² of the ballot title no later than the seventh day after the ballot title is filed with the elections officer. In addition, the elections officer must publish the notice in the next available edition of a newspaper of general circulation in the district after the deadline for filing the notice.

The district elections authority shall prepare the ballot title for the bond measure with the assistance of the district attorney for the county or an attorney employed by the district elections authority. A majority of voters in the district must approve the issuance of general obligation or revenue bonds.

East Multnomah County Regional Park District

The municipalities that make up East Multnomah County include Gresham, Fairview, Troutdale, and Wood Village. If these municipalities decided to create a regional park district, they would follow the procedures mentioned above.

⁴⁰ §§255.005 to .345.

⁴¹ For a bond measure on the November ballot, the notice must be delivered on the 47th day prior to the election.

⁴² A circuit court reviews the petition of the dissatisfied elector. If the circuit court certifies a different ballot title, the elections officer shall publish an amended notice of election in the next available edition of the newspaper referred to in this subsection after the new title is certified to the elections officer.

Without considering any property tax compression, the chart below illustrates the estimated revenue and cost of a \$0.20 per \$1,000 of assessed value property tax as it affects residential properties in each of the four East County jurisdictions. The levy could generate an estimated \$2.5 million a year (without factoring in delinquencies and discounts) at an annual household cost of \$40 per \$200,000 of assessed value.⁴³

Estimated Revenue and Cost of Regional Park District Levy				
	Property Tax	Taxable	Annual	Cost /Year/ \$200K of
City	Levy*	Valuation**	Revenue	Assessed Value
Gresham	\$0.10	\$12,562,995,517	\$1,256,300	\$20.00
Fairview	\$0.10			\$20.00
Troutdale	\$0.10			\$20.00
Wood Village	\$0.10			\$20.00
Gresham	\$0.20	\$12,562,995,517	\$2,512,599	\$40.00
Fairview	\$0.20			\$40.00
Troutdale	\$0.20			\$40.00
Wood Village	\$0.20			\$40.00
*Per 1,000 of assessed valuation.				
**Total combined assessed valuation for all four East Multnomah County jurisdictions 2021/22.				

If this option is pursued further analysis must be completed as to the property tax and debt capacity within Fairview, Troutdale and Wood Village.

County Service District

The Trust for Public Land is aware of one park and recreation district in Oregon that was formed under a different principal statute. The North Clackamas Parks and Recreation District (NCPRD) was formed in 1990 to provide additional emphasis on parks, open spaces and recreational opportunities in the North Clackamas County area. Formed as a County Service District (Oregon Revised Statutes Chapter 451), the NCPRD is governed by the Board of County Commissioners, which serves as its Board of Directors. The district boundaries encompass approximately a third of the county’s population. It is the second largest urban parks district in the state. At the time of formation, the district began collecting a dedicated tax.

Formation procedures and powers of a county service district appear to be similar to those of a parks and recreation district including the provision that a new district should not provide overlapping services with another special district. Legal counsel should be consulted to confirm this interpretation.

Joint Use Agreement with Schools

Opening schoolyards and school playgrounds outside of school hours is one approach to addressing parks and recreation facility deficits that is growing in popularity around the country. This arrangement is usually implemented with a joint-use agreement with schools and the local government entity. In 2016, Klamath Falls City Schools passed Resolution #16-05 to promote joint use of real property and capital facilities located at all Klamath Falls City Schools as a means of enhancing and increasing access to facilities and related programs with the ultimate goal of improving the public health and recreational opportunities of community residents and preserving public funds. See Appendix E for a full copy of the resolution. The City of Gresham could look into this opportunity,

The Oregon statutes governing park and recreation districts are silent on the issue of entering into joint use agreements, so legal counsel should be consulted before considering any such agreement.

Park Utility Fee

A park utility fee is a fee placed on each developed parcel in the jurisdiction that is assessed a per unit/monthly fee. The resident or business paying the City’s water utility charges is the one typically who pays the fee. The fee commences upon connection to the water system, completion, occupancy, or use of improvements; whichever comes first. It must be approved by a simple majority of the City Council.⁴⁴

In June 2005, the Medford City Council established the monthly per unit Park Utility Fee to help generate funds for

⁴³ The column that estimates the tax impact on \$200K of taxable value has been included which does not attempt to reflect an average value for any property type, but perhaps it will be useful to business interests as they can calculate up or down from this figure based on the value of their property.

⁴⁴ <https://www.medfordoregon.gov/Government/Departments/Parks-Recreation-and-Facilities/Park-Utility-SDC-Charges#:~:text=As%20of%20July%2015%2C%202020,Code%2C%20Section%204.1001%20through%204.1021.>

maintenance of parkland, beautification areas and right-of-ways. In 2007, the purpose of the fee was expanded to include debt service for public recreation facilities, and the fee was changed from 31 cents to \$2.95 per month. In 2020, the City Council lowered the Storm Drain Fee to offset a \$2.40 increase to the Park Utility Fee. As of July 15, 2020, the PUF is \$5.35 per month.

Each developed parcel in the City of Medford is assessed a per unit/monthly fee. Ordinance 2005-120 states that the person paying the City's water utility charges shall pay the fee. The fee commences upon connection to the water system, completion, occupancy, or use of improvements; whichever comes first. This fee does not show individually on water statements but rather is included in the amount of the Street Utility Fee line item.

A unit is defined as a residential dwelling unit, business unit or tenant space. If two dwelling units are associated with the water bill then the charge will be the monthly fee x 2 units, if a business complex has 4 units the charge will be the monthly fee x 4 units.

In 2020, the monthly park utility fee generated approximately \$2.5 million.⁴⁵ A copy of the Medford park utility fee ordinance can be found in the Appendix F.

The cities of Tualatin (2021), West Linn (2007) and Tigard (2016) charge a monthly residential park maintenance fee ranging from around \$5 to over \$15 a month.

Proposed Gresham Park Utility Fee		
Fee/Month/Unit*	Annual Cost/Unit	Annual Revenue **
\$1.00	\$12.00	\$540,000
\$2.00	\$24.00	\$1,080,000
\$3.00	\$36.00	\$1,620,000
\$4.00	\$48.00	\$2,160,000
\$5.00	\$60.00	\$2,700,000
*Applied to all water utility bills		
**Based on all commercial and residential units provided by the City of Gresham		
Assumes 45,000 total units. 96 percent are residential units.		

To address the potential regressivity of this fee structure other methodologies could be explored that might charge per square footage of developed area, for example. The justification would be that the more development present on the landscape, the more the need would be for parks and recreation services.

Specific Tax

Pursuant to its charter authority,⁴⁶ the City of Gresham could consider asking its voters to approve a charter amendment that authorizes the imposition of a specific tax per dwelling and/or commercial unit to maintain, operate, improve and acquire parks. A specific tax is imposed as a fixed sum on each dwelling and commercial unit, without regard to the value of the dwelling and commercial unit and is not a property tax.

A specific tax does not appear to be a commonly utilized mechanism in Oregon. In addition, voters in the City of Keizer rejected a specific tax measure for parks in November 2002 (31 percent “yes” votes). The Keizer ballot title stated as follows:

Referred to the People by the City Council

⁴⁵ <https://www.medfordoregon.gov/files/assets/public/city-recorders-office/prior-years-agendas-minutes-amp-proclamations/2020-agendas-amp-minutes/cc-ss-02-13-2020-minutes-signed.pdf>

⁴⁶ “The legal voters of every city and town are hereby granted power to enact and amend their municipal charter, subject to the constitutional and criminal laws of the State of Oregon.” Ore. Const. Art. IV, §1(5). In addition, a municipal corporation may assume powers to impose taxes and to select the kinds of taxes most appropriate in order to provide governmental services. *Jarvill v. City of Eugene*, 613 P.2d 1, at 19 (Or. 1980).

Charter Amendment Approves Tax on Dwellings/Commercial Units for Parks

Question: Shall Charter be amended approving City establishing/collecting specific tax per dwelling/commercial unit to maintain, operate, improve, acquire parks?

Summary: This is a Charter amendment. This measure adds the following paragraph to the Charter:

Section 45. PARKS TAX. The City Council by Ordinance may establish and collect a specific tax (not ad valorem tax) per dwelling and commercial unit as that term is defined by the ordinance establishing the specific tax. The revenue raised by this specific tax will be used to maintain, operate, improve and acquire municipal parks.

