

ORDINANCE NO. \_\_\_\_\_

**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 \_\_\_\_\_ (August 6, 2019, November 5, 2019 or February 11, 2020<sup>1</sup>) of a proposition authorizing the County to levy regular property taxes in excess of the limitations of Ch. 84.55 RCW; 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, 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, 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 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 Thurston County Commissioners reviewed the 2015 and 2018 feasibility studies and determined that it would be in the best interest to re-locate and construct a new courthouse and County government buildings at the Plum Street site; 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 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 an election held within the taxing district (a "levy lid lift"); and

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<sup>1</sup> Levy collection would begin in 2021.

WHEREAS, the Board of County Commissioners held a public hearing to consider comments on this Ordinance on April 23, 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, THE BOARD OF COUNTY COMMISSIONERS OF THURSTON COUNTY, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Calling of Election. The Board of County Commissioners 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 \_\_\_\_\_, a proposition authorizing the County to increase its regular property tax levy beginning for collection in 20\_\_ by an amount greater than otherwise permitted under chapter 84.55 RCW for the purposes described in Section 2(a). 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 of County Commissioners seek 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 final 2018 Thurston County Courthouse & Regional Buildings Report:

- 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, 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 of County Commissioners 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 of County Commissioners shall determine the exact extent and specifications for construction of structures or other improvements.

If the Board of County Commissioners 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 as set forth in this section. If any or all of the improvements have been completed, or their completion duly provided for, or their completion found to be impractical, the County may apply the levy proceeds or any portion thereof to other county purposes as the Board of County Commissioners in its discretion shall determine.

Section 3. Increase Authorized in 2020. The Proposition authorizes a maximum increase in the County's total levy rate to the maximum rate otherwise allowed for collection in 20\_\_ under chapter 84.55 RCW plus not to exceed \$0.47 per \$1,000 of assessed value. The total regular property tax rate produced is estimated to be approximately \$1.69 per \$1,000 of assessed value, based on estimated 2019 assessed values.

(b) Increase Authorized in Future Years. Pursuant to RCW 84.55.050(4), the dollar amount of the maximum authorized levy under chapter 84.55 RCW for collection in 2020 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(a), 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 a courthouse, administrative buildings, and improvements for the consolidation of County offices, including payments on bonds, and other county purposes, this proposition would increase the County's 20\_\_ regular property tax levy to a total authorized rate of \$1.69 per \$1,000 (an estimated increase of \$0.47 per \$1000 over the current levy) and use the 20\_\_ levy amount as the base for subsequent levy limitations for a total of 25 years.

Should this proposition be:

Approved?  Rejected?

Section 5. 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 of County Commissioners hereby designates (1) the County Manager and (2) Thurston County Special Deputy Prosecuting Attorney Nancy Neraas of Foster Pepper PLLC (206-447-4400,

Nancy.neraas@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 Thurston County Board of Commissioners.

Section 6. Authorization of Local Voters' Pamphlet. To the extent a local voters' pamphlet and/or online voters' guide (the "Pamphlet") will be produced for the \_\_\_\_\_ 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 County Manager is authorized to exercise the County's right not to participate in the preparation and distribution of the Pamphlet. The Pamphlet shall include, if applicable, an explanatory statement and statements in favor of and in opposition to the ballot title. 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 Auditor and Secretary of the State of Washington, as applicable. The County understands that it is responsible to pay its proportionate share of the costs of the Pamphlet under RCW 29A.32.270.

Section 7. Authorization to Deliver Ordinance and Perform Other Necessary Duties. The County Manager is authorized and directed, no later than \_\_\_\_\_, to certify a copy of this Ordinance 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 8. Election Notice. The Thurston County Auditor's Office shall publish and post notices calling the special election, for \_\_\_\_\_, in the manner provided by law.

Section 9. 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 10. Effective Date. This Ordinance shall become effective immediately upon its adoption.

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ADOPTED: \_\_\_\_\_, 2019.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
Thurston County, Washington

\_\_\_\_\_  
Clerk of the Board

\_\_\_\_\_  
Chair

APPROVED AS TO FORM:

JON TUNHEIM  
PROSECUTING ATTORNEY

\_\_\_\_\_  
Vice-Chair

By: \_\_\_\_\_  
Special Deputy Prosecuting Attorney  
(Bond Counsel)

\_\_\_\_\_  
Commissioner

DRAFT