1). 5.c.

**AGENDA COVER MEMO** 

AGENDA DATE:

May 19, 2004

TO:

LANE COUNTY BOARD OF COMMISSIONERS Jeres Alleh-

PRESENTED BY:

Bill Van Vactor, County Administrator

Teresa J. Wilson, County Counsel

AGENDA ITEM TITLE:

Report Back/Proposed Junction City Park and Recreation District

I. MOTION: None needed

II. ISSUE OR PROBLEM: The Board asked for staff to report back on information about formation of a proposed park and recreation district in the Junction City area.

#### 111. **DISCUSSION:**

A. Background. On March 31, citizens came to the Board of Commissioners and requested the Board form a proposed park and recreation district. The Board directed staff to report back on the process, and provide information from the County Assessor as to potential tax impacts of such a district.

On April 21, 2004, the County Administrator Bill Van Vactor, County Counsel Teresa Wilson. County Assessor Jim Gangle. Chief Deputy County Clerk Annette Newingham, and Boundary Commission staff Paula Taylor met with 7 citizens from the Junction City area and a representative of the Special Districts Association. The purpose of the meeting was to outline the three possible ways of initiating formation of a park and recreation district, to discuss to timeframes and costs of each, and to review the impacts of 4 potential tax rates amount.

B. <u>Description of Methods of Initiating the Process.</u> Formation of a park and recreation district can be initiated by: a) citizen petition, b) Board of Commissioner order, or c) Boundary Commission order. Attached to this report are copies of the documents handed out to the citizens describing the first two processes; Paula Taylor described the third, but indicated that it has not been used to her knowledge. All methods simply are manners of initiating the formation process; they all result in the "next step" being at the Boundary Commission, which legally has 120 days to complete its work; the final step is generally an election.

All methods require certain information to begin the Boundary Commission "step", some of which is costly. There must be provision of the Boundary Commission information form. County Assessor cadastral maps, a metes and bounds legal description (may run from \$4000-\$8000), an economic feasibility study, and a statement of consistency with all applicable land use plans. In addition, for the citizen petition and the Board Order methods, the Boundary Commission filing fee for a district of the size proposed is \$8,425.

We reported that the Board of Commissioners has initiated the formation process by Board Order twice in the past. One occurred in 1992 with a citizens' request to initiate formation of a park and recreation district in the Pleasant Hill area, and the second was the Sheriff's request in 1997 to initiate formation of a law enforcement district. In both instances, the requestors came forward with resources to cover all the costs of the information - the citizens themselves, the Sheriff out of his budget.

- C. <u>Timing.</u> Assuming initiation of the process by some means, as stated, the Boundary Commission then legally has 120 days to complete their work. Once the Boundary Commission action is complete, if the proposal is approved, it then returns to the Board of Commissioners for the setting and publication of notice of a final hearing. At the time of final hearing, the Board then refers the measure to the ballot. To be able to take all required steps in order to have the matter on the November, 2004 election, the Boundary Commission action must be <u>complete</u> not later than the first week of July. Working backwards in time, if the Boundary Commission were to take its full 120 days, it must have begun the process in early March.
- D. <u>Costs.</u> In addition to the costs described above (maps, metes and bounds legal description, economic feasibility, Boundary Commission filing fee), if the process is initiated by citizen petition, then if the election is favorable, the district must reimburse the County for the elections costs; if it is not favorable, the chief petitioners are liable for the costs. If the process is initiated by Board Order, again the district must reimburse if the election is favorable; if the election is not, then the County bears the costs. Annette Newingham estimated the costs for the proposed district for the November ballot to be in the \$10,000-\$12,000 range.
- E. <u>Tax Consequences</u>. Also attached to this document are the 4 pages presented by Jim Gangle which show the impacts of 4 different tax rates, assuming that this District were formed in an area of roughly the Junction City School District. The first page shows a tax rate (under the column of "Operating Levy Amounts") of 1.419, which is what the documents offered by the citizens at the March 31 meeting show as the proposed district's general fund rate. As you will see, it does not show compression, based on 2003 Value Information. The remaining pages show the impacts of a 2.00 rate, 2.50 and 3.00, all of which show some measure of compression.