This measure approves of the Keizer City Council establishing and collecting a specific tax. A specific tax is a tax imposed as a fixed sum on each article or item or property of a given class or kind, without regard to its value. The Keizer City Council sets the specific tax by adopting an Ordinance. This specific tax is imposed upon a dwelling and commercial unit as defined in the ordinance establishing the specific tax. The ordinance also establishes the collection procedure. The revenue raised by the specific tax will be used by the City of Keizer to maintain, operate, improve and acquire municipal parks.

If Gresham proposed a \$30 per unit tax it could generate over \$1.35 million annually based on the current number of residential units in the city of 45,000.⁴⁷

City Park and Recreation Fees

User fees and facility charges generate revenue for parks and recreation by charging users for some or all of the costs of providing services. The amount of such fees is balanced against the fiscal need versus program affordability and accessibility. Park and recreation user fees include park entrance fees, park reservation fees, recreation and aquatic center fees or memberships, boat launch and marina fees, tennis and golf fees, and the sale of goods and services. User fees generally do not generate sufficient revenue to cover operation and maintenance costs and usually are intended to supplement general revenues, although golf course and tennis user fees often generate enough revenue to support other park operations. For instance, the Glendoveer Golf Course operated by Metro has contributed a positive cash flow that is used to offset the operating costs of parks in Metro.⁴⁸ Portland, Lake Oswego, and Clackamas County also operate golf courses and/or tennis facilities that generate positive cash flows.

Gresham currently charges some fees for picnic areas and sports fields, but fee revenue is minimal.; however the city no longer has a recreation program due to lack of funding, and fee revenue is minimal. Additionally, the city is rebuilding its recreation program after budget cuts eliminated those services during the Great Recession, but the program is not yet generating any revenue.

Some other communities in Oregon are able to generate significantly more revenue than Gresham from their user fees, partly due to larger resident populations, golf course and tennis facility fees as well as the provision of a greater variety and quantity of park and recreation services.

Urban Renewal Agency⁴⁹

An urban renewal agency is a municipal corporation that may exercise its powers when a municipality, by nonemergency ordinance, declares that blighted areas exist in the municipality and that there is need for an urban renewal agency to function. An urban renewal agency develops a plan to revive the blighted area ("urban renewal plan"), which is approved by the City Council, and has the power to acquire land and take actions necessary to fulfill the purposes of the plan, including the ability to borrow money and accept grants and financial assistance for the purposes of undertaking and carrying out urban renewal projects. A municipality may also issue general obligation bonds for the purpose of assisting in the planning or the carrying out of an urban renewal plan.

Urban renewal agencies are funded through tax increment financing. Specifically, any urban renewal plan may contain a provision that the property taxes, if any, levied by a taxing district in which all or a portion of an urban renewal area is located, shall be divided so that the taxes levied against any increase in the assessed value will be used to pay any indebtedness incurred for the redevelopment or urban renewal project.⁵⁰ In Oregon, no urban

⁴⁷ <https://greshamoregon.gov/Housing-Capacity-Analysis/>

⁴⁸ GPAC Finance Report: Part 1--Existing Financial Environment, prepared for Metro Greenspace Policy Advisory Committee.

⁴⁹ §§457.010 to .460.

⁵⁰ Ore. Const. Art. IX, §1c.

renewal agencies dedicate funds for strictly park and recreation purposes.⁵¹ In addition urban renewal funds may not be used for maintenance and operations of parks.

Gresham currently has one urban renewal area within its borders:

Rockwood-West Gresham Urban Renewal Area. In November 2003, 54 percent of voters supported the 20-year Rockwood-West Gresham Renewal Plan, which established the 1,211-acre urban renewal area and the Gresham Redevelopment Commission. The Plan has eight goals with clear objectives that guide the actions of the GRDC. One of those goals is to facilitate the development of conveniently located parks and recreation facilities to the Area with strong pedestrian and transit links to residential neighborhoods. In 2007, the Area released The Cultural Marketplace Aspirational Plan which included public open space to be incorporated in development of the site. The public space is envisioned as active, supporting daily life as well as special events, and integral to the overall development. In 2008, the Agency vowed to work with the City of Gresham Parks & Recreation Division to identify alignment of north end of Gresham Fairview Trail.⁵²

In August 2009, the Gresham Redevelopment Commission approved Plaza del Sol using urban renewal funds. Plaza Del Sol, though not a park facility, is a series of new spaces for gathering and recreating on the former Fred Meyer site in Rockwood. The Plaza will eventually include a walking trail, wildflower meadow, and basketball courts.⁵³ Additional Park related projects underway or not completed include:

- Trails, in particular the segments of the Gresham Fairview Trail that is contained within the Area.
- Neighborhood and community parks to serve areas between Burnside and Yamhill from 162nd to 201st Avenues, as determined by specific parks and recreation plans

The initial question voters faced at the November 2003 election read as follows:

⁵¹ GPAC Finance Report: Part 1--Existing Financial Environment, prepared for Metro Greenspace Policy Advisory Committee. The City of Wilsonville, located 20 miles south of Portland, has an agreement with a development located within an urban renewal area whereby the developer dedicated park space and maintains the parks for five years. After five years, the city will assume maintenance costs of the parks.

⁵² <https://greshamoregon.gov/Urban-Renewal/>, Oregon Property Tax Statistics 2021-22

⁵³ Ibid.

City of Gresham

Measure No. 26-50

REFERENDUM ON URBAN RENEWAL PLAN TO REVITALIZE ROCKWOOD-WEST GRESHAM

QUESTION: Should Gresham revitalize Rockwood-West Gresham neighborhoods and upgrade underused commercial and industrial areas by adopting the Urban Renewal Plan?

SUMMARY: The purpose of the Urban Renewal Plan ("Plan") is to rebuild and strengthen Rockwood-West Gresham through projects that include:

- Building public safety, cultural, social service, parks and recreation facilities
- Providing technical assistance and capital improvements to aid property and business owners
- Redeveloping existing properties through various means, without the use of condemnation.
- Improving streets, sidewalks, utilities, streetscapes, transit facilities and plazas

The Plan's boundaries, goals and projects are described in the Plan. The city charter requires that the Plan, which has been adopted by City Council, be referred to the voters for approval or disapproval prior to its implementation. Plan projects can proceed following voter approval. The City Council acts as the Gresham Redevelopment Commission (urban renewal agency) to administer the Plan. Maximum indebtedness under the Plan is \$92,000,000 over 20 years. Projects are not funded through a new tax. Instead, the Plan uses tax increment financing, which is the revenue generated by growth in the taxable value of the properties located within the Plan boundaries.

The City Council approved asking voters on May 17, 2022, to extend the urban renewal district for six years to 2029. That question read:

*26-223 Rockwood-West Gresham Renewal Plan Extension Requires No New Taxes Question:
Shall the City extend Rockwood-West Gresham Renewal Plan to 2029 and continue to fund transportation, housing, parks, and jobs?*

Summary: This Measure approves an extension of the Rockwood-West Gresham Renewal Plan from 2023 to 2029, allowing the City more time to utilize the money that was originally approved by the voters in 2003. The extension would not impose new taxes, nor raise existing taxes. The City estimates that approximately \$37 million dollars will be available over the next six years to invest in new projects that will improve the quality of life for the community. Funds for the Rockwood-West Gresham Renewal Plan will support new projects such as:

- *Transportation improvements*
- *Parks and Recreation*
- *Access to quality housing options*
- *Jobs*

Projects funded will reflect the goals of the adopted 2003 plan and future community outreach will assist in prioritizing the projects. Funding comes from newly generated property taxes from new development and increased property values in the urban renewal area. Funding generated within the area must be spent on projects within the area.

Urban Renewal is not a new tax.

