

W. 17.a.

AGENDA COVER MEMO

AGENDA DATE: July 28, 2004

TO: LANE COUNTY BOARD OF COMMISSIONERS

DEPT.: LANE COUNTY OFFICE OF LEGAL COUNSEL

PRESENTED BY: Teresa J. Wilson, County Counsel



AGENDA ITEM TITLE: Final Hearing and Order No. _____/In the Matter of Calling an Election for the Formation of the Lane Library District

I. MOTION: I MOVE THAT THE QUESTION OF THE FORMATION OF THE LANE LIBRARY DISTRICT AND ESTABLISHMENT OF A PERMANENT TAX RATE LIMIT BE REFERRED TO THE VOTERS FOR THE NOVEMBER 2, 2004 ELECTION.

II. ISSUE OR PROBLEM: The Board must conduct the final hearing in the formation process, and then refer the question of the formation of the Lane Library District to the voters for the November 2, 2004 election.

III. DISCUSSION:

A. Background On March 10, 2004, the Board accepted and officially filed the petitions for formation of the Lane Library District, and, as required by statute, referred the matter to the Boundary Commission. On June 3, 2004, the Boundary Commission held a hearing on the formation and approved it. The Board has set July 28, 2004 at 1:30 p.m. as the final hearing date.

B. Analysis Despite requiring a final hearing, the statutes do not give the Board of Commissioners any discretion at this point in the formation process. The Boundary Commission held all the necessary hearings on the advisability of forming the district and on the appropriate location of the boundaries, and adopted findings regarding needs and land use considerations. ORS 199.480(1) prohibits the Board from modifying the boundary set by the Boundary Commission.

The petition included a permanent tax rate limit for the proposed district. Because of this, the Board is required the call the election on the question of forming the district at the time of the final hearing. ORS 198.810(3). And the ballot title:

“shall clearly indicate that a single question is being proposed which is
(A) Whether the proposed district shall be formed; and
(B) Whether the permanent rate limit specified in the ballot title shall be adopted as the maximum rate of operating taxes for that district.” ORS 198.820(4)

In addition, the question in the ballot title must state the first fiscal year in which the proposed permanent tax rate limit will be imposed. ORS 280.070(6).

The first members of the Board are also elected at the November election. Petitions for nomination or declarations of candidacy are due to the Chief Deputy County Clerk by not later than August 24, 2004, per ORS 255.235(2)(b).

C. Alternatives/Options The ballot title can be modified. However, the fact of calling the election and the date are specific statutory requirements.

E. Recommendations I recommend the Board adopt the Order.

F. Timing

Aug. 24	Petitions for nomination/declarations of candidacy due
Sept. 2	Latest date for delivery of Order to Chief Deputy County Clerk
Nov. 2	Election

IV. IMPLEMENTATION/FOLLOW-UP: The Chief Deputy County Clerk will file the appropriate notices.

V. ATTACHMENTS:

Board Order with

Exhibit A – Ballot Title

Exhibit B – Legal Description and Map

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO. 04-7-28-) IN THE MATTER OF CALLING AN ELECTION FOR
) THE FORMATION OF THE LANE LIBRARY DISTRICT

WHEREAS, pursuant to ORS Ch. 198 and Ch. 357, the Lane County Board of Commissioners adopted Order No. 04-3-10-21 on March 10, 2004, regarding the formation of the Lane Library District and forwarded a copy of the same to the Lane County Local Government Boundary Commission pursuant to ORS 199.476, and

WHEREAS, on June 3, 2004, the Lane County Local Government Boundary Commission approved the formation of the Lane Library District by Final Order No. 1238, and

WHEREAS, pursuant to Order No. 04-6-30-4, the Board has conducted a final hearing on the question of formation, and


WHEREAS, because the petition for formation includes a permanent tax rate for the proposed district, the Board must place the question of forming the district and approving the permanent tax rate on the ballot for a primary or general election, pursuant to ORS 198.815, now therefore, it is hereby

ORDERED that:

