ORDINANCE NO. 1216

AN ORDINANCE OF THE CITY OF WOODLAND, WASHINGTON, PROVIDING FOR THE SUBMISSION TO THE VOTERS OF THE CITY AT A GENERAL ELECTION TO BE HELD THEREIN ON NOVEMBER 8, 2011, OF A PROPOSITION AUTHORIZING AN ADDITIONAL SALES AND USE TAX AT THE RATE OF ONE-TENTH OF ONE PERCENT PURSUANT TO RCW 82.14.450 TO BE USED FOR CRIMINAL JUSTICE AND FIRE PROTECTION PURPOSES, INCLUDING FINANCING, CONSTRUCTING, AND EQUIPPING A NEW POLICE FACILITY; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION INDEBTEDNESS FOR THE PURPOSE OF FINANCING SUCH FACILITY; DECLARING AN INTENT TO REIMBURSE CERTAIN EXPENDITURES FOR SUCH FACILITY; AND RATIFYING, CONFIRMING AND APPROVING CERTAIN ACTIONS.

WHEREAS, in order to provide residents with the level of services needed to build and maintain a safe and strong community, the City of Woodland, Washington (the "City") is in urgent need of a new police facility with a multi-purpose community meeting room;

WHEREAS, the City does not have sufficient funds available to construct or equip a new police facility; and

WHEREAS, the Washington Legislature has recently amended RCW 82.14.450 to authorize cities to submit a proposition to local voters approving a sales and use tax increase so long as at least one-third of the money received under the new taxing authority is used for criminal justice purposes as defined under RCW 82.14.340, fire protection purposes, or both, and 15 percent is distributed to Cowlitz and Clark Counties.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WOODLAND, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1 **Findings and Determinations.** The above recitals are hereby adopted as legislative findings and determinations made by the City Council of the City (the "Council"). The Council also makes the following findings and determinations.

(a) The best interests and general welfare of the City will be served by imposing a one-tenth of one percent sales and use tax pursuant to RCW 82.14.450 for criminal justice and fire protection purposes that include financing, constructing, and equipping a new police facility with a multi-purpose community meeting room (the "Project").

(b) The Project serves criminal justice and fire protection purposes. The costs of the Project, including the costs of issuing and selling bonds to pay for the Project, are not anticipated to exceed $2,000,000.

Section 2 **Authorization of Additional Sales and Use Tax.** In order to pay the costs of the Project, the Council directs the submission of a proposition to the voters of the City substantially as set forth in section 7 of this ordinance to authorize the City to fix and impose pursuant to RCW 82.14.450 an additional sales and use tax of one-tenth of one percent (the

"Additional Sales and Use Tax"). If approved by the voters, the Additional Sales and Use Tax shall (a) be in addition to other existing sales and use taxes currently imposed by the City; (b) be imposed on all taxable events as authorized under chapters 82.08 and 82.12 RCW and collected as of a date as determined by the Council; and (c) not apply to any exempt transactions identified in RCW 82.14.450(4).

Section 3 **Expiration.** If the Additional Sales and Use Tax is imposed and levied pursuant to this ordinance, such tax shall expire only after all bonds, refunding bonds, and any other indebtedness issued by the City for the purpose of financing the costs of the Project are repaid, redeemed or defeased. However, if revenue from the Additional Sales and Use Tax is insufficient to pay annual debt service relating to the Project, the City may continue to levy the Additional Sales and Use Tax until its universal fund has been repaid.

Section 4 **Authorization to Issue Indebtedness.** The City is authorized to issue general obligation bonds in a principal amount not to exceed $2,000,000 (the "Bonds") for the purpose of financing the Project. The City is authorized to pay debt service on the Bonds with revenue received from the Additional Sales and Use Tax, so long as the Additional Sales and Use Tax is approved by voters. The Bonds may be issued as a single issue, as part of a combined issue with other authorized bonds, or in more than one series, as deemed advisable by the Council and as permitted by law. The Bonds shall be fully registered bonds, bearing interest payable as permitted by law, and maturing within 25 years from the date of issue, or within any shorter period fixed by the Council. The Bonds shall be issued and sold in such manner, at such times and in such amounts as shall be required for the purpose for which such bonds are to be issued. The specific date, form, terms, options of prior redemption, price, interest rate or rates and maturities of the Bonds shall be hereafter fixed by ordinance of the Council. Pending the issuance of the Bonds, the City may issue short-term obligations pursuant to chapter 39.50 RCW or such other obligations as are permitted by law to pay for the costs of the Project. Such obligations and their costs may be paid or refunded with proceeds of the Bonds when issued. The City shall pledge revenue from the Additional Sales and Use Tax towards making timely principal and interest payments on the Bonds as they come due.