In addition to the permanent tax rate, the March 31 information indicates a possible capital bond. It is not clear at this time if it is possible to have both a formation election and a bond for the as yet unformed district on the same ballot. Unanswered is who is the election authority to call the election on the bond measure.

IV. CONCLUSION: At the end of the meeting, the citizens indicated they would need to digest the information provided, and would make a decision on which method of initiating the process they wished to pursue. To date, we have not heard back from them as to their conclusion.

cc: Annette Newingham Jim Gangle Paula Taylor

# DISTRICT FORMATION Petition Process

### PROSPECTIVE PETITION will need to include:

- Statement that the petition is filed pursuant to ORS 198.705 to 198.955.
- State the names of all affected districts and all affected counties.
- Designate the principal Act of each affected district.
- State the nature of the proposal: Formation of the (XXXXX) District
- State whether the territory subject to the petition is inhabited or uninhabited.
- State the number of members on the board to be elected.
  - (In the case of a library district, it must include the methods of election of the board members, the number, and terms ORS 357.221 and 357.242)
  - (In the case of a park & recreation district, it must include the methods of election of the board members, the number, and terms ORS 266.110 and ORS 266.375)
- Include a proposed permanent rate limit for operating taxes sufficient to support the services and functions described in the economic feasibility statement required by ORS 198.749.
  - A tax rate limit need not be included if no tax revenues are necessary to support the services and functions described in the economic feasibility statement.
  - The tax rate limit shall be expressed in dollars per thousand dollars of assessed value.
  - The tax rate limit shall be calculated for the latest tax year for which the assessed value of the proposed district is available.
  - Park & Recreation District ORS 266.420: total amount in dollars and cents shall not exceed one-half of one percent (.0050) of the real market value of all taxable property within the district, computed in accordance with ORS 308.207.
- Set forth any proposed terms and conditions, if any, to which a proposed formation is to be subject.
- A petition will not be accepted for filing unless the economic feasibility statement required by ORS 198.749 accompanies it. The economic feasibility statement shall 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 shall form the basis for the proposed permanent rate limit for operating taxes required by ORS 198.750.

- ORS 198.720(1) If any part of the territory subject to a petition for formation is within a city, the petition shall be accompanied by a certified copy of a resolution of the governing body of the city approving the petition.
- Request that proceedings be taken for the formation proposed.
- A description of the boundaries of the territory proposed to be included in the district, which needs to include a list of all applicable map & tax lot numbers, and associated assigned addresses. (This detail is necessary in order to accurately determine the number of signatures required.)
- The petition may propose a name for the new district.

### **COVER AND SIGNATURE SHEETS**

The text, cover, and signature sheets for a prospective petition must be approved in writing by the county elections official **prior** to the chief petitioners circulating the petition.

- Each petition sheet circulated needs to attach the legal description of the proposed boundaries (a map is also highly recommended), along with the information noted above. (see sample)
- The petition for formation will not be accepted for filing unless a bond, cash deposit, or other security deposit in the amount of \$100 per precinct accompanies the petition, total amount to be determined once specific proposed district boundaries are established. The cash deposit shall be accompanied by a form prescribed by the Secretary of State and shall 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 shall pay the amount of the excess costs.
- Each person circulating the petition shall certify on each petition signature sheet that every person who signed the petition did so in the presence of the person circulating the petition. (This must include the signature of the circulator and the date signed, which cannot be prior to any dates signed by the registered voters on the petition sheet.)
- A petition for formation shall be signed by not less than:
  - 15% of the electors or 100 electors, whichever is the greater, registered in the territory subject to the petition; or
  - 15 owners of land or the owners of 10% of the acreage, whichever is the greater number of signers, within the territory subject to the petition.
- Designate not more than 3 chief petitioners, setting forth their names and mailing addresses.
- Each person signing a petition needs to:
  - Print their name.
  - Sign with their signature (required).
  - Date their signature (required).
  - Indicate if registered voter and/or landowner.

