

ORDINANCE NO. 1796

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON relating to regular property taxes; providing for the submission to the qualified electors of the City at an election held in conjunction with the state general election on November 5, 2024, of a proposition authorizing the City to levy regular property taxes in excess of the limitations of chapter 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, the City's primary source of revenue is property taxes and the City Council has determined that it is essential and necessary for the public health, safety and welfare to submit to the voters a proposition to increase the regular property tax to support the retention of existing public safety service levels, and an increase in public safety staffing/services levels and related costs, and

WHEREAS, the City Council has determined that the revenues that will be available to the City in calendar year 2025 and beyond will be insufficient to provide for the existing levels of public safety services or the public safety service levels currently desired by the community, and has therefore determined to submit this levy lid lift proposition to the voters for their approval or rejection, and

WHEREAS, the City Council has approved Ordinance 1795 to place this proposition before the voters at the August election. It is the intent of the City Council that if the proposition is not approved at the August election, it will be re-submitted to the voters in November. It is also the City Council's intent that, if the proposition is approved in August, it will be withdrawn from the November ballot; now therefore,

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

Sec. 1. Finding. Each and every of the findings expressed in the recitals to this ordinance are hereby adopted and incorporated by reference.

Sec. 2. Calling of Election. The City Council finds that it is in the best interests of the City and its residents to submit to the qualified voters of the City, at an election held on November 5, 2024, in conjunction with the state general

election, a proposition authorizing the City to increase its regular property tax levy for collection in 2025 by an amount greater than otherwise permitted under chapter 84.55 RCW for the purpose described in Section 3 of this ordinance. 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 3 of this ordinance.

The City Council further finds that the ballot proposition authorized by this ordinance will no longer be necessary if the ballot proposition set forth in Ordinance 1795 passes at the August 6 election. Therefore, upon certification of passage of the proposition at the August election, the appropriate officers of the City are authorized and directed to rescind this call for an election and to withdraw this proposition from appearing on the November ballot. If the certification of the August election occurs after the final deadlines for removing a proposition from the November ballot, then, to the extent that it is presented at that election, it shall be deemed to be an advisory vote only and the results of such vote shall not supersede the approval obtained at the August election.

Sec. 3. Purpose and Description of Ballot Proposition.

For the purpose(s) identified below, the City Council seeks voter approval under RCW 84.55.050(1) for a levy lid lift.

(a) Purpose. The amounts collected pursuant to the increase authorized for 2025 shall be used only for funding the continual provision of public safety and public safety-related costs.

(b) Maximum Levy Rate. The maximum total regular levy rate for collection in 2025 authorized is \$1.40 per \$1,000 of assessed value, representing an increase of approximately \$0.50 over the 2024 levy rate.

(c) Levy Limits in Future Years. The dollar amount of the maximum allowable levy under chapter 84.55 RCW levied for collection in 2025 is to be used for the purpose of computing the limitations on subsequent levies under chapter 84.55 RCW.

(d) Exemption for Qualifying Low-Income Senior Citizens, Veterans and Persons with Disabilities. In accordance with RCW 84.55.050(4)(e), the exemptions available to persons who qualify through the State's property tax exemption program for low-income

senior citizens, veterans and persons with disabilities authorized by RCW 84.36.381 will apply to the increase authorized by voters under this proposition.

Sec. 4. Ballot Proposition. The Director of Records and Elections of King County, Washington (the "County Elections Official"), as ex officio supervisor of elections within the City, 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 of this ordinance, for the purpose of submitting to the voters of the City, a proposition in substantially the following form:

City of Des Moines, Washington

Proposition __

Levy Lid Lift

The City Council has adopted Ordinance 1796 concerning providing funding to maintain and increase public safety services.

If approved, this proposition would authorize the City to increase the 2025 regular property tax levy rate to not more than \$1.40/\$1,000 assessed value. The incremental increase over 2024 rates would fund maintaining and increasing existing public safety service levels, retaining police officer positions and increasing public safety and police staffing, as described in the Ordinance. Subsequent levy limits would be based on the 2025 maximum allowable levy. Qualifying seniors, veterans, and others would be exempt per Chapter 84.36 RCW.

Should this proposition be: __ Approved? __
Rejected?

Sec. 5. 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: (a) Jeff Friend, City Finance Director, jfriend@desmoineswa.gov; and (b) special counsel to the City, Stradling Yocca Carlson and Rauth, LLP (Alice Ostdiek,

aostdiek@stradlinglaw.com) as the individuals to whom such notice should be provided.

Sec. 6. Authorization to Deliver Ordinance and Perform Other Necessary Duties. The City Clerk (or the City Clerk's designee) is authorized and directed, no later than August 6, 2024, to certify a copy of this Ordinance to the County Elections Official 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.

If the proposition set forth in Ordinance 1795 is approved by the voters at the August election, then immediately upon certification of the election results (or earlier if, in the reasonable determination of the City Manager, the August proposition has been approved), the City Clerk (or the City Clerk's designee or other appropriate officer of the City) is authorized and directed to take such actions as are necessary to withdraw the proposition set forth in this ordinance from appearing on the November ballot, and, if election deadlines make it impossible to prevent the proposition from appearing on the November ballot, any November results shall be treated as an advisory vote only and shall have no binding effect.

Sec. 7. Local Voters' Pamphlet. The City authorizes participation in the County local voters' pamphlet to provide information on this ballot proposition. Committees to prepare arguments advocating approval and disapproval of the measure shall be appointed in accordance with RCW 29A.32.280, either by motion of the City Council or otherwise in accordance with the procedures of the County Elections Office. 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.

Sec. 8. Severability - Construction. If any provision of this Ordinance shall be 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 and shall in no way affect the validity of the other provisions, or of the levy or collection of the taxes authorized herein.

Sec. 9. Effective date. This ordinance shall take effect and be in full force five (5) days after its passage, approval, and publication in accordance with law.

PASSED BY the City Council of the City of Des Moines this 25th day of April, 2024 and signed in authentication thereof this 25th day of April, 2024.


MAYOR

APPROVED AS TO FORM:



City Attorney

ATTEST:



City Clerk

Published: April 30, 2024

I, Taria Keane, City Clerk, do hereby certify that the foregoing is a true and correct copy of the original instrument on file and of record in my office in Des Moines, Washington 98198

