

RESOLUTION NO. 05-1

A RESOLUTION CLASSIFYING CERTAIN FEES AND CHARGES
AS NOT SUBJECT TO THE LIMITATIONS OF ARTICLE XI,
SECTION 11b OF THE OREGON CONSTITUTION (MEASURE 5).

The District Board for the LaPine Special Sewer District finds that:

A. Article XI, Section 11b of the Oregon Constitution (Measure 5) imposes limits on only certain types of fees and charges imposed by local governments.

B. ORS 305.583, enacted by the 1990 Legislature to implement Article XI, Section 11b, provides that local governments may adopt resolutions classifying its existing fees and charges as either subject to, or not subject to the limits in Article XI, Section 11b of the Oregon Constitution.

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

D. If no challenge is brought against the classification within sixty (60) days after adoption of the resolution, and assuming that notice is published as required, ORS 305.583 then prohibits any challenge at a later time to challenge the local government's classification of a fee or charge as not subject to the limits in Article XI, Section 11b of the Oregon Constitution, thereby providing the local government additional certainty in preparing and relying on its budget.

E. It is in the public interest that District's user fees be classified as not subject to the limits of Article XI, Section 11b of the Oregon Constitution at this time.

NOW, THEREFORE, be it resolved by the District Board for the LaPine Special Sewer District, as follows:

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

Section 2. Within fifteen (15) days of the adoption of this Resolution, the District Secretary shall cause to be published in a newspaper of general circulation within the District, a notice of adoption of this resolution classifying fees and charges. The notice shall:

- a. Appear in the general news section of the newspaper, not in the classified advertisements;
- b. Measure at least three (3) square inches;
- c. Be printed in a type size at least equal to eight (8) point type; and
- d. State that the District has adopted a resolution classifying its user fees as not subject to the limits of Article XI, Section 11b of the Oregon Constitution, that the reader may contact a designated District official to obtain a copy of the resolution, and that judicial review of the classification may be sought within sixty (60) days of the date the resolution was adopted.

DATED this ___ day of _____, 2005.

LAPINE SPECIAL SEWER
DISTRICT BOARD

Chairman

ATTESTED:

Secretary