

ORDINANCE NO. 15864

AN ORDINANCE of the Board of County Commissioners of Thurston County, Washington, amending Ordinance No. 15840, and setting the final dollar rate for the proposed ballot title.

WHEREAS, the Board of County Commissioners of Thurston County (Board) adopted Ordinance No. 15840 on November 12, 2019; and

WHEREAS, Ordinance No. 15840 provided for the submission to the qualified electors of the County at a special election to be held on April 28, 2020, of a proposition authorizing the County to levy regular property taxes in excess of the limitations of Ch. 84.55 RCW, exempting qualified seniors, disabled and veterans pursuant to RCW 84.36.381, and setting forth the text of the ballot proposition; and

WHEREAS, when Ordinance No. 15840 was adopted the Board could not set the final dollar rate for the proposed ballot title because levy calculations are based on 2020 assessed values, and these values could not be known until January 2020; and

WHEREAS, Ordinance No. 15840, section 5, anticipated that the Board would need to take another action prior to February 28, 2020 and prior to certifying a copy of the ordinance to the Thurston County Auditor, to set the final dollar rate for the proposed ballot title.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THURSTON COUNTY, AS FOLLOWS:

Section 1. Ordinance No. 15840 is hereby incorporated herein by reference and attached to this Ordinance as Attachment A.

Section 2. The final dollar rate for the ballot title set forth in Section 4 of Ordinance No. 15840 is \$1.56 per \$1,000 (which is the 2020 levy rate of \$1.0832 per \$1,000 plus an estimated increase of \$0.47 per \$1,000 over the 2020 levy).

Section 3. The proposed ballot title set forth in Section 4 of Ordinance No. 15840 is amended as follows:

THURSTON COUNTY COURTHOUSE AND
ADMINISTRATIVE REGIONAL BUILDINGS
PROPOSITION NO. 1

The Board of County Commissioners of Thurston County adopted Ordinances Nos. 15840 and 15864 concerning property taxes for a new courthouse and administrative buildings. To finance construction of buildings to consolidate County offices, including payments on bonds, and other County purposes, this proposition would increase the County's 2021 regular property tax levy to a total authorized rate of \$1.56 per \$1,000 valuation (estimated increase of \$0.47 per \$1,000 over the 2020

levy) exempting qualified seniors/disabled/veterans from the levy, and use the 2021 levy as the base for subsequent levy limitations for a total of 25 years.

Should this proposition be: Approved
 Rejected

Section 4. The recitals stated above (i.e., the "Whereas" clauses) constitute specific findings by the Board of County Commissioners in support of passage of this Ordinance. 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 separable 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 levy or collection of the taxes authorized herein.

Section 5. This Ordinance shall become effective immediately upon its adoption.

ADOPTED this 4 day of February 2020

ATTEST:

BOARD OF COUNTY COMMISSIONERS
Thurston County, Washington

La Bonita J. Bowmar
La Bonita Bowmar
Clerk of the Board

John Hutchings
John Hutchings, Chair

APPROVED AS TO FORM:

Tye Menser
Tye Menser, Vice Chair

JON TUNHEIM
PROSECUTING ATTORNEY

By: Nancy Neraas
Nancy Neraas, Bond Counsel
Special Deputy Prosecuting Attorney

Voted No
Gary Edwards, Member

ORDINANCE NO. 15840

AN ORDINANCE of the Board of County Commissioners of Thurston County, Washington, relating to regular property taxes; providing for the submission to the qualified electors of the County at a special election to be held on April 28, 2020 of a proposition authorizing the County to levy regular property taxes in excess of the limitations of Ch. 84.55 RCW, exempting qualified seniors, disabled and veterans pursuant to RCW 84.36.381, and setting forth the text of the ballot proposition.

WHEREAS, the existing hilltop site of Thurston County government and the courts include Buildings 1-6. Buildings 1-3 were constructed in 1978 and are original to the complex. Over the past 40 years, the County has purchased Buildings 4-6 which are located across the street; and

WHEREAS, in 2015 and in 2018 Thurston County conducted courthouse renovations or replacement comparative feasibility studies for the purpose to provide the County with a long-term solution to housing court and other County administrative functions in an efficient and cost-effective manner; and

WHEREAS, the existing buildings for County government and the courts in their current state are at the end of their useful life, costing significant taxpayer dollars to maintain and operate. The current layout and design also make it difficult for citizens to locate County resources and services in a timely manner; and

WHEREAS, the existing layout of multiple buildings makes it difficult to provide a safe and secure courthouse for jurors, victims, witnesses, County employees and citizens; and

