



## Staff Report

---

**File #:** 22-349

**Version:** 1

**Date:** 7/25/2022

**Item #:** 3.3d.

---

**TO:** Mayor and City Council

**THROUGH:** Kristin Retherford, Interim City Manager

**FROM:** Dan Atchison, City Attorney

### **SUBJECT:**

Approval of the explanatory statement, modification of measure language, and ratification of publication of ballot title for the Salem Community Capital Improvements Bond

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance.

### **SUMMARY:**

Upon approval, the Explanatory Statement will be included with the Measure and Ballot Title when they are filed with the Marion County Elections Official. An explanatory statement is limited to 500 words, and is an impartial, simple, and understandable statement explaining the measure. The measure, adopted by City Council at its July 11, 2022 meeting, has been modified to provide more clarity on the projects proposed in the bond. This action will approve the Explanatory Statement, amend Resolution No. 2022-42 to conform the measure language with the Explanatory Statement, and ratify the publication of the ballot title.

### **ISSUE:**

Shall City Council approve the Explanatory Statement, adopt Resolution No. 2022-46 to approve modified measure language, and ratify the publication of the ballot title for the Salem Community Capital Improvements Bond?

### **RECOMMENDATION:**

Approve the Explanatory Statement, adopt Resolution No. 2022-46 to approve modified measure language, and ratify the publication of the ballot title for the Salem Community Capital Improvements Bond.

## FACTS AND FINDINGS:

City Council referred the Salem Community Capital Improvements Bond to Salem Voters through the adoption of Resolution No. 2022-42 on July 11, 2022. The Ballot Title for the measure was published on July 19, 2022. If no appeals are filed with the Municipal Court the Ballot Title will be final on July 25, 2022 (attachment 2). The measure (or "question") language that was published was modified, as indicated below, to provide clarity from the version City Council reviewed when it adopted the resolution to refer the measure to the voters:

"Shall ~~the City~~ Salem issue up to \$300,000,000 in ~~general obligation~~ bonds for streets, fire equipment, parks, affordable housing, libraries, technology, and public safety? If approved, the bonds would 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."

As noted above, the Explanatory Statement must be an impartial, simple, and understandable statement explaining the measure of 500 words or less. In addition, the Ballot Title must also be impartial and each section is subject to word limits, requiring careful drafting. The proposed Explanatory Statement was created under the collective efforts of City staff, the City's Bond Counsel, and financial advisors. Council retains discretion to revise the Statement, subject to state law requiring impartiality and word limits. Adoption of the modified measure language and ratification of the publication of the modified ballot title will clarify and conform the proposed projects in the measure and explanatory statement and ensure authority to use the bond funds for purposes approved by the City Council and Salem voters.

## BACKGROUND:

The Salem Community Capital Improvements Bond measure will be filed with the Marion County Elections Official to be placed on the November 8, 2022 ballot. The Explanatory Statement will be filed with the measure and will be included in the Marion County Voter's Pamphlet. Polk County does not publish a Voter's Pamphlet, and therefore the Explanatory Statement and other impartial informational materials will be available to the general public and west Salem residents.

Dan Atchison  
City Attorney

### Attachments:

1. Explanatory Statement
2. Ballot Title - Salem Community Capital Improvements Bond
3. Resolution No. 2022-46