The measure passed with 71 percent support

System Development Charges (SDCs)⁵⁴

The City of Gresham uses SDC revenue to construct new public facilities that allow for community growth, and to pay for debt on previously constructed growth-related facilities. The city has a Parks Fund which accounts for projects to expand or improve Gresham’s public parks funded with revenues from system development charges, grants, and two previous bond measures - the 1990 Gresham open space bond and the 1995 and 2006 Portland Metro open space bond. Expenditures are for capital improvements to existing parks, the Springwater Trail and other hiking trail projects, and acquisition of land for open spaces.⁵⁵ The current list of projects includes the following:

Parks				
CIPPK00001	Gradin Sports Park Development	220,250	1,354,370	1,574,620
CIPPK00004	Park Master Plan Update and Concept Planning for	104,500	20,900	125,400
CIPPK00006	Metro Local Share Park Improvements	-	50,000	50,000
CIPUR00005	Rockwood Urban Plaza	552,246	-	552,246
		<u>876,996</u>	<u>1,425,270</u>	<u>2,302,266</u>

Park SDCs in Gresham⁵⁶

Systems development charges (SDCs) are applied to all new development and can be an important source of funding for the acquisition and development of new parks and natural areas. Since SDCs are paid for by new development, the fees can only fund capacity enhancement projects that are needed as a result of the development.

System Development Charge fees for five types of city infrastructure (Transportation, Parks, Water, Stormwater, Wastewater) are charged to new development. The fees, which are based on an adopted methodology, are based on the city’s infrastructure requirements for growth, and includes who and how much to charge for the use of the infrastructure. Certain fees are established citywide, while others are specific to one of Gresham’s three SDC districts (Current City, Pleasant Valley, and Springwater). The fee amounts and the list of projects that the fees pay for are updated regularly to match infrastructure funding requirements in the future.

Gresham currently charges a \$4,370 Park SDC per dwelling unit. The rates are \$5,917 in the Pleasant Valley District and \$7,588 in the Springwater District.⁵⁷

As shown to the right, Parks SDC revenues vary greatly year to year as they are highly dependent on the housing market in Gresham.

FY2013	333,538.83
FY2014	251,298.10
FY2015	504,108.89
FY2016	868,856.29
FY2017	704,518.94
FY2018	1,176,159.06
FY2019	1,537,263.41
FY2020	2,988,727.00
FY2021	606,846.00
FY2022 (as of 06/27/2022)	3,761,658.00
Total FY2013 - FY2022	12,732,974.52

Existing revenues, however, are fully allocated to prior debt obligations or to capital projects already underway. Future SDC revenues are not likely to keep pace with the numerous capital project demands in the near future.

Parks SDCs are segregated from other resources. They are held until needed in a separate fund, the SDC fund, then transferred to the Parks fund to be spent. The city currently has \$2.3 million on hand. This cash is dedicated to projects and obligations to be spent over the next year or two.

Gresham’s methodology to determine SDCs follows state statutes. There is an "improvement fee", that allows the SDC to be charged for capital improvements that increase the

⁵⁴ §§223.297 to .314. System development charges have been in use in Oregon since the mid-1970s for water and sewer improvements. State legislation regarding SDCs was not adopted until 1989 and limits the used of SDCs to water, wastewater, drainage, flood control, transportation and parks and recreation capital improvements.

⁵⁵ 2022-2023 Gresham Proposed Budget

⁵⁶ Personal Communication with Gresham Finance Staff

⁵⁷ Parks, stormwater and transportation SDCs are higher in the new urban growth areas of Pleasant Valley and Springwater to reflect the higher costs to extend and construct facilities in those areas. <https://greshamoregon.gov/WorkArea/DownloadAsset.aspx?id=685>

capacity of the parks system. It is based on a specific list of planned capital improvement projects. The calculation is determined by dividing the project costs by the increase in population and employment. The employment portion of the SDC fee is negligible.

One of the challenges the city faces is lack of project financing. SDCs are a primary source of funding. Current parks are inadequate for the existing population. Therefore, most of Gresham’s parks projects will serve both existing and future citizens. SDC improvement fees revenue may only be used to build improvements for future populations. Therefore, projects cannot be 100 percent built with SDC revenues, they must have a second funding source to pay the portion of the project that is judged to be needed by current residents.

Election Analysis

Recent Results

Voters in the City of Gresham have been very opposed to city and school tax increases over the past two decades.

City of Gresham Public Spending Election Results Since 2000					
Date	Measure	Finance mechanism	Description	Results	%Yes
Nov-16	26-188	Bond	Community Center, Recreation, Swimming/Aquatic Facilities Bonds	Fail	44%
Nov-16	26-187	Bond (School)	\$291,170,000 Safety, Educational & Vocational Opportunities Bond	Pass	53%
Nov-16	26-186	Sales tax	Gresham 3% Tax On The Sale Or Transfer Of Recreational Marijuana	Pass	74%
May-14	26-157	Property tax	5-year, \$1.25 per \$1000 Local Option Levy For Police, Fire And Parks	Fail	49%
Nov-13	26-153	Bond (School)	\$210 million school bond	Fail	42%
Nov-08	26-98	Property tax	5-year, \$.97 per \$1000 Local option levy for increase police service	Fail	46%
Nov-02	26-44	Property tax (School)	5-year, \$.74 per \$1000 School Operations Levy	Fail	43%
Nov-00	26-19	Bond	\$5.775M Fire Facilities Bond	Fail	44%
Nov-00	26-20	Property tax	5-year, \$.8 per \$1000 Park and Recreation Levy	Fail	38%
Nov-00	26-21	Property tax	5-year, \$.20 per \$1000 Community Center Levy	Fail	20%
Nov-00	26-22	Property tax	5-year, \$.1175 cents per \$1000 Levy for Gresham Community Center	Fail	20%
May-00	26-5	Bonds (School)	\$45 million school bond	Fail	43%

NOTE: due to a number of precinct splits within the City of Gresham and frequent redistricting (2012, 2016, 2022), countywide, special district, and statewide election results are approximate figures. The same is true for voter turnout. Only elections where Gresham specific questions are on the ballot are the numbers exact.⁵⁸

⁵⁸ Personal communication with Multnomah County Elections Division

A summary of all recent Multnomah County and relevant district finance measures are depicted below.⁵⁹ Gresham voters are much more tax averse than the county as a whole, as depicted below. Relevant district measures are contained in the chart below.

Multnomah County, District and Related Public Spending Election Results								
Date	Measure	Jurisdiction	Finance mechanism	Description	Gresham Result	Gresham %Yes	County/District Final Results	County/District %Yes
May-21	26-221	County	Property tax	5-year levy renewal, \$.05 per \$1000 for Oregon Historical Society Library, Museum, Educational Program	Pass	63%	Pass	79%
Nov-20	26-214	County	Income tax	Tuition Free preschool with a 1.5 to 3.8 percent tax on income above certain thresholds	Fail	42%	Pass	64%
Nov-20	26-211	County	Bond	\$387 million Library GO Bonds: Expand, Renovate, Construct Library Facilities	Fail	47%	Pass	60%
Nov-20	26-218	Metro	Payroll tax	Funds traffic/safety/transit through .75% payroll tax on certain employers	Fail	34%	Fail	46%
May-20	26-210	Metro	Business profits income tax	Funds homeless services through income/business profits taxing income over \$200,000/\$125,000 (Joint/Single) and profits on businesses with income over \$5 million	Fail	48%	Pass	65%
Nov-19	26-203	Metro	Bond	\$475 million in bonds to protect water quality, fish, wildlife habitat, natural areas	Pass	51%	Pass	71%
Nov-18	26-199	Metro	Bond	Affordable Housing bonds In Wash, Clackamas, Multnomah Counties	Fail	47%	Pass	66%
Nov-16	26-178	Metro	Property tax	Renews 5-year 9.6 cent per \$1,000 Local Option Levy; Protects Natural Areas, Water Quality, Fish	Pass	64%	Pass	78%
May-16	26-174	County	Property tax	5-year levy renewal, \$.05 per \$1000 for OHS Library, Museum, Educational Program	Pass	61%	Pass	71%
May-13	26-152	Metro	Property tax	5-year 9.6 cent per \$1,000 Local Option Levy; Protects Natural Areas, Water Quality, Fish	Fail	28%	Pass	60%
Nov-12	26-143	County	Property tax	Provides permanent and dedicated library funding up to \$1.24 per \$1000 of assessed value	Pass	51%	Pass	63%
May-12	26-125	County	Property tax	3-year, \$.89 cents per \$1000 renewal of local tax for libraries	Pass	77%	Pass	85%
Nov-08	26-96	Portland Metro	Bond	\$125m Bond to protect animal health and safety and conserve and recycle water	Pass	50%	Pass	60%
Nov-06	26-80	Portland Metro	Bond	\$227.4M Bond to preserve natural areas	Fail	47%	Pass	64%
Nov-06	26-81	County	Property Tax	5-year, \$.89 cents per \$1000 renewal of local tax for libraries	Fail	43%	Pass	62%
Nov-04	26-64	County	Income Tax	Measure would repeal the income tax passed by voters the prior year	Pass	65%	Fail	48%
Nov-04	26-71	East Multnomah Soil and Water Conservation District	Property Tax	Permanent rate limit of \$.10 per \$1,000 of assessed value beginning in FY2005-2006	Pass	58%	Pass	64%
May-03	26-48	County	Income Tax	3-year, 1.25% income tax for schools, public safety and human services	Fail	41%	Pass	58%
May-95	26-26	Portland Metro	Bond	\$135.6m Bond to preserve, open space, parks, protect streams, fish and wildlife	Pass	58%	Pass	67%

⁵⁹ For purposes of this analysis, included is the 1995 Portland Metro open space. Conservation measures are in bold.