1. An election is hereby called to determine whether the Lane Library District shall be formed with a permanent tax rate limit of \$0.59 per \$1000 assessed value as the maximum rate of operating taxes for the District.
2. The measure for the election shall be as described on Exhibit "A," attached hereto and incorporated by this reference.
3. The election shall be on November 2, 2004.
4. The election shall occur within the boundaries as specified in Exhibit "B," attached hereto and incorporated by this reference.
5. The Chief Deputy County Clerk shall publish notice of this election in the Register Guard pursuant to ORS 198.815 and 255.095.
6. The Chief Deputy County Clerk shall include with the ballot a map or other description of the boundaries, and a statement of the permanent rate of \$0.59 per \$1000 assessed value.
7. The first members of the five-member district board shall be elected at the November 2, 2004 election.

DATED this 28th day of July, 2004.

APPROVED AS TO FORM

Date 7/14/04 Lane County

OFFICE OF LEGAL COUNSEL

Bobby Green, Sr., Chair
Lane County Board of Commissioners

Exhibit A

Caption: FORMATION OF THE LANE LIBRARY DISTRICT

Question: Shall District be formed with a permanent tax rate limit of \$0.59 per \$1000 assessed value beginning in 2005-2006?

Summary: The chief purpose of this measure is to form the Lane Library District. If approved, the district will provide library services to the area within its boundaries. The District would be governed by a board of five members, elected at large by the voters of the District.

The District would have a permanent property tax rate limit of \$0.59 per \$1000 of assessed value. The first fiscal year in which this permanent property tax rate limitation would be imposed for the District is 2005-2006.

EXHIBIT 6

A tract of land located in Lane County, Oregon and more particularly described as follows:

Beginning at the Northeast corner of Township 19 South, Range 3 West, Willamette Meridian; thence Westerly along the Fourth Standard Parallel, a distance of 1,075 feet more or less to the main channel of the Coast Fork of the Willamette River; thence Southerly along said main channel, a distance of 8,875 feet more or less to a point, said point being 1,105 feet more or less Westerly of the Southwest corner of the E. L. Bristow Donation Land Claim No. 51 located in Section 7, Township 19 South, Range 2 West of the Willamette Meridian; thence Easterly, a distance of 1,105 feet more or less to said Southwest Corner; thence continuing Easterly along the south line of said Donation Land Claim No. 51, a distance of 3,010 feet more or less to a point; thence Southerly, a distance of 1,585 feet more or less to a point; thence Easterly 1,495 feet more or less to a point on the East line of the B. Despain Donation Land Claim No. 52, said point being located in Section 8 of said Township and Range and located within Rodgers Road (County Road No. 937); thence Southerly along the east line of said Donation Land Claim No. 52, a distance of 1,105 feet more or less to a point; thence Westerly, a distance of 990 feet more or less to a point; thence Southerly, a distance of 170 feet more or less to a point, said point being on the south line of said Donation Land Claim No. 52 in Section 7 of said Township and Range; thence Westerly along said south line, a distance of 500 feet more or less to a point; thence Southerly, a distance of 60 feet more or less to the centerline of Danstrom Road (County Road No. 518 and 937); thence Easterly along said Danstrom Road, a distance of 1,480 feet more or less to the Northeast corner of Wm. R. Jones Donation Land Claim No. 54, said corner is located in Section 8 of said Township and Range and in the centerline of Rodgers Road (County Road No. 937); thence Southerly along the centerline of said Rodgers Road (County Road No. 272), a distance of 450 feet more or less to a point, said point being located in Section 17 of said Township and Range; thence Southeasterly along the centerline of said Rodgers Road, a distance of 2,580 feet more or less to a point; thence continuing Southeasterly along the centerline of Morton Road (County Road No. 640), a distance of 3,900 feet more or less to a point; thence Southwesterly along an extension of the centerline and centerline of said Morton Road, a distance of 1,380 feet more or less to a point; thence Southeasterly along the centerline of said

