



## Legislation Text

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Clerk 4/2/2007

AN ORDINANCE providing for the submission to the qualified electors of King County at a special election to be held on August 21, 2007, of a proposition to protect the public's investment in parks by authorizing a regular property tax levy in excess of the limitations contained in chapter 84.55 RCW, for a consecutive six-year period at a rate of not more than \$0.05 per one thousand dollars of assessed valuation in the first year and using the consumer price index to establish the limit factor for the levy in years two through six, for the purpose of providing funding to enable the continued and increased maintenance of King County park and recreation facilities, and community-based recreation programs; providing for potential resubmission of the proposition to the qualified electors of King County at the special election held in conjunction with the general election on November 6, 2007 should this measure be rejected by the qualified electors of King County at the August 21, 2007 election; and providing for other related matters.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

**SECTION 1. Findings.**

A. King County owns and operates a park system with over twenty-five thousand acres of regional parks and open spaces and over 175 miles of regional trails. In addition, the county is the provider of local parks in the rural area and is the transitional provider of local parks in the urban unincorporated areas. County

parks and open spaces include Marymoor park, Cougar Mountain Regional Wildland park, the King County Aquatic Center and portions of the Burke-Gilman trail.

B. Since 2003, on recommendation of the Metropolitan Parks Task Force and direction from the county executive and county council, the parks and recreation division has focused on managing a system of regional parks, open spaces and trails and a limited set of regional active recreation assets.

C. Consistent with its role as a regional and local rural service provider under Countywide Planning Policies and the state growth management act, the county has divested itself of local parks and facilities in urban unincorporated areas as these areas incorporate or annex to cities.

D. Since 2003, the county has emphasized generating revenue from park system assets. Over twenty percent of annual parks and recreation operating revenue is now generated from user fees and entrepreneurial efforts.

E. Nearly sixty percent of the operating budget for parks and recreation is directly provided by a voter-approved levy.

F. The current parks levy was recommended by the Metropolitan Parks Task Force before being referred to voters by the metropolitan King County council. The levy was approved by fifty-seven percent of the voters at a special election in May 2003.

G. The current parks levy was initially authorized at a maximum rate of 4.9 cents per one thousand dollars of assessed value. Collection began in 2004, and will be completed at the end of 2007. Levy proceeds may only be applied to the operating costs of regional parks, local rural parks, the community partnership grants program, and costs associated with these purposes.

H. As specified under Ordinance 14586, a citizen oversight committee was established. The July 2006 report of the citizen oversight committee concluded that the county complied with all levy requirements in 2004 and 2005.

I. The King County executive created the parks futures task force in November 2006 to recommend a

funding plan for the current park system, and to examine what steps should be taken, if any, regarding future park system acquisitions. The task force is comprised of nineteen individuals representing business, nonprofit and environmental groups. It began meeting in November 2006 and concluded its work in March 2007, receiving information from the county, various cities and stakeholders.

J. The task force issued a report in March 2007 recommending that the county place two companion ballots before the voters at the August primary election. The first measure would renew the parks operating levy with a 7.0 cent, six-year, inflation-adjusted property tax lid lift. The second measure seeks approval of a new 5.0 cent, six-year, inflation-adjusted property tax lid lift to expand park and recreation opportunities through the acquisition of open space and regional trails, and increased environmental education and conservation programs and capital improvements at Woodland Park Zoo. The consumer price index would be used to determine annual inflation.

K. Under state law, an inflation adjusted levy lid lift may be for a maximum term of six years, and levy funds may not supplant other funds.

L. The task force recommended that the 7.0 cent operations renewal levy be used to sustain and enhance current levels of operations and maintenance of county regional and rural parks, to provide up to \$300,000 annually for the recreation grant programs, and to restore capital funding for the parks division anticipated to decline due to a reduction in real estate excise tax revenues over the next six years.

