

**CITY OF ORTING
WASHINGTON**

RESOLUTION NO. 2023-04

**A RESOLUTION OF THE CITY OF ORTING,
WASHINGTON, IMPOSING AN ADDITIONAL
SALES AND USE TAX OF ONE-TENTH OF
ONE PERCENT FOR HOUSING AND
RELATED SERVICES AS AUTHORIZED IN
RCW 82.14.530, AND PROVIDING FOR
SEVERABILITY AND ESTABLISHING AN
EFFECTIVE DATE**

WHEREAS existing sources of funding for affordable housing and related services are insufficient to meet the needs of all individuals and families experiencing housing cost burden, displacement, and homelessness in Orting;

WHEREAS, investments in affordable housing provide access to opportunity for low wage workers and their families, increase mobility from poverty, and foster inclusive communities accessible to all; and

WHEREAS, the City of Orting recognizes the urgent need to increase investments in the production, preservation, and ongoing operation and maintenance of affordable housing and related services; and

WHEREAS, the Washington State Legislature in 2020 enacted HB 1590 (published as Chapter 220, Laws of 2020 and codified at RCW 82.14.530) amending RCW 82.14.530; and

WHEREAS, RCW 82.14.530 authorizes the governing body of a county to impose a local sales and use tax, for constructing affordable housing; constructing mental and behavioral health-related facilities; and funding the operations and maintenance costs of new units of affordable housing or newly constructed evaluation and treatment centers, in an amount not to exceed “one-tenth of one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax”; and

WHEREAS RCW 82.14.530 states that if a county does not impose the full tax rate under RCW 82.14.530(1)(a) by September 30, 2020, any city legislative authority located in that county may impose, without a proposition approved by the majority of persons voting, the whole or remainder of such sales and use tax in accordance with the terms of Chapter 82.14 RCW; and

WHEREAS, the Pierce County Council did not impose the additional sales and use tax by September 30, 2020; and

WHEREAS, the absence of Pierce County action to impose such a sales and use tax by September 30, 2020, thereby authorizes the City of Orting to impose, without a proposition

approved by a majority of persons voting, the whole or remainder of such sales and use tax in accordance with the terms of Chapter 82.14 RCW; and

WHEREAS, RCW 82.14.030 authorizes the governing body of a city to impose a sales and use tax by resolution or ordinance for the purposes authorized by this chapter; and

WHEREAS, RCW 82.14.530(1)(c) provides that if a county imposes a tax authorized under RCW 82.14.530(1)(a) after a city located in that county has imposed the tax authorized under RCW 82.14.530(1)(b), the county must provide a credit against its tax for the full amount of imposed by a city; and

WHEREAS, the local sales and use tax revenue shall be spent solely for the purposes authorized by RCW 82.14.530; and

WHEREAS, RCW 82.14.530 authorizes the City of Orting to issue general or revenue bonds to carry out the purposes of the legislation and to pledge the revenue collected by the local sales tax to repay the bonds;

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

Section 1. Sales and Use Tax Imposed:

A. Pursuant to RCW 82.14.530, an additional one-tenth of one percent sales and use tax is hereby levied, fixed and imposed on all taxable events within the City of Orting for housing and related services as authorized by RCW 82.14.530.

B. The tax shall be imposed upon and collected from those persons from whom sales or use tax is collected by the state in accordance with RCW chapter 82.08 or 82.12, and shall be collected at the rate of one-tenth of one percent of the selling price, in the case of a sales tax, or the value of the article used, in the case of a use tax.

C. As used in this section, the term “taxable event” has the meaning set forth in RCW 82.14.020.

D. The Finance Director or Designee is authorized to provide any necessary notice to the Department of Revenue to effectuate the tax enacted by this resolution and to execute, for and on behalf of the City of Orting, any necessary agreement with the Department of Revenue for the collection and administration of the tax enacted by this resolution.

Section 2. Use of Sales and Use Tax Proceeds. Moneys collected from the tax shall be used solely for purposes authorized by RCW 82.14.530, as the same now exists or as hereafter amended.

Section 3. Administration and Collection of Tax. The administration and collection of the tax imposed by the Section shall be in accordance with OMC 3-5-3.


Section 4. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this Resolution is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this Resolution.

Section 5. Effective Date. This Resolution shall take effect immediately upon its passage.

Section 6. Corrections Authorized. The City Clerk is authorized to make necessary corrections to this Resolution, including but not limited to correction of clerical errors.


PASSED BY THE CITY COUNCIL AT A SPECIAL MEETING THEREOF ON THE 20th DAY of March 2023.

CITY OF ORTING


Joshua Penner (Mar 21, 2023 06:59 PDT)


Joshua Penner, Mayor

ATTEST/AUTHENTICATED:


Kim Agfalvi (Mar 23, 2023 06:59 PDT)

Kimberly Agfalvi, City Clerk

Approved as to form:



Charlotte Archer, City Attorney
Inslee Best, PLLC











Resolution Imposing Sales and Use Tax 3_17_23(10637133.1)

Final Audit Report

2023-03-21

Created:	2023-03-21
By:	City Clerk (clerk@cityoforting.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAAyvd1mJ0uhnV196KYTMDf75n9r3Vna7Bc

"Resolution Imposing Sales and Use Tax 3_17_23(10637133.1)" History

-  Document created by City Clerk (clerk@cityoforting.org)
2023-03-21 - 1:53:09 PM GMT
-  Document emailed to penner@cityoforting.org for signature
2023-03-21 - 1:54:04 PM GMT
-  Email viewed by penner@cityoforting.org
2023-03-21 - 1:58:50 PM GMT
-  Signer penner@cityoforting.org entered name at signing as Joshua Penner
2023-03-21 - 1:59:17 PM GMT
-  Document e-signed by Joshua Penner (penner@cityoforting.org)
Signature Date: 2023-03-21 - 1:59:19 PM GMT - Time Source: server
-  Document emailed to Kim Agfalvi (kagfalvi@cityoforting.org) for signature
2023-03-21 - 1:59:20 PM GMT
-  Email viewed by Kim Agfalvi (kagfalvi@cityoforting.org)
2023-03-21 - 1:59:45 PM GMT
-  Document e-signed by Kim Agfalvi (kagfalvi@cityoforting.org)
Signature Date: 2023-03-21 - 1:59:54 PM GMT - Time Source: server
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2023-03-21 - 1:59:55 PM GMT
-  Email viewed by Charli Archer (carcher@insleebest.com)
2023-03-21 - 2:01:12 PM GMT

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