WHEREAS, the 2018 study, at the direction of the County, conducted further analysis on the following three sites: (a) the existing hilltop site of Thurston County government and the courts; (b) the Plum Street site which was formerly the original site of Olympia City Hall and currently the location of the City of Olympia's Creighton Justice Center; and (c) Harrison West which is currently undeveloped on the west side of the City; and

WHEREAS, the Board of County Commissioners of Thurston County, Washington have determined that it is in the interest of the County to finance the construction of a new courthouse and regional buildings and improvements for the consolidation of County offices by a levy lid lift; and

WHEREAS, RCW 84.55.050(1) provides for the levy of regular property taxes in an amount exceeding the limitations specified in chapter 84.55 RCW, if such increased levy is authorized by a ballot proposition approved by a majority of the voters at a general or special election held within the taxing district (a "levy lid lift"); and

WHEREAS, taxpayers who qualify for a senior citizen, disabled or veteran exemptions pursuant to RCW 84.36.381 may be exempt from the increased levy pursuant to RCW 84.55.050(4)(e) if expressly stated in the ballot proposition; and

WHEREAS, the Board of County Commissioners held a public hearing to consider comments on this Ordinance on October 22, 2019; and

WHEREAS, the County has determined that it is in the best interest of the County and its residents to submit a levy lid lift proposition under RCW 84.55.050(1) to the voters for their approval or rejection.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THURSTON COUNTY, AS FOLLOWS:

Section 1. Calling of Election. The Board of County Commissioners (Board) find that it is in the best interests of the County to submit to the qualified voters of the County, at a special election to be held on April 28, 2020, a proposition authorizing the County to increase its regular property tax levy beginning for collection in 2021 by an amount greater than otherwise permitted under chapter 84.55 RCW for the purposes described in Section 2 and that the exemption for seniors, disabled and veterans, authorized by RCW 84.36.381, will apply to the levy of any additional regular property taxes authorized by voters. If this proposition is approved, the Board of County Commissioners will be authorized to adopt, in accordance with its regular budget process, an increased regular property tax as described in Section 2.

Section 2. Purpose and Description of Ballot Proposition (the "Proposition"). For the purposes identified below, the Board seeks voter approval under RCW 84.55.050 for a levy lid lift, as follows:

(a) Purpose. The amounts collected pursuant to the increase authorized by the Proposition shall be used to make the following improvements, including payments on bonds, which are included in part in the Thurston County Courthouse & Civic Center Comprehensive Comparative Feasibility Study Final Report (2018):

- construct a new courthouse;
- construct new administrative buildings for general government purposes;
- construct a new parking structure; and
- construct improvements for the consolidation of County offices that will not be located at the new courthouse or new administrative buildings.

The cost of all necessary architectural, engineering, fiscal and legal expenses, and other consulting services, inspection and testing, administrative and relocation expenses, on and off-site utilities, site acquisition, related improvements and other costs incurred in connection with the making of the foregoing capital improvements, including redemption payment on bonds, shall be deemed a part of the costs of such improvements. Such improvements shall be completed with all necessary furniture, equipment and appurtenances.

The Board shall determine the application of available money as between the various improvements set forth above, as to accomplish, as nearly as may be, all the improvements described or provided for in this section. The Board shall determine the exact extent and specifications for construction of structures or other improvements. Once completion of the

improvements are duly provided for, levy proceeds may be used for other purposes as the Board may determine after holding a public hearing.

(b) Alternative purposes. If the Board shall determine that it has become impracticable to accomplish any of such improvements or portions thereof by reason of changed conditions or needs, incompatible development, costs substantially in excess of those estimated, the County shall not be required to accomplish such improvements and may apply levy proceeds or any portion thereof to other portions of the improvements, to other capital improvements or to payment of principal of or interest on the bonds, or for maintenance of County facilities, as the Board may determine after holding a public hearing.

Section 3. Increase Authorized in 2021 and in Future Years. The Proposition authorizes a maximum increase in the County's total levy rate to the maximum rate otherwise allowed for collection in 2021 under chapter 84.55 RCW plus not to exceed \$0.47 per \$1,000 of assessed value. The total regular property tax rate produced will be based on estimated 2020 assessed values.

Pursuant to RCW 84.55.050(4), the dollar amount of the maximum authorized levy under chapter 84.55 RCW for collection in 2021 shall be used for the purpose of computing the limitations for subsequent levies provided for under chapter 84.55 RCW, for a total of not to exceed 25 years and such funds shall be limited to the purposes described in Section 2, above.

