**CITY OF ORTING**

**WASHINGTON**

**RESOLUTION NO. 2019-26**

**A RESOLUTION OF THE CITY OF ORTING, WASHINGTON, IN SUPPORT OF THE RESTORATION OF THE PIERCE COUNTY FLOOD CONTROL ZONE DISTRICT REGIONAL TAX LEVY**

WHEREAS, government agencies are tasked with preserving the public’s safety, and ensuring that residents are able to thrive in their communities; and

WHEREAS, Pierce County is home to many cities and unincorporated areas that are located within a flood plain, including Tacoma, Port of Tacoma, Fife, Puyallup, Sumner and Orting; and

WHEREAS, flooding is one of the most destructive natural hazards, and poses a serious and real threat to those who live, work or visit the City of Orting; and

WHEREAS, major travel corridors are threatened by flooding, including but not limited to I-5, SR167, SR162, SR410 which all have portions that are susceptible to flooding, and most Pierce County residents need these highways open for commuting and regional commerce; and

WHEREAS, the Port of Tacoma is the economic engine for the County, and is under constant threat of flooding; and

WHEREAS, in response to these concerns, in 2011 the Pierce County Council formed the Pierce County Flood Control Zone District (“Flood District”) as a countywide special taxing district established for the purpose of undertaking, operating, and maintaining flood control projects or storm water control projects to address flood and storm water control needs throughout Pierce County; and

WHEREAS, the Flood District, working in conjunction with the City of Orting, contributed approximately $8 million dollars for the construction of the Orting set-back levee, which serves as a vital protection for Orting’s residents and $7 million dollars to the City of Tacoma to protect its sewage treatment plant; and

WHEREAS, It has been determined that Orting’s set-back levee cannot be certified by FEMA or the Army Corps of Engineers because of deficiencies in the Jones Levee, a levee constructed and maintained by Pierce County and located south of the City of Orting; and

WHEREAS, because Orting’s set-back levee cannot be certified, Orting’s residents will spend an estimated $100,000 or more in additional costs for flood insurance each year when, if the levee were certified, they would be paying no additional flood insurance; and

WHEREAS, Pierce County has stated that the Jones Levee cannot be rebuilt or sufficiently repaired absent increased funding for the project from the Flood District; and

WHEREAS, pursuant to RCW 86.15.160(3), the supervisors of any flood control zone district established by a county may impose an additional property tax levy up to fifty cents per one thousand dollars of assessed value; and

WHEREAS, when created, the Flood District committed to levying an ad valorem property tax levy, authorized by RCW 86.15.160, of ten cents per thousand dollars of assessed value; and

WHEREAS, since 2016, the Board of Supervisors has decreased the Flood District’s tax levy, to a current rate of just 76 cents per thousand dollars of assessed value; and

WHEREAS, Pierce County has stated that, unless the Flood District returns its tax levy to the level it committed to provide for flood prevention projects to protect the County’s residents, the Jones Levee cannot be repaired; and

WHEREAS, restoration of the Flood District’s tax levy to its original rate of $0.10 per thousand dollars of assessed value equates to a less than $10 per household per year; and

WHEREAS, the Flood District’s current levy rate is too low to finance the necessary repairs to the Jones Levee, as well as to provide the revenue needed for other critical infrastructure projects, and is substantially below the Flood District’s taxing authority; and

WHEREAS, the Mayor and all member of the City Council of the City of Orting find the erosion of the Flood District’s tax levy will result in a substantial loss in revenue needed for the Jones Levee and other critical flood prevention projects in Pierce County, which has a direct and substantial negative impact on the residents of Orting; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ORTING AS FOLLOWS:

**Section 1. Statement of Support**. The Mayor and the City Council of the City of Orting express their support for the restoration of the Pierce County Flood Control Zone District’s regional tax levy to $0.10 per thousand dollars of assessed value, so as to ensure that the Flood District’s promise to meet flood protection needs of Pierce County’s residents is honored.

**Section 2. Severability**. If any section, sentence, clause or phrase of this resolution shall 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.

**Section 3. Corrections**. The City Clerk and the codifiers of this resolution are authorized to make necessary clerical corrections to this resolution including, but not limited to, the correction of scrivener’s errors, references, numbering, section/subsection numbers and any references thereto.

**Section 4. Effective date**. This Resolution shall become effective immediately upon adoption and signature as provided by law.

**RESOLVED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_\_ 2019.**

CITY OF ORTING

Joshua Penner, Mayor

Councilmember Tod Gunther

Position No. 1

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Councilmember John Kelly Councilmember Michelle Gehring

Position No. 2 Position No. 3

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Councilmember Joachim Pestinger Councilmember Nicola McDonald

Position No. 4 Position No. 5

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Deputy Mayor Greg Hogan Councilmember Scott Drennen

Position No. 6 Position No. 7

ATTEST/AUTHENTICATED:

Jane Montgomery, City Clerk, CMC

Approved as to form:

Charlotte A. Archer

Inslee, Best, Doezie & Ryder, P.S.

City Attorney