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Statewide Related Public Spending Election Results						
Date	Measure	Description	Gresham Result	Gresham %Yes	Statewide Final Results	Statewide %Yes
Nov-20	108	Increases cigarette tax from \$1.33 per pack to \$3.33 per pack; imposes tax on nicotine inhalant delivery systems such as e-cigarettes at a rate of 65% of the wholesale price; dedicates revenues to the Oregon Health Authority for medical and health programs	Pass	63%	Pass	66%
Nov-16	97	Increase taxes on businesses with annual sales over \$25 million	Fail	40%	Fail	59%
Nov-12	79	Would ban real estate transfer taxes.	Pass	63%	Pass	59%
Nov-10	75	Create a gaming tax of 25% of gross revenues for education, state police, and local governments across the state	See Note	See Note	Fail	68%
Nov-10	76	Renews dedication of 15% of lottery proceeds to parks and natural resources	See Note	See Note	Pass	69%
Jan-10	66	Raises Corporate Tax	See Note	See Note	Pass	54%
Jan-10	67	Raises Income Tax	See Note	See Note	Pass	54%
Nov-08	62	Const. Amendment to allocate 15% of lottery proceeds to public safty	Fail	47%	Fail	39%
Nov-08	56	Const. Amendment to provide that May and Nov. property tax elections are decided by a majority of voters	Pass	54%	Pass	57%
Nov-07	50	Const. Amendment to dedicate funds to provide healthcare for children, through increased toacco tax	Fail	38%	Fail	41%
Nov-07	49	Modifies Measure 37; Clarifies right to build homes; limits large developments; protects farms, forests, groundwater	Pass	61%	Pass	62%
Nov-06	48	Amend Constitution to limit increased state spending based on percentage increase in population, plus inflation	Fail	40%	Fail	29%
Nov-04	37	Government must pay owners, or forgo enforcement, when land use restrictions reduces property value	Pass	70%	Pass	61%
Feb-04	30	Enacts Temporary Personal Income Tax Surcharge	Fail	25%	Fail	41%
Sep-03	29	Amends Constitution: Authorizes State of Oregon to Incur General Obligation Debt for Savings on Pension Liabilities	Fail	49%	Pass	55%
Jan-03	28	Temporary Income tax increase	Fail	43%	Fail	46%
Nov-98	66	Lottery funds for parks	Pass	69%	Pass	67%

⁶⁰ Due to split districts and redistricting, election results by city boundary were not able to be calculated.

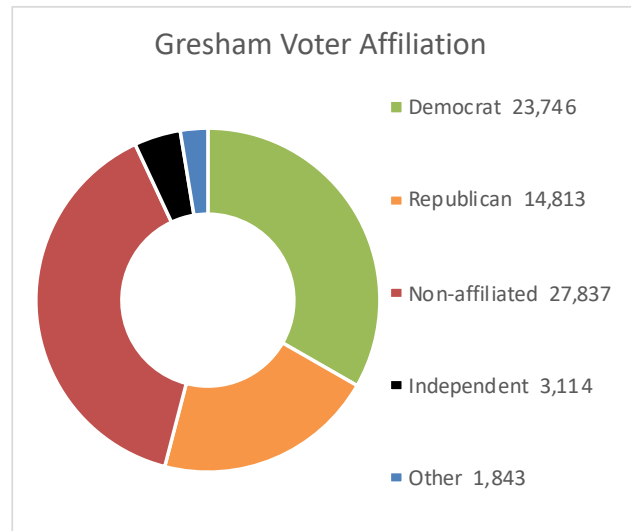
Voter Registration and Turnout

As of April 2022, the City of Gresham had 71,353 registered voters. The tables below summarize party affiliation. Voter turnout for the May 2022 election was 25 percent (18,569 ballots cast).

Gresham Voter Turnout		
Date	Ballots Cast	% Turnout
May-22	18,569	25%
May-21	17,211	21%
Nov-20	52,034	71%
May-20	29,558	38%
Nov-19	17,077	24%
Nov-18	38,705	56%
Nov-16	49,954	72%

Gresham Voter Registration		
By Party Affiliation		
Democrat	23,746	33%
Republican	14,813	21%
Non-affiliated	27,837	39%
Independent	3,114	4%
Other	1,843	3%
Total	71,353	

Source: Multnomah County Elections, June 2022.



Upcoming Elections

There are four regularly scheduled elections every year, however the majority of elections occur in May and November.⁶¹

- The 2nd Tuesday in March
- The 3rd Tuesday in May
- The 3rd Tuesday in September
- The 1st Tuesday, after the 1st Monday, in November

Whether an election is held depends on whether the local jurisdiction is putting something before the people to vote on.

- Primary elections are held in May, of even-numbered years, to select candidates for the general election.

⁶¹ ORS 221.230

- General elections are held in November, of even-numbered years.
- Cities are bound by the Oregon Constitution to hold regular elections for municipal officers on the same dates that state and county primary and general biennial elections are held: the third Tuesday in May and the first Tuesday after the first Monday in November in even-numbered years. (Oregon Constitution, Article II, section 14a.) State statutes provide for special elections for municipal officers on other dates.

Procedures and Requirements for Council to Submit a Measure

In instances where a city council itself submits a measure to the voters, the procedure usually involves the following:

- Ordering submission of the measure at an election on a specified date;
- Preparation of a ballot title for the measure; and
- Submission of the measure at the election.

Ballot Requirements

According to state law, all ballot titles must contain a caption with a maximum of 10 words, a description of not more than 20 words, and a summary of up to 175 words. Cities have the option of compiling, printing and distributing their own voters' pamphlets for measures and candidates to be voted upon exclusively by city voters. Provisions are made for inclusion of pictures and statements of municipal candidates in the state voters' pamphlet.⁶²

The table below outlines the filing deadlines for 2023 elections

Elections and Filing Deadlines			
Event	May 16	Nov. 7	Reference
Last day for county or city governing body to file text of referral or if governing body prepared a title, complete ballot title, in order for ballot title process to be complete by filing deadline (80th day before election).	24-Feb-2023	18-Aug-2023	165.014-0005
Last day for county governing body or city elections official to file notice of measure election (61st day before election).	16-Mar-2023	7-Sep-2023	254.095; 254.103
Last day to file measure arguments for inclusion in county voters' pamphlet (2 business days after deadline for notice of measure election).	17-Mar-2023	8-Sep-2023	165.022-0010
First day to mail ballots (20th day before election).	26-Apr-2023	18-Oct-2023	254.470

Source: Oregon Secretary of State, Elections Division

⁶² League of Oregon Cities – City Handbook 2013, ORS 250.035, 250.175, 250.195, 250.275, 250.296, 255.145, 255.155, and 255.215

