

ORDINANCE NO. 2018-22

AN ORDINANCE of the City Council of the City of Bainbridge Island, Washington, relating to regular property taxes; providing for the submission to the qualified electors of the city at an election to be held on November 6, 2018, a proposition authorizing the City to levy regular property taxes in excess of the limitations of Chapter 84.55 RCW; and setting forth the text of the ballot proposition.

WHEREAS, the City Council of the City of Bainbridge Island, Washington (“City”) has determined that it is in the interest of the City to increase investment in non-motorized transportation infrastructure including projects such as shoulder widening, trail construction, and sidewalk improvements, by \$15 million over the next seven (7) years; and

WHEREAS, the City desires to build projects including those to widen road shoulders, improve sidewalks, and build new trails; and

WHEREAS, RCW 84.55.050 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 ballot proposition approved by a majority of the voters at an election held within the taxing district (a “levy lid lift”); and

WHEREAS, the City Council has determined that it is in the best interest of the City 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, THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Calling of Election. The City Council finds that it is in the best interests of the City to submit to the qualified voters of the City, at the primary election to be held on November 6, 2018, a proposition authorizing the City to increase its regular property tax levy for collection in 2019 by an amount greater than otherwise permitted under chapter 84.55 RCW for the purposes described in Section 2(a). If this proposition is approved, the City Council will be authorized to adopt, in accordance with its regular budget process, an increased regular property tax as described in Section 2.

Section 2. Purpose and Description of Ballot Proposition (“Proposition”). For the purposes identified below, the City Council seeks voter approval under RCW 84.55.050 for a levy lid lift, as follows:

(a) Purpose. The amounts collected pursuant to the increase authorized by the Proposition shall be used to pay for non-motorized transportation infrastructure and improvements. The Council will approve all infrastructure and improvements and it is the Council’s practice to have public input and consider environmental impacts before it approves capital projects.

(b) Increase Authorized in 2019. The Proposition authorizes a maximum increase in the City's total levy rate to the maximum rate otherwise allowed for collection in 2019 under chapter 84.55 RCW, plus not to exceed \$0.28 per \$1,000 of assessed value, for a total authorized rate of not to exceed \$1.36 per \$1,000 of assessed value.

(c) Increase Authorized in Future Years. Pursuant to RCW 84.55.050(4), the dollar amount of the maximum authorized levy under chapter 84.55 RCW for collection in 2019 shall be used for the purpose of computing the limitations for six (6) subsequent levies provided for under chapter 84.55 RCW, and such funds shall be limited to the purposes described in Section 2(a), above.

Section 3. Ballot Proposition. The Auditor of Kitsap County, Washington ("Auditor"), as *ex officio* supervisor of elections, is hereby requested to call and conduct an election in the City in the manner provided by law, to be held on the date identified in Section 1, for the purpose of submitting to the voters of the City, a proposition in substantially the following form:

CITY OF BAINBRIDGE ISLAND
PROPOSITION NO. 1

Levy Lid Lift for Non-Motorized Transportation Improvements

The City Council of the City of Bainbridge Island adopted Ordinance No. 2018-22 concerning regular property tax limits under Chapter 84.55 RCW. To finance non-motorized transportation infrastructure and/or certain safety and mobility improvements, this proposition would increase the City's regular property tax levy to a total authorized rate of not to exceed \$1.36 per \$1,000 (an estimated increase of \$0.28 per \$1,000 over the current levy) of assessed valuation for collection beginning 2019 and to use the 2019 levy amount to recalculate subsequent levy limits for six additional years. Should this proposition be:

☐ Approved? ☐ Rejected?

Section 4. Notices Relating to Ballot Proposition. For purposes of receiving notice of the exact language of the ballot proposition required by RCW 29A.36.080, the City Council hereby designates (1) the Director of Finance and Administrative Services and (2) special counsel to the City, Foster Pepper PLLC (Nancy Neraas, 206-447-4400, Nancy.neraas@foster.com) as the individuals to whom such notice should be provided. The Director of Finance and Administrative Services and City Attorney/bond counsel are authorized to make such minor adjustments to the wording of such proposition as may be recommended by the Auditor's Office, as long as the intent of the proposition remains clear and consistent with the intent of this ordinance as approved by the City Council.

Section 5. Authorization to Deliver Resolution and Perform Other Necessary Duties. The City Clerk is authorized and directed, no later than August 7, 2018, to certify a copy of this ordinance to the Auditor and to perform such other duties as are necessary or required by law to

the end that the Proposition described herein should appear on the ballot at the special election identified in Section 1 of this ordinance.

Section 6. Local Voters' Pamphlet Authorized. The preparation and distribution of a local voters' pamphlet providing information on this ballot proposition is hereby authorized. The pamphlet shall include arguments advocating approval and disapproval of the ballot proposition. In accordance with RCW 29A.32.280 or with rules of the Auditor, committees to prepare arguments advocating approval and disapproval of the measure shall be appointed by motion of the Council or by the Director of Finance and Administrative Services as authorized by the Council. Each committee shall be composed of not more than three persons, and the committee advocating approval shall be composed of persons known to favor the ballot proposition and the committee advocating disapproval shall be composed of persons known to oppose the ballot proposition. The City Clerk is authorized to post publicly and accept nominations for the pro and con committees, and if more than three individuals are nominated for either side, to select the committees by randomly drawing three names from each pool of nominations. Names of committee members so selected shall be forwarded to the appropriate County officials.

Section 7. Severability. The recitals stated above (i.e., the "Whereas" clauses) constitute specific findings by the City Council in support of passage of this ordinance. If any provision of this ordinance is declared by any court of competent jurisdiction to be invalid, then such provision shall be null and void and shall be separable from the remaining provisions of this ordinance, and shall in no way affect the validity of the other provisions of this ordinance or of any other ordinance or resolution, or of the levy or collection of the taxes authorized herein.

Section 8. Publication and Effective Date. This ordinance shall take effect and be in force five (5) days after publication as provided by law.

PASSED by the City Council and APPROVED by the Mayor of the City of Bainbridge Island at a regular open public meeting thereof this ____ day of _____, 2018.

CITY OF BAINBRIDGE ISLAND

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney
(Prepared by Bond Counsel)

CERTIFICATION

I, the undersigned, City Clerk of the City of Bainbridge Island, Washington ("City"), hereby certify as follows:

1. The attached copy of Ordinance No. 2018-22 ("Ordinance") is a full, true, and correct copy of an ordinance duly passed at a regular meeting of the City Council of the City held at the regular meeting place thereof on _____, 2018, as that ordinance appears on the minute book of the City; and the Ordinance will be in full force and effect five days after the publication of its summary in the City's official newspaper; and
2. A quorum of the members of the City Council was present throughout the meeting and a majority of those members present voted in the proper manner for the passage of the Ordinance.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 2018.

CITY OF BAINBRIDGE ISLAND,
WASHINGTON

City Clerk