



## Legislation Text

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**File #:** 2015-0016, **Version:** 2

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Clerk 02/19/2015

AN ORDINANCE providing for the submission to the qualified electors of King County at a special election to be held in King County on April 28, 2015, of a proposition authorizing a property tax levy in excess of the levy limitation contained in chapter 84.55 RCW for a consecutive nine-year period at a rate of not more than \$0.07 per one thousand dollars of assessed valuation for the capital, transition, and financing costs for the Puget Sound emergency radio network project.

### STATEMENT OF FACTS:

1. King County's current emergency public safety radio network ("KCERCS") is owned by four governmental entities: the city of Seattle; the Eastside Public Safety Communications Agency ("EPSCA"); the Valley Communications Center ("ValleyCom"); and King County. Each co-owner owns and manages separate sites, equipment and software and has its own customers.
2. KCERCS was substantially completed in 1997. It is aging and is requiring increasing repairs.
3. The vendor for KCERCS intends to stop supplying all replacement parts and repairing all used parts by December 31, 2018. King County must replace its emergency public safety radio network or risk performance degradation.
4. The King County council previously established a capital improvement project for this purpose.
5. King County executive staff has been working with the co-owners and users to plan the

replacement of KCERCS with a new network that is known as the Puget Sound emergency radio network ("PSERN").

6. The PSERN project would cost approximately \$246 million, not including the cost of financing. King County will need additional tax revenues if it is to go ahead with the project.

7. If the funding measure is put on the ballot and approved by the voters, fire districts' levies may be reduced and services diminished.

8. The King County council finds that any reduction in fire district staff or services resulting from the PSERN levy would be contrary to the public interest. This funding proposal is intended to address concerns about prorationing of fire district levies during the term of the proposed levy.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

**SECTION 1. Definitions.** The definitions in this section apply throughout this ordinance unless the context clearly requires otherwise.

A. "Capital costs" means all costs incurred incident to the planning, design, remodeling, construction and equipping of the project including, but not limited to, the costs of architectural, engineering, legal and other consulting services inspection and testing, project management, relocation, site improvements, demolition and on- and off-site utilities. "Capital costs" also include the costs related to the sale, issuance and delivery of one or more series of bond anticipation notes or bonds. However "capital costs" do not include the costs of maintenance or operations.

B. "Fire district" means an organization authorized under RCW 52.02.020 or chapter 52.26 RCW.

C. "Fire service protection allocation" means the portion of levy proceeds, the purpose of which is to prevent a reduction in fire district staff or services resulting from prorationing mandated by RCW 84.52.010 and consistent with interlocal agreements between King County and any participating fire districts.

D. "Full system acceptance" means the determination issued to the contractor upon satisfactorily

completing the final system development phase.

E. "Levy" means the levy of regular property taxes, for the specific purposes and term provided in this ordinance and authorized by the electorate in accordance with state law.

F. "Levy proceeds" means the principal amount of revenue raised by the levy, any interest earnings on the revenues and the proceeds of any financing following authorization of the levy.

G. "Network" means the Puget Sound emergency radio network that is used primarily for dispatching public safety, fire, emergency medical staff and other responders to incidents for coordinating operations at those incidents.

H. "Operator" means King County or an entity established by the county, the Eastside Public Safety Communications Agency cities of Bellevue, Issaquah, Kirkland, Mercer Island and Redmond, the Valley Communications Center cities of Auburn, Federal Way, Kent, Renton and Tukwila, and the city of Seattle, through an interlocal agreement as authorized under RCW 39.34.030, which will own, operate, maintain, repair and govern the network after full system acceptance.

I. "Project" means all authorized activities relating to a capital project to plan, build, test, operate and transfer ownership of the network.

J. "Rate stabilization allocation" means the portion of the levy proceeds, the purpose of which is to reduce and phase in the impact of increased user rates on network users.

K. "Transition costs" means the operational costs to transition from the current emergency radio systems to the network, including , but not limited to, costs to operate the network during the transitional period and until it is transferred to the operator; pay for equipment warranties, updates and upgrades included in the vendor contract; establish an entity that would own and operate the network; and pay for election costs.

"Transition costs" also includes payments for rate stabilization allocation and a fire service protection allocation.

**SECTION 2. Levy submittal.** To provide necessary revenues for the capital costs and transition costs

for the network, the county council shall submit to the qualified electors of the county a proposition authorizing a regular property tax levy in excess of the levy limitation contained in chapter 84.55 RCW for nine consecutive years, commencing in 2015, with collection beginning in 2016, at a rate in the first year not to exceed \$0.07 per one thousand dollars of assessed value. In accordance with RCW 84.55.050, the levy shall be a regular property tax levy, subject to the statutory rate limit of RCW 84.52.043.

**SECTION 3. Project description.**

A. The project will replace King County's aging emergency radio network with a new emergency radio network, the Puget Sound emergency radio network, having improved coverage, capacity and reliability. King County will provide support while the new system is being planned, contracted for, deployed, tested and operated. Once the network has achieved full system acceptance, the network shall be managed and operated by an operator.

B. The county estimates that the capital costs and the transition costs for the project will be \$246 million.

**SECTION 4. Deposit of levy proceeds.** If approved by the voters, the levy proceeds shall be deposited in a special revenue fund created by ordinance.

**SECTION 5. Eligible expenditures.** If approved by the qualified electors of the county, the levy proceeds shall be used only for the capital costs and transition costs of the project. The maximum amount of levy proceeds for the rate stabilization allocation shall be \$2,619,406. Up to a maximum of \$1 million annually may be used for the fire protection services allocation. Consistent with RCW 84.55.050, levy proceeds may not supplant existing funding. If the actual costs for financing and for fire protection services are less than the amounts estimated, any savings shall be used first for capital contingency costs, and if any savings remain after all capital costs have been paid, the savings then may be used for transition costs.

**SECTION 6. Call for special election.** In accordance with RCW 29A.04.321, the King County council hereby calls for a special election to be held in conjunction with the special election on April 28, 2015.

The director of elections shall cause notice to be given of this ordinance in accordance with the state constitution and general law and to submit to the qualified electors of the county, at the said special county election, the proposition hereinafter set forth. The clerk of the council shall certify that proposition to the director of elections, in substantially the following form, with such additions, deletions or modifications as may be required for the proposition listed below by the prosecuting attorney:

PROPOSITION \_\_: The King County council passed Ordinance \_\_\_\_\_ concerning funding for a new, upgraded regional emergency radio network. This proposition would provide funding to replace the current emergency radio network used for dispatching and communicating with police, fire and other responders. The proposition would fund capital and transition costs as defined in Ordinance \_\_\_\_\_ and would authorize King County to levy an additional regular property tax of \$0.07 per \$1,000 of assessed valuation for nine years with collection beginning in 2016. The 2015 levy amount would be used to compute limitations under Chapter 84.55 RCW for the eight succeeding years. Should this proposition be:

Approved? \_\_\_\_\_

Rejected? \_\_\_\_\_

**SECTION 7. Severability.** If any one or more of the provisions of this ordinance shall be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining provisions of this ordinance, the bonds or any short-term obligations issued in anticipation thereof, and this ordinance, the bonds and any short-term obligations issued in anticipation thereof shall be construed and enforced as if the unconstitutional or invalid provisions had not been contained in this ordinance.