Local Funding Options Matrix

Revenue Option	Description and Generating Potential	Implementation Process	Comments
Local Option Levy (Property Tax)	A local option levy for either operation and maintenance (maximum of five years) or capital projects (lesser of expected useful life or ten years) may be levied by Gresham for park, trail and open space purposes.	Requires majority approval of voters at an even-numbered general election or at an election with majority voter turnout.	Would create a dedicated funding source that could be used for acquisition or maintenance. Operating levies need to be referred to voters every 5 yrs. Local option levies subject to \$10 per \$1,000 AV permanent rate limitation and to compression.
	<u>Local Option Levy</u> <u>Annual Revenue</u> <u>Annual Cost/Home</u>		
	\$0.20 \$1.95 million \$44		
	\$0.30 \$2.9 million \$67		
General Obligation Bonds	<u>Annual</u> <u>Prop Tax</u> <u>Annual Cost</u>	Requires majority approval of voters at an even-numbered general election or at an election with majority voter turnout.	Bonds raise substantial amounts of money, enabling the county to make acquisitions now while land is available. Costs would be spread out over a long-time horizon, and therefore borne by current and future beneficiaries. Interest increases the cost. Bonds proceeds may not be used for maintenance.
	<u>Bond Issue</u> <u>Debt Service</u> <u>Increase</u> <u>\$ / Ave.</u>		
	<u>Home</u>		
	\$15 million \$1.2 million \$0.12 \$27		
	\$20 million \$1.6 million \$0.16 \$36		
	The debt service figures for the proposed bond issue above are based upon a general obligation bond issued for 20 years at 5 percent interest. This rate is only used for illustration. City officials, financial advisors, bond counsel and underwriters would establish the actual terms of any bond.		
System Development Fees	Imposition of a Park SDC in areas of residential growth for trail acquisition and construction.		Requires rational nexus to the new development paying the SDC. Unpredictable source of revenue because depends upon new residential construction.
Specific Tax	Pursuant to its charter authority, Gresham could levy a specific tax as a fixed tax on each residential or commercial unit.	Requires charter amendment and approval by majority of voters.	Would create a dedicated source of funding that is not subject to Measure 5 limitations. A specific tax measure for parks failed in the city of Keizer (31 percent "yes" votes).

Revenue Option	Description and Generating Potential	Implementation Process	Comments								
City Park and Recreation Fees	An increase to city park and recreation user fees could be considered by Gresham	City Council approval	May be used for capital projects or operation but are usually reinvested to cover program costs or facility maintenance. Any increase to user fees need to be balanced against affordability for residents.								
Park Utility Fee	Similar to the City of Medford, Tualatin and others, Gresham could institute a park utility fee on those paying water utility bills <table border="0" data-bbox="305 898 574 1052"> <thead> <tr> <th style="text-align: left;">Fee</th> <th style="text-align: left;">Annual Revenue</th> </tr> </thead> <tbody> <tr> <td>\$3</td> <td>\$1.62 million</td> </tr> <tr> <td>\$4</td> <td>\$2.16 million</td> </tr> <tr> <td>\$5</td> <td>\$2.7 million</td> </tr> </tbody> </table>	Fee	Annual Revenue	\$3	\$1.62 million	\$4	\$2.16 million	\$5	\$2.7 million	City Council Approval	May be used for capital projects or operation Any new fee needs to be balanced against affordability for residents.
Fee	Annual Revenue										
\$3	\$1.62 million										
\$4	\$2.16 million										
\$5	\$2.7 million										
Park and Recreation District	Gresham could consider formation of a park and recreation district that has the ability to levy taxes via its board and issue general obligation bonds with voter approval.	May be formed by County Commissioners upon petition for formation submitted by voters or landowners.	A park and recreation district's sole purpose is to provide and maintain park and recreational facilities.								
Urban Renewal Agency	An urban renewal agency uses tax increment financing and bonds to finance the rehabilitation of certain areas in the city.	Urban renewal plan must be approved by City Council.	Park, trail and open space amenities may be included in the plan to revive the blighted area. Not common to dedicate urban renewal funds for park purposes.								

Appendices

Appendix A: G.O. Bond Ballot Language Examples

Portland Metro, November 2019 (67% Yes)

Metro Measure

Referred to the People of the Metro Region by the Metro Council 26-203 Bonds to protect water quality, fish, wildlife habitat, natural areas

Question: Shall Metro protect clean water, natural areas, access to parks and nature; issue bonds estimated to maintain current tax rate? If the bonds are approved, they will be payable from taxes on property or property ownership that are not subject to the limits of sections 11 and 11b, Article XI of the Oregon Constitution.

Summary: If passed, the measure would: Authorize \$475 million in general obligation bonds to continue regional programs to protect and improve water quality in local rivers and streams, and help salmon and other native fish. Protect headwaters of local rivers like the Willamette, Tualatin and Clackamas, wildlife habitat, and natural areas. Restore wetlands to control flooding. Fund local water quality, wildlife habitat, trail, and park maintenance projects, and largescale community nature access projects. Continue Nature in Neighborhoods grants to protect and connect people and nature. Maintain Metro's parks, including Oxbow and Blue Lake, and make these parks and natural areas safer, more accessible and welcoming, especially for low income families and communities of color. Due to previous bonds retiring, this program is not expected to increase tax rates. Requires community oversight committee; yearly independent financial audits. Bond costs estimated at \$0.19 per \$1,000 of assessed value annually, approximately \$4.00/month for the average homeowner. Actual costs may differ. Bonds may be issued in multiple series and mature in no more than 30 years.

Appendix B: Property Tax Levy Ballot Language Examples

City of Portland, November 2020 (64% Yes)

CITY OF PORTLAND

Referred to the People by the City Council 26-213 Restore recreation programs, parks, nature, water through five-year levy

Question: Shall Portland protect, restore recreation programs, parks, nature, clean water; 5-year operating levy, \$0.80 per \$1,000 assessed value, beginning 2021? This measure may cause property taxes to increase more than three percent.

Summary: Levy will prevent ongoing reductions to park services and recreation programs, preserve and restore park and natural area health, and center equity and affordable access for all. Levy funds will:

- Enhance and preserve parks, rivers, wetlands, trees, and other important natural features in urban areas for the benefit of all Portlanders and wildlife;
- Provide park and recreation services to diverse populations including communities of color, seniors, teens, households experiencing poverty, immigrants and refugees, and people living with disabilities;
- Increase opportunities for communities of color and children experiencing poverty to connect with nature;
- Prevent cuts to recreation programs, closures of community centers and pools; and
- Enhance park maintenance to keep parks clean and safe, including litter and hazardous waste removal, restroom cleaning, and playground safety.

If levy fails, service improvements and restoration described above will not occur; taxes will not increase. A five-member oversight committee will review levy expenditures, provide annual reports. Independent audit required. Levy is \$0.80 per \$1,000 assessed home value. The proposed rate will raise approximately \$44,735,000, in 2021–2022, \$46,240,000 in 2022–2023, \$47,705,000 in 2023–2024, \$49,262,000 in 2024–2025, and \$51,135,000 in 2025–2026, for a total of \$239,078,000. A median residential homeowner pays \$151 per year, or about \$13 per month

Appendix C: District Ballot Language Examples

BALLOT TITLE
FORM AND FUND PARKS AND RECREATION DISTRICT IN NORTH CLACKAMAS
QUESTION:
Shall the County form a North Clackamas parks and recreation service district with a \$1,989,803 tax base in 1991-92?
SUMMARY:
PARKS: North Clackamas has few parks and is growing rapidly. This measure will preserve open space for the future. The district will build parks, walking trails, two indoor pools, bike paths, and playgrounds. It will also provide recreation programs, natural areas, softball and soccer fields. The district will maintain new and existing parks.
SENIOR SERVICES: The district will maintain and fund the Milwaukie Center. It will also offer more senior programs.
AREA: This district will serve unincorporated areas east of the Willamette River, north of the Clackamas River, west of the urban growth boundary, and south of the Multnomah County limit. It includes the City of Milwaukie.
FUNDING: About one-third of the costs will come from donations, grants, and fees. The tax base will fund the balance. The estimated first year rate is 66¢ per \$1000 of assessed property value. This amounts to \$3.30 per month for a \$60,000 home. 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 the estimate.

