

**ORDINANCE NO. 10-936**

**AN ORDINANCE OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON, RELATING TO FUNDING POLICE, FIRE AND EMERGENCY SERVICES WITH REGULAR PROPERTY TAXES; PROVIDING FOR THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY AT A SPECIAL ELECTION TO BE HELD APRIL 27, 2010, OF A PROPOSITION AUTHORIZING THE CITY TO LEVY REGULAR PROPERTY TAXES IN EXCESS OF THE LIMITATIONS OF CH. 84.55 RCW; SETTING FORTH THE TEXT OF THE BALLOT PROPOSITION; REQUESTING A LOCAL VOTERS' PAMPHLET; DIRECTING PROPER CITY OFFICIALS TO TAKE NECESSARY ACTIONS; AND DECLARING THIS ORDINANCE A PUBLIC EMERGENCY ORDINANCE AND THUS EFFECTIVE IMMEDIATELY; AND PROVIDING FOR OTHER PROPERLY RELATED MATTERS.**

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

**WHEREAS**, the previously voter approved levy will expire in December, 2010 and, as a result, the City funding available for fire, police and emergency services will be reduced by approximately \$417,000 per year beginning in 2011; and

**WHEREAS**, the City Council has determined that if the expiring levy is not replaced, significant reductions in public safety services, including, but not limited to fire, police, and emergency services, will be necessary ; and

**WHEREAS**, other existing City funds and tax revenues are insufficient to offset the necessary reductions in public safety services should a new levy proposition not be submitted to the voters and approved; and

**WHEREAS**, the City Council has long recognized that the fundamental purpose of the City is to provide for the public safety of its citizens and to this end has utilized up to \$350,000 of cash reserves each year for the last three years to meet public safety funding shortfalls; and

**WHEREAS**, recognizing that existing cash reserves were insufficient to continue support of public safety to this level in 2010, the City had to reduce the use of cash reserves for public safety and the City is not expected to have cash reserves available for public safety in the foreseeable future; and

**WHEREAS**, due to depleted cash reserves, declining revenues, and increased costs, the City Council was forced to reduce the public safety budget for 2010, including the elimination of funding for three police officer positions; and

**WHEREAS**, the City Council has determined that it is essential and necessary for the public health, safety and welfare that the City raise additional funds to support police, fire and emergency services throughout the City; and

**WHEREAS**, before further reductions are made to already reduced public safety services, the voters of the City should be allowed to determine if they wish to approve property tax funding for police, fire and emergency services; and

**WHEREAS**, 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 voting at an election held within the taxing City (a "levy lid lift"); and

**WHEREAS**, the City Council has determined it is in the best interests of the City and its inhabitants to submit a levy lid lift measure to the voters; and

**WHEREAS**, the City Council recognizes the need to keep property tax levels at a minimum and therefore does not propose to fully restore previous levels of public safety funding and instead propose a levy rate that will replace only a portion of the funding lost with expiration of the existing levy, and

**WHEREAS**, the proposed property tax lid lift strikes this balance between minimizing the property tax rate but also providing funds to maintain basic levels of police, fire and emergency services; and


**WHEREAS**, the conditions here and before set forth create an emergency which requires the holding of a special election in the City and submitting a levy lid lift ballot proposition to the voters is in the best interest of the City and its residents; now, therefore

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

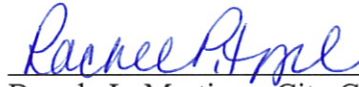
**Section 1.** For the purpose of funding public safety services including police, fire and emergency services, the City Council finds that it is in the best interests of the City and its residents to submit to the qualified voters of the City, at a special election to be held April 27, 2010, a proposition authorizing the City to increase its regular property tax levy for collection in 2011 by an amount greater than otherwise permitted under chapter 84.55 RCW. This measure proposes for voter approval or rejection under RCW 84.55.050(1) a levy lid lift that will authorize a regular property tax rate to of \$2.57 per \$1,000 of assessed value for collection in 2011. The dollar amount of the levy in 2011 shall be used for the purpose of computing the limitations for subsequent levies as provided for under chapter 84.55 RCW.



Approved by the Mayor on the 4<sup>th</sup> day of March, 2010.

  
\_\_\_\_\_  
Rebecca Olness, Mayor

ATTEST:

  
\_\_\_\_\_  
Brenda L. Martinez, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Noel Treat, City Attorney

Published: 3/9/10  
Posted: 3/5/10  
Effective Date: 3/4/10