



The City of Spanish Fork, Utah

Referendum Packet

For the referendum that has been filed to put the approval of the Resolution No. 22-28 entitled, "A RESOLUTION ADOPTING A TAX RATE FOR THE 2022-2023 FISCAL YEAR" on the ballot for the residents to vote for or against.

This packet includes:

1. The Propositional Information Packet Utah Code § 20A-7-401.5
 - a. A copy of the referendum application p. 2 - 11
 - b. An argument submitted by the sponsors p. 12
 - c. An argument submitted by Spanish Fork City p. 13-14
 - d. A copy of the Fiscal and Legal Impact Statement provided by the Spanish Fork City Attorney and Budget Officer p. 15-16
2. The Referendum Petition Utah Code § 20A-7-604(2) p. 17
3. Signature Sheets Utah Code § 20A-7-604(2) p. 18 - 33

TO BE CIRCULATED WITH THE REFERENDUM PETITION SIGNATURE SHEETS

Local Referendum Application:

TO PLACE A CITIZEN'S REFERENDUM TO REPEAL RESULTION NO. 22-28

To the Honorable Tara Silver, Spanish Fork City Recorder:

On August 2, 2022, the Spanish Fork City Council adopted Resolution No. 22-28, entitled, A RESOLUTION ADOPTING A TAX RATE FOR THE 2022-2023 FISCAL YEAR.

We, the undersigned citizens of Utah, respectfully order that the decision of the Spanish Fork City Council on August 2, 2022, be referred to a vote of the people for their approval or rejection at the next general election to be held in November 2023, or at an earlier election as allowed by Utah law.

The proposed referendum will ask Spanish Fork City residents to repeal Spanish Fork City Council's enactment of Resolution No. 22-28 adopting and establishing the tax rate of .001111 for tax year 2022 (2023 fiscal year general fund), with the result of not adopting a tax rate above the certified tax rate as calculated by the Utah County Auditor's office.

This application is being filed with the recorder of Spanish Fork City, in accordance with Utah Referendum Code 20A-7-Part 6. It is being submitted by five sponsors of the referendum petition whose names are below and whose signatures pages and certificates are included.

Persons gathering signatures for the petition to follow this application may be paid for gathering signatures.

Submitted on: August 8th 2022 Amberdaun Mock

By the following Sponsors

Amberdaun Mock

Emily Peterson

Emily Bennett

Jackie Mitchell

Austin Mock

Received **D** TS
AUG 08 2022

TIME 3:43pm

TARA SILVER, SPANISH FORK CITY RECORDER

LOCAL REFERENDUM APPLICATION:

SPONSOR STATEMENT

I, Amberdaun Mock, affirm that I am a resident of Utah, am registered
Name of Sponsor to vote in the State of Utah, and have voted in a
regular general election in Utah within the last
three years.

Residence Address: 98 South 1650 East

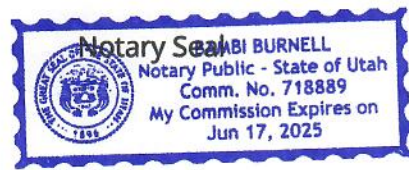
City, State, Zip: Spanish Fork, UT 84660 Phone: 801 739 6227

Email: (optional) amberdaun.mock@gmail.com

Sponsor's Signature: Amberdaun Mock

Subscribed and affirmed before me this 8 day of June August, 20 22.

By
Bambi Burnell
Notary Public



LOCAL REFERENDUM APPLICATION:

SPONSOR STATEMENT

I, Emily Bennett, affirm that I am a resident of Utah, am registered
Name of Sponsor to vote in the State of Utah, and have voted in a
regular general election in Utah within the last
three years.

Residence Address: 2613 E 1520 S

City, State, Zip: Spanish Fork, UT 84660 Phone: 801 735 6989

Email: (optional) emilymbennett30@gmail.com

Sponsor's Signature: Emily Bennett

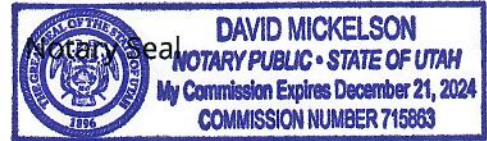
Subscribed and affirmed before me this 8 day of August, 20 22.

State of Utah
County of Utah

By

David Mickelson

Notary Public



LOCAL REFERENDUM APPLICATION:

SPONSOR STATEMENT

I, Emily Peterson, affirm that I am a resident of Utah, am registered
Name of Sponsor to vote in the State of Utah, and have voted in a
regular general election in Utah within the last
three years.