Measure No. 34-176
BALLOT TITLE
ESTABLISHES AQUATIC DISTRICT AND PERMANENT RATE LIMIT FOR EXISTING POOLS.
QUESTION: Shall district be formed to operate swimming pools with permanent rate limit of \$.09 per \$1000 assessed value beginning 2010-2011?
SUMMARY: This measure would keep the existing swim centers open at Tigard and Tualatin high schools by creating the Tigard-Tualatin Aquatic District to operate the pools. The school district states it can no longer fund the pools and will permanently close them July 1.
About 80% of pool use is by the community. Approval would continue: community swim lessons, adult exercise and lap swim, open swim for recreational and family use, club and high school team practices, meets and games. In return for use, school district would provide in-kind services or fees to the aquatic district.
The district would be managed by a five-member board elected by the voters. Its boundaries would be the same as the Tigard-Tualatin School District. It would be a special district under ORS Chapter 266 limited to operating and maintaining the existing swim centers.
The permanent levy rate would be limited to \$.09 per \$1000 of assessed value or approximately \$18 per year on a home assessed at \$200,000. If the full rate is levied, it would generate about \$800,000.

Appendix D: Formation of a Park and Recreation District

A park and recreation district may be formed through three methods, as follows:

1. A park and recreation district may be formed by petition⁶³ of all landowners in the proposed district to the County Board of Commissioners.⁶⁴ The county board must approve the petition for formation if it finds that all owners of land within the proposed district have joined the petition and that the area could be benefited by formation of such district. In such case, an election for formation does not need to be held.
2. A park and recreation district may be formed by petition of electors within the proposed district. An economic feasibility report must be prepared prior to submission of the petition. A petition for formation shall be signed by not less than either (a) fifteen percent of the electors or 100 electors, whichever is the greater, registered in the territory subject to the petition or (b) fifteen owners of land or the owners of 10 percent of the acreage, whichever is the greater number of signers, within the territory subject to the petition.⁶⁵
3. The County Board of Commissioners may initiate the formation of a district, to be located entirely within the county, by an order setting forth its intention to initiate the formation of a district, the name and boundaries of the proposed district, and the date, time and place of a public hearing on the proposal.⁶⁶

If formed pursuant to the second or third options above, the county board must hold a public hearing to consider formation of the district. A **formation election** must be held if at least fifteen percent of the electors or 100 electors, whichever is the lesser number, registered in the proposed district, file written requests for a formation election on or before the date of the public hearing OR the petition for formation includes a permanent rate limit for operating taxes or a property tax for bonds.

When the proposal for formation includes a permanent tax rate limit for the proposed district, the district will be authorized to impose operating taxes not in excess of the permanent rate limit if the proposal is approved by a majority of the votes cast in an election held in May or November of any year.⁶⁷ The question on incurring bonded indebtedness may be approved only if electors approve formation of the district, and the ballot measure must clearly state that the bonded indebtedness may be approved only if electors approve formation of the district.

Formation

Following is an analysis of each of those procedures:

Initiation by Petition Pursuant to ORS 198.800, formation of a special district may be initiated by a petition filed with the county board of the principal county. If the proposed district includes territory within a city, a certified copy of the resolution of the city's governing body approving the petition must be filed with the petition. The petition must contain the following information:

- A statement that the petition is filed pursuant to ORS 198.705 to 198.955. 82
- A statement of the names of all affected districts and all affected counties.

⁶³The petition for formation must also state the number of members to be on the district board (three to five members) and the method of election of the board of the proposed district.

⁶⁴ §198.830.

⁶⁵ §198.755.

⁶⁶ §198.835.

⁶⁷ §198.815(5).

- A designation of the principal act of each affected district.
- A statement of the nature of the proposal, whether formation of a district or change of organization and the kind of change proposed.
- A statement whether the territory subject to the petition is inhabited or uninhabited (uninhabited territory means territory within which there reside less than twelve (12) electors who were residents within the territory thirty (30) days prior to the date a proceeding is commenced to form the district).
- A statement that district board members are or are not to be elected and, if so, the number of members on the board.
- A proposed permanent tax rate sufficient to support the services and functions described in the economic feasibility statement and a declaration of the rate of taxation necessary to raise an amount of revenue equal to the proposed permanent tax rate. A permanent tax rate need not be included in the petition if no tax revenues are necessary to support the services and functions described in the economic feasibility statement. The permanent tax rate, if any, must be expressed as a total dollar amount and the tax rate must be expressed as a rate per thousand of assessed valuation. These rates must be calculated for the latest tax year for which information is available.
- A statement of the proposed terms and conditions, if any, to which a proposed formation is to be subject.
- A statement or indication opposite each signature on the petition whether the signers of the petition are landowners within the district or electors registered within the district, or both.
- A request that proceedings be taken for formation of the district.

The petition for formation must be signed by at least:

- 15% of the electors or 100 electors, whichever is more, registered in the territory to be included in the proposed district; or
- 15 landowners or the owners of 10% of the acreage, whichever is greater, within the territory to be included in the proposed district.

Before circulating the petition for formation of a district, the persons designated on the petition as the chief petitioners must complete an economic feasibility statement for the proposed district. That feasibility statement forms the basis for any proposed permanent tax rate. The feasibility statement must contain:

- A description of the services and functions to be performed or provided by the proposed district; • An analysis of the relationships between those services and functions and other existing or needed government services; and
- A proposed first year line-item operating budget and a projected third year line item operating budget for the new district that demonstrates its economic feasibility. The economic feasibility statement must be attached to the petition when it is filed with the county and before it is circulated for signing.

Prior to circulation of any petition, the petitioners must file with the county clerk of the principal county a prospective petition. The prospective petition must include a description of the boundaries of the territory proposed to be included in the district. The petition should provide space for each signer to sign his or her name, print his or her name and add the date of signing. The petition should also provide that if the person is signing the petition as an elector, the person shall add after the signature the person's place of residence, giving street and number or a designation sufficient to enable the place of residence to be readily ascertained. If the signer is signing the petition as a landowner, the number of acres of land owned by the signer and the name of the county whose assessment role is used for the purpose of determining the signer's right to vote must be stated in the body of the petition or indicated opposite the signature. If the signer is a legal representative of the owner of the property, the signature must be accompanied by a certified copy of the signer's authority to sign as a legal representative. A signer may withdraw his or her name from the petition up until the time of filing with the county but may not withdraw the name after such filing.

A petition must designate not more than three (3) persons as “chief petitioners,” setting forth their names and mailing addresses. A petition may consist of a single document or separate documents. Petition Filing Requirements A petition may not be accepted for filing by the county unless the signatures have been secured within six (6) months of the date on which the first signature on the petition 84 was obtained. Nor may a petition be accepted for filing if it is not accompanied by the economic feasibility statement required under ORS 198.749.

If the petition for formation of a district includes a permanent tax rate for the proposed district, the petition must be filed not later than 180 days before the date of the next regular statewide primary or general election at which the petition for formation may be voted upon. A petition for formation of a district may not be accepted for filing by the county unless the petition is accompanied by a bond, a cash deposit, or other security deposit.

- A bond must be in a form and in an amount approved by the county board not to exceed \$100 for each precinct in the affected district and any territory to be included in the district, up to a maximum of \$10,000. The bond must be conditioned that, if the attempted formation is not completed, the chief petitioners will pay the costs thereof.
- A cash deposit must be in an amount approved by the county board not to exceed \$100 for each precinct in the affected district and any territory to be included in the district up to a maximum of \$10,000. The cash deposit must be accompanied by a form prescribed by the Secretary of State. The form must include the names and addresses of all persons and organizations providing any part of the cash deposit and the amount provided by each, and a statement signed by the chief petitioners that if the costs of the attempted formation exceed the deposit, the chief petitioners will pay to the county the amount of the excess costs.
- A security deposit other than a bond or cash deposit shall be of a kind and in an amount approved by the county board not to exceed \$100 for each precinct in the affected district and any territory to be included in the district up to a maximum of \$10,000. The security deposits must be accompanied by a form prescribed by the Secretary of State. The form must include the names and addresses of all persons and organizations providing any part of the security deposit and the amount in mind provided by each, and a statement signed by the chief petitioners that if the costs of the attempted formation exceed the security deposited, the chief petitioners shall or will pay to the county the amount of the excess cost.

After circulation of the petition, the clerk of the principal county has ten (10) days from the date the petition is received to review the petition and determine whether it has been signed by the requisite number of qualified signers. If the clerk determines there are sufficient signatures, the clerk files the petition. If the clerk determines there are insufficient signatures, the clerk notifies the chief petitioners and may return the petition to the petitioners.

