

CITY OF DUPONT, WASHINGTON

ORDINANCE 09-875

AN ORDINANCE of the City Council of the City of DuPont, Washington, relating to regular property taxes; providing for the submission to the qualified electors of the City at a special election to be held on April 28, 2009, of a proposition authorizing the City to levy regular property taxes in excess of the limitations of chapter 84.55 RCW; 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 City Council of the City of DuPont, Washington, as follows:

Section 1. Recitals. The City Council (the "City Council") of the City of DuPont, Washington (the "City"), hereby makes the following findings and determinations:

(a) RCW 84.55.050(1) provides for the levy of regular property taxes in an amount exceeding the limitations specified in chapter 84.55 RCW if such increased levy is authorized by a proposition approved by a majority of the voters at general election held within the taxing district (a "levy lid lift").

(b) The City Council has determined that it is essential and necessary for the public health, safety and welfare that the City have adequate funding for fire services, and emergency medical services, and that based on projections of revenues that will otherwise be available to the City in calendar years 2010 through 2013, the current regular property tax revenues will be insufficient to provide adequate funding for these purposes.

Section 2. Calling of Election. Based on the foregoing, the City Council finds that it is in the best interests of the City to submit to the qualified voters of the City, at a special election to be held on April 28, 2009, a proposition authorizing the City to increase its regular property tax levy for collection in 2010 by an amount greater than otherwise permitted under chapter 84.55 RCW for the purpose described in Section 3, and to use this greater levy as the base for calculating limitations under chapter 84.55 RCW in the three succeeding years (2011, 2012 and 2013). If this proposition is approved, the City Council will be authorized to adopt, in accordance with its regular budget process, an increased regular property tax as described in Section 3.

Section 3. Purpose and Description of Ballot Proposition. For the purposes identified below, the City Council seeks voter approval of a levy lid lift ballot proposition under RCW 84.55.050(1). If approved, the proposition would authorize the City's regular levy rate for collection in 2010 to increase to not more than \$1.997397 per \$1,000 of assessed value. This represents an incremental increase over the rate levied for collection in 2009 of \$1.00 per \$1,000 of assessed value. The dollar amount of the maximum allowable levy under chapter 84.55 RCW for collection in 2010 shall be used for the purpose of computing the limitations for the subsequent three annual regular levies provided for under ch. 84.55 RCW through and including

the levy for collection in 2013. The amounts collected pursuant to the authorized increase shall be used solely to provide funding for fire and medic one purposes.

Section 4. Ballot Proposition. The Auditor of Pierce 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 following form:

The City of DuPont, Washington

Proposition 1

Levy Lid Lift for Fire and Medic One

The City Council has adopted Ordinance 09-875 concerning funding for fire and Medic One purposes. If approved, this proposition would authorize the City to levy regular property taxes at a rate of \$1.997397/\$1,000 assessed valuation for 2010 collection. The 2009 rate was \$0.997397/\$1,000, so this would be an increase of \$1.00/\$1,000. The 2010 levy amount will be used to calculate the levy limits under chapter 84.55 RCW for future levies to be collected in 2011, 2012 and 2013. The City may only use the additional revenues for fire and Medic One purposes.

Should this proposition be: Approved? Rejected?

Section 5. All-Mail Ballot Proposition; Notices Relating to Ballot Proposition. The City hereby requests that this election be conducted as an all-mail election, pursuant to RCW 29A.48.020. For purposes of receiving notice of the exact language of the ballot proposition required by RCW 29A.36.080, the City Council hereby designates: (a) the City Administrator, Bill McDonald (bmcDonald@ci.dupont.wa.us, 253-964-8121), and (b) special counsel to the City, Foster Pepper PLLC (Alice Ostdiek, ostda@foster.com, 206-447-4663) as the persons to whom such notice should be provided.

Section 6. Local Voters' Pamphlet. The preparation and distribution of a local voters' pamphlet providing information on this ballot proposition is hereby authorized. The pamphlet shall include arguments advocating approval and disapproval of the ballot proposition prepared by committees appointed in accordance with RCW 29A.32.280. Each committee shall be composed of not more than three persons, and the committee advocating approval shall be composed of persons known to favor the ballot proposition and the committee advocating disapproval shall be composed of persons known to oppose the ballot proposition. Committees shall be appointed in accordance with Section 7.

Section 7. Authorization to Deliver Resolution, Appoint For/Against Committees and Perform Other Necessary Duties. The City Clerk is authorized and directed, no later than March 6, 2009, to certify 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 herein should appear on the ballot at the special election identified in Section 2 of this ordinance. The City Administrator

Dated March 2, 2009


is authorized and directed to seek out the names of persons interested in serving on a committee to prepare an argument advocating approval and a committee to prepare an argument advocating disapproval of the ballot proposition and to submit those names to the Auditor in accordance with the schedule established by state law and County rule. If more than three persons volunteer to form a committee for or against, the City Administrator shall draw names by lot to determine the composition of such committee, and the City Council shall approve such names by motion. If three or fewer persons volunteer for each committee, then the City Council hereby authorizes submission of those names, without need for further action by Council.

Section 8. Severability. If any provision of this ordinance 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 9. 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 DuPont, Washington, at a regular meeting thereof, this 3 day of March, 2009.

CITY OF DuPONT


Tahara Jenkins, Mayor

ATTEST/AUTHENTICATED:


Erin Larsen, City Clerk

Approved as to form:

Foster Pepper PLLC, Special Counsel to the City

Filed with the City Clerk:
Passed by the City Council:
Resolution No.:
Date Posted:

The City of DuPont, Washington

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