

**CITY OF GOLD BAR, WASHINGTON  
RESOLUTION NO. 12-17**

**A RESOLUTION OF THE CITY OF GOLD BAR, SNOHOMISH COUNTY  
WASHINGTON PROVIDING FOR THE SUBMISSION TO THE QUALIFIED  
ELECTORS OF THE CITY OF GOLD BAR AT A GENERAL ELECTION TO BE  
HELD ON NOVEMBER 6, 2012, A PROPOSITION AUTHORIZING AN EXCESS  
LEVY TO INCREASE THE CITY'S PROPERTY TAX LEVY RATE**

**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, notwithstanding the City's success, appeals and additional litigation continue to be filed 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**, additional income is necessary to meet the litigation expenses; and

**WHEREAS**, without additional revenues, in order to cover the litigation costs the City will be required to continue to substantially reduce basic services to the citizens of the City, including services related to public safety, parks, and other community services or to file for bankruptcy or disincorporation; and

**WHEREAS**, the City's current property tax levy rate is approximately \$ 1.60 per \$1000.00 of assessed valuation; and

**WHEREAS**, RCW 84.52.052 authorizes the voters of a City to permit the levy of taxes in excess of the levy limitations established in RCW 84.52.050 through 84.52.056, and RCW 84.52.043, or 84.55.010 through 84.55.050; and

**WHEREAS**, the proceeds of the increase in the property tax on real property that would be authorized by the ballot proposition requested below will provide funding for the litigation and continuation of basic services provided by the City to its citizens; and

**WHEREAS**, the City Council has determined that if the City's ballot proposition is adopted by the voters and if additional revenues from sources other than the excess levy are received in 2013, then the City Council will be able to reduce other taxes, fees, or other sources of revenues in years following 2013; and

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF GOLD BAR,  
WASHINGTON DO HEREBY RESOLVE AS FOLLOWS:**

**Section 1. This levy will be for collection only in the year 2013.** There shall be submitted to the qualified electors of the City for their ratification or rejection, at an election to be held on November 6, 2012, in conjunction with the November 6, 2012, general election to be held on the same date, the question of whether or not to approve an excess levy only in the year 2013 for collection of approximately \$ 1.00 per \$ 1,000.00 of assessed value which will raise approximately \$113,000.00 for continued litigation expenses in defense of the City. Revenues from the property tax increases that would be authorized by the ballot proposition shall be used for the limited purposes of litigation expenses in order to retain public safety, parks, community services and other governmental services that would otherwise be subject to elimination due to the ongoing litigation expenses. The City Council therefore directs and requests the Auditor of Snohomish County and its Supervisor of Elections to submit the following proposition at such election, in the form of a valid title to read substantially as follows:

CITY OF GOLD BAR  
PROPOSITION NO. 1  
EXCESS LEVY FOR LITIGATION EXPENSES

**PROPOSITION:** This proposition of the City of Gold Bar concerns an excess property tax levy for litigation expenses in addition to the regular property tax levy. This proposition would authorize the City to levy the sum of \$113,000 (approximately \$1.00 per \$1,000 of assessed valuation) for collection in the year 2013 for City litigation expenses, as provided in Resolution No. 12-17.

Should this proposition be approved?

YES

NO

**Section 2.** The Mayor and City Attorney are authorized to make such minor adjustments to the wording of such proposition and adhere to Auditor rules as may be recommended by the Snohomish County Auditor and its Supervisor of Elections, 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 3.** In the event the proposition specified in Section 1 above is approved, the City Council shall levy and there shall be collected a regular tax on real property in the City at the rate of \$1.00 per \$1,000 assessed valuation for collection in the year 2013. The funds shall be used to cover the cost of litigation.

**Section 4.** If any provision of this Resolution is determined to be invalid or unenforceable for any reason the remaining provisions shall remain in force and affect.

