

ORDINANCE NO. 2014-10

AN ORDINANCE OF THE TOWN OF EATONVILLE, PIERCE COUNTY, WASHINGTON, AMENDING ORDINANCE NO. 2014-8 BY CLARIFYING THE TOWN'S REQUEST FOR AN EXCESS TAX LEVY RELATING TO FUNDING FOR PUBLIC SAFETY COSTS; PROVIDING FOR THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE TOWN AT THE STATEWIDE GENERAL ELECTION TO BE HELD NOVEMBER 4, 2014 A PROPOSITION AUTHORIZING THE TOWN OF EATONVILLE TO LEVY AN EXCESS TAX TO FUND PUBLIC SAFETY OPERATION COSTS; AND PROVIDING FOR SEVERABILITY, RATIFICATION OF PAST CONSISTENT ACTIONS, AND AN EFFECTIVE DATE

WHEREAS, the Town of Eatonville has suffered from decreased revenues as a result of a slow economy and declining property values; and

WHEREAS, the Town currently levies property taxes at the maximum statutory rate; and

WHEREAS, on August 4, 2014, the Eatonville Town Council passed Ordinance No. 2014-8, calling for the submission to voters a proposition authorizing an increase in the regular property tax levy in excess of the increase otherwise allowed by law; and

WHEREAS, Ordinance No. 2014-8 incorrectly refers to the proposition as a levy lid lift proposition pursuant to RCW 84.55.050; and

WHEREAS, the Town actually intended for Ordinance 2014-8 to call for a proposition for an excess tax levy pursuant to Article VII, § 2(a) of the Washington State Constitution and RCW 84.52.052, and Ordinance No. 2014-8 should be amended to reflect this intent; and

WHEREAS, the Pierce County Auditor, as ex officio supervisor of elections in Pierce County, requested adjustments to the proposition language prior to submission to voters and those adjustments were made and should be reflected in this Ordinance; and

WHEREAS, Article VII, § 2(a) of the Washington State Constitution and RCW 84.52.052 authorize the Town of Eatonville to submit to the Town's qualified voters a proposition for an increased property tax levy beyond statutory and constitutional limits; and

WHEREAS, providing public safety to the public as a whole is a priority of the Town of Eatonville's Administration and Council and expected revenues for 2015 will be insufficient to provide the same level of public safety to the Town's citizens in the absence of an increased property tax levy; now, therefore,

**BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF EATONVILLE
AS FOLLOWS:**

Section 1. Section 1 of Ordinance No. 2014-8 is hereby amended as follows:

Section 1. Pursuant to (~~RCW 84.55.050~~) Article VII, § 2(a) of the Washington State Constitution and RCW 84.52.052, the Eatonville Town Council hereby calls for submission of a proposition authorizing the Town to levy an increase of \$161,048.11 in property taxes to cover the Town's public safety operation expenses, consistent with the budget adopted by the Town Council, to the qualified electors of the Town at the general election to be held November 4, 2014. The Pierce County Auditor, as ex officio supervisor of elections in Pierce County, is hereby requested to assume jurisdiction of and to call and conduct such election and to submit to the qualified electors of the Town the proposition set forth in Section 3 below. The Mayor and/or Town Attorney are authorized to modify the proposition as directed by the Pierce County Auditor, as long as the intent of the proposition remains clear and consistent with the intent of this Ordinance as approved by the Town Council. The Town Clerk is hereby directed to certify the proposition set forth in Section 3 and forward the proposition to the Pierce County Auditor, and to do so not later than August 5, 2014 as provided by RCW 29A.04.321. If this proposition is approved, the Town Council will be authorized to adopt, in accordance with its regular budget process, an increased regular property tax as described herein.

Section 2. Section 2 of Ordinance No. 2014-8 is hereby amended as follows:

Section 2. For the purposes identified below, the Town Council seeks voter approval under (~~RCW 84.55.050 for a levy lid lift~~) Article VII, § 2(a) of the Washington State Constitution and RCW 84.52.052, as follows:

- (a) Purpose. The amount collected pursuant to the increase authorized by the proposition may be used to fund public safety operation expenses.
- (b) Increase Authorized Beginning in 2015. The increase authorized by the proposition shall apply to the amounts collected in 2015.

Section 3. Section 3 of Ordinance No. 2014-8 is hereby amended as follows:

Section 3. The proposition to be submitted to the voters shall be in substantially the following form:

TOWN OF EATONVILLE – PROPOSITION NO. 1

The Eatonville Town Council passed Ordinance 2014-8 proposing (~~to ask voters to authorize~~) an excess property tax levy to occur in 2015. If approved, Proposition No. 1 will (~~to~~) provide additional tax revenue to the Town in the amount of \$342,876.00.(~~;~~) The increase is estimated to be an additional \$2.00 per \$1,000 in assessed value, for a total estimated rate of \$5.60 per \$1,000 in assessed value. The funds raised by this levy would be used to help fund Public Safety Operations, consistent with the budget adopted by the Town Council. Should this measure (~~pass?~~) be:

((YES NO))

APPROVED.....