A petition may not be filed unless the certificate of the county clerk or the district secretary is attached thereto certifying that the county clerk or district secretary has compared the signatures of the signers with the appropriate records and that the county clerk or district secretary has ascertained the number of qualified signers appearing on the petition and that the petition is signed by the requisite number of qualified signers.

After a petition satisfying all the statutory requirements has been filed, the county board must set a date for hearing on the petition and will give notice of the hearing by posting and publication as specified in ORS 198.730 and 198.800(2). Chief petitioners are advised to keep in constant contact with the county clerk and the board of county commissioners to assure that the functions required of the county by the statutes are actually performed in a timely manner.

Formation by Consent of Property Owners Pursuant to ORS 198.830, a special district may be created by consent of all property owners within the area of the proposed district. The owners of all real property within an area may petition the county board to form a district. The petition must contain all the

information required by ORS 198.750 to 198.755, must state the names of the person who will serve as members of the first district board, and must contain the written acceptance of each person agreeing to serve as a board member. The petition must include an affidavit of one of the petitioners that the petitioner believes that the signers of the petition comprise all the owners, at the time of the verification, of all the land included within the proposed district.

The county board then holds a hearing on the petition. If the county board finds that all property owners within the proposed district have joined in the petition and that the area could be benefited by formation of the district, the board will adopt an order approving formation of the district. If the formation is approved, any election otherwise required by law is dispensed with. The board shall enter an order creating the district, and the persons nominated by the petition and accepting nomination, as members of the board shall constitute the first board of the district.

Initiation by County Board Pursuant to ORS 198.835, a county board may initiate and pay the cost of the formation of a district to be located entirely within the county by adopting an order stating the county board's intention to initiate formation of the district, identifying the principal act, describing the name and boundaries of the proposed district, and setting a time, date, and place for a public hearing on the proposal. If any of the territory to be included within the proposed district is within the boundaries of a city, a certified copy of the city governing body's resolution approving the order must be attached to the order.

Notice of the hearing set by the board order must be posted in at least three public places and published by two insertions in a newspaper. In addition, the notice must state that the county board has entered an order declaring its intention to initiate formation. The hearing and election on the proposal, and the election of the initial board members, is to be conducted pursuant to ORS 198.800 to 198.825.

Hearing Once proper petitions have been circulated and filed with the principal county and have been approved by endorsement by any agency required by the principal act, the county is required to set a hearing on the petition. The hearing must be held between 30 days and 50 days after the date the petition is filed. Notice of hearing must be posted in at least three places and published by two insertions in a newspaper. The notice must include:

- The purpose for which the district is to be formed.
- The name and boundaries of the proposed district.
- The time and place of the hearing on the petition.
- A statement that all interested persons may appear and be heard.

On or before the date set for any hearing on the petition, any person interested in the proposed formation of a district may appear and present written statement for or against the granting of the petition. At the hearing on the petition for formation, the county board may receive oral or written testimony favoring or opposing the district formation. Any written statement objecting to the formation must clearly identify the error, omission, or defect, which is the basis for the objection. If the written objection is not timely filed, the objection is considered waived.

Upon conclusion of the hearing, the county board must evaluate the formation petition by applying the criteria in ORS 199.462. That statute requires consideration of local comprehensive planning for the area, economic, demographic, and sociological trends and projections pertinent to the proposal, past and prospective physical development of land that would directly or indirectly be affected by the proposed district, and the statewide goals. The board may modify the boundaries of the proposed district to include or exclude territory considering the benefit the proposed district will have to territory in or out of the district. The board may not modify the boundaries to exclude land that could be benefited by the district formation and may not include land that will not be benefited. If the county board determines that land that has been improperly omitted from the proposed district and the owner has not appeared, the county

board must continue the hearing and order notice to be given to the non-appearing owner in the manner required by ORS 198.805.

If the county board approves the formation of the petition, the board adopts an order identifying the name and boundaries of the proposed district and setting a time and place, between 20 and 50 days from the date of the order, for a final hearing on the petition. The order must also state that if no written requests for an election are filed, the board will adopt an order creating the district at the final hearing. Notice of the final hearing is given by publication.

Election If the approved petition includes a permanent tax rate, an election on the question of formation of a special district is required. An election is also required if the county board receives requests for an election filed by at least 15% of the electors or 100 electors, whichever is less, on or before the date of the final hearing, even if the petition for formation includes no permanent tax rate.

If a sufficient number of requests for an election are filed with the county on or before the date of the final hearing, or if the petition for formation includes a permanent tax rate for the proposed district, the board provides by an order for the holding of an election to submit to the electors the question of forming the district.

The board must cause notice of the election to be published by two insertions in a newspaper. If requests for an election are filed by less than the required number of persons and no permanent tax rate is included in the petition, the county board shall dismiss the requests for an election and enter an order creating the district. Nevertheless, the county board must order an election for the purpose of electing the first members of the district board. The procedure for nominating and electing the first board is provided in ORS Chapter 255.

If no permanent tax rate is proposed, the only question before the electors is whether the proposed district should be formed. When the proposal for information includes a permanent tax rate for the proposed district, the ballot title shall clearly indicate that a single question is being proposed which is:

- Whether the proposed district should be formed.
- Whether the permanent tax rate specified in the ballot title should be adopted as the initial permanent tax rate of that district.

When the proposal for formation includes a permanent tax rate limit for the proposed district, the district will be authorized to impose operating taxes not in excess of the permanent rate limit if the proposal is approved by a majority of the votes cast in an election held in May or November of any year.

The county board has thirty (30) days after the date of the election to canvass the votes and adopt an order regarding the proposed formation. If a majority vote favors formation of the district, the board adopts an order creating the district. After the date of the formation order, the inhabitants of the territory within the new district become a municipal corporation with all the powers conferred by the principal act. The new district pays the costs of forming the district and the county clerk refunds any cash deposit or other form of security to the persons who post the security with the county.

If a majority votes against formation of the district, the county board will adopt an order dismissing the petition. The county clerk reimburses the county for the costs of the attempted formation from the security deposit posted by the chief petitioners and refunds any remaining portion of the security deposit to the chief petitioners. If the costs of the attempted formation exceed the amount of the deposit, the chief petitioners must pay the amount of the excess costs.

<https://www.sdao.com/files/5affcd2e1/2022+SDAO+Administrative+Handbook.pdf>

Appendix E: Resolution Promoting Joint Use

RESOLUTION #16-05

RESOLUTION PROMOTING JOINT USE

RESOLUTION OF THE KLAMATH FALLS CITY SCHOOLS PROMOTING JOINT USE AS A MEANS OF ENHANCING AND INCREASING ACCESS TO DISTRICT FACILITIES AND RELATED PROGRAMS.

WHEREAS, in 2010, one in every three Americans was obese and 60 percent were either overweight or obese, and it is estimated that 50 percent of the U.S. population will be obese by 2030;

WHEREAS, since 1980, obesity prevalence among children and adolescents has almost tripled;

WHEREAS, children and adults who are overweight and obese are at a greater risk of adverse health effects, including type 2 diabetes, heart disease, high blood pressure, high cholesterol, certain cancers, asthma, low self-esteem, depression, and other debilitating diseases;

WHEREAS, a significant number of Americans fail to meet the Centers for Disease Control and Prevention's recommendations for daily physical activity, including 65 percent of all adolescents;

WHEREAS, access to nearby recreational facilities leads to increased rates of physical activity, while inadequate access to recreation facilities has played a significant role in rising obesity rates;

WHEREAS, living near parks and public spaces provides social connectivity and fosters relationships, thus improving mental health and social capital;

WHEREAS, parks and public spaces significantly increase property values and promote economic development;

WHEREAS, there is growing consensus among public agencies and community organizations that joint use of facilities and related programs can improve public health and preserve public funds, particularly during economic downturns;

WHEREAS, identifying joint use opportunities among public agencies and community organizations can help in the long-term planning for and development of capital facilities and related programs;

WHEREAS, the Klamath Falls City Schools is the owner of real property and capital facilities located at all Klamath Falls City Schools schools.