- Place of residence, street and number designation sufficient to enable the place of residence to be readily ascertained.
- If landowner, the number of acres of land owned by the signer.
- A petition will not be accepted for filing unless the signatures have been secured within six months of the date on which the first signature on the petition was affixed.
- When a petition for formation includes a proposed rate limit for operating taxes, the petition shall be filed not later than 180 days before the date of the next primary election or general election at which the petition for formation will be voted upon. (Note: May 6, 2004 is 180<sup>th</sup> day prior to November 2, 2004 General Election)
- The petition is not considered filed until the required signatures are verified, within 10 days after the date a petition is offered for the filing:
  - If registered voters, the county clerk shall examine the petition and determine if signed by the required number of qualified signers.
  - If landowners, the county assessor shall examine the petition and determine if signed by the required number of qualified landowners.
- Petitions that are required to be filed with the county board shall be filed with the county clerk of the principle county.
- If the required signatures have not been met, the county clerk shall notify the chief petitioners and may return the petition to the petitioners.
- If the required signatures have been met, the county clerk (if registered voters), or assessor (if landowners), shall attach a certification to that affect, which is filed with the county board.

### NOTE:

The Boundary Commission is solely responsible for determining the acceptability of the economic feasibility statement and other attachments for the purpose of proceeding with a formation of a district.

\\lcsrv153\ms\CDCC\ELEC\REF\\district formation.doc 4-21-2004

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Sample

## BEFORE THE BOARD OF COMMISSIONERS LANE COUNTY, OREGON

In the matter of

Formation of the Fern Ridge Special Library District

#### PETITION FOR FORMATION

- 1. This petition is filed pursuant to ORS 198.705 to 198.955.
- 2. This petition is for the formation of a Special Library District. The principal act of this district is ORS 357.216 to ORS 357.286.
- 3. This petition affects Lane County, Oregon, the incorporated city of Veneta, Oregon, and the following Districts:
  Fern Ridge Rural Fire District whose principal act is ORS 478 Walton Fire District, ORS 478
  Crow Valley Fire District, ORS 478
  Lane Rural Fire Protection District #1, ORS 478
  Emerald Peoples Utility District, ORS 261
  Port of Siuslaw, ORS 777
  - 4. The territory subject to this petition is inhabited.
- 5. The district will be governed by five board members elected at large from within the district.
- 6. The district proposes a tax base of \$150,000 and would require a tax rate of \$0.59 per \$1000 of assessed valuation.
- 7. Petitioners request that proceedings be taken for the formation of a Special Library District to be named Fern Ridge Library District.
- 8. The boundaries of the distict are to be the same as the boundaries of Lane County School District 28J in Lane County. Boundary description and a map of the district are attached as Exhibit A.
- 9.An economic feasibility statement for the proposed district is attached as Exhibit B.

1. NAME Peter F. Kilger	ADDRESS 87825 NORMAN, VENETA, OR 97487
2.NAME Bruce E. Barnett	ADDRESS 88001 9th Street, Veneta, OR 97487
3. NAME Richard & Romanch Richard J. Romanch	ADDRESS 88946 LISUSKI LN Veneta CIP 4748,

SEL 704	
REV. 5/14/93	

## SECURITY DEPOSIT

ORS 198.775

### FOR SPECIAL DISTRICT FORMATION OR REORGANIZATION

			WITHDRA	-	DISSOLUTION
	No. of precincts in district		per precinct = \$		(maximum of \$10,000)
F	PERSONS/ORGANIZATIONS I	ROVIDIN	NG ANY PART	OF CASH	SECURITY DEPOSIT
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the	amount of the excess costs (ORS 198.775).	(	district exceed the c	leposit, I/we i	will pay to the county treasurer
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*Pro	ovide additional description of security deposit on re	verse or separate	sheets. Additional con	tributors may be	listed on separate sheets and attached.