Morton Road, a distance of 210 feet more or less to a point, said point being on the section line common to Sections 17 and 20 of said Township and Range; thence Easterly along said section line, a distance of 930 feet more or less to the corner common to Sections 16, 17, 20 and 21 of said Township and Range; thence continuing Easterly along the section line common to said Sections 16 and 21, a distance of 5,280 feet more or less to the corner common to Sections 15, 16, 21 and 22 of said Township and Range; thence continuing Easterly along the section common to said Sections 15 and 22, a distance of 5,310 feet more or less to the corner common to Sections 14, 15, 22 and 23 of said Township and Range; thence Southerly along the section line common to Sections 22 and 23, a distance of 5,280 feet more or less to the corner common to Sections 22, 23, 26 and 27 of said Township and Range; thence Easterly along the section line common to said Sections 23 and 26, a distance of 5,280 feet more or less to the corner common to Sections 23, 24, 25 and 26; thence continuing Easterly along the section line common to said Sections 24 and 25 to the Northeast corner of said Section 25, said corner is on the range line common to Township 19 South, Range 2 West and Range 1 West of the Willamette Meridian; thence Southerly along said range line a distance of 5,280 feet more or less to the southeast corner of said Section 25; thence continuing Southerly along said range line, a distance of 5,280 feet more or less to the Southeast corner of Township 19 South, Range 2 West of the Willamette Meridian; thence Westerly along the township line common to Township 19 South and Township 20 South, Range 2 West of the Willamette Meridian, a distance of 5,280 feet more or less to the corner common to Sections 35 and 36 of Township 19 South, Range 2 West of the Willamette Meridian; thence continuing Westerly along said township line, a distance of 5,280 feet more or less to the corner common to Sections 34 and 35 of said Township and Range; thence continuing Westerly along said township line, a distance of 5,280 feet more or less to the corner common to Sections 33 and 34 of said Township and Range; thence Northerly along the section line common to said Sections 33 and 34, a distance of 2,640 feet more or less to the one-quarter corner common to said Sections 33 and 34; thence Westerly along the east-west center line section of said Section 33, a distance of 5,280 feet more or less to the one-quarter corner common to Sections 32 and 33 of said Township and Range; thence continuing Westerly along the east-west center section line of said Section 32, a distance of 5,305 feet more or less to the one-quarter corner common to Sections 31 and 32 of said Township and Range; thence continuing Westerly along the east-west center section line of said Section 31, a distance of

5,375 feet more or less to the one-quarter corner common to said Section 31 and Section 36, Township 19 South, Range 3 West of the Willamette Meridian; thence continuing Westerly along the center section line of said Section 36, a distance of 5,280 feet more or less to the one-quarter corner common to Sections 35 and 36, Township 19 South, Range 3 West of the Willamette Meridian; thence continuing Westerly along the center section line of said Section 35, a distance of 5,250 feet more or less to the one-quarter corner common to Sections 34 and 35 of said Township and Range; thence continuing Westerly along the center section line of said Section 34 a distance of 520 feet more or less to the Easterly right-of-way line of the Southern Pacific Railroad; thence Southwesterly along said right-of-way line, a distance of 2,850 feet more or less to a point, said point being on the South section line of said Section 34 and on the township line common to Township 19 South and Township 20 South, Range 3 West of the Willamette Meridian; thence Westerly along said township line, a distance of 3,760 feet more or less to the section corner common to Sections 33 and 34, Township 19 South, Range 3 West of the Willamette Meridian; thence continuing Westerly along said township line, a distance of 1,670 feet more or less to the Southwest corner of the G. W. Harper Donation Land Claim No. 65; thence Northerly along the west line of said Donation Land Claim, a distance of 2,670 feet more or less to a point; thence Westerly, a distance of 3,410 feet more or less to the Westerly Southwest Corner of the J. M. Farlow Donation Land Claim No. 66; thence Northerly along the most westerly line of said Donation Land Claim, a distance of 1,760 feet more or less to the Northwest corner of said Donation Land Claim; thence Easterly along the north line of said Donation Land Claim, a distance of 1,120 feet more or less to the Southeast corner of Government Lot 4 of said Section 33; thence Northerly along the east line of said Government Lot, a distance of 890 feet more or less to the Northeast corner of said Government Lot; thence continuing Northerly along the west line of Government Lot 4 of Section 28, Township 19 South, Range 3 West of the Willamette Meridian, a distance of 1,330 feet more or less to the Northwest corner of said Government Lot; thence Westerly along the south sixteenth line of said Section 28, a distance of 1,320 feet more or less to the South sixteenth corner common to Sections 28 and 29 of said Township and Range; thence continuing Westerly along the south sixteenth line of said Section 29, a distance of 5,295 feet more or less to the South sixteenth corner common to Sections 29 and 30 of said Township and Range; thence continuing Westerly along south sixteenth line of said Section 30, a distance of 660 feet more or less to the Southwest

