



Legislation Text

File #: 2002-0548, **Version:** 1

Clerk 11/01/2002

AN ORDINANCE relating to the transfer of King County parks to cities;
permitting the imposition of differential fees for nonresidents.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings.

- A. The county faces a fiscal crisis that is forcing major cuts in all nonmandated government services funded by the county current expense fund in 2003.
- B. The provision of park and recreation services is not mandated by state law.
- C. Consistent with the directives of the growth management act and the adopted countywide planning policies, the county has for many years been engaged in transferring to cities the ownership of the county parks and pools located within cities.
- D. Over one hundred such transfers have been accomplished in the last ten years.
- E. Transfer negotiations are ongoing with nearly two dozen cities in an effort to convey to cities the remaining local county parks and pools that are located within city boundaries.
- F. Negotiations are also ongoing with some cities to convey to cities the county parks located in city potential annexation areas, to promote the future annexation of these areas and to reduce non-mandated county expenditures.
- G. The county expects to save over six million dollars in operating costs in 2003 if it is successful in transferring the remaining in-city parks and pools to cities.
- H. The cost of operating, maintaining and improving city parks and pools is borne by city taxpayers

except to the extent such costs may be offset by user fees charged at the facilities or other nontax revenues.

I. Some county park acreage was purchased as open space with funds from sources such as the 1989 open space bond and the conservation futures program, and were intended to be used for open space purposes, which purposes allow passive recreation but prohibit active recreation.

J. Interlocal agreements and the associated deeds providing for the transfer of county parks and pools to cities have historically, as a matter of county policy, prohibited or limited cities from charging higher fees to noncity residents.

K. Based on input from cities considering assuming ownership of remaining county parks and pools, it appears that transfer of these facilities will be significantly facilitated if cities are not prohibited or limited by the terms of the transfer agreements and deeds from charging reasonable differential fees based on residency.

L. Cities have expressed a concern that to the extent their taxpayers are subsidizing the operation of a park facility or program at which user fees may be charged, it is equitable for those residents to receive some benefit through reduced user fees as compared to fees charged to noncity residents.

M. The executive concurs that except for parks purchased for open space purposes, it is reasonable to enable cities to recognize their taxpayer support for park facilities or programs through a differential fee schedule so long as such differential fees are reasonably related to the cost borne by city taxpayers to maintain, improve or operate the facility for parks and recreation purposes.

N. Parks purchased for open space purposes are not intended to support programs or activities for which fees would be charged, and thus it is not appropriate to allow differential fees to be charged at such parks.

O. The county has previously approved the transfer of Juanita Beach park with a condition allowing the city of Kirkland to impose differential fees at the park so long as such fees are reasonably related to the cost borne by city taxpayers to maintain, improve or operate the property for parks and recreation purposes.

P. The interlocal agreement providing for the transfer of Juanita Beach park also included a provision

stating that to the extent the city of Kirkland provides scholarships, reduced fees or other means of assuring access to parks and recreational programming for city residents, the city has a goal of ensuring that such scholarships or other needs-based rates and programs are available to all persons desiring to use the park and recreational programs at Juanita Beach Park regardless of residency.

Q. The executive has directed that similar provisions to those in the Juanita Beach park agreement be included in the agreements and deeds for transfer of other county parks and pools to cities in the future.

R. Several cities that own parks or pools previously transferred from the county have requested that the county extend these same provisions retroactively to these facilities.

S. Accommodation of this request will provide cities with an enhanced ability to provide recreational services to all residents of King County, and will also facilitate the transfer of parks and pools that face potential mothball if not transferred.

T. It is not practicable to revise the substantial number of existing interlocal agreements and deeds to accommodate this request, but the council desires to indicate its support for this policy change despite terms to the contrary in previous interlocal agreements.

SECTION 2. A. It shall be the policy of King County that interlocal agreements and deeds transferring parks and pools to cities shall permit the imposition by the transferee of differential fees for nonresidents at the facilities to the extent the fees are reasonably related to the cost borne by city taxpayers to maintain, improve or operate the transferred facilities for parks and recreation purposes.

B. It shall further be the policy of King County to waive, release and not enforce provisions in existing interlocal agreements and deeds with cities prohibiting or limiting the imposition of differential fees to the extent that any such differential fee charged by a city is consistent with section 2 of this ordinance.

C. It shall further be the policy of King County that interlocal agreements to transfer parks and pools to cities shall include a provision whereby the transferee states its willingness to extend any recreational scholarships, reduced fees or other needs-based rates and programs to all persons desiring to use the park and

recreational programs at a transferred park or pool regardless of residency.

D. This ordinance shall not apply to parks purchased for open space purposes.