### DISTRICT FORMATION PROCESS BY BOARD ORDER

- 1. Per ORS 198.835, the County Commissioners may initiate the formation of a district which is located entirely within the County, by an order which sets forth:
  - a. The intent to form a district, citing the principal Act.
  - b. The name and boundaries of the proposed district.
- c. For a park and recreation district, the number of members on the district board and the method of election, per ORS 266.110(2).
- d. Certified copy of a resolution from the city council of each city which has territory included within the district.
- e. Note: the public hearing normally required per ORS 198.835(1)(c) does not occur in a county with a boundary commission. See Section 3 below.
- 2. In the past, before the County has been asked to initiate the process, the Board has received from the proponents of a formation a full and complete packet that will be necessary to file with the Boundary Commission, i.e., all requirements necessary to fulfill OAR 191-006-0010. This occurred in 1992 with a citizens request to initiate formation of a park and recreation district in the Pleasant Hill area, and with the Sheriff's request in 1997 to initiate formation of a law enforcement district. Specifically, the Boundary Commission requirements include:
  - a. Boundary Commission filing fee
  - b. Boundary Commission information form
- c. County Assessor cadastral maps, meeting the requirements of OAR 191-006-0000(3).
- d. Legal description (metes and bounds), meeting the requirements of OAR 191-006-0000(4) and ORS 308.225(2).
- e. Economic feasibility study meeting the requirements of ORS 198.749 and OAR 191-006-000(9), including
  - i. Description of the services and functions to be performed by the
- ii. Analysis of the relationships between those services and functions and other existing government services
- iii. Proposed 1<sup>st</sup> and 3<sup>rd</sup> year budgets for the district that demonstrate its economic feasibility
- iv. Proposed tax base and tax rate. [Note: For park and recreation district, the total amount in dollars and cents shall not exceed one-half of one percent (.0050) of the real market value. ORS 266.420)
- f. Statement of consistency with all applicable comprehensive land use plans.
- g. Note: The proposed district cannot include any properties subject to a land use plan amendment until the plan amendment is completed, i.e., final and not subject to appeal.
- h. Note: If any of the properties are located within the Eugene-Springfield Metropolitan Plan urban growth boundary, including them within the proposed district risks delay in filing and potentially will require a Metro Plan Amendment before the matter can be filed with the Boundary Commission.
- i. Note: If the proponents do not provide all of the Boundary Commission filing requirements detailed in (a)-(f) above, the County would have to bear the costs of doing so. If the formation is ultimately successful, the district shall reimburse the County for any expenses incurred in preliminary engineering studies and surveys, per ORS

district

- 198.845. This does not necessarily cover the Boundary Commission filing fee or the cost of providing the metes and bounds legal description.
- 3. Within 10 days after the Board initiates the formation process, a certified copy of the Board Order, together with the documents required for filing with the Boundary Commission, is transmitted to the Boundary Commission for their action. Per ORS 198.800(1)(a) and 199.476(1)&(2) the statutory public hearing process that normally occurs in non-Boundary Commission counties is suspended. The Boundary Commission has 120 days to act.
- 4. After the Boundary Commission has completed its action and adopted a Final Order, if it is favorable, the matter returns to the Board of County Commissioners. ORS 199.480. The County then adopts an Order, setting a date for final hearing, which is not less than 20 nor more than 50 days later. ORS 198.810(1). This hearing must be advertised.
- 5. If the formation includes a permanent tax rate, then at the time of the Final Hearing, Board will adopt an order placing the measure on the next available primary or general election ballot (i.e., the next May or November election in even-numbered years). The Order must be adopted not less than 61 days before the election. ORS 254.103.
- 6. Note: Realistically, in order for the Board of Commissioners to schedule and take all post-Boundary Commission action in a timely manner in order to place the measure on the ballot, it needs to have the Boundary Commission Final Order 4 months before the election date i.e., by the first week of July for a November election, or by the third week of January for a May election. This is also necessary in order for the Elections office to publish the required notice of elections for the first board members of the district per ORS 255.075.
- 7. If the election is favorable, the new district will be required to reimburse the County for the election. ORS 198.775(2). As the County is the initiating entity, it would bear the costs of the election if it is unsuccessful.