Section 5 **Use of Tax Proceeds.** At least one-third of all proceeds from the Additional Sales and Use Tax shall be used for criminal justice purposes as defined in RCW 82.14.340, fire protection purposes, or both. Fifteen percent of the Additional Sales and Use Tax collected by the State Department of Revenue shall be distributed to Cowlitz and Clark Counties on a per capita basis and used for criminal justice purposes, fire protection purposes or other purposes authorized by RCW 82.14.450. The remaining 85 percent shall be paid to the City and used to pay the costs of the Project, including the costs of issuing the Bonds. If in any year the City receives revenue from Additional Sales and Use Tax in excess of the principal and interest payments due on the Bonds in that year, the City may use the excess revenue for other criminal justice or fire protection purposes.

Section 6 **Calling of Election.** RCW 82.14.450 authorizes the City to submit to City voters at a primary or general election the question of whether the City shall levy the Additional Sales and Use Tax. Under RCW 29A.04.330, all city general elections shall be held on the first Tuesday following the first Monday in November in the odd-numbered years. Therefore, the Council requests that the Cowlitz County Auditor and the Clark County Auditor call and conduct a general election in the City, in the manner provided by law, to be held therein on November 8, 2011, for the purpose of submitting to the voters of the City, for their approval or rejection, the question of whether or not the City shall fix and impose the Additional Sales and Use Tax. If such

proposition is approved by the requisite number of voters, the City shall be authorized to fix and impose the Additional Sales and Use Tax and to spend the proceeds thereof allocated to the City under RCW 82.14.450 on the costs of the Project and other criminal justice or fire protection services, as authorized by this ordinance.

Section 7 **Ballot Proposition.** The City Clerk/Treasurer is authorized and directed to certify, no later than August 16, 2011, to the Cowlitz County Auditor and the Clark County Auditor, as *ex officio* supervisors of elections in the City, a copy of this ordinance and the proposition to be submitted at that election in the form of ballot title prepared by the City Attorney pursuant to RCW 29A.36.071, as follows:

PROPOSITION 1
CITY OF WOODLAND

SALES AND USE TAX INCREASE OF 0.1%
FOR A NEW POLICE FACILITY

The City Council of the City of Woodland adopted Ordinance No. 1216 concerning a sales and use tax increase pursuant to RCW 82.14.450. If approved, this proposition would authorize the City to fix and impose an additional sales and use tax of 0.1%, split between the City (85%) and Cowlitz and Clark Counties (15%). City proceeds shall be used to construct and equip a new police facility with a multi-purpose community meeting room and to pay other criminal justice and fire protection costs. The tax will expire after the costs of the police facility are fully repaid. Should this proposition be:

APPROVED ..... ☐
REJECTED ..... ☐

For purposes of receiving notice of any matters related to the ballot title, as provided in RCW 29A.36.080, the Council hereby designates its bond counsel, Foster Pepper PLLC (Hugh Spitzer, 206-447-8965, spith@foster.com), as the person to whom such notice shall be provided.

Section 8 **General Authorization.** The proper City officials are authorized to perform such duties as are necessary or required by law to the end that the question of whether or not the Additional Sales and Use Tax necessary to pay the costs of the Project shall be fixed and imposed pursuant to RCW 82.14.450, all as provided in this ordinance, shall be submitted to the voters of the City at the November 8, 2011 election.

Section 9 **Intent to Reimburse.** The City Council declares that to the extent that the City makes capital expenditures for the Project, prior to the date the Bonds or other short-term obligations are issued to finance the Project, from funds that are not (and are not reasonably expected to be) reserved, allocated on a long-term basis or otherwise set aside by the City under its existing and reasonably foreseeable budgetary and financial circumstances to finance the Project, those capital expenditures are intended to be reimbursed out of proceeds of the Bonds or other short-term obligations not to exceed the principal amount of the Bonds provided by this ordinance.

Section 10 **Severability.** 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 severable 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 Bonds.

Section 11 **Publication and Effective Date.** This ordinance, or a summary thereof consisting of the title, shall be published in the official newspaper of the City, and shall take effect and be in full force five days after publication. If the City publishes a summary, the publication shall include a statement that the full text of the ordinance will be mailed upon request.

Section 12 **Ratification of Prior Acts.** Any action taken consistent with the authority of this ordinance, after its passage but prior to the effective date, is ratified, approved, and confirmed.

Adopted by the City Council of the City of Woodland, Washington, at a regular meeting thereof, this 1st day of August, 2011.

CITY OF WOODLAND:

Charles E. Blum, Mayor

APPROVED AS TO FORM:

FOSTER PEPPER PLLC, Bond Counsel

ATTEST/AUTHENTICATED:

Published: August 10, 2011
Effective: August 15, 2011

Mari E. Ripp, City Clerk/Treasurer

CERTIFICATION

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

1. The attached copy of Ordinance No. 1216 (the "Ordinance") is a full, true and correct copy of an ordinance duly passed at a regular meeting of the City Council of the City held at the regular meeting place thereof on August 1, 2011, 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 2nd day of Aug, 2011.

CITY OF WOODLAND, WASHINGTON

Mari E. Ripp

Mari E. Ripp, City Clerk/Treasurer