Residence Address: 2411 East 1250 South

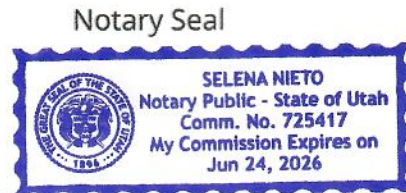
City, State, Zip: Spanish Fork, Utah Phone: 801-494-7247

Email: (optional) jamesnemily9796@aol.com

Sponsor's Signature: Emily Peterson

Subscribed and affirmed before me this 6 day of August, 2022.

By [Signature]
Notary Public



LOCAL REFERENDUM APPLICATION:

SPONSOR STATEMENT

I, Jackie Mitchell, affirm that I am a resident of Utah, am registered
Name of Sponsor to vote in the State of Utah, and have voted in a
regular general election in Utah within the last
three years.

Residence Address: 616 South 1600 East

City, State, Zip: Spanish Fork, Utah 84660 Phone: 801-636-2215

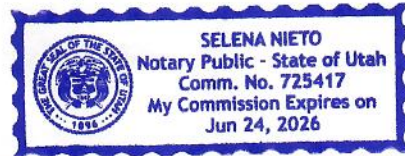
Email: (optional) 15fdalton@gmail.com

Sponsor's Signature: Jackie Mitchell

Subscribed and affirmed before me this 6 day of August, 2022.

By Selena Nieto
Notary Public

Notary Seal



LOCAL REFERENDUM APPLICATION:

SPONSOR STATEMENT

I, Austin Mock, affirm that I am a resident of Utah, am registered
Name of Sponsor to vote in the State of Utah, and have voted in a
regular general election in Utah within the last
three years.

Residence Address: 98 S. 1650 E

City, State, Zip: SPANISH FORK, UT, 84660 Phone: 801-822-9536

Email: (optional) _____

Sponsor's Signature: Austin Mock

Subscribed and affirmed before me this 8th day of June ~~August~~, 2022~~25~~.

By
Bambi Burnell
Notary Public

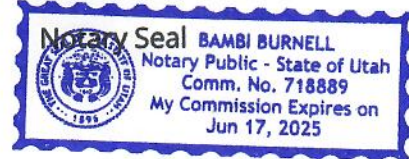


EXHIBIT A

INSUFFICIENT

RESOLUTION NO. 22-28

ROLL CALL

VOTING	YES	NO	ABSENT	ABSTAIN
MIKE MENDENHALL <i>Mayor (votes only in case of tie)</i>				
CHAD ARGYLE <i>Council member</i>	X			
STACY BECK <i>Council member</i>	X			
BRANDON B. GORDON <i>Council member</i>	X			
SHANE MARSHALL <i>Council member</i>	X			
KEVIN OYLER <i>Council member</i>	X			

I MOVE this ordinance be adopted: Councilmember Marshall
 I SECOND the foregoing motion: Councilmember Beck

RESOLUTION No. 22-28

A RESOLUTION ADOPTING A TAX RATE FOR THE 2022-2023 FISCAL YEAR

WHEREAS Spanish Fork City will adopt its budget for the Fiscal Year 2022-2023, in accordance with law;

WHEREAS the Spanish Fork City Council is required to adopt a tax rate to impose on real property within Spanish Fork;

WHEREAS, pursuant to Utah Code Ann. § 59-2-912, the Spanish Fork City Council desires to adopt a tax rate greater than the certified tax rate as calculated by the Utah County Auditor's office but less than the proposed tax rate (0.001111) adopted by the City Council in Resolution 22-21; and

WHEREAS the City Council has provided public notice and conducted a public hearing as set forth by Utah Code Ann. § 59-2-919 and now desires to set a tax rate for Fiscal Year 2022-2023;

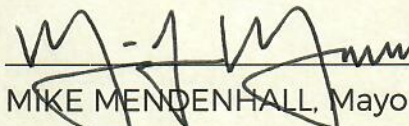
NOW, THEREFORE, BE IT RESOLVED BY THE SPANISH FORK CITY COUNCIL AS FOLLOWS:

Section 1. Tax Rate Adopted. The Spanish Fork City Council hereby sets, establishes, and adopts the tax rate of .001111 for tax year 2022 (2023 fiscal year general fund budget).

