

**CITY OF GOLD BAR, WASHINGTON
RESOLUTION NO. 12-09**

**A RESOLUTION FOR THE PREPARATION TO FILE A BALLOT MEASURE FOR
AN EXCESS LEVY IN THE NOVEMBER 2012 ELECTION**

WHEREAS, the City of Gold Bar has encountered extensive Public Records costs, and costs associated with litigation; and

WHEREAS, to date, the Courts have not granted any substantive relief to the Plaintiffs and Petitioners who have filed lawsuits and recalls against the City and its officials; however these individuals continue to file appeals and additional litigation that significantly impacts the City's budget; and

WHEREAS litigation is expected to continue; and

WHEREAS, the City's General Fund is unable to support continued future litigation costs under its current funding, which may lead to either bankruptcy or disincorporation; and

WHEREAS, the City currently levies the statutory maximum tax rates as specified in RCW 84.52.050 through 84.52.056 and 84.52.043, or 84.55.010 through 84.55.050; and

WHEREAS, the City has the option to levy taxes at a rate in excess of the statutory limits when authorized so to do by the voters.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Gold Bar, Washington as follows:

1. The City will prepare to file a ballot measure for an election on an excess levy in accordance with RCW 84.52.052 for the purpose of responding to litigation against the City.
2. The City will develop the resolution, attorney's explanatory statement, and appoint the Pro/Con committees in accordance with Snohomish County Auditor Administrative Rules.
3. The City will prepare the items noted in 2 above on or before August 7, 2012 for the November 6, 2012 General Election.
4. The amount of the excess levy will be \$ 0.60 per thousand dollars of assessed value to raise approximately \$ 68,000.00 per year based on a total assessed value for 2012 of \$113,842,973. If the legal fund is not expended in the course of one year, the excess shall remain in the fund until the fund grows to double the annual amount, i.e. \$136,000.00. At the end of each year any excess in the legal fund over the \$ 132,000.00 shall be returned to the General Fund.
5. The City Council will decide on filing at the July 17, 2012 meeting.

RESOLVED this 3rd day of July, 2012.

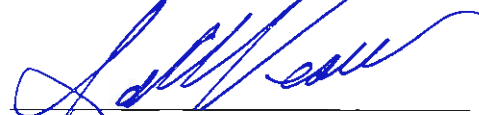
ATTEST/AUTHENTICATED:



~~Laura Kelly, City Clerk/Treasurer~~

Denise Beaston, City Utility Clerk

APPROVED:



Joe Beavers, Mayor

RCW 84.52.052

Excess levies authorized -- When -- Procedure.

The limitations imposed by RCW [84.52.050](#) through [84.52.056](#), and RCW [84.52.043](#) shall not prevent the levy of additional taxes by any taxing district, except school districts and fire protection districts, in which a larger levy is necessary in order to prevent the impairment of the obligation of contracts. As used in this section, the term "taxing district" means any county, metropolitan park district, park and recreation service area, park and recreation district, water-sewer district, solid waste disposal district, public facilities district, flood control zone district, county rail district, service district, public hospital district, road district, rural county library district, island library district, rural partial-county library district, intercounty rural library district, cemetery district, city, town, transportation benefit district, emergency medical service district with a population density of less than one thousand per square mile, cultural arts, stadium, and convention district, ferry district, city transportation authority, or regional fire protection service authority.

Any such taxing district may levy taxes at a rate in excess of the rate specified in RCW [84.52.050](#) through [84.52.056](#) and [84.52.043](#), or [84.55.010](#) through [84.55.050](#), when authorized so to do by the voters of such taxing district in the manner set forth in Article VII, section 2(a) of the Constitution of this state at a special or general election to be held in the year in which the levy is made.

A special election may be called and the time therefor fixed by the county legislative authority, or council, board of commissioners, or other governing body of any such taxing district, by giving notice thereof by publication in the manner provided by law for giving notices of general elections, at which special election the proposition authorizing such excess levy shall be submitted in such form as to enable the voters favoring the proposition to vote "yes" and those opposed thereto to vote "no."

