CITY OF WEST RICHLAND
RESOLUTION NO 25-16

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST RICHLAND, WASHINGTON, RELATING TO THE CITY LIBRARY; PROVIDING FOR THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY AT THE NOVEMBER 8, 2016 GENERAL ELECTION OF A PROPOSITION TO REPLACE THE EXISTING 2.5% ADDITION TO THE ELECTRIC, TELEPHONE, AND GAS UTILITY TAXES AND AUTHORIZING A PERMANENT INCREASE IN THE REGULAR PROPERTY TAX LEVY IN EXCESS OF THE INCREASE OTHERWISE ALLOWED BY CHAPTER 84.55 RCW; PROVIDING FOR ONGOING FUNDING TO MAINTAIN CURRENT LEVELS OF LIBRARY SERVICE AND PROVIDE LIBRARY MAINTENANCE FUNDS; SETTING FORTH THE BALLOT PROPOSITION; REQUESTING THAT THE BENTON COUNTY AUDITOR PLACE THE PROPOSITION ON THE NOVEMBER 8, 2016 BALLOT; AND, DIRECTING ACTS CONSISTENT WITH THE AUTHORIZATIONS HEREIN.

THE CITY COUNCIL OF THE CITY OF WEST RICHLAND, WASHINGTON, DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. RECITALS AND FINDINGS.

1.1 The City of West Richland, Washington ("City") provides for a public library and library services to its residents (collectively, "Library"). The City has engaged in a community-based process to examine options for ongoing funding of the Library. Without a sustainable funding source, the City will be required to substantially reduce library service levels to the citizens of the City.

1.2 In 2003, as authorized by RCW 35.21.870, City voters approved a 2.5% increase (from 6% to 8.5%) in the utility tax on telephone, electric and gas utility services within the City. That tax increase was specifically dedicated to the Library. Ordinance No. 35-02 (December 16, 2002). The revenue from that utility tax increase has been declining and is no longer sufficient to sustain current Library service levels and fund library facility maintenance, operations, repair and replacement (collectively, "Operations").

1.3 The City Council desires to replace the utility tax increase on telephone, electric and gas utility services under Ordinance No. 35-02 with an increase in the regular property tax levy as authorized by RCW 84.55.050(1), in excess of the increase otherwise allowed by Chapter 84.55 RCW.

1.4 The City Council determines it is in the best interest of the City to maintain library service levels by allowing the electors to approve or reject a proposition under RCW 84.55.050(1) to authorize the City Council to levy the City's regular property tax in an amount that exceeds the limit factor that would otherwise be prescribed by RCW 84.55.010. This Resolution approves a proposition to the voters authorizing a permanent increase in regular property tax levies. The proceeds of the increase in the regular property tax authorized by the ballot proposition will provide funding for the continuation of Library Operations in the City.

Section 2 CALL FOR ELECTION. Pursuant to RCW 84.55.050(1) and RCW 29A.04.330, an election is hereby called, to be conducted in conjunction with the State's general election conducted and held within the City of West Richland on Tuesday, November 8, 2016, for the purpose of submitting a proposition authorizing the City to increase its regular property tax levy for collection in 2017 and thereafter by an amount greater than otherwise permitted under chapter 84.55 RCW, for the purposes of funding Library Operations, as more specifically described in Section 3.

Section 3. DESCRIPTION OF LID LIFT. 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 4; and, to levy the regular property tax at a rate of $2.00 per $1,000 of assessed value on property in the City for collection in the year 2017, and use the 2017 levy rate to recalculate subsequent levy limits thereafter.

Section 4 BALLOT PROPOSITION. The Auditor of Benton County, Washington, as *ex officio* supervisor of elections, is hereby requested to call and conduct a special election in the City, in the manner provided by law, to be held on the date specified in Section 2, for the purpose of submitting to the voters of the City, a proposition in substantially the following form:

CITY OF WEST RICHLAND
PROPOSITION NO. 1
LEVY LID LIFT FOR SUPPORT OF LIBRARY

The City Council of the City of West Richland has adopted Resolution 25-16which concerns replacing the current funding source for the library.

This proposition would replace the 2.5% increase in City electric, telephone, and gas utility taxes approved by voters in 2003 and that currently funds the library with a maximum 2017 regular property tax increase of $0.45 per $1,000 of assessed value, for a total Citywide annual levy rate of $2.00 per $1,000. The maximum allowable levy rate in 2017 shall serve as the base for subsequent levy limitations as provided by Chapter 84.55 RCW. Should this proposition be:

Approved ..... ☐
Rejected ..... ☐

Section 5. NOTICES RELATED 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 (a) the City Attorney, Bronson Brown (phone: 509.628.4700, bronson@bellbrownrio.com); and (b) special counsel to the City, Foster Pepper PLLC, Marc Greenough (phone: 206.447.7888, marc.greenough@foster.com) or Steve DiJulio (phone: 206.447.897, steve.dijulio@foster.com) as the individuals to whom such notice should be provided. The Mayor and City Attorney/special counsel are authorized to make such minor adjustments to the wording of such proposition as may be recommended by the Benton County Auditor's Office, as long as the intent of the proposition remains clear and consistent with the intent of this Resolution as approved by the City Council.

Section 6. AUTHORIZATION OF LOCAL VOTERS' PAMPHLET. To the extent a local voters' pamphlet and/or online voters' guide (the "Pamphlet") will be produced for the November 8, 2016 State General election, the preparation and distribution of information on the ballot title for inclusion in the Pamphlet is hereby authorized; provided that, the City reserves the right not to participate in the preparation and distribution of the Pamphlet if such participation would create undue financial hardship for the City or not be in the best interests of the City. The Mayor is authorized to exercise the City's right to appoint a committee to prepare arguments advocating voters' approval of the measure ("Pro Committee") and a committee to prepare arguments advocating voters' rejection of the measure ("Con Committee"); and, to not participate in the preparation and distribution of the Pamphlet. The Pamphlet shall include, if applicable, an explanatory statement and statements in favor of and in opposition to the ballot title. The preparation of the explanatory statement, the appointment of pro/con committees, the preparation of statements in favor of and in opposition to the ballot title, and the payment of the costs of the Pamphlet shall be in accordance with Chapter 29A.32 RCW and the rules and guidelines of the Auditor, as applicable.

Section 7. AUTHORIZATION TO DELIVER RESOLUTION AND PERFORM OTHER NECESSARY DUTIES. The City Clerk or designee is authorized and directed no later than August 2, 2016 to certify a copy of this Resolution 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 2 of this Resolution.

Section 8. ELECTION NOTICE. The Benton County Auditor's Office shall cause a notice of election to be published at least once in a newspaper of general circulation within the City. Such publication shall take place not more than ten days or less than three days prior to November 8, 2016.

Section 9. SEVERABILITY. If any provision of this Resolution is determined to be invalid or unenforceable for any reason the remaining provisions shall remain in force and effect.

Section 10. EFFECTIVE DATE. This Resolution shall take effect and be in force on its adoption.

PASSED by the City Council of the City of West Richland, Washington, this 26th day of July, 2016

Brent Gerry, Mayor

ATTEST:

Julie Richardson, City Clerk

APPROVED AS TO FORM:

WSBA#31981

Mike Rio, City Attorney