••	Jui	nc. on City Park	and Recrea	tion	)	
		Based on 2003 Val	ue Information			
Proposed Local Op	tion Rate:			œ		
Local Option Before	e Measure 5 Co	mpression:		\$ \$	-	
Measure 5 Compres	ssion:			\$ _\$	_	
Local Option After I	Measure 5 Comp	oression:		\$	-	<del>-</del>
	Accounts with no	Local Option Tax	7,418		100%	•
		Local Option Tax			0%	
Γ	Fotal Accounts in	District	7,418		100%	
ŀ	Highest I ocal On	tion tax on one account		<b>.</b>		
<i>F</i>	Average Local Or	otion tax per account		Φ \$	-	
L	owest Local Opt	ion tax on one account		\$	-	
A	Amount of Gap V	alue Remaining		\$	4,104,265	
			Before		After	
<b>Operating Levy Amo</b>	ounts:	District	Compression	Con	npression	Compression
1.2710		LANE COUNTY	777,368		777,368	-
6.0445		Junction City	1,308,141		1,308,141	-
0.9844		Junction City RFPD	222,822		222,822	-
1.4190		Park and Recreation	867,888		867,888	_
0.2523		Vater Control District	50,427		50,427	-
2.1174	Lane Rural	Fire/Rescue District	220,588		220,588	-
1.6854		Monroe RFPD	13,273		13,273	_
	ver Road Water	Control Subdistrict 1	7,541		7,541	-
1.0439		Santa Clara RFPD	8,227		8,227	-
1.9848		ounty Fire District #1	33,520		33,520	
G	ross Tax		3,509,795		3,509,795	*
ocal Option Levy Aı. -	mounts:	District	Before		After	Compression
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To	otal Tax:		3,509,795		3,509,795	-

Junction City Park and Recreation							
Based on 20	03 Value	e Information		<u> </u>			
Proposed Local Option Rate:			•				
Local Option Before Measure 5 Compression:			\$ \$	-			
Measure 5 Compression:			\$	_			
Local Option After Measure 5 Compression:			\$	-			
Accounts with no Local Option Ta Accounts paying Local Option Tax		7,418 -		100% 0%			
Total Accounts in District	_	7,418		100%			
Highest Local Option tax on one a			\$	-	i		
Average Local Option tax per accordant Lowest Local Option tax on one accordant tax one accor			<b>\$</b> \$	-			
Amount of Gap Value Remaining			\$ 3,7	57,994			
		Before	Afte	r			
Operating Levy Amounts: District		Compression	Compres		Compression		
1.2710 LANE COUI 6.0445 Junction		777,368		76,248	1,120		
6.0445 Junction 0.9844 Junction City Ri	•	1,308,141 222,822		02,813	5,329		
Junction City Park and Recrea		1,223,239		21,954 21,476	868 1,763		
0.2523 Junction City Water Control Dis		50,427		50,427	1,703		
2.1174 Lane Rural Fire/Rescue Dis		220,588		20,588	_		
1.6854 Monroe RF	-PD	13,273		13,273	_		
0.2796 iver Road Water Control Subdistri	ict 1	7,541		7,541			
1.0439 Santa Clara RF	PD	8,227		8,227	-		
1.9848 U Lane County Fire Distric	t #1	33,520	;	33,520	-		
Gross Tax	·	3,865,146	3,88	6,067	9,080		
Local Option Levy Amounts: District	1	Before	After		Compression		
_	2	-		-			
<u>-</u>	3	<b>-</b>		-			
- -	4	<u>-</u>		-			
Total Existing Local Op	otion	•		-			
Proposed Local Option:		Before -	After		Compression -		