**Section 5.** The findings of fact as set forth above are hereby incorporated by reference.

**Section 6.** This resolution supersedes Resolution 12-15.

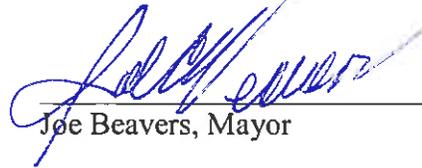
**Section 7.** The Pro Committee is Steve Bush, Steve Fore, and Donna Strom of Gold Bar and there is not a Con Committee.

RESOLVED this 6th day of August, 2012.

ATTEST/AUTHENTICATED:

  
Denise Beaton, Utility Clerk

APPROVED:

  
Joe Beavers, Mayor

\_\_\_\_\_  
Ann Marie Soto, City Attorney

RESOLVED this 6th day of August, 2012.

ATTEST/AUTHENTICATED:

  
Denise Beaton, Utility Clerk

APPROVED:

  
Joe Beavers, Mayor

  
For Ann Marie Soto, City Attorney

## 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

## Ballot Title

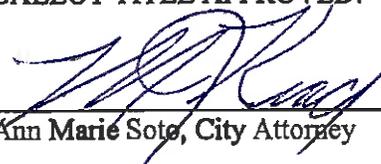
[Name of Jurisdiction] City of Gold Bar  
Proposition No. [#] Proposition No. 1  
[Short Title] Excess Levy for Litigation Expenses

[Ballot Title] This proposition of the City of Gold Bar concerns an excess property tax levy for litigation expenses in addition to the regular property tax levy. This proposition would authorize the City to levy the sum of \$113,000 (approximately \$1.00 per \$1,000 of assessed valuation) for collection in the year 2013 for City litigation expenses, as provided in Resolution No. 12-17. Should this proposition be approved?

[Response]            Yes            No

This Ballot Title has been reviewed by the City Attorney and approved.

BALLOT TITLE APPROVED:

  
\_\_\_\_\_  
For Ann Marie Soto, City Attorney

## Ballot Explanatory Statement

The City of Gold Bar has experienced substantial costs in complying with the Public Records Act, RCW 42.56, and responding to litigation and recall actions. These costs have depleted budget reserves and the City is unable to support continued future litigation costs with its current funding. If approved by the voters, this proposition authorizes the City of Gold Bar to collect an additional property tax levy in the amount of \$113,000.00, an estimated rate of \$1.00 per \$1,000 dollars of assessed valuation, to pay for litigation expenses in the year 2013 without disrupting other basic City services. If additional revenues from sources other than the property tax levy are received in 2013, then the City Council will be able to reduce other taxes, fees, or other sources of revenues in years following 2013.



Michael R. Kenyon  
Bruce L. Disend  
Shelley M. Kerslake

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Kari L. Sand  
Chris D. Bacha  
Margaret J. King  
Bob C. Sterbank  
Rachel B. Turpin  
Ann Marie J. Soto

August 2, 2012

Snohomish County Auditor's Office  
Elections Division  
3000 Rockefeller Avenue M/S 204  
Everett, WA 98201

Re: City of Gold Bar Proposition No. 1 - Attorney Letter of Confirmation

Dear Elections Official:

This letter is to confirm that I have prepared and approved the explanatory statement for City of Gold Bar Proposition No. 1 – Excess Levy for Litigation Expenses, pursuant to RCW 29A.32.241. The explanatory statement addresses the anticipated effect of Proposition No. 1 if passed into law. Please do not hesitate to contact me should you have any further questions regarding this matter.

Very truly yours,

KENYON DISEND, PLLC

A handwritten signature in black ink, appearing to read "Ann Marie Soto", written over a white background.

Ann Marie Soto  
Attorneys for the City of Gold Bar

Cc: Mayor Beavers

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## Receipt of Resolution

The Snohomish County Auditor's Office, Election Department has received a resolution on the date stamped below from the following district.

District Name: Coiley of Gold Bar

Election Date: November 6, 2011

Person Delivering Resolution: Joe Beavers

Election Staff Receiving Resolution:   
Signature

 DEPUTY

CAROLYN WENZEL, AUDITOR  
SNOHOMISH COUNTY, WASH.

2012 AUG -7 PM 12:47

RECEIVED