WHEREAS, District's governing body finds that the Sites can be used more efficiently to maximize use and promote recreational and educational activities for youth and other community residents; and

WHEREAS, the Klamath Falls City Schools desires to promote joint use as a means of enhancing and increasing access to facilities and related programs with the ultimate goal of improving the public health of community residents and preserving public funds.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Klamath Falls City Schools that the above recitations are true and correct.

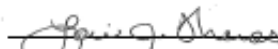
BE IT FURTHER RESOLVED that the Klamath Falls City Schools hereby promotes joint use as a means of enhancing and increasing access to District facilities and related programs;

BE IT FURTHER RESOLVED that Klamath Falls City Schools will continue to consider joint use of facilities when developing long-term planning of facilities;

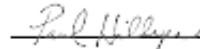
BE IT FURTHER RESOLVED that the Klamath Falls City Schools Superintendent, or his/her designee, will take actions necessary to achieve the purposes of this Resolution, including without limitation, surveying existing District facilities and related programs to determine opportunities for joint use; meeting with key stakeholders to promote joint use, drafting a formal joint use policy, negotiating joint use agreements with partner agencies or organizations, and educating District staff and community members about the importance of joint use.

BE IT FURTHER RESOLVED that the Klamath Falls City Schools, or their designee, shall annually review and report back to this governing body and the community on joint use accomplishments and progress.

DULY ADOPTED this 9th day of September _____, 2016



Lori Theros, Chairman



Dr. Paul Hillier, Superintendent

Appendix

Appendix F: Tualatin Park Utility Fee Ordinance

ORDINANCE NO. 1447-20

AN ORDINANCE ESTABLISHING A PARKS UTILITY; AND CREATING TUALATIN MUNICIPAL CODE CHAPTER 3-7.

WHEREAS, City parks are an essential service of the City of Tualatin;

WHEREAS, the operation and maintenance of the City's parks, recreation facilities, natural areas, greenways, joint use facilities, and shared use paths are essential to serve City residents, employees of City businesses, and visitors;

WHEREAS, additional funds are needed to provide safe, equitable, and accessible parks, recreation facilities, natural areas, greenways, joint use facilities, and shared use paths, and ensure adequate maintenance of City parks can occur.

WHEREAS, the Council wishes to create a Park Utility to establish a funding source to help fund the City's parks, recreation facilities, natural areas, greenways, joint use facilities, and shared use paths; and

WHEREAS, the City finds it is in the public interest to create a Park Utility.

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. Tualatin Municipal Code Chapter 3-7 is created to read as follows:

TMC 3-7-010 – Creation of Parks Utility; Use of Funds.

(1) The City operates a Parks System that consists of City parks, natural areas, greenways, joint use facilities, shared use paths, and other parks and recreation facilities for the benefit of City residents, and which also benefits employees of City businesses and visitors to the City.

(2) The City finds additional funds are needed to provide maintenance of the City's Parks System and ensure the City can provide safe, equitable, and accessible City parks, natural areas, greenways, joint use facilities, shared use paths, and other parks and recreation facilities.

(3) A Parks Utility Fee is created for the purpose of providing for the operation and maintenance of the City's Parks System and the capital maintenance, improvement, renovation, and replacement of facilities within the City's Parks System.

(4) The City finds residential and nonresidential occupants of improved and developed properties within the City use and benefit from the City's Parks System, and that the imposition of a Parks Utility Fee on such persons is reasonable and necessary to fund the City's Parks System.

(5) Funds collected from the Parks Utility Fee may be used for the operation and maintenance of the City's Parks System, and the capital maintenance, improvement, renovation, or replacement of facilities and amenities within the City's Parks System.

TMC 3-7-020 – Definitions

As used in this Chapter, the following means:

City Manager means the City Manager, or the City Manager's designee.

City's Parks System means City parks, natural areas, greenways, joint use facilities, shared use paths, and other parks and recreation facilities operated or maintained by the City.

Developed Property means a lot or parcel, a portion of a lot or parcel, or other real property, on which an improvement exists or has been constructed.

Dwelling Unit means one occupied unit within a residential property.

Equivalent Dwelling Unit (EDU) means the equivalent impact of one dwelling unit that a non-residential property has on the City's Parks system.

Improvement means the development of property, or a portion thereof, and includes, but is not limited to, buildings, parking lots, landscaping, and outside storage.

Non-Residential Property means a use of property which is primarily not for personal, domestic accommodation, and includes, but is not limited to, industrial and commercial uses of property.

Residential Property means a use of property which is primarily for personal, domestic accommodation, including single family, multi-family residential property, and group homes, but excluding hotels and motels.

Vacant Property means that an entire building or building unit has become vacant or continuously unoccupied for at least 30 days, and does not include a portion of a developed property without separate water meters has become vacant or unoccupied.

TMC 3-7-030 – Dedication of Revenue.

(1) All funds collected pursuant to this Chapter must be allocated to the City's Parks Utility Fee Fund.

(2) The portion of the Parks Utility Fee Fund that represents the fees collected under this Chapter during a given year, fees carried over from prior years, and investment earnings from the fees must be used to operate and manage the City's Parks System, as provided in this Chapter.

(3) All amounts in the Parks Utility Fee Fund may be invested by the City Manager in accordance with State law. Earnings from such investments are dedicated to the Parks Utility Fee Fund.

TMC 3-7-040 – Parks Utility Fee Established.

(1) A Parks Utility Fee is imposed and levied upon the owner, tenant, agent, or other authorized representative responsible for occupancy of a developed property within the City.

(a) The Parks Utility Fee charged to occupants of residential properties will be on a per dwelling unit basis.

(b) The Parks Utility Fee charged to occupants of non-residential property will be on a per equivalent dwelling unit basis.

(2) The Parks Utility Fee will be established annually by resolution of the Council.

TMC 3-7-050 – Billing and Collection of the Parks Utility Fee.

(1) The Parks Utility Fee will be billed and collected as part of the monthly City utility bill for those persons utilizing City utilities. The City utility bill will be sent monthly by the City and is due and payable upon receipt.

(2) The owner, tenant, agent, or other authorized representative responsible for paying a City utility bill must pay the Parks Utility Fee, unless another responsible party has agreed in writing to pay the Parks Utility Fee and a copy of that writing is filed with the City.

(3) In the event a person makes a partial payment of the City utility bill such that funds are inadequate to satisfy in full all water, sanitary sewer, stormwater, Parks Utility Fee, and road utility fees, credit will be given first to the Parks Utility Fee, second to road utility fee, third to the sanitary and stormwater service charges, and last to the charges for water service.

TMC 3-7-060 – Delinquent Accounts.

When a person's account is delinquent, the person will be provided a notice of delinquency. If payment is not received, the City may discontinue City utility services and may collect the charges through any means authorized by law.

TMC 3-7-070 – Vacant Property.

(1) If a property becomes vacant and water service is discontinued, the owner, tenant, agent, or other authorized representative responsible for occupancy of the property may make a written application requesting that the City cease charging the Parks Utility Fee for the reason that the property is vacant. If the City Manager determines the property to be vacant and all outstanding water, sanitary sewer, stormwater, parks utility, and road utility charges have been paid in full, the City will cease charging the Parks Utility Fee.

(2) The City Manager may investigate any property for which a request to cease charging the Parks Utility Fee has been made in order to determine whether the property is vacant.

(3) The owner, tenant, agent, or other authorized representative responsible for occupancy of a property must notify the City within five business days of a previously vacant property becoming occupied, partially occupied, or used, regardless of whether water service is restored.

(4) The City may charge any person the appropriate Parks Utility Fee, including charges for prior billing periods, upon determining the property did not qualify as vacant during such time.

(5) A decision or determination of the City Manager under this section is final.

TMC 3-7-080 – Other Assessments.

Nothing contained in this Chapter limits the City's authority to levy additional assessments in accordance with applicable law.

Section 2. Severability. Each section of this ordinance, and any part thereof, is severable. If any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance remains in full force and effect.

Section 3. Effective Date. As provided in the Tualatin Charter, this ordinance is effective 30 days from the date of adoption.

ADOPTED by the City Council this 14th day of December, 2020.

CITY OF TUALATIN OREGON

BY Frank Bubenik
Mayor

APPROVED AS TO LEGAL FORM

BY Sean Brady
City Attorney

ATTEST

BY Sherilyn Lombos
City Recorder

Signature: 
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Signature: 
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