Ordinance No. 3533

["Beginning July 1, 1998"]

(Amending or Repealing Ordinances)

Readopting, re-enacting, ratifying and confirming taxes established by Ords 3489, 3493, 3494

{Ord 3489 amends Ords. 2390,3091,3274,3319,3321,3370,3456}
{Ord 3489 amended by Ord. 3594}
ORDINANCE NO. 3533

AN ORDINANCE of the City Council of the City of Kent, Washington, readopting, re-enacting, ratifying and confirming taxes established by Ordinance Nos. 3489, 3493, and 3494.

WHEREAS, the City Council of the City of Kent, by the following ordinances, established certain taxes in the amounts set forth on said ordinances: Ordinance No. 3489, relating to utility tax rates, adopted on November 16, 1999; Ordinance No. 3493, relating to the 2000 tax levy, adopted on November 23, 1999; and Ordinance No. 3494, relating to the tax levy protected, adopted on November 23, 1999; and

WHEREAS, Initiative Measure No. 722, approved by the voters of Washington on November 7, 2000, and effective December 7, 2000, purports to make null and void “any tax increase adopted by the state from July 2, 1999, through December 31, 1999,” which may include the taxes established by Ordinance Nos. 3489, 3493, and 3494; and

WHEREAS, this ordinance is needed in order to ensure that the taxes established by Ordinance Nos. 3489, 3493, and 3494 are effective as of the effective date of said taxes as originally established by said ordinances, including any subsequent amendments thereto, if any; NOW THEREFORE,
THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The taxes established by Ordinance Nos. 3489, 3493, and 3494, a true and copy of which are attached hereto as Exhibit “A” and incorporated herein by this reference, are hereby readopted, reenacted, ratified, and confirmed in all respects, effective as of the effective date of said taxes as set forth in their respective ordinances, as if in full force and effect from the date of original enactment, including any subsequent amendments thereto, if any.

SECTION 2. The taxes established by Ordinance Nos. 3489, 3493, and 3494, attached hereto as Exhibit “A,” are hereby adopted and enacted as originally adopted and enacted by said ordinances, including any subsequent amendments thereto, if any.

SECTION 3. The City’s Chief Administrative Officer is hereby authorized and directed to implement such administrative procedures as may be necessary to carry out the intent of this ordinance.

SECTION 4. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

SECTION 5. Effective Date. This emergency ordinance shall take effect and be in force five (5) days from and after passage and publication as provided by law.

[Signature]  
JIM WHITE, MAYOR
I hereby certify that this is a true copy of Ordinance No. 3533, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

BRENDA JACOBER, CITY CLERK

(SEAL)
ORDINANCE NO. 3489

AN ORDINANCE of the City Council of the City of Kent, Washington, amending section 3.18.020 of the Kent City Code relating to an interim tax for street improvements.

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Section 3.18.020 of the Kent City Code is hereby amended as follows:

Sec. 3.18.020. Certain utilities subject to tax.
A. In addition to the other business and license fees required by the ordinances of the city, there is hereby levied upon all persons (including the city) engaged in certain business activities a utilities tax to be collected as follows:

1. Upon every person engaging in or carrying on any telephone business within the city, an annual tax equal to three and one-half (3 1/2) percent of the total gross operating revenues, including revenues from intrastate toll, derived from the operation of such business within the city. In addition, there shall also be assessed an interim tax of three-tenths (0.3) percent, which revenue from said interim tax shall be dedicated to youth programs, plus an interim tax of one (1.0) percent effective until 11:59 p.m. on December 31, 20062007, which revenue from said interim tax shall be dedicated to street improvement programs. Gross operating revenues for this purpose shall not include charges which are passed on to the subscribers by a telephone company pursuant to tariffs required by regulatory order to compensate for the cost to the company of the tax imposed by this chapter.

Utility Tax
2. Upon every person engaging in or carrying on a business of selling, furnishing, distributing, or producing gaseous gas for commercial or domestic use or purposes, a fee or tax equal to three and one-half (3 1/2) percent of the total gross income from such business in the city during the tax year for which the license is required. In addition, there shall also be assessed an interim tax of three-tenths (0.3) percent, which revenue from said interim tax shall be dedicated to youth teen programs, plus an interim tax of one (1.0) percent effective until 11:59 p.m. on December 31, 2006 2007, which revenue from said interim tax shall be dedicated to street improvement programs.

