

**RESOLUTION NO. 2009-5**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SALMON, IDAHO, CALLING AN ELECTION FOR THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY OF SALMON THE QUESTION OF ADOPTING AN ORDINANCE ASSESSING A LOCAL-OPTION NON-PROPERTY TAX; ESTABLISHING THE DATE, TIME, AND PLACE OF THE ELECTION; PROVIDING FOR PUBLIC NOTICE OF THE ELECTION; APPROVING A FORM OF BALLOT PROPOSITION AND A FORM OF NOTICE OF ELECTION; PROVIDING FOR REGISTRATION OF VOTERS; PROVIDING FOR RELATED MATTERS; AND PROVIDING AN EFFECTIVE DATE**

WHEREAS, the City of Salmon, Idaho (the "City"), is a municipal corporation duly organized and operating under the laws of the State of Idaho; and

WHEREAS, Sections 50-1044 to 50-1049, inclusive, Idaho Code, as amended, authorize the voters of resort cities (as defined in Section 50-1044, Idaho Code) to authorize their city government to adopt, implement and collect local-option non-property taxes; and

WHEREAS, it has been determined by the City Council of the City (the "Council") that the City is a resort city and has a population less than 10,000; and

WHEREAS, the Council has determined that visitors and travelers to the City place an undue burden upon the taxpayers of said City and that the question of the imposition of a local-option non-property tax should be presented to the voters of the City;

WHEREAS, the local-option non-property tax cannot be adopted, implemented or collected without the assent of a sixty percent (60%) majority of the qualified electors of the City voting in an election called for such purpose; and

WHEREAS, the Council has determined to call and conduct an election for the aforesaid purposes as required by Sections 50-1044 to 50-1046, Idaho Code.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SALMON, IDAHO:

Section 1: LOCAL-OPTION NON-PROPERTY TAX

A. The Council hereby finds, determines, and declares that the City of Salmon has a population not in excess of 10,000 according to the most recent census and is a city that derives the major portion of its economic well being from people catering to recreational needs and meeting needs of people traveling to the destination City for an extended period of time; that the City has a significant economic dependence upon visitors and travelers passing through or staying in the community and the City; and, that said visitors and travelers require services of the City which place an undue burden upon the taxpayers of the City.

B. Subject to the approval of the local-option non-property tax by the qualified electors voting at the election for which provision is hereinafter made, Ordinance No. 09-742 adopted on September 2, 2009 pursuant to the provisions of Sections 50-1046 to 50-1047, Idaho Code, as amended, shall take effect immediately upon the canvass of the returns of the November 3, 2009 election and compliance by the City with Section 50-1047, Idaho Code, as amended. Said Ordinance is attached hereto as Exhibit "A" and provides, in part, that the City shall collect certain local-option non-property taxes, as follows:

1) A four percent (4%) occupancy tax on the Hotel-Motel Occupancy Charge from all Hotel-Motel Rentals as defined in Ordinance No. 09-742; and,

2) All monies collected and/or retained under the provisions of the Ordinance shall be held in trust for the City and for payment thereof to the City in the manner and at the times provided in the Ordinance; and

3) The non-property taxes authorized and collected under the Ordinance are imposed for a duration of ten (10) years from the effective date of the Ordinance; and

4) The local-option non-property tax revenue derived from and collected under the Ordinance shall be used only for the following purposes:

- a) Modernization, maintenance, and improvements of the Salmon Valley Community Pool;
- b) City promotion and development, visitor information, special events, economic growth, marketing, advertising, and recreational opportunities;
- c) Direct costs to collect and enforce the tax.

C. The City Council shall appoint an independent Local Option Tax Commission, as stipulated in Ordinance 09-742, Section 6.A., whose responsibility it shall be to develop annual budgets and make specific recommendations for the use of the revenues derived from said taxes, in accordance with the uses approved in the previous paragraph. Said revenues shall not be used to supplement the City of Salmon's general fund, except as specifically provided in the preceding paragraph.

## Section 2: ELECTION

An election will be held within the City to be held on Tuesday, November 3, 2009, enabling the qualified electors of the City to vote upon the proposition set forth in Section 4 hereof. Only those qualified electors of the City casting valid ballots shall be counted in determining the number of qualified electors voting at or participating in the election.

## Section 3: ADMINISTRATION OF ELECTION

The polls of the election shall open at the hour of 12:00 o'clock PM (Mountain Time) on November 3, 2009, and shall remain open continuously on said day until the hour of 8:00 o'clock

PM (Mountain Time). The City, as its boundaries and corporate limits are now fixed and established, shall consist of three (3) voting precinct for the City, the polling place for which shall be as follows:

- A. Precinct 1 polling location shall be at the American Legion Hall at 212 South Andrews Street.
- B. Precinct 2 polling location shall be at the Salmon Valley Center at 200 Main Street.
- C. Precinct 3 polling location shall be at the Lemhi County Brooklyn Annex at 200 Fulton Street.

The City Clerk shall appoint an election judge and election clerks for each polling place for the election, which officials shall be qualified City or County electors. The City Clerk shall notify the election officials of their appointment within five (5) days following appointment.

Section 4: BALLOT PROPOSITION

The ballot Local Option Tax proposition for the election shall be in substantially the following form:

**INSTRUCTIONS:** Vote on the following question by placing an X in the square according to the way you desire to vote on that question.

**Local Option Tax**

Shall the City of Salmon adopt proposed Ordinance No. 09-742?

Ordinance No. 09-742 provides for the imposition, implementation and collection of non-property taxes for a period of ten (10) years from its effective date, at the rate of four percent (4%) on the rental of hotel-motel room occupancy.

The purposes for which the revenues derived from said taxes shall be used are:

- a) Modernization, maintenance, and improvements of the Salmon Valley Community Pool;
- b) City promotion and development, visitor information, special events, economic growth, marketing, advertising, and recreational opportunities;
- c) Direct costs to collect and enforce the tax.

YES

NO

Section 5: OFFICERS AUTHORIZED

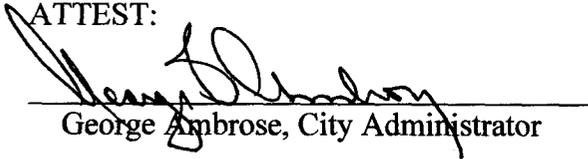
The officers of the City are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution.

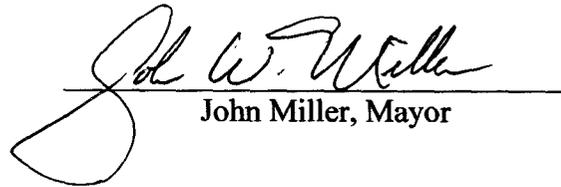
Section 6: RATIFICATION

All actions heretofore taken, not inconsistent with the provisions of this Resolution, by the Mayor and Council directed toward the holding of the election called for herein, are hereby ratified, approved, and confirmed.

DATED this 2<sup>nd</sup> day of September, 2009.

ATTEST:

  
George Ambrose, City Administrator

  
John Miller, Mayor