

ORDINANCE NO. 09-919

AN ORDINANCE OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON, PROVIDING FOR THE SUBMISSION OF A PROPOSITION TO THE QUALIFIED ELECTORS OF THE CITY OF BLACK DIAMOND AT AN ELECTION TO BE HELD ON NOVEMBER 3, 2009 AUTHORIZING REPEAL OF THE EXISTING EXCESS GENERAL PROPERTY TAX LEVY AND BEGINNING IN 2010 AUTHORIZING A SIX YEAR INCREASE OF THE CITY'S GENERAL PROPERTY TAX LEVY IN EXCESS OF THE LIMIT ESTABLISHED IN RCW 84.55.010 IN ORDER TO PROVIDE CONTINUED FUNDING FOR PUBLIC SAFETY SERVICES, AND USING THE 2015 LEVY DOLLAR AMOUNT FOR COMPUTING THE LIMITATIONS FOR SUBSEQUENT LEVIES, AND DECLARING THIS ORDINANCE A PUBLIC EMERGENCY ORDINANCE AND THUS EFFECTIVE IMMEDIATELY

WHEREAS, the current City of Black Diamond excess general property tax levy for fire police and emergency services, adopted by the voters in 2004 authorized a six-year temporary rate increase, through 2010; and

WHEREAS, the City's total general property tax levy was \$2.03/\$1000 in 2005, but with changes in property values and the addition of new construction, the levy rate has decreased to \$1.52/\$1000 in 2009; and

WHEREAS, the City Council has determined that the level of service for public safety services, including, but not limited to fire, police, and emergency services that the City wishes to continue to provide to its citizens cannot be met at the current levy rate; and

WHEREAS, the citizens of the City should be allowed to determine if they wish to replace the prior funding level for public safety services, including police, fire and emergency services; and

WHEREAS, RCW 84.55.050(2) authorizes the voters of the City to permit the annual levy of taxes in excess of the levy limitations established in RCW 84.55.010 up to six consecutive years; and

WHEREAS, without the lifting of the levy limit as authorized by state statute the City will not be able to continue to provide the existing level of service for public safety during this period; and

WHEREAS, the proposed levy lid lift uses the CPI-W (June) as the limit factor because it is used as the limit factor in the City's police and fire department collective bargaining agreements; and

WHEREAS, the conditions here and before set forth create an emergency which requires the holding of a special election in the City; now, therefore

THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON DOES ORDAIN, AS FOLLOWS:

Section 1. It is hereby found and declared that an emergency exists requiring the submission to the qualified electors of the City the proposition of whether the City shall levy regular property taxes in excess of the limitation established in RCW 84.55.010 for their ratification or rejection at a special election to be held on November 3, 2009, in conjunction with the State general election to be held on the same date. The purpose of the election shall be to provide continued funding for public safety services, including fire, police, and emergency services operations. The King County Records and Elections Division as ex officio supervisor of elections in King County, Washington, is hereby requested to find the existence of such an emergency and to call and conduct such special election to be held within the City on such day and submit to the qualified electors of the City for their approval or rejection a proposition to repeal the existing excess general property tax levy and authorize the City's regular property tax levy to be lifted to \$2.15 per \$1,000.00 of assessed valuation for collection in 2010, and authorize the City to increase its regular property tax levy in each of the succeeding five years at a limit factor of 100% of the previous year's collections plus the percentage change in consumer price index for urban wage earners and clerical workers (CPI-W) in the Seattle-Tacoma-Bremerton area for June of the previous year (CPI-W for June 2010 will be used to determine 2011 levy), and to use the total dollar amount of the 2015 levy for computing the limitations for subsequent levies provided for in RCW 84.55.

Section 2. Upon approval of the voters of the proposition herein set forth the City may use the proceeds of such levy to provide funding for public safety services, including fire, police, and emergency services operations, maintenance, equipment and facilities, at the desired level of service

Section 3. If approved, it is the intent of the City Council that this levy would replace the previously approved special levy for fire, police, and emergency services operations adopted by the voters in 2004 and would constitute the total general property tax levy of the City.

Section 4. The City Clerk is hereby authorized and directed, not less than 84 days prior to such election date, to certify the proposition to the King County Department of Records and Elections in substantially the following form:

CITY OF BLACK DIAMOND

PROPOSITION NO. 1

**PUBLIC SAFETY SERVICES
REPLACEMENT LEVY**

The City Council of the City of Black Diamond adopted Ordinance No. 09-919, concerning a proposition to fund public safety services. This proposition repeals the existing excess levy and authorizes a lid lift of the regular property tax levy to \$2.15/\$1,000.00 of assessed valuation, for collection in 2010, and annual increases for each of the succeeding five years equal to the percentage change in CPI-W (June) for the Seattle-Tacoma-Bremerton area, and the 2015 levy dollar amount shall be used for computing the limitations for subsequent levies. If approved, this proposition would fund public safety services. Should this proposition be approved?

YES []

NO []

Section 5. Severability. If any provision of this Ordinance is determined to be invalid or unenforceable for any reason, the remaining provisions of this Ordinance shall remain in force and effect.

Section 6. Effective Date. This Ordinance is hereby designated as a Public Emergency Ordinance necessary for the protection of the public health, safety, public property or the public peace and shall be effective upon adoption. A summary of this ordinance may be published in lieu of publishing the Ordinance in its entirety.

Introduced the 6th day of August, 2009.


Passed by the City Council on the 6th day of August, 2009.

Approved by the Mayor on the 6th day of August, 2009.




Howard Botts, Mayor

ATTEST:



Brenda L. Martinez, City Clerk

APPROVED AS TO FORM:



Loren Combs, City Attorney
Assistant City Attorney