M. The executive proposes full funding of the task force's recommendations, other than real estate excise tax mitigation, which, if needed, will occur separate of the levy. A 5.0 cent operating levy has been determined to be adequate to fund all other needs, reflecting updated assessed valuation and economic data that was not available at the start of the task force's work.

N. King County has identified an acquisition and development strategy to complete the three-hundred-mile regional trails system, which includes the Burke-Gilman, Sammamish River, Green River and East Lake Sammamish trails. The strategy identifies priority acquisitions and development based on criteria such as key

connectors or missing links, proximity to urban populations, pursuit of acquisitions which could be lost to development, and partnerships with other agencies.

O. King County has a goal of improving water quality in the region by acquiring and preserving open space and natural areas within watersheds.

P. The task force recommended that three cents of the five-cent acquisition levy be allocated to King County for protecting and acquiring key open space and natural lands as well as acquiring and developing critical trail connections as identified in the division's Regional Trail System Plan.

Q. The task force recommended that open space and natural lands acquisitions be made that will protect additional lands, shorelines, lakes, streams and water quality within watersheds, and called on the county to ensure appropriate public access as part of any such acquisitions. The task force noted that both the purchase of development rights and fee title may be appropriate.

R. Regional trail expenditures recommended by the task force include acquisition of remaining planned regional trail corridors and development of key urban regional trail connections including the East Lake Sammamish trail, the Sammamish River trail connection to East Lake Sammamish trail and the Soos Creek trail.

S. The task force recommended that one cent of the five-cent acquisition levy proceeds be distributed to cities for acquisition and development of open space and natural lands and city trail projects that support connections to the regional trail system, defined to include both county regional trails and city trails that are regional in nature, and may specifically include local trails in underserved areas linking to city or county trails that connect to regional trails. Any such distributions would be contingent upon an equal or greater contribution of matching funds from the recipient city for the same project.

T. The task force recommended that city funding requests be made through the Conservation Futures Tax Citizen Oversight Committee, whose mission should be expanded to review applications for this purpose.

U. The task force recommended that one cent of the five-cent acquisition levy be used for a one-time

investment in environmental education and conservation programs and capital improvements at Woodland Park Zoo.

**SECTION 2. Definitions.** The definitions in this section apply throughout this ordinance unless the context clearly requires otherwise.

A. "Levy" means the portion of the regular property tax levy, for the specific purpose and term provided in this ordinance and authorized by the electorate in accordance with state law.

B. "Levy proceeds" means the principal amount of funds raised by the Levy, any interest earnings on the funds and the proceeds of any interim financing following authorization of the Levy.

C. "Limit factor" means the ratio of the most recent September Consumer Price Index to the immediately previous September Consumer Price Index (final published CPI-W All City Average, as calculated by the United States Bureau of Labor Statistics, or its successor) expressed as a multiple of one hundred percent to achieve the result of one hundred percent plus inflation.

D. "Recreation grant programs" means the community partnership grant program through which King County provides funds to recreation-oriented user groups, sports associations and community-based organizations to undertake any combination of developing, operating or maintaining a public park or recreation facility or program for the public benefit.

E. "Regional parks" means:

1. Those parks, facilities or properties designated in Attachment A to this ordinance as regional trails, resource and ecological lands, regional active facilities or regional passive parks; and

2. Any other parks, facilities or properties, including, without limitation, new acquisitions, that are designated as regional parks by the parks and recreation division based on their regional use and that are similar in character and nature to the regional parks and recreation facilities identified in Attachment A to this ordinance.

F. "Rural parks" means:

1. Those parks facilities or properties designated in Attachment A to this ordinance as rural parks and facilities; and

2. Any other parks, facilities or properties, including, without limitation, new acquisitions, that are designated as rural parks by the parks and recreation division based on their similar character and nature to those rural parks and recreation facilities identified in attachment A to this ordinance.