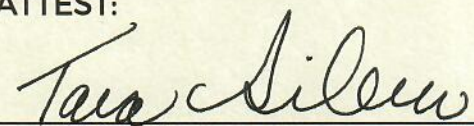
Section 2. Report to Utah County Auditor. City staff is directed to report the rate and levy and any other required information to the Utah County Auditor, pursuant to Utah Code Ann. § 59-2-912.

Section 3. Effective Date. This Resolution shall take effect immediately upon its passage.

DATED: August 2, 2022.


MIKE MENDENHALL, Mayor

ATTEST:


TARA SILVER, City Recorder



NOTICE OF PROPOSED TAX INCREASE

Spanish Fork City

The Spanish Fork City is proposing to increase its property tax revenue.

- The Spanish Fork City tax on a \$461,000 residence would increase from \$222.87 to \$281.69, which is \$58.82 per year.
- The Spanish Fork City tax on a \$461,000 business would increase from \$405.22 to \$512.17, which is \$106.95 per year.
- If the proposed budget is approved, Spanish Fork City would increase its property tax budgeted revenue by 26.41% above last year's property tax budgeted revenue excluding eligible new growth.

All concerned citizens are invited to a public hearing on the tax increase.

PUBLIC HEARING

Date/Time: 8/2/2022 6:00 P.M.

Location: Spanish Fork City Office Council Chambers
40 South Main St
Spanish Fork

To obtain more information regarding the tax increase, citizens may contact Spanish Fork City at 801-804-4522.

Response to City's Argument

- The City's argument based on a survey completed in 2020 consisted of **only 1,418 Spanish Fork residents** & a new pool was not the most important issue
- **This petition** is to refer this matter to be placed **on the ballot** – for **all citizens** to be given the opportunity **to vote YES or NO** on the **property tax increase to fund** the construction of the estimated **\$60 million recreation center**.
- **71% voted AGAINST a \$40m bond** to fund the construction of the life center in 2015
- City Council *instead* approved constructing 2 facilities; for an estimated combined cost of **\$80 million**, with portions **funded by an additional increase in property taxes**
- However, **based on the 2021 Resident Survey** results:
 - A **new pool** was rated our **lowest** concern; and
 - **Growth** and **traffic** are the **most important issues** facing the city
- Continuing rapid **construction** of residential developments, like **high density housing replacing our beloved farmland**, would be depended on to provide impact fees to fund this recreation center
- **Combining revenues from** RAP tax, sales tax, and other sources (like **Nebo School District**) are still mostly, or all, **still paid for by us as the residents**.

Written Argument in Favor of the Tax Increase for a New Recreation Center

What is the Proposal?

Based on input from residents, the City has developed initial plans to invest in a new recreation center, that would include amenities like an indoor/outdoor swimming pools, senior center, basketball courts, exercise equipment and weights, indoor track, and meeting spaces. The Council has proposed to raise property taxes by \$4.90/month on the average Spanish Fork home for a total of \$1,001,457.

Is there Community Support?

Yes. Residents continue to communicate support for a recreation center, indoor and outdoor pools, and other recreational amenities. As part of a recent master plan survey, completed in 2020, residents stated they would be willing to pay an average \$5.61/month in additional property taxes to construct such a facility.

What Has Changed?

In 2015, the residents voted against a bond for a Life Center Facility. The City received feedback that voters didn't like the bond for several different reasons, including:

- The bond relied exclusively on property tax
- The tax increase would have been \$16.82/month on the average home
- It combined a library with a recreation center
- The library location would have moved from downtown

Since 2015:

- The community swimming pool is gone
- Our sales tax base has grown and diversified
- The Recreation, Arts, and Parks (RAP) tax was implemented
- Senior Center participation has grown and the building continues to age
- The library is currently being constructed downtown
- Commercial, industrial, and residential development created a broader, more diverse property tax base, lowering the average per-home tax burden

To decrease dependence on property taxes, the funding proposal combines revenues from RAP tax, sales tax, and impact fees. With this change, the proposed recreation center would increase property taxes by \$4.90 per month, a 70% reduction from 2015. Ultimately, property taxes will account for less than half of the total construction costs.

SPANISH FORK

PRIDE & PROGRESS

What is the timeline?

The Mayor and Council's plan would start construction as early as 2023. The new recreation center and swimming pools would be operational by 2025. However, if this matter is placed on the ballot, that vote would not happen until 2023, delaying construction at least one year and possibly adding costs.

