

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator:		4/13/2010		4/13/2010	Introduction
Division Head:				4/27/2010	Hearing
Dept. Head:	<i>W. Buxton</i>	4-13-10		5/11/2010	Council
Prosecutor:					
Purchasing/Budget:					
Executive:					

TITLE OF DOCUMENT:

Ord. limiting total annual real estate property tax increases to 1% per year

ATTACHMENTS:

SEPA review required? () Yes () NO	Should Clerk schedule a hearing? (x) Yes () NO
SEPA review completed? () Yes () NO	Requested Date:

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE: (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)

Ordinance limiting total annual real estate property tax increases, including the use of banked capacity, to 1% per year unless a non-binding advisory ballot measure with any proposed additional increases is placed before Whatcom County voters

COMMITTEE ACTION:

COUNCIL ACTION:

4/13/2010: Introduced
 4/27/2010: Hearing closed, decision held to 5/11/2010
 5/11/2010: Council Adopted 5-2, Mann & Weimer opposed Ord. 2010-025

Related County Contract #:

Related File Numbers:

Ordinance or Resolution

Number: Ord. 2010-025

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County's website at: www.co.whatcom.wa.us/council.

5 **ORDINANCE NO. 2010-025**
6

7 **LIMITING TOTAL ANNUAL REAL ESTATE PROPERTY TAX INCREASES,**
8 **INCLUDING THE USE OF BANKED CAPACITY, TO 1% PER YEAR UNLESS A NON-**
9 **BINDING ADVISORY BALLOT MEASURE WITH ANY PROPOSED ADDITIONAL**
10 **INCREASES IS PLACED BEFORE WHATCOM COUNTY VOTERS**
11

12
13 **WHEREAS,** excessive increases in real estate property taxes have the potential to
14 impose undue financial hardships on many Whatcom County residents; and
15

16 **WHEREAS,** the safety and economic well being of the people of Whatcom County
17 are of paramount concern to the Whatcom County Council; and
18

19 **WHEREAS,** wages and total household incomes in Whatcom County consistently lag
20 the Washington State average; and
21

22 **WHEREAS,** in 2008 the Whatcom County Council serving in its capacity as the
23 Whatcom County Flood Control Zone District Board of Supervisors increased district
24 property taxes by more than 30% beginning in 2009; and
25

26 **WHEREAS,** the 2011 banked property tax capacity in the county general fund could
27 increase the amount of burden on the taxpayer by 9% or more; and
28

29 **WHEREAS,** the 2011 banked property tax capacity for the County Conservation
30 Futures fund could increase the amount of burden on the taxpayer by over 7% or more;
31 and
32

33 **WHEREAS,** the 2011 banked property tax capacity for the County Roads fund could
34 increase the amount of burden on the taxpayer by over 8% or more; and
35

36 **WHEREAS,** while Washington State law authorizes the County Council in certain
37 instances to increase property taxes without a vote of the people, the County Council
38 recognizes that the will of the people shall be considered before property taxes are levied or
39 increased.
40

41 **NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED,** by the Whatcom
42 County Council, that the levy of real-property taxes for County Council-controlled funds,
43 including but not limited to the County General Fund and its subsidiary funds, the County
44 Road Fund, and the County Conservation Futures Fund, shall be limited in their respective
45 increases each year to a maximum amount equal to the previous year's tax levy plus one
46 percent, along with an increase for the previous year's addition of new construction, and
47 improvements to property and any of the previous year's increase in the value of state-
48 assessed property; and
49

50 **BE IT FURTHER ORDAINED,** that any proposed tax levy increase to provide
51 revenue for a future County budget year cycle, beyond the amount specified by this locally-
52 imposed limitation, shall be put to a non-binding advisory vote of the people of Whatcom
53 County by means of a ballot measure to be voted upon in a Countywide November General
54 Election.
55

56 **BE IT FURTHER ORDAINED,** that this ballot measure shall be proposed by the
57 Whatcom County Council to the Whatcom County Auditor no later than July 1 of the year
58 preceding the year of the proposed levy increase; and

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40

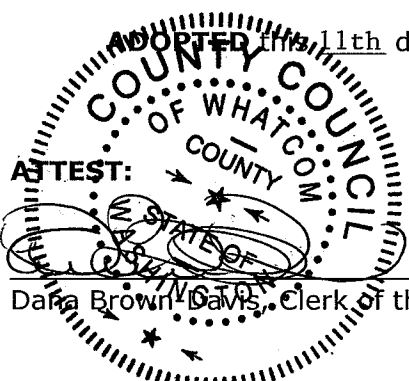
BE IT FURTHER ORDAINED, that the capacity to increase these levies beyond this one percent limitation through accumulation or "banked capacity" as allowed by Washington state law shall be implemented in current or future assessments only after the non-binding advisory vote of the people of Whatcom County by means of the previously described ballot measure process.

BE IT FURTHER ORDAINED, that this shall also apply to any previously accumulated or "banked capacity" in any of the aforementioned funds or other County Council-controlled funds beyond the one percent increase limitation imposed by this ordinance at the time of its passage; and

BE IT FURTHER ORDAINED, that if the Washington State Legislature changes any laws affecting levies contained herein, or the ability of the Whatcom County Council to place additional further local limitations on the raising of such levies, and the Prosecuting Attorney's Office concurs, the Whatcom County administration will change such levies accordingly; and

BE IT FINALLY ORDAINED, that revenue neutral transfers between existing levies shall be exempt from the provisions of this ordinance.

ADOPTED this 11th day of May, 2010.



ATTEST:
Dana Brown Davis, Clerk of the Council

**WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON**

Sam Crawford
Sam Crawford, Council Chair

APPROVED as to form:
Kevin Frank
Civil Deputy Prosecutor

Approved Denied
Pete Kremen
Pete Kremen, Executive
Date: 5-13-10