2012 Election Information Guide

Election and Filing Information for Jurisdictions and Candidates

<http://www.co.snohomish.wa.us/documents/Departments/Auditor/Elections/2012ElectionGuide.pdf>

Submitting a Measure

Local jurisdictions may submit measures to appear before voters on a February, April, August or November ballot by passing a resolution through their governing body and filing the resolution with the Auditor's Office by the appropriate deadline. The resolution passed by the governing body of the local jurisdiction must include the date of the election the measure should appear on the ballot, the authority under which the measure is placed on the ballot, and a potential ballot title to appear before the voters.

The resolution must be signed by the governing body and filed with the Auditor's Office by the deadline for resolutions as listed on page 23. Resolutions may be emailed or faxed so long as the

original is in the Auditor's Office within 7 days of the resolution deadline. The Auditor's Office will provide a receipt upon receiving the resolution. It is the district's responsibility to ensure that their resolution has been submitted in a timely manner.

The ballot title within the resolution should adhere to all legal requirements based on the type of measure it is and should appear in the format illustrated below. Responses should be no longer than 17 characters in length and we strongly encourage districts select standard responses such as yes/no or approved/rejected.

Ballot titles submitted by cities or towns must be signed off by the City Attorney. Ballot titles submitted by other jurisdictions will be reviewed and amended when appropriate and necessary by the County Prosecuting Attorney's Office.

Questions regarding the submission of measures for the ballot should be directed to Elections Public Information Officer, Heather Sorgen at (425) 388-3321.

Example

[Name of Jurisdiction]	Marysville School District No. 25
Proposition No. [#]	Proposition No. 1
[Short Title]	General Obligation Bonds - \$32,000,000

[Ballot Title]	The Board of Directors of Marysville School District No. 25 approved a proposition for bonds. This proposition would authorize the District to replace and equip Cascade Elementary; advance student learning by modernizing technology systems and equipment; make basic repairs to Marysville-Pilchuck pool; make health and safety improvements; and do pre-planning site and facility analysis; by issuing \$32,000,000 of general obligation bonds maturing within a maximum of 20 years; and collect excess property taxes annually to repay the bonds, as provided in Resolution No. 2010-8. Should this proposition be approved?
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[Response]	Yes	No
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Local Voters' Pamphlet

Snohomish County publishes a local voters' pamphlet featuring candidates and issues for Primaries and General Elections. Local voters' pamphlets are not printed in Special Elections.

Any district with a resolution on the Primary or General Election ballot must participate in the local voters' pamphlet unless a waiver is granted by the County Council. Districts must submit an explanatory statement by the resolutions filing deadline, that discusses what the resolution changes if it passes. The names of the pro and con committee members are also due at that time.

An explanatory statement that addresses the anticipated effect of a measure if passed into law must be prepared by the the attorney for the jurisdiction submitting the proposition or measure. A letter of confirmation from the jurisdiction's attorney is also required.

The legislative authority of a jurisdiction submitting a measure has the responsibility of appointing members to a committee that will write the statement for the measure as well as a committee that

will write the statement against the measure. Each committee is allowed up to 3 members, but can ask the advice of any number of individuals.

Statements may be rejected if the submitted statement contains obscene, vulgar, profane, scandalous, libelous, or defamatory language. If the statement is rejected, an appeal process is outlined in the Snohomish County Local Voters' Pamphlet Administrative Rules available in the Auditor's Office.

For more information regarding local voters' pamphlet due dates and procedures, please contact the Elections Division at (425) 388-3321.

General

Election Date	November 6, 2012
Resolution due	August 7, 2012, 5pm
Explanatory due	August 7, 2012, 5pm
Pro/Con Appoints due	August 7, 2012, 5pm
Pro/Con Statements due	August 21, 2012, 5pm
Pro/Con Rebuttals due	August 24, 2012, 5pm