

## **PAYSON CITY COUNCIL AGENDA REQUEST FORM**

DATE OF COUNCIL MEETING: 08/03/2016

TITLE OF ITEM FOR AGENDA: Resolution adopting the Opinion Question language and authorizing the submittal of the Opinion Question for the November ballot to the election official.

WHO IS REQUESTING: Brian Hulet, Dave Tuckett, Mark Sorenson

WHO IS PRESENTING: Brian Hulet, Dave Tuckett, Mark Sorenson

LENGTH OF TIME REQUESTING 15 MINUTES

TELEPHONE NUMBER: 801-465-5200

DESIRED ACTION OF THE CITY COUNCIL:

(Check the most relevant item)

- ☐ PROCLAMATION:
  - ☐ PRESENTATION OF INFORMATION: (NO ACTION)
  - ☐ PRESENTATION OF INFORMATION: (ACTION NEEDED, APPROVAL,)
  - ☒ APPROVE AND PASS: RESOLUTION, ORDINANCE, OR AGREEMENT
- PUBLIC HEARING REQUIRED: YES ☐ NO ☒

DETAILED REASON FOR REQUEST & EXPLANATION:

Mayor & Council: Attached is the resolution adopting the Opinion Question language and authorizing the submittal of the Opinion Question for the November ballot to the election official.

### **SUPPORTING DOCUMENTS**

1. Payson City Opinion Question Language for the November Ballot (EXHIBIT "B")
2. Resolution adopting the Opinion Question language and authorizing the submittal of the Opinion Question for the November ballot to the election official.

Approved as to Form

//mas//

City Attorney

**RESOLUTION NO. 08-03-2016 \_\_\_\_**

**A RESOLUTION REQUESTING THE UTAH COUNTY ELECTION OFFICIAL TO (1) PLACE AN OPINION QUESTION ON THE NOVEMBER 8, 2016, GENERAL ELECTION BALLOT AS TO WHETHER OR NOT THE CITY OF PAYSON SHOULD ENACT A LOCAL SALES AND USE TAX, OF 1/10<sup>TH</sup> OF 1% TO FUND CULTURAL ARTS FACILITIES AND PROGRAMS AND RECREATIONAL FACILITIES IN THE CITY OF PAYSON, AND (2) APPROVING THE BALLOT TITLE AND PROPOSITION LANGUAGE**

**WHEREAS**, the Utah Code (Section 59-12-1401, ct. seq.) authorizes a city to submit an opinion question to its voters as to whether or not the city should enact a local sale and use tax of 1/10<sup>th</sup> of 1 % (1 cent for every \$10.00 spent) to help fund recreational amenities and cultural arts facilities and organizations in Payson City, (sometimes referred to as a "Cultural Arts and Recreation Tax") said tax to be levied for ten years; and

**WHEREAS**, a city may not enact a Cultural Arts and Recreation Tax if the county in which the city is located has either enacted a countywide Cultural Arts and Recreation Tax or has declared its intent to submit an opinion question to county voters as to whether the County should enact a countywide Cultural Arts and Recreation Tax; and

**WHEREAS**, Utah County has not enacted a countywide Cultural Arts and Recreation Tax; and

**WHEREAS**, the City of Payson submitted to Utah County a notice of its intent to submit the Cultural Arts and Recreation Tax opinion question to Payson voters; and

**WHEREAS**, the Utah County Commission in a Resolution dated the 17<sup>th</sup> of May, 2016 (Utah County Resolution Number 2016-38), indicated that it did not intend to enact a countywide Cultural Arts and Recreation Tax; and

**WHEREAS**, a copy of Utah County's Resolution is attached hereto as Exhibit "A" and incorporated herein by this reference; and

**WHEREAS**, the Payson City Council desires to proceed with the Cultural Arts and Recreation Tax election and submit an opinion question to Payson residents as to whether or not the City of Payson should enact a local sales and use tax of 1/10<sup>th</sup> of 1% (Cultural Arts and Recreation Tax ).

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PAYSON**, as follows:

1. The Payson City Council hereby agrees to submit an opinion question to Payson City residents as to whether or not the City of Payson should enact a local sales and use tax of 1/10<sup>th</sup> of 1% (1 cent for every \$10.00 spent) (commonly referred to as a "Cultural Arts and Recreation Tax") on transactions located within the City of Payson to fund cultural arts facilities and programs and recreational facilities in the City of Payson. The opinion question shall be placed on the ballot for the 8<sup>th</sup> of November 2016 General Election.

2. The Payson City Council hereby approves the ballot title and proposition to be used for the Cultural Arts Recreation Tax Opinion Question, which shall be substantially the same form and language as set forth on Exhibit "B", Exhibit "B" is attached hereto and incorporated herein by this reference.

3, The Mayor and City staff are hereby authorized to take all steps and to sign any documents necessary to place the Cultural Arts and Recreation Tax Opinion Question on the November 8, 2016, General Election ballot.

4. All acts, orders, resolutions, and ordinances, and parts thereof in conflict with this resolution are hereby rescinded.

5. This Resolution shall become effective immediately upon passage.

PASSED AND APPROVED this 3<sup>rd</sup> day of August 2016.

---

Mayor Richard D. Moore

ATTEST:

---

Sara Hubbs, Payson City Recorder

**EXHIBIT “A”**

## **EXHIBIT “B”**

OFFICIAL SAMPLE BALLOT FOR THE  
CITY OF PAYSON, UTAH COUNTY, UTAH  
GENERAL ELECTION  
NOVEMBER 8, 2016  
/s/Sara Hubbs  
City Recorder

### **TITLE**

PAYSON CITY PROPOSAL TO ENACT A SALES AND  
USE TAX FOR PARKS, ARTS, RECREATION AND CULTURE

### **PROPOSITION**

Should the City Council of Payson City, Utah, enact a local sales and use tax of 1/10 of 1% (1 cent for every \$10.00 spent) to help fund recreational amenities and cultural arts facilities and organizations in Payson City, said tax to be levied for ten years?

Funding may be used to support non-profit organizations providing programs such as but not limited to:

- . Live theater
- . Choral groups
- . Bands
- . Festivals
- . Youth arts/theater groups

Funding may be used for capital improvements of publically owned or operated amenities such as but not limited to:

- . Parks
- . Playing fields
- . Trails
- . Bike paths
- . Performing arts center
- . Museums
- . Pool enclosure

( ) Yes

( ) No