



RESOLUTION NO. 2020-829

A RESOLUTION OF THE NEWCASTLE CITY COUNCIL CALLING FOR THE SUBMISSION OF REFERENDUM 2, LEVY OF UTILITY TAXES, TO THE QUALIFIED ELECTORS OF THE CITY OF NEWCASTLE AT THE NOVEMBER 3, 2020, ELECTION, TO APPROVE OR REJECT ORDINANCE 2020-609, WHICH LEVIES 3% UTILITY TAXES ON THE TOTAL GROSS INCOME OF UTILITY BUSINESSES PROVIDING TELEPHONE, CELLULAR PHONE, GAS DISTRIBUTION, LIGHT AND POWER, CABLE TELEVISION, SEWER, SOLID WASTE, AND WATER IN THE CITY TO FUND PUBLIC SAFETY SERVICES (POLICE, FIRE), EFFECTIVE ON JANUARY 1, 2021; SETTING FORTH THE TEXT OF THE BALLOT MEASURE; DIRECTING CITY OFFICIALS AND KING COUNTY ELECTIONS TO TAKE NECESSARY ACTIONS; PROVIDING FOR OTHER PROPERLY RELATED MATTERS; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, on February 18, 2020, the City Council passed Resolution 2020-812, which adopted a Fiscal Sustainability Plan to ensure the City remains viable, and the plan includes certain steps, such as increasing cost recovery from developers, decreasing internal costs, increase collection of sales tax revenue, and adopting a utility tax within the City; and

WHEREAS, on June 2, 2020, the City Council adopted Ordinance 2020-609, which levies a 3% utility tax on utility businesses within the City, and which included the exclusive referendum procedure established under RCW 35.21.706 for a city ordinance imposing new utility taxes; and

WHEREAS, pursuant to the referendum process set forth in RCW 35.21.706 and Ordinance 2020-609, on July 9, 2020, a petitioner submitted to the City's filing officer referendum petitions which appeared to contain signatures of not less than fifteen percent of the registered voters of the City, as of the last municipal general election, seeking to refer Ordinance 2020-609 to the November 3, 2020, election for approval or rejection by the voters ("Referendum 2"); and

WHEREAS, on July 10, 2020, the City's filing officer submitted the Referendum 2 signatures to King County Elections to verify the sufficiency of said signatures; and

WHEREAS, on July 16, 2020, the King County Elections Office certified that the signatures for Referendum 2 are sufficient to refer Ordinance 2020-609 to the November 3, 2020, election for approval or rejection by the voters; and

WHEREAS, to submit Referendum 2 to the qualified electors at the November 3, 2020, election, the City is required under RCW 29A.04.330 to adopt and forward a resolution to King County Elections no later than the date of the primary, which is August 4, 2020; and

WHEREAS, consistent with RCW 29A.04.330, the City Council desires to adopt this resolution and direct King County Elections to submit Referendum 2 to the November 3, 2020, election ballot;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NEWCASTLE, WASHINGTON, DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Findings. The City Council adopts the recitals set forth above, incorporated by reference, as findings supporting this resolution.

Section 2. Calling of Election; King County Elections.

- A. The City Council finds and declares that the best interest of the Newcastle inhabitants require the submission to the qualified electors of Newcastle Referendum 2, Levy of Utility Taxes, at the November 3, 2020, election for their approval or rejection of Ordinance 2020-609 which levies a 3% utility tax on the total gross income of utility businesses providing telephone, cellular phone, gas distribution, light and power, cable television, sewerage, solid waste, storm and surface water and water distribution in the City to fund public safety services (police, fire).
- B. King County Elections, as *ex officio* supervisor of elections in King County, Washington, is requested to call and conduct this election in Newcastle and to submit Referendum 2, Levy of Utility Taxes, in the form substantially set forth in Section 3 below to the City's electors on November 3, 2020.

Section 3. Submission of Ballot Title to County. The City Clerk is authorized and directed, no later than August 4, 2020, to certify Referendum 2 to King County Elections in substantially the following form, prepared pursuant to RCW 29A.36.071:

**City of Newcastle
Referendum 2
Levy of Utility Taxes**

The Newcastle City Council passed Ordinance 2020-609, which levies 3% utility taxes on the total gross income of utility businesses providing telephone, cellular phone, gas distribution, light and power, cable television, sewer, solid waste, and water in

the City to fund public safety services (police, fire). Under the ordinance, the utility taxes would take effect January 1, 2021.
Should this ordinance be:

APPROVED

REJECTED

Section 4. Minor adjustments. The City Clerk and City Attorney are authorized to make such minor adjustments to the wording of the referendum ballot measure as may be recommended by King County Elections, provided the intent of said measure remains clear and consistent with the intent of this resolution.

Section 5. Notice Relating to Ballot Proposition. For purposes of receiving notice of the exact language of the referendum ballot measure required by RCW 29A.36.080, the City Council hereby designates the City Clerk.

Section 6. Local Voters’ Pamphlet Authorized. The City Council authorizes preparation and distribution of a local voters’ pamphlet, including an explanatory statement, and statements in favor of and in opposition to the referendum ballot measure. The preparation of explanatory statement, the appointment of pro/con committees, and the preparation of statements in favor of and in opposition to the referendum ballot measure shall be in accordance with Chapter 29A.32 RCW and the rules and guidelines of King County Elections.

Section 7. General Authorization; Ratification. Certification of Referendum 2 by the City Clerk to King County Elections, in accordance with law, prior to the date of such election, and any other acts consistent with the authority, and prior to the effective date of this resolution, are hereby ratified. Other proper City officials are authorized to perform such duties as are necessary or required by law to the end that the referendum ballot measure described in this resolution shall be submitted to the voters of the City at the November 3, 2020, election. Any action taken consistent with the authority and prior to the effective date of this resolution is hereby ratified, approved and confirmed.

Section 8. Severability. If any section, sentence, clause or phrase of this resolution 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 resolution.

Section 9. Effective Date. This resolution shall take effect immediately upon passage.

ADOPTED BY THE CITY COUNCIL at a public meeting on July 21, 2020.



Linda Newing, Mayor

ATTEST



Paul J. White, City Clerk