Section 4. Ballot Proposition. The Auditor of Thurston County, Washington (the "Auditor"), as *ex officio* supervisor of elections, is hereby requested to call and conduct a special election in the County, in the manner provided by law, to be held on the date identified in Section 1, for the purpose of submitting to the voters of the County, a proposition in substantially the following form:

THURSTON COUNTY COURTHOUSE AND
ADMINISTRATIVE REGIONAL BUILDINGS
PROPOSITION NO. 1

The Board of County Commissioners of Thurston County adopted Ordinance No. _____ concerning property taxes for a new courthouse and administrative buildings. To finance construction of buildings to consolidate County offices, including payments on bonds, and other County purposes, this proposition would increase the County's 2021 regular property tax levy to a total authorized rate of \$_____ per \$1,000 (an estimated increase of \$0.47 per \$1,000 over the 2020 levy) exempting qualified seniors/disabled/veterans from the levy, and use the 2021 levy as the base for the subsequent levy limitations for a total of 25 years.

Should this proposition be: Approved
 Rejected

Section 5. Final Dollar Rate Proposed for the Ballot Title. Because the levy calculations are based on 2020 assessed values, and because these values will not be known until January

2020, the Board shall take another action prior to February 28, 2020 to set the final dollar rate for the proposed ballot title.

Section 6. Notices Relating to Ballot Proposition. For purposes of receiving notice of the exact language of the ballot proposition required by RCW 29A.36.080, the Board hereby designates (1) the County Manager; and (2) Thurston County Special Deputy Prosecuting Attorney Nancy Nernas of Foster Garvey P.C., ((206) 447-4400, Nancy.Nernas@foster.com), as the individuals to whom such notice should be provided. The County Manager and Special Deputy Prosecuting Attorney are authorized to make such minor adjustments to the wording of such proposition, as may be recommended, by the Thurston County Auditor's Office, as long as the intent of the proposition remains clear and consistent with the intent of this Ordinance, as approved by the Board.

Section 7. Authorization of Local Voters' Pamphlet. To the extent a local voters' pamphlet and/or online voters' guide (the "Pamphlet") will be produced for the April 28, 2020 special election, the preparation and distribution of information on the ballot title for inclusion in the Pamphlet is hereby authorized; provided that, the County reserves the right not to participate in the preparation and distribution of the Pamphlet if such participation would create undue financial hardship for the County or would otherwise not be in the best interests of the County. The preparation of the explanatory statement, the appointment of pro/con committees and the preparation of statements in favor and in opposition to the ballot title shall be in accordance with chapter 29A.32 RCW and the rules and guidelines of the Thurston County Local Voters' Pamphlet Administrative Rules for Jurisdictions, as applicable.

In accordance with RCW 29A.32.280, the Board shall, by February 28, 2020, formally appoint a committee to prepare arguments advocating voters' approval of the measure and shall formally appoint a committee to prepare arguments advocating voters' rejection of the measure. The Board shall, whenever possible, appoint persons known to favor the measure to serve on the committee advocating approval and shall, appoint persons known to oppose the measure to serve on the committee advocating rejection. Each committee shall have not more than three members. If the Board fails to make such appointments by February 28, 2020, the County Auditor shall, whenever possible, make the appointments.

Section 8. Authorization to Deliver Ordinance and Perform Other Necessary Duties. The County Manager is authorized and directed, no later than February 28, 2020, to certify a copy of this Ordinance and any amendments setting the dollar rate to the Auditor and to perform such other duties as are necessary or required by law to the end that the Proposition described herein should appear on the ballot at the special election identified in Section 1 of this Ordinance.

Section 9. Election Notice. The Thurston County Auditor's Office shall publish and post notices calling the special election, for April 28, 2020, in the manner provided by law.

Section 10. Severability. The recitals stated above (i.e., the "Whereas" clauses) constitute specific findings by the Board of County Commissioners in support of passage of this Ordinance. 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 separable 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 levy or collection of the taxes authorized herein.

Section 11. Effective Date. This Ordinance shall become effective immediately upon its adoption.

ADOPTED this 12 day of November, 2019.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
Thurston County, Washington


La Bonita Bowmar
Clerk of the Board


John Hutchings, Chair

APPROVED AS TO FORM:

Voted No
Gary Edwards, Vice Chair

JON TUNHEIM
PROSECUTING ATTORNEY

By: Nancy Neraas
Nancy Neraas
Special Deputy Prosecuting Attorney
Bond Counsel


Tye Menser, Commissioner