

## CITY OF TUMWATER, WASHINGTON

### ORDINANCE O2011-005

AN ORDINANCE of the of the City Council of the City of Tumwater, Washington, relating to regular property taxes; providing for the submission to the qualified electors of the City at a special election held in conjunction with the primary election on August 16, 2011, of a proposition authorizing the levy of regular property taxes in excess of the limitations of ch. 84.55 RCW for the purpose of expanding public safety services and facilities; setting forth the text of the ballot proposition; directing proper City officials to take necessary actions; and providing for other properly related matters.

BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF TUMWATER, WASHINGTON, as follows:

Section 1. Recitals. The City Council of City of Tumwater, Washington finds and determines as follows:

(a) State law (chapter 84.55 RCW) limits the incremental increase in the amount of regular property taxes to 1% (or inflation, if that is less than 1%) of the highest prior levy amount (the "levy lid").

(b) RCW 84.55.050(2) allows the City to increase the regular property tax levy in amounts exceeding the levy lid in each of six consecutive years, if the increase is approved by a majority of the voters at a special election to be held within the taxing district in conjunction with the state primary or general election to be held on the same date (a "levy lid lift"). A levy lid lift may be used to reset the base for future levy lid calculations.

(c) Since the levy lid was enacted, the City has not adopted a levy lid lift to increase its property tax levy by more than the amount allowed under the levy lid.

(d) The revenues that will be available to the City in calendar year 2012 and future years will be insufficient to provide for the level of fire protection and police services and facilities that are required by the community.

(e) A single ballot proposition that covers multiple years will save on election costs and will address public safety facilities and staffing needs for the foreseeable future.

(f) It is therefore in the best interests of the City and its residents to seek voter approval for a levy lid lift proposition to provide additional funding to expand public safety services and facilities, as further described in this ordinance.

Section 2. Calling of Election. The City Council authorizes and directs submission to the qualified voters of the City, at a special election held in conjunction with the primary

election on August 16, 2011, of a proposition authorizing the City to increase its regular property tax levy as permitted under RCW 84.55.050(2) as described in this ordinance.

Section 3. Purpose and Description of Ballot Proposition. If this proposition is approved, the City Council will be authorized to levy in accordance with its regular budget process an increased regular property tax, as follows:

(a) Limited Purpose. The increased levy amounts authorized pursuant to this proposition for collection in 2012 through 2017, inclusive, shall be used solely to fund public safety services and facilities, including but not limited to the costs associated with:

- Recruiting, hiring, training, equipping and employing (including all salary, benefit and similar costs of employment) approximately three firefighters and three police officers.
- Acquisition and financing costs of needed new and replacement fire engines and police cruisers, and related equipment.
- Upgrading public safety facilities, including expansion of the police department at City Hall, remodeling of the existing police department and lobby area to address safety concerns, other public safety facility needs, and all necessary equipment and appurtenances, financing costs, the cost of all necessary architectural, engineering, legal and other consulting services, inspection and testing, administrative expenses, site improvement, demolition, on and off-site utilities, related improvements and other related costs.

(b) Levy Authorization. This ballot proposition authorizes a maximum regular levy rate for collection in 2012 of \$2.945736 per \$1,000 of assessed value (AV), which is estimated to produce approximately \$1,443,500 of additional revenue in 2012 to be dedicated to the purposes described above. In 2018 and subsequent years, the 2017 levy amount shall be used as the basis for calculating future levy lid limitations, which will increase by no more than the amount allowed under chapter 84.55 RCW without a vote.

(c) Limit Factor. The City's maximum allowable regular tax levy for collection in each of the years 2013 through 2017 shall be calculated pursuant to chapter 84.55 RCW, using inflation as the limit factor. The limit factor shall be equal to 100% plus inflation, measured by the annual incremental increase in the consumer price index for Seattle-Tacoma-Bremerton June bi-monthly CPI-U published by the United States Bureau of Labor Statistics.

Section 4. Ballot Proposition. The Auditor of Thurston County, Washington (the "Auditor"), as *ex officio* supervisor of elections, is hereby requested to call and conduct a special election in the City, in the manner provided by law, to be held on the date identified in Section 2, for the purpose of submitting to the voters of the City, a proposition in substantially the form attached as Exhibit A.

Section 5. Notices Relating to Ballot Proposition. For purposes of receiving notice required by RCW 29A.36.080 of matters affecting the language of the ballot proposition, the

City Council directs that such notice be provided to the City Attorney, Karen Kirkpatrick (360-754-4121, kirkpatrick@ci.tumwater.wa.us) and special counsel to the City, Foster Pepper PLLC (Alice Ostdiek, 206-447-4663, ostda@foster.com).

Section 6. Authorization to Deliver Resolution and Perform Other Necessary Duties. The City Clerk is authorized and directed to certify, no later than May 24, 2011, a copy of this ordinance to the Auditor and to perform such other duties as are necessary or required by law to the end that the proposition described in this ordinance should appear on the ballot at the August 16, 2011 election. All actions taken prior to the effective date of this ordinance and in furtherance of these objectives are hereby ratified and confirmed.

Section 7. Severability. If any provision of this ordinance/resolution shall be declared by any court of competent jurisdiction to be invalid, then such provision shall be null and void and shall be separable from the remaining provisions and shall in no way affect the validity of the other provisions, or of the levy or collection of the taxes authorized herein.

Section 8. Effective Date. This ordinance shall take effect and be in force from and after its passage and five days following its publication, as required by law.

PASSED by the City Council and APPROVED by the Mayor of the City of Tumwater, Washington, at a regular open public meeting thereof, this 3<sup>rd</sup> day of May, 2011.

CITY OF TUMWATER

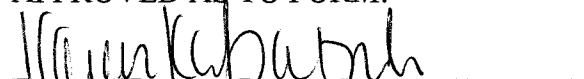


Pete Kmet, Mayor

ATTEST:

  
Melody Valiant, City Clerk

APPROVED AS TO FORM:

  
Karen Kirkpatrick, City Attorney

Published: 05-05-2011

Effective Date: 05-10-2011

**City of Tumwater, Washington**  
**Proposition 1**  
**Fire and Public Safety Levy Lid Lift**

The City Council has adopted Ordinance O2011-005 concerning a levy lid lift for public safety funding. If approved, this proposition would authorize an increased regular property tax levy in 2012-2017 for public safety purposes, including firefighters, police officers, public safety facilities and equipment. The 2012 levy rate would be \$2.945736/\$1,000 of assessed value, estimated to raise \$1,443,500 in 2012. The levy limits for 2013-2017 would be adjusted for inflation, measured by the consumer price index. The 2017 levy would be used to calculate future levy limits and future increases would be limited as provided by statute.

Should this proposition be:  Approved?  Rejected?