3. Upon every person engaged in or carrying on the business of selling, furnishing, or distributing electricity for light and power, a fee or tax equal to three and one-half (3 1/2) percent of the total gross income from such business in the city during the tax year for which a license is required. In addition, there shall also be assessed an interim tax of three-tenths (0.3) percent, which revenue from said interim tax shall be dedicated to youth teen programs, plus an interim tax of one (1.0) percent effective until 11:59 p.m. on December 31, 2006 2007, which revenue from said interim tax shall be dedicated to street improvement programs.

4. Upon every person engaging in or carrying on a business providing garbage service, a tax equal to six and one-half (6 1/2) percent of the total gross income from such business in the city during the tax year for which the license is required. In addition, there shall also be assessed an interim tax of three-tenths (0.3) percent, which revenue from said interim tax shall be dedicated to youth teen programs, plus an interim tax of one (1.0) percent effective until 11:59 p.m. on December 31, 2006 2007, which revenue from said interim tax shall be dedicated to street improvement programs.

5. Upon every person (including the city) engaging in or carrying on the business of selling, furnishing or distributing water, sewer or drainage services, a tax equal to three and one-half (3 1/2) percent of the total gross income from such business in the city during the tax year. In addition, there shall also be assessed an interim tax of three-tenths (0.3) percent, which revenue from said interim tax shall be dedicated to youth programs.
teen programs, plus an interim tax of one (1.0) percent effective until 11:59 p.m. on December 31, 2006/2007, which revenue from said interim tax shall be dedicated to street improvement programs.

B. In computing the tax provided in subsection (A), the taxpayer may deduct from gross income, the following items:

1. The actual amount of credit losses and uncollectibles sustained by the taxpayer.

2. Amounts derived from the transactions in interstate and foreign commerce which the city is prohibited from taxing under the laws and constitution of the United States.

SECTION 2. Severability. If any one or more sections, subsections, or sentences of this ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

SECTION 3. Effective Date. This ordinance shall take effect and be in force thirty (30) days from and after the date of passage and publication as provided by law.

JIM WHITE, MAYOR

ATTEST:

BRENDA JACOBER/CITY CLERK

Utility Tax
APPROVED AS TO FORM:

ROGER A. LUBOVICH, CITY ATTORNEY

PASSED: 16 day of November, 1999.
APPROVED: 17 day of November, 1999.
PUBLISHED: 19 day of November, 1999.

I hereby certify that this is a true copy of Ordinance No. 3489, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

BRENDA JACOBER, CITY CLERK

Utility Tax
ORDINANCE NO. 3493

AN ORDINANCE of the City Council of the City of Kent, Washington, establishing the 2000 tax levy and authorizing no increase in year 2000 property tax revenues over the 1999 highest allowable property tax revenues and no increase for inflation.

WHEREAS, pursuant to RCW 84.55.120 and after providing all appropriate notice, the City Council held a public hearing on November 16, 1999, to consider the City of Kent's current expense budget for the 2000 calendar year, and held a separate meeting on November 23, 1999, at a special City Council meeting to address the City’s 2000 property tax levy, revenues and limit factors; and

WHEREAS, after these hearings, and after duly considering all relevant evidence and testimony presented, the City Council determined for the 2000 budget year to reduce the City’s property tax levy rate approximately 1.1% by establishing no property tax rate increase for inflation, and by establishing no property tax revenue increase over the 1999 highest allowable property tax revenue, in addition to the increase resulting from the addition of new construction and improvements to property, and any increase in the value of state-assessed property and the refund fund levy; and

WHEREAS, to best preserve the public health, safety and welfare, to appropriately discharge the expected expenses and obligations of the City, and to best serve the citizens of Kent through a continued commitment to capital improvements throughout the City, the regular property tax levy—in addition to the increase resulting from the addition of new construction and improvements to property, and any increase in the value

1

Tax Levy - 2000

EXHIBIT A
5 OF 11
of state-assessed property and the refund fund levy—should be established at the previous
year's highest allowable property tax revenues, plus a zero percent (0%) increase for
inflation; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES
HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Recitals Incorporated. The City Council finds that the
foregoing recitals are incorporated as if fully set forth herein.

