CITY OF BATTLE GROUND
RESOLUTION NO. 20-04

A RESOLUTION DECREASING THE TAX RATE ON THE FURNISHING OF WATER, SEWER, AND STORM DRAINAGE FROM TWENTY TWO PERCENT TO TWELVE PERCENT

WHEREAS, the City of Battle Ground, State of Washington, currently imposes a twenty-two percent (22%) utility tax on the sale, delivery, distribution, and furnishing of water, sewer, and storm drainage services within the City limits and on such service outside the City limits when provided by the City; and,

WHEREAS, the City Council of Battle Ground passed Resolution No. 2019-09 on August 19, 2019 resolving to have an ordinance brought forward to reduce the current water, sewer, and storm drainage utility tax rate by 10% in the event the voters in the City of Battle Ground and the voters in Fire District No. 3 voted to approve the City's annexation into Fire District No. 3; and

WHEREAS, voters in the City of Battle Ground and voters in Fire District No. 3 voted to approved the City's annexation into Fire District No. 3 on February 11, 2020; and

WHEREAS, the City Council of Battle Ground passed Ordinance No. 2020-03 on March 2, 2020 adjusting the utility tax on the sale, delivery, distribution, and furnishing of water, sewer, and storm drainage services within the City limits and on such service outside the City limits when provided by the City from the current twenty-two percent (22%) rate to twelve percent (12%) with an effective date of January 1, 2021; and

WHEREAS, on February 29, 2020, Governor Jay Inslee proclaimed that as a result of the worldwide outbreak of COVID-19, and its extreme risk of person-to-person transmission, a state of emergency exists in all counties in Washington State (Proclamation 20-05), and directed that the Washington State Comprehensive Emergency Management Plan be implemented; and

WHEREAS, on March 16, 2020, the City Council of Battle Ground passed Resolution 20-02 declaring the existence of a civil emergency in the City of Battle Ground, Washington; and

WHEREAS, on March 23, 2020, Governor Jay Inslee issued an amendment to Proclamation 20-05 ordering a "Stay Home-Stay Healthy" order prohibiting all people in Washington State from leaving their homes or participating in social, spiritual and recreational gatherings of any kind regardless of the number of participates, and all non-essential businesses in Washington State from conducting business, within the limitations provided within the amended proclamation; and

WHEREAS, on May 4, 2020, Governor Jay Inslee issued Proclamation 20-25.3 extending the "Stay Home-Stay Healthy" order through May 31, 2020 with certain adjustments made to the original requirements as further outlined in the "Safe Start Washington: A Phased Approach to Recovery"; and

WHEREAS, the first month of the "Stay Home-Stay Healthy" resulted in a 1.3% increase in the unemployment rate within the State of Washington, which has continued to increase as the duration of the order has continued; and

WHEREAS, the City of Battle Ground has a fundamental government interest in protecting the economic public health of the City of Battle Ground; and

WHEREAS, the City Council of Battle Ground has determined that the water, sewer, and storm drainage utility tax rate should be decreased from twenty-two percent (22%) to twelve percent (12%) earlier than the original effective date of January 1, 2021 due to the current economic environment; and now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BATTLE GROUND, WASHINGTON, AS FOLLOWS:

SECTION 1: ADJUSTED TAX RATE. The tax rate levied upon every business, person, firm, or corporation engaged in carrying on a water supply and utilities business, a sewage disposal business, and storm drainage utility within the City of Battle Ground, a revenue tax for the privilege of doing so; such tax shall be based on the total gross revenues from the business, the rate adjusted from twenty-two percent (22%) to twelve percent (12%).

SECTION 2: SUPERSEDES. This ordinance shall supersede Ordinance No. 2020-03 passed by the City Council of Battle Ground on March 2, 2020.

SECTION 3: REGULATORY CONFLICTS. All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this ordinance are hereby repealed to the extent of the inconsistency or conflict.

SECTION 4: SEVERABILITY. In the event that any section, sentence, or clause of this resolution shall be held unconstitutional or invalid, such action shall not be deemed to affect any other section, sentence or clause of this resolution.

SECTION 5: EFFECTIVE DATE. This resolution shall take effect and be in full force on June 1, 2020 provided that the increased tax rate established by this resolution shall apply to all water, sewer, and storm drainage service for which an initial bill is generated on or after the effective date of this resolution.

ADOPTED AT THE REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF BATTLE GROUND, WASHINGTON, THIS 1st DAY OF JUNE, 2020.

Approved:

CITY OF BATTLE GROUND, WASHINGTON

Adrian Cortes, Mayor

ATTEST:

Kay Kammer, City Clerk

Approved as to form:

Christine Hayes, City Attorney