corner of the East one-half of the Northeast one-quarter of the Southeast one-quarter of said Section 30; thence Northerly along the west line of said East one-half and extension thereof, a distance of 3,980 feet more or less to the Northwest corner of the East one-half of the Northeast one-quarter of the Northeast one-quarter of said Section 30; thence Westerly along the section line common to Sections 19 and 30 of said Township and Range, a distance of 1,980 feet more or less to the one-quarter corner common to said Sections 19 and 30; thence Southerly along the north-south center section line, a distance of 1,330 feet more or less to the Northeast corner of the Southeast one-quarter of the Northwest one-quarter of said Section 30; thence Westerly along the north line of said Southeast one-quarter, a distance of 1,320 feet more or less to the Northwest corner of said Southeast one-quarter; thence Southerly along the west line of said Southeast one-quarter, a distance of 1,330 feet more or less to the Southeast corner of the Southwest one-quarter of the Northwest one-quarter of said Section 30; thence Westerly along the south line of said Southwest one-quarter, a distance of 1,450 feet to the one-quarter corner common to said Section 30 and Section 25, Township 19 South, Range 4 West of the Willamette Meridian; thence Northerly along the section line common to said Sections 25 and 30, a distance of 2,670 feet more or less to the section corner common to Sections 19 and 30, Township 19 South, Range 3 West and Sections 24 and 25, Township 19 South, Range 4 West of the Willamette Meridian; thence Westerly along the section line common to said Sections 24 and 25, a distance of 5,285 feet more or less to the section corner common to Sections 23, 24, 25 and 26, Township 19 South, Range 4 West of the Willamette Meridian; thence Southerly along the section line common to said Sections 25 and 26, a distance of 1,330 feet more or less to the Northeast corner of the Southeast one-quarter of the Northeast one-quarter of said Section 26; thence Westerly along the north line of said Southeast one-quarter, a distance of 1,320 feet more or less to the Northwest corner of said Southeast one-quarter; thence Southerly along the west line of said Southeast one-quarter, a distance of 1,320 feet more or less to the Southwest corner of said Southeast one-quarter; thence Westerly along the east-west center section line of said Section 26, a distance of 3,970 feet more or less to the one-quarter corner common to Sections 26 and 27 of said Township and Range; thence Northerly along the section line common to said Sections 26 and 27, a distance of 2,640 feet more or less to the corner common to Sections 22, 23, 26 and 27 of said Township and Range; thence Westerly along the section line common to Sections 22 and 27, a distance of 5,280 feet more or less to the corner common to Sections 21,

