

ORDINANCE NO. 15802

**AN ORDINANCE** of the Board of County Commissioners of Thurston County, Washington, relating to sales and use taxes; providing for the submission to the qualified electors of the County, at a special election to be held on November 5, 2019, of a proposition authorizing the imposition of a sales and use tax at the rate of an additional one-tenth of one percent for emergency communication systems and facilities pursuant to Chapter 82.14. RCW; and setting forth the text of the ballot proposition.

WHEREAS, the qualified electors of Thurston County authorized the imposition of a one-tenth of one percent sales and use tax for emergency communication systems and facilities in 2002; and

WHEREAS, counties need additional funding sources for necessary emergency communication systems and facilities; and

WHEREAS, in order to assist in responding to these needs, the Legislature amended RCW 84.14.420 (Ch. 281, Laws of 2019) to authorize counties to submit a proposition to the voters of the county to increase the limitations of emergency communication systems sales and use tax from 1/10<sup>th</sup> of one percent (0.1%) to 2/10<sup>th</sup> of one percent, (0.2%) to be used solely for the purpose of providing funds for cost associated with financing, design, acquisition, construction, equipping, operating, maintaining, remodeling, repairing, reequipping, and improvement of emergency communication systems and facilities; and

WHEREAS, this legislation becomes effective on July 28, 2019; and

WHEREAS, 82.14.420 requires that prior to submitting the tax authorization to the voters in a county that provides emergency communication services to a governmental agency pursuant to a contract, the parties to the contract must review and negotiate or affirm the terms of the contract; and

WHEREAS, Thurston County, the cities of Olympia, Lacey, Tumwater, Yelm, Tenino; the towns of Bucoda and Rainier; SE Thurston Regional Fire Authority, West Thurston Regional Fire Authority and the Thurston County Fire Protection District Nos. 3, 5, 6, 7, 9, 12, 13, 16, 17, contracts with TCOMM 911 for emergency communication services; and

WHEREAS, TCOMM 911, and most of the parties have affirmed the terms of the contract, Thurston 9-1-1 Communications Amended and Restated Intergovernmental Agreement for Communications Services dated October 2010; and

WHEREAS the following parties, the cities of Olympia and Lacey need to affirm the terms of the emergency services contract, Thurston 9-1-1 Communications Amended and Restated Intergovernmental Agreement for Communications Services, dated October 2010 before a proposition may be submitted to the voters; and

WHEREAS, the TCOMM 911 Administration Board of Directors adopted Resolution No. 2019-11 requesting the Thurston County Board of County Commissioners to place a measure on the November 2019 ballot to increase the emergency communications sales and use tax to 2/10<sup>th</sup> of one percent; and

WHEREAS, the Board of County Commissioners of Thurston County finds that it is in the best interests of the citizens of Thurston County and necessary for the public health, safety and welfare that an additional one-tenth of one percent sales and use tax for emergency communication systems and facilities be submitted to the voters of Thurston County at the general election on November 5, 2019.

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 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 November 5, 2019, a proposition authorizing the County to impose an additional one-tenth of one percent sales and use tax of the selling price (in the case of a sales tax) or value of the article used (in case of a use tax) to be expended solely for costs associated with financing, design, acquisition, construction, equipping, operating, maintaining, remodeling, repairing, reequipping, and improvement of emergency communication systems and facilities.

Section 2. 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 EMERGENCY COMMUNICATION  
SYSTEMS AND FACILITIES  
PROPOSITION NO. 1

The Board of County Commissioners of Thurston County adopted Ordinance No. \_\_\_\_\_ concerning sales and use tax for emergency communication systems and facilities. To finance costs associated with financing, design, acquisition, construction, equipping, operating, maintaining, remodeling, repairing, reequipping, and improvement of emergency communication systems and facilities; this proposition authorizes the imposition of a sales and use tax at the rate of two-tenth of one percent for emergency communication systems and facilities pursuant to Chapter 82.14. Should this proposition be:

- Approved
- Rejected

Section 3. 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 the County Manager as the individual to whom such notice

should be provided. The County Manager is 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 4. Authorization of Local Voters' Pamphlet. To the extent a local voters' pamphlet and/or online voters' guide (the "Pamphlet") will be produced for the November 5, 2019 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 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 5. Authorization to Deliver Ordinance and Perform Other Necessary Duties. Provided that all parties affirm the terms of the Thurston 9-1-1 Communications Amended and Restated Intergovernmental Agreement for Communications Services dated October 2010, the County Manager is authorized and directed, no later than August 6, 2019 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 6. 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 7. Effective Date. This Ordinance shall become effective on July 29, 2019.

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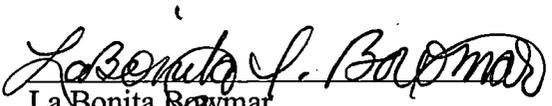
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ADOPTED this 23 day of July, 2019.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
Thurston County, Washington

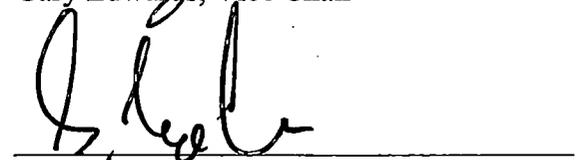
  
La Bonita Rowmar  
Clerk of the Board

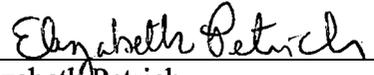
  
John Hutchings, Chair

APPROVED AS TO FORM:

  
Gary Edwards, Vice Chair

JON TUNHEIM  
PROSECUTING ATTORNEY

  
Tye Menser, Commissioner

By:   
Elizabeth Petrich  
Chief Deputy Prosecuting Attorney