3,865,146

**Total Tax:** 

9,080

3,856,067

Junction City Park and Recreation							
Based on 2003 Value Information							
Proposed Local Option Rate: Local Option Before Measure 5 Measure 5 Compression: Local Option After Measure 5 Co			\$ \$ \$	- - -			
	no Local Option Taxing Local Option Taxing Local Option Taxing In District	7,418 - 7,418		100% 0% 100%			
Average Loca	Option tax on one account I Option tax per account Option tax on one account		\$ \$ \$	- - -			
Amount of Ga	p Value Remaining		\$ 3,467	<sup>7</sup> ,870			
Operating Levy Amounts: 1.2710 6.0445	<b>District</b> LANE COUNTY Junction City	Before Compression 777,368 1,308,141	After Compress 774 1,294	1,454 2,915			
	Junction City RFPD ity Park and Recreation by Water Control District	222,822 1,529,049 50,427	1,523	0,565 2,257 3,316 5,733 0,427 0			
2.1174 Lane Ru 1.6854 0.2796 iver Road Wa 1.0439 1.9848 U Lane	ural Fire/Rescue District Monroe RFPD ter Control Subdistrict 1 Santa Clara RFPD c County Fire District #1	220,588 13,273 7,541 8,227 33,520	220 13 7 8	,,588 - ,273 - ,541 - ,227 -			
Gross Tax  Local Option Levy Amounts:	District	4,170,956 Before	4,146 <b>After</b>	·			
- - -	1 2 3	 		-			
Tot	tal Existing Local Option	-					
Proposed Local Option: -		Before -	After	Compression -			
Total Tax:		4,170,956	4,146	,190 24,766			

Junction City Park and Recreation							
		Based on 2003 Val	ue Information				
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Measure 5 Compr	ore Measure 5 Comp	pression:		\$ \$ \$	-		
•	ession: r Measure 5 Compr	ession:		\$			
Local Option Aite	i incusure e compri	c331011.		Ψ	-		
	Accounts with no L		7,418		100%		
	Accounts paying Lo	· · · · · · · · · · · · · · · · · · ·			0%		
	Total Accounts in D	DISTRICT	7,418		100%		
	Highest Local Option	on tax on one account		\$	-		
	Average Local Opti	on tax per account		\$ \$ \$	_		
	Lowest Local Optio	n tax on one account		\$	-		
	Amount of Gap Val	ue Remaining		\$	3,179,326		
			Before		After		
Operating Levy Ar		District	Compression	Con	pression	Compression	
1.2710		LANE COUNTY	777,368		772,632	4,737	
6.0445	,	Junction City	1,308,141		1,285,615	22,526	
0.9844 3.0000		unction City RFPD ark and Recreation	222,822		219,233	3,589	
0.2523		ater Control District	1,834,859 50,427		1,823,679 50,427	11,180	
2.1174		ire/Rescue District	220,588		220,588	ı	
1.6854		Monroe RFPD	13,273	-	13,273	-	
0.2796	iver Road Water Co		7,541		7,541	-	
1.0439		Santa Clara RFPD	8,227		8,227	-	
1.9848	U Lane Cou	inty Fire District #1	33,520		33,520	_	
	Gross Tax	_	4,476,766		4,434,735	42,031	
<b>Local Option Levy</b>	Amounts:	District	Before		After	Compression	
• -		1 2	-		-		
_		3	<u>-</u>		<del>-</del>	•	
		3 <b>∆</b>	-		<del>-</del>		
	Total Ex	kisting Local Option	. •		-	<u> </u>	
Proposed Local O	ption:		Before		After	Compression	
-			-		-	-	
	Total Tax:		4,476,766		4,434,735	42,031	