

RESOLUTION NO. 1169

A RESOLUTION OF THE CITY OF DES MOINES, WASHINGTON superseding Resolution No. 1168, providing for the submission of a proposition to the qualified voters of the City of Des Moines at the November 8, 2011 general election for their ratification or rejection, providing for authority to increase the utility occupation tax rate from 6% to 9% to provide funding to protect and restore failing Beach Park Historic District buildings and City streets; with 1.5% funds from the increase allocated to Des Moines Beach Park Historic District buildings and facility maintenance and operation and 1.5% funds from the increase allocated to City-wide street pavement overlays; setting forth the ballot proposition; directing the City Clerk to certify to the County Auditor a certified copy of this Resolution; and providing for other matters properly related thereto.

WHEREAS, RCW 35.21.870 authorizes cities to impose a tax on the privilege of conducting an electric, gas, solid waste, cable TV, telephone services and city utilities business at a rate up to six percent (6%) by legislative approval, and at a rate that exceeds six percent (6%) if approved by a majority of the voters of the city voting on such proposition, and

WHEREAS, increasing the tax on electric, gas, solid waste, cable TV, telephone services and City utilities (the businesses operating in the City that are subject to the tax) from six percent (6%) to nine (9%) percent would result in revenue of approximately \$1,600,000 annually, and

WHEREAS, revenues are needed to provide funds for the protection and restoration of Des Moines Beach Park Historic District buildings and facilities and without these investments such historic facilities would fail and be lost forever, and

WHEREAS, revenues are needed to provide approximately half of the funds needed for the preservation and rehabilitation of 100 miles of Des Moines City streets with pavement overlays and without these investments the streets would not realize their full design lives and the City would incur substantially higher pavement costs in the future, and

WHEREAS, the City Council of the City of Des Moines (the "City") finds it is appropriate to submit to the voters of the City of Des Moines a proposition whether the City should impose an increase of the tax on electric, gas, solid waste, cable TV, telephone and City utilities from six percent (6%) currently taxed to nine percent (9%) in order to provide revenues for Des Moines Beach Park Historic District buildings and facilities and City-wide street pavement overlays; now therefore,

THE CITY COUNCIL OF THE CITY OF DES MOINES RESOLVES AS FOLLOWS:

Sec. 1. Resolution No. 1168 is hereby superseded by this Resolution.

Sec. 2. Utility Occupation Tax Levy proposition submitted to voters. An election is hereby requested to be called, conducted and held within the City on November 8, 2011 for the purposes of submitting to the qualified electors of the City for their ratification or rejection, a proposition pursuant to RCW 35.21.870 to impose an increase of the tax on electric,

gas, solid waste, cable TV, telephone services and City utilities from six percent (6%) currently taxed to nine percent (9%). This proposition would provide: (1) one percent (1%) for Des Moines Beach Park capital projects for twenty (20) years or until capital bonds are repaid and thereafter that 1% tax to end; (2) one half percent (.5%) for Beach Park maintenance and operations; and (3) one and one half percent (1.5%) for City street pavement overlays.

Sec. 3. Submission to the County. The City requests the Director of Records and Elections of King County as Supervisor of Elections for King County, to submit to the qualified electors of the City for their approval or rejection at the November 8, 2011 general election a proposition authorizing the City to impose the tax as described in section 1 of this resolution.

Upon the approval by a majority of the voters of the proposition set forth below, the City may increase the tax on electric, gas, solid waste, cable TV, telephone services and City utilities from six percent currently taxed to nine percent. This proposition would provide: (1) one percent for Des Moines Beach Park capital projects for 20 years or until capital bonds are repaid and thereafter that 1% tax to end; (2) one half percent for Beach Park maintenance and operations; and one and one half percent for City street pavement overlays.

Sec. 4. Ballot proposition and submission to voters at general election. The City Clerk is authorized and directed to certify to the Director of Records and Elections of King County, by August 16, 2011, a copy of this resolution and the proposition, prepared by the City Attorney in accordance with RCW 29A.36.071, to be submitted at the election in the following form:

PROPOSITION NO. 1
UTILITY OCCUPATION TAX FOR DES MOINES BEACH PARK
AND STREETS

The Des Moines City Council adopted Resolution No. 1169 concerning a proposition to increase the City Utility Occupation Tax to restore Beach Park Historic District buildings and facilities; fund maintenance and operations; and for City street paving improvements. This proposition would restore Des Moines Beach Park Historic Buildings and facilities; fund maintenance and operations; and improve City streets to prevent their further deterioration. This proposition increases the current 6% utility occupation tax to 9% authorizing: (1) 1% for Beach Park capital projects for 20 years or until capital bonds are repaid and thereafter that 1% tax ends; (2) 0.5% for Beach Park maintenance and operations; and (3) 1.5% for City street paving improvements.

Should this proposition be:

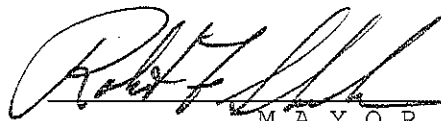
APPROVED? _____

REJECTED? _____

The election will be held on Tuesday, November 8, 2011. The Director of Records and Elections of King County, Washington, shall cause a notice of election to be published as provided by law prior to the election. The Director of Records and Elections of King County, Washington, as the City's ex officio Supervisor of Elections, shall conduct the election, canvas the vote, and certify the results in the manner provided by law.

Sec. 5. Notice of ballot title. For purposes of receiving notice of the exact language of the ballot title required by RCW 29A.36.080, the City Council hereby designates the City Attorney as the individual to whom the Auditor shall provide such notice.

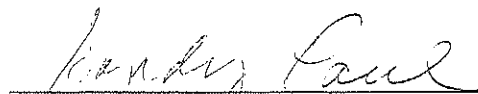
ADOPTED BY the City Council of the City of Des Moines this 28th day of July, 2011 and signed in authentication thereof this 28th day of July, 2011.


MAYOR

APPROVED AS TO FORM:


Assistant City Attorney

ATTEST:


City Clerk