

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.

Section 2. The Director of King County Elections as ex officio supervisor of elections in King County, Washington, is hereby requested to call and conduct such special election to be held within the City on April 27, 2010, and submit to the qualified voters of the City for their approval or rejection a proposition in substantially the following form:

**CITY OF BLACK DIAMOND
PROPOSITION NO. 1, Public Safety levy**

The City Council has adopted Ordinance No. 10-936 concerning this proposition to fund police, fire and emergency services. If approved, this proposition shall authorize a regular property tax rate of \$2.57 per \$1,000 of assessed value for collection in 2011 to fund public safety services including police, fire and emergency services. The 2011 levy amount shall be used to calculate subsequent levy limitations in succeeding years. Should this proposition be:

Approved?
Rejected?

Section 3. The City Clerk is hereby authorized and directed, not less than forty-five days prior to such election date, to certify to the King County Department of Elections the proposition described herein and to take such other actions as are necessary so that the proposition should appear on the ballot at the special election date identified herein.

Section 4. The City hereby requests that King County Elections produce a voters' pamphlet for the April 27, 2010 election for the City of Black Diamond Proposition 1 set forth above. The City agrees to pay its legally required costs of such pamphlet. The Mayor is hereby authorized and directed to take such actions, including the execution of written agreements, as are necessary so that a local voters' pamphlet is published by King County.

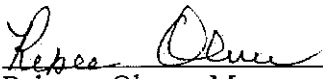
Section 5. Severability. If any provision of this Ordinance is determined to be invalid or unenforceable for any reason, the remaining provisions of this Ordinance shall remain in force and effect.

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 4th day of March, 2010


Passed by the City Council on 4th day of March, 2010.

Approved by the Mayor on the 4th 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