ORDINANCE NO. 3582

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 year 2002 to protect the City's future property tax levy capacity in the event Initiative 747 is invalidated, amended, or repealed

WHEREAS, pursuant to RCW 84 55 120 and after providing all appropriate notice, the City Council held a public hearing on September 18, 2001, to consider the City of Kent's proposed operating and capital budget for the 2002 calendar year, and held a public hearing on November 20, 2001, to address the City's 2001 property tax levy, revenues and limit factors, as well as the proposed 2002 budget, and

WHEREAS, pursuant to RCW 84 55 120, any increase in property tax revenue other than that 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, requires the adoption of a separate ordinance from the tax levy ordinance specifically authorizing the increase in terms of both dollars and percentage, and

WHEREAS, concurrently with this ordinance, the City Council is adopting separate ordinances to establish an increase in property tax revenue to be levied herein and collected in year 2002 and to levy the same, within the limitations established by Initiative 747 as passed by the voters in the November 2001 General Election, and
WHEREAS, 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 City intends to establish its actual 2001 property tax levy for the 2002 budget, the level of services provided by the City have been impacted by recent growth and annexations and may be further impacted by a slowing of the economy in the region, therefore, the City finds a substantial need exists to preserve its future property tax levy capacity, and

WHEREAS, subject to the limitations of initiative 747, 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, The City Council finds that in order to discharge the expected expenses and obligations of the City, to best preserve the public health, safety and welfare, to best protect the City’s future property tax levy capacity, and to best serve the citizens of Kent by maintaining an appropriate level of service throughout the City, a “substantial need” exists, therefore, in the event Initiative 747 is invalidated by a court of law, amended, or repealed by the State Legislature, an increase in the regular property tax levy limit factor, 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, should be authorized to one hundred six percent (106%) which would allow a (6%) increase from the highest amount of regular property taxes that could have been lawfully levied in the City of Kent in any year since 1985, NOW, THEREFORE,

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

Future Levy Capacity-Protected
SECTION 1. Findings  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 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 2002 is authorized to one hundred six percent (106%) which would allow a (6%) increase from the highest amount of regular property taxes that could have been lawfully levied in the City of Kent in any year since 1985  Authorization shall only be effective if Initiative 747 is invalidated by a court of law or, amended or repealed by the State Legislature and then, only to the extent allowed by applicable law at the time of such invalidation, amendment, or repeal

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

ATTEST

BRENDA JACOBER, CITY CLERK
APPROVED AS TO FORM

ROGER A LUBOVICH, CITY ATTORNEY

PASSED 11 day of Dec, 2001
APPROVED 11 day of Dec, 2001
PUBLISHED 15 day of Dec, 2001

I hereby certify that this is a true copy of Ordinance No 3582, 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 (SEAL)
BRENDA JACOBER, CITY CLERK