REJECTED.....

Section 4. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 5. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

Section 6. This ordinance shall take effect after publication of a summary, consisting of the title, pursuant to RCW 35.27.300.

1ST READING: WAIVED

2ND READING: 10/13/2014

PASSED by the Town Council of the Town of Eatonville and attested by the Clerk in authentication of such passage this 13th day of October, 2014.

Mike Schaub
Mayor

ATTEST:

Kathy Linnemeyer
Town Clerk

APPROVED AS TO FORM:

Gregory A. Jacoby
Town Attorney

ORDINANCE NO. 2014-8

AN ORDINANCE OF THE TOWN OF EATONVILLE, WASHINGTON, RELATING TO REGULAR PROPERTY TAXES; PROVIDING FOR THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE TOWN AT THE STATEWIDE GENERAL ELECTION TO BE HELD NOVEMBER 4, 2014 A PROPOSITION AUTHORIZING AN INCREASE IN THE REGULAR PROPERTY TAX LEVY IN EXCESS OF THE INCREASE OTHERWISE ALLOWED BY CHAPTER 84.55 RCW TO FUND PUBLIC SAFETY OPERATION COSTS; SETTING FORTH THE BALLOT TITLE THEREFORE; REQUESTING THAT THE AUDITOR OF PIERCE COUNTY PLACE THE PROPOSITION ON THE NOVEMBER 4, 2014 BALLOT; PROVIDING FOR SEVERABILITY, RATIFICATION OF PAST CONSISTENT ACTIONS, AND FIXING THE TIME WHEN THE SAME SHALL BECOME EFFECTIVE

WHEREAS, the Town of Eatonville has suffered from decreased revenues as a result of a slow economy and declining property values;

WHEREAS, the Town currently levies property taxes at the maximum statutory rate;

WHEREAS, Article VII, § 2(a) of the Washington State Constitution and RCW 84.55.050 authorizes the Town of Eatonville to submit to the Town's qualified voters a proposition for an increased property tax levy beyond statutory and constitutional limits;

WHEREAS, providing public safety to the public as a whole is a priority of the Town of Eatonville's Administration and Council and expected revenues for 2015 will be insufficient to provide the same level of public safety to the Town's citizens;

WHEREAS, the Town Council has determined that it is in the best interest of the Town and its residents to submit a levy lid lift proposition under RCW 84.55.050(1) to the voters for their approval or rejection; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF EATONVILLE AS FOLLOWS:

Section 1. Pursuant to RCW 84.55.050, the Eatonville Town Council hereby calls for submission of a proposition authorizing the Town to levy an increase of \$342,876 in property taxes to cover the Town's public safety operation expenses, consistent with the budget adopted by the Town Council, to the qualified electors of the

Town at the general election to be held November 4, 2014. The Pierce County Auditor, as ex officio supervisor of elections in Pierce County, is hereby requested to assume jurisdiction of and to call and conduct such election and to submit to the qualified electors of the Town the proposition set forth in Section 3 below. The Mayor and/or Town Attorney are authorized to modify the proposition as directed by the Pierce County Auditor, as long as the intent of the proposition remains clear and consistent with the intent of this Ordinance as approved by the Town Council. The Town Clerk is hereby directed to certify the proposition set forth in Section 3 and forward the proposition to the Pierce County Auditor, and to do so not later than August 5, 2014 as provided by RCW 29A.04.321. If this proposition is approved, the Town Council will be authorized to adopt, in accordance with its regular budget process, an increased regular property tax as described herein.

Section 2. For the purposes identified below, the Town Council seeks voter approval under RCW 84.55.050 for a levy lid lift, as follows:

- (a) Purpose. The amount collected pursuant to the increase authorized by the proposition may be used to fund public safety operation expenses.
- (b) Increase Authorized Beginning in 2015. The increase authorized by the proposition shall apply to the amounts collected in 2015.

Section 3. The proposition to be submitted to the voters shall be in substantially the following form:

TOWN OF EATONVILLE – PROPOSITION NO. 1

The Eatonville Town Council passed Ordinance 2014-8 to ask voters to authorize an excess property tax levy to occur in 2015 to provide \$342,876.00, estimated to be an additional \$2.00 per \$1,000 in assessed value, for a total estimated rate of \$5.60 per \$1,000 in assessed value. The funds raised by this levy would be used to help fund Public Safety Operations, consistent with the budget adopted by the Town Council. Should this measure pass?

YES NO

Section 4. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 5. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

Section 6. This ordinance shall take effect after publication of a summary, consisting of the title, pursuant to RCW 35.27.300.

1ST READING: WAIVED
2ND READING: 08/04/2014

PASSED by the Town Council of the Town of Eatonville and attested by the Clerk in authentication of such passage this 4th day of August, 2014.

Mike Schaub
Mayor

ATTEST:

Kathy Linnemeyer
Town Clerk

APPROVED AS TO FORM:

Gregory A. Jacoby
Town Attorney