CITY OF SAMMAMISH
WASHINGTON
ORDINANCE NO. O2008-235

AN ORDINANCE OF THE CITY OF SAMMAMISH, WASHINGTON, RELATING TO REGULAR PROPERTY TAXES; PROVIDING FOR THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY AT A SPECIAL ELECTION HELD IN CONJUNCTION WITH THE STATE GENERAL ELECTION ON NOVEMBER 4, 2008, 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; DIRECTING PROPER CITY OFFICIALS TO TAKE NECESSARY ACTIONS; AND PROVIDING FOR OTHER PROPERLY RELATED MATTERS.

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 at general election held within the taxing district (a "levy lid lift"); and

WHEREAS, the City Council of the city of Sammamish, Washington (the "City") has adopted Ordinance No. O2008-234, which authorizes the submission to the voters of the City on November 4, 2008, of a proposition ("Proposition 1") regarding the issuance of not more than $19,000,000 of unlimited tax general obligation bonds to pay part of the cost of the acquisition, development, construction and improvement of parks, recreation and athletic facilities (the "Projects"); and

WHEREAS, the City Council has determined that if Proposition 1 is approved by the voters of the City, the City will be in need of funds for the operation and maintenance of the Projects, and has therefore determined that it is in the interests of the City and its residents to submit this levy lid lift proposition ("Proposition 2") to the voters for their approval or rejection;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAMMAMISH, WASHINGTON, DO 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 a special election held in conjunction with the state general election on November 4, 2008, a proposition authorizing the City to increase its regular property tax levy for collection in 2009 by an amount greater than otherwise

permitted under chapter 84.55 RCW for the purpose 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 2"). For the purpose(s) identified below, the City Council seeks voter approval under RCW 84.55.050(1) for a levy lid lift, as follows:

(a) Purpose. The amounts collected pursuant to the increase authorized by this Proposition 2 shall be used to pay for expenses incurred in connection with the operation or maintenance of such parks, recreation and athletic facilities acquired, developed, constructed or improved using proceeds of bonds issued pursuant to Proposition 1 (the "Projects"). Prior to completion of the Projects, amounts collected pursuant to this increase may be held in reserve to pay for operation and maintenance after completion, or may be used to pay for other costs incurred in connection with securing approval for and carrying out the Projects.

(b) Increase Authorized in 2009. The proposition authorizes a maximum increase in the City's total levy rate to the maximum rate otherwise allowed for collection in 2009 under chapter 84.55 RCW plus $0.04 per $1,000 of assessed value. The total regular property tax rate produced is estimated to be approximately $2.05 per $1,000 of assessed value, based on estimated 2009 assessed values.

(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 2009 shall be used for the purpose of computing the limitations for subsequent levies provided for under ch. 84.55 RCW, and such funds shall be limited to the purposes described in Section 2(a), above. This authorization shall expire on December 31, 2009 if Proposition 1 (or a substantially similar proposition authorizing the issuance of bonds for the acquisition, development construction and improvement of parks, recreation and athletic facilities) has not been approved by the voters.

Section 3. Ballot Proposition. The Director of Records and Elections of King County, Washington (the "Auditor"), 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 identified in Section 2, for the purpose of submitting to the voters of the City, a proposition in substantially the following form:

PROPOSITION 2

CITY OF SAMMAMISH

Levy Lid Lift for Programs, Operations and Maintenance of Park, Recreation and Athletic Facilities

The City Council has adopted Ordinance O2008-235 concerning funding operations and maintenance of park, recreation and athletic facilities. If approved, this proposition would fund park programs, and operations and maintenance of park, recreation and athletic facilities. It authorizes a 2009 regular levy rate of $0.04/$1,000 above the maximum rate otherwise allowed (approximately $2.05/$1,000 assessed value). The 2009 levy amount will be used to calculate subsequent levy limits, and those amounts will fund operations and maintenance, all as described in the ordinance. This authorization will expire on December 31, 2009 if voters have not approved a bond levy. Should this proposition be:

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) City Manager; and (2) special counsel to the City, Foster Pepper PLLC (Alice Ostdiek, 206-447-4400, ostda@foster.com) as the individuals to whom such notice should be provided.

Section 5. Authorization to Deliver Resolution and Perform Other Necessary Duties. The City Clerk (or her designee) is authorized and directed, no later than August 12, 2008, 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 2 of this ordinance.

Section 6 Local Voters' Pamphlet Authorized. The preparation and distribution of a local voters' pamphlet providing information on the foregoing ballot measure is hereby authorized. The pamphlet shall include arguments advocating approval and disapproval of the ballot measure. In accordance with RCW 29A.32.280, the arguments advocating approval and disapproval of the ballot shall be prepared by committees appointed by City Council by motion not later than forty-five days before the publication of the pamphlet. 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 title and the committee advocating disapproval shall be composed of persons known to oppose the ballot title.

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.

ADOPTED BY THE CITY COUNCIL AT A REGULAR OPEN PUBLIC MEETING THEREOF THIS 21st DAY OF July, 2008.

CITY OF SAMMAMISH

Mayor Lee Fellinge

ATTEST:

Melonie Anderson City Clerk

APPROVED AS TO FORM:

Foster Pepper PLLC, Bond Counsel

Filed with the City Clerk:
Public Hearing:
First Reading:
Second Reading:
Passed by the City Council:
Date of Publication:
Effective Date:

CERTIFICATION

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

1. The attached copy of Ordinance No. O2008-235 (the "Ordinance") is a full, true and correct copy of an ordinance duly passed at a special meeting of the City Council of the City held at the regular meeting place thereof on July 21, 2008, 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 22nd day of July, 2008.

CITY OF SAMMAMISH SEAL WASHINGTON

CITY OF SAMMAMISH, WASHINGTON

Melonie Anderson

Melonie Anderson, City Clerk