22, 27 and 28 of said Township and Range; thence continuing Westerly along the section line common to said Sections 21 and 28, a distance of 5,330 feet more or less to the corner common to Sections 20, 21, 28 and 29 of said Township and Range; thence Northerly along the section line common to said Sections 20 and 21, a distance of 5,290 feet more or less to the corner common Sections 16, 17, 20 and 21 of said Township and Range; thence continuing Northerly along the section line common to said Sections 16 and 17, a distance of 5,280 feet more or less to the corner common to Sections 8, 9, 16 and 17 of said Township and Range; thence continuing Northerly along the section line common to said Sections 8 and 9, a distance of 2,640 feet more or less to the one-quarter corner common to said Sections 8 and 9; thence Easterly along the east-west center section line of said Section 9, a distance of 5,280 feet more or less to the one-quarter corner common to Sections 9 and 10 of said Township and Range; thence continuing Easterly along the east-west center section line of said Section 10, a distance of 5,300 feet more or less to the one-quarter corner common to Sections 10 and 11 of said Township and Range; thence continuing Easterly along the east-west center section line of said Section 11, a distance of 5,300 feet more or less to the one-quarter corner common to Sections 11 and 12 of said Township and Range; thence continuing Easterly along the east-west center section line of said Section 12, a distance of 5,250 feet more or less to the one-quarter corner common to said Section 12 and Section 7, Township 19 South, Range 3 West of the Willamette Meridian; thence Northerly along the section line of said Sections 7 and 12, a distance of 2,650 feet more or less to the corner common to Sections 1 and 12, Township 19 South, Range 4 West and Sections 6 and 7, Township 19 South, Range 3 West of the Willamette Meridian; thence continuing Northerly along the section line common to said Sections 1 and 6, a distance of 5,280 feet more or less to the Southwest corner of Township 18 South, Range 3 West of the Willamette Meridian; thence Easterly along the Fourth Standard Parallel South, a distance of 5,280 feet more or less to the south section corner common to Sections 31 and 32, Township 18 South, Range 3 West of the Willamette Meridian; thence continuing Easterly along said Standard Parallel, a distance of 4,550 feet more or less to the westerly right-of-way line of Beymer Road (County Road No. 269); thence Northerly along said westerly right-of-way line, a distance of 5,660 feet more or less to a point, said point being the intersection of said right-of-way line and the section line common to Sections 29 and 32 of said Township and Range; thence Northeasterly along said right-of-way line, a distance of 1,280 feet more or less to a point, said point being the

intersection of said right-of-way line and the section line common to Sections 28 and 29 of said Township and Range; thence continuing Northeasterly along said right-of-way line, a distance of 2,760 feet more or less to a point, said point being the intersection of said right-of-way line and the westerly right-of-way line of Dillard Road (County Road No. 1014); thence Northerly along said Dillard Road right-of-way line, a distance of 2,660 feet more or less to a point, said point being the intersection of said right-of-way and the section line common to Sections 21 and 28 of said Township and Range; thence Easterly along the section line common to said Sections 21 and 28, a distance of 3,385 feet more or less to the corner common to Sections 21, 22, 27 and 28 of said Township and Range; thence continuing Easterly along the section line common to said Sections 22 and 27, a distance of 3,985 feet more or less to the Northwest corner of Government Lot 4 of said Section 27; thence Southerly along the west line of said Government Lot and extension thereof, a distance of 5,330 feet more or less to a point, said point being on the section line common to Sections 27 and 34 of said Township and Range and being within Dillard Road (County Road No. 630); thence Easterly along said section line, a distance of 1,310 feet more or less to the corner common to Sections 26, 27, 34 and 35 of said Township and Range; thence continuing Easterly along the section line common to Sections 26 and 35, a distance of 3,710 feet more or less to a point, said point being the intersection of said section line and the westerly right-of-way line of the Southern Pacific Railroad; thence Southwesterly along said right-of-way line, a distance of 5,300 feet more or less to a point, said point being on the south section line of said Section 35 and on the Fourth Standard Parallel South; thence Easterly along said Standard Parallel, a distance 1,970 feet more or less to the corner common to Sections 35 and 36 of said Township and Range; thence continuing Easterly along said Standard Parallel, a distance of 5,340 feet to the Point of Beginning.

LCBC:LCOG: \WCLSRV11\LGSLBCLEGAL\2004\LLA0419 LGL.DOC
Last Saved: June 21, 2004

EXHIBIT B-1