SECTION 2. Property Tax Levy Rate and Maximum Allowable Revenue
Established. In addition to the increase resulting from the addition of new construction and
improvements to property, annexations and any increase in the value of state-assessed
property and the refund fund levy, the regular property tax levy for 2000 is established at
the previous year's highest allowable levy. This 2000 levy includes no additional increase
for inflation. Because the City did not assess the fully authorized amount of the 1999 tax
levy, the 2000 property tax revenue will increase $1,021,124, a 5.95% increase from the
1999 actual property tax revenue. Based on increases in total average property valuation,
however, the total 2000 property tax revenue amount constitutes an estimated 1.1%
decrease in the total property tax levy rate.

SECTION 3. Levy. There is hereby levied against the property in the City
of Kent, Washington, an assessed value for the City's 2000 municipal tax in the following
amounts for the following funds:

A. For the General Fund, for the purpose of paying the general expenses of municipal
government:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Levy per $1,000 of assessed valuation</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>2.921 (estimated)</td>
<td>$18,897,553.00</td>
</tr>
</tbody>
</table>

Tax Levy - 2000
B. For Voted Bond Interest and Redemption Fund, for the purpose of paying debt service in the following amounts for the following funds:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Levy per $1,000 of assessed valuation</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Senior Housing</td>
<td>.0544</td>
<td>$352,440.00</td>
</tr>
<tr>
<td>General Obligation Refunding</td>
<td>.2285</td>
<td>$1,478,353.00</td>
</tr>
</tbody>
</table>

**SECTION 4. Limitation on Levy.** The application of the general fund levy shall be consistent with and not result in a tax revenue in excess of the limitation imposed by RCW 84.55.010 and State Referendum 47, as passed by the voters in the November 1997 General Election.

**SECTION 5. Adjustments.** Administration shall administer the Annual Budget and in doing so may authorize adjustments pursuant to RCW 35A.33.120.

**SECTION 6. Severability.** If any one or more sections, subsections, or sentences of this Ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance and the same shall remain in full force and effect.

**SECTION 7. Effective Date.** This Ordinance shall take effect and be in force five (5) days from and after its passage, approval, and publication as provided by law.

JIM WHITE, MAYOR
I hereby certify that this is a true copy of Ordinance No. 3493, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.
ORDINANCE NO. 3494

AN ORDINANCE of the City Council of the City of Kent, Washington, authorizing a one hundred six percent (106%) property tax levy limit factor for 2000 to protect the City's future property tax levy capacity.

WHEREAS, pursuant to RCW 84.55.120 and after providing all appropriate notice, the City Council held a public hearing on November 16, 1999, to consider the City of Kent's current expense budget for the 2000 calendar year, and held a separate meeting on November 23, 1999, at a special City Council meeting to address the City's 2000 property tax levy, revenues and limit factors; and

WHEREAS, upon a finding of a "substantial need" and the vote of a majority plus one of the council, the City can adopt an ordinance protecting its future tax levy capacity; and

WHEREAS, to best preserve the public health, safety and welfare, to best protect the City's future property tax levy capacity, to best serve the citizens of Kent by maintaining an appropriate level of service throughout the City, to appropriately discharge the City's expected expenses and obligations, and to best serve the citizens of Kent through a continued commitment to capital improvements throughout the City, a substantial need exists to protect the City's future property tax levy capacity by authorizing a tax levy limit factor, pursuant to RCW 84.55.0101, of one hundred six percent (106%); and
WHEREAS, the purpose of this ordinance is to protect tax levy capacity; it does not increase property taxes, NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF KENT DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Findings. The City Council finds that the foregoing recitals are incorporated as if fully set forth in the body of this ordinance;

SECTION 2. Property Tax Levy Limit Factor Authorized. Based on the foregoing findings that a substantial need exists to increase the regular property tax levy limit factor and to best protect the City’s future property tax levy capacity, in addition to the increase resulting from the addition of new construction and improvements to property, annexations and any increase in the value of state-assessed property and the refund fund levy, the regular property tax levy limit factor for 2000 is authorized to one hundred six percent (106%), which would allow a six percent (6%) increase from the previous year's highest allowable property tax levy.

SECTION 3. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

SECTION 4. Effective Date. This ordinance shall take effect and be in force five (5) days from and after the date of publication of this ordinance.

JIM WHITE, MAYOR

EXHIBIT A 10_11_11
I hereby certify that this is a true copy of Ordinance No. 3494, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.