A Note from the Spanish Fork City Council

Some have suggested that we let the private sector respond to these needs. It has not. It is up to us as a community to shape our future and not let another day pass without a place where our young families can swim together year-round, where our teens can recreate in positive ways, and where our adults and seniors can gather, get fit, and stay active and healthy. At \$4.90/month on the average home, this is significantly less than what was previously proposed. The longer we wait to make it happen, the higher construction costs could grow.

We can take control of our future and do so in a way that we can afford if we act now.

INSUFFICIENT

Fiscal and Legal Impact - Referendum - Property Tax Rate

The City Council approved a property tax increase to fund a portion of the construction of a recreation center, senior center and indoor/outdoor pools (“Rec Center”). This report describes the fiscal and legal impact of repealing Resolution RES 22-28, A Resolution adopting the Fiscal Year 2023 Property Tax Rate, (“Tax Rate”), and follows the requirements of Utah Code § 20A-7-602.5.

Estimated Fiscal Impact

If this resolution is repealed, it will reverse the Council’s decision to collect an additional \$1,001,457 annually in property taxes starting in November 2022. This equates to approximately \$4.90 per month or \$58.80 per year on the average home, which has an assessed value of \$461,000. Repealing this law would not create a tax decrease from previous years, rather, property taxes will stay at the same dollar amount as they were in 2021.

No bonds have been issued for the Rec Center project yet. With the funds from this increase, the City anticipates issuing bonds for this project sometime during the calendar year 2023.

Estimated Public Costs

The public cost of administering the election may include some or all of the following:

- The Referendum Election administered by Utah County: Not to exceed \$21,594, as quoted by the Utah County Elections Division.
- The estimated cost of City staff time to administer the referendum and election process is \$6,942. This includes the total costs for the time spent by the City Recorder, City Attorney and Budget Officer as prescribed by State Code.
- All costs associated with the law’s repeal would come from the City’s General Fund.

Estimated Legal Impact

The City estimates there is no significant legal impact associated with this resolution or with its repeal.

Fiscal Impact Summary

The City Council adopted a property tax rate for the Fiscal Year 2023 Budget that would generate an additional \$1,001,457 in annual revenue. This amount equates to approximately \$4.90 per month or \$58.80 per year on the average home, which has an assessed value of \$461,000. The purpose of the tax increase is to provide a portion of the revenue needed to construct a community recreation center, senior center, and indoor/outdoor pools. There are additional costs that may be incurred which are associated with the administration of an election and preparing tax notices.

INSUFFICIENT



REFERENDUM PETITION

To the Honorable Tara Silver, City Recorder:

We, the undersigned citizens of Utah, respectfully order that A RESOLUTION NO. 22-28 ADOPTING A TAX RATE FOR THE 2022-2023 FISCAL YEAR passed by the Spanish Fork City Council on August 2, 2022, be referred to the voters for their approval or rejection at the Utah County General Election to held on November 7th, 2023.

Each signer says:

- I have personally signed this petition;
- The date next to my signature correctly reflects the date that I actually signed the petition;
- I have personally reviewed the entire statement included with this packet;
- I am registered to vote in Utah or intend to become registered to vote in Utah before the certification of the petition names by the county clerk; and
- My residence and post office address are written correctly after my name.

INSUFFICIENT

**REFERRAL TO THE PEOPLE OF AN ADOPTED LAW, WHICH IS:
RESOLUTION NO. 22-28**

For Office Use Only	Registered Voter's Printed Name (must be legible to be counted)	Signature of Registered Voter	Date Signed
	Street Address, City, Zip Code	Email address (optional, to receive additional information)	Birth Date or Age (optional)*

By signing this petition, you are stating that you have read and understand the law that this petition seeks to overturn.

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RESOLUTION NO. 22-28**

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Resolution 22-28 Referendum Petition Packet

Verification of signature collector

State of Utah
County of Utah

I, _____, of _____,
hereby state, under penalty of perjury, that:

- I am a resident of Utah and am at least 18 years old;
- All the names that appear in this packet were signed by individuals who professed to be the individuals whose names appear in it, and each of the individuals signed the individual's name on it in my presence;
- I did not knowingly make a misrepresentation of fact concerning the law this petition seeks to overturn;
- I believe that each individual has printed and signed the individual's name and written the individual's post office address and residence correctly, that each signer has read and understands the law that the referendum seeks to overturn, and that each signer is registered to vote in Utah or intends to become registered to vote before the certification of the petition names by the county clerk.

Name Residence Address

Date

Each individual who signed the packet wrote the correct date of signature next to the individual's name.

I have not paid or given anything of value to any individual who signed this petition to encourage that individual to sign it.

Name Residence Address

Date