**SECTION 3. Levy submittal to voters.** To provide necessary funds for the park and recreation purposes identified in section 5 of this ordinance, 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 six consecutive years, with collection commencing in 2008, at a rate not to exceed five cents per one thousand dollars of assessed value. In accordance with RCW 84.55.050, this Levy shall be a regular property tax levy subject to the limit factor.

**SECTION 4. Deposit of levy proceeds.** The levy proceeds shall be deposited in an operating levy subfund of the parks and recreation fund, or its successor.

**SECTION 5. Eligible expenditures.** If approved by the qualified electors of the county, all levy proceeds shall be used for the continued and increased operation and maintenance of King County's regional and rural parks, and to provide up to \$300,000 annually for recreation grant programs. The levy proceeds shall be used solely for the designated purposes and for repayment of costs, including principal and interest, associated with interim financing following approval of the Levy and shall not supplant existing funds used for such purposes. Eligible expenditures shall include all costs and charges to the parks and recreation division or the county associated with or attributable to the purposes listed in this section.

**SECTION 6. Call for special election.** In accordance with RCW 29A.04.321, a special election is called for August 21, 2007, to consider a proposition authorizing a regular property tax levy for the purposes described in this ordinance. The manager of the records, elections and licensing services division 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 manager of the records, elections and licensing services division, in substantially the following form:

PROPOSITION 1: The King County Council has passed Ordinance X concerning funding for parks, recreation, open space and trails. This proposition would replace an expiring levy and fund increased maintenance and operations of King County's regional parks (like Marymoor; Cougar Mountain; portions of Burke Gilman Trail), rural parks, and recreation facilities. It would authorize King County to levy an additional regular property tax of 5.0 cents per \$1,000 of assessed valuation for collection in 2008 and authorize annual increases by the percentage increase in the consumer price index for each of the five succeeding years, as allowed by chapter 84.55 RCW. Should this proposition be:

Approved? \_\_\_

Rejected? \_\_\_

SECTION 7. Potential resubmission of proposition to voters. In the event that the proposition contained in section 6 of this ordinance is rejected by voters at the special election of August 21, 2007, the county council hereby finds that the continued operation of the parks and recreation system is of such importance that the proposition shall be resubmitted to the qualified electors of the county at the special election to be held on November 6, 2007. In that case, the manager of the records, elections and licensing services division shall cause notice to be given of this ordinance in accordance with the state constitution and general law and to resubmit the proposition in section 6 of this ordinance to the qualified electors of the county at the special election to be held on November 6, 2007. The clerk of the council shall certify that proposition to the manager of the records, elections and licensing services division, in substantially the same form set forth in section 6 of this ordinance.

SECTION 8. County parks citizen oversight board established. If the qualified electors of King County approve the proposition set forth in section 6 of this ordinance, a county parks citizen oversight board

shall be appointed by the county executive to review the expenditure of levy proceeds. In the event that the qualified electors of King County approve both the proposition set forth in section 6 of this ordinance and the proposition set forth in section 7 of Ordinance ----- (Proposed Ordinance -----), then the council may, at its discretion, nominate and confirm the same members to both boards or combine the board functions into one board. The board shall consist of nine members. Each councilmember shall nominate a candidate for the board from the councilmember's district. If the executive does not appoint a person who has been nominated by a councilmember, the executive must request that the councilmember nominate another candidate for appointment. Board members shall be confirmed by the council. Members shall be residents of King County and may not be elected or appointed officials of any unit of government. On or before May 30 of each year beginning in the year 2009, the board shall review and report to the King County executive and the King County council on the expenditure of all levy proceeds. The parks and recreation division shall provide the board with all reports on division activities that the division transmits to the King County council in accordance with K.C.C. 7.08.090. The board expires June 30, 2014.

**SECTION 9. Ratification.** Certification of the proposition by the clerk of the county council to the manager of the records, elections and licensing services division in accordance with law before the election on August 21, 2007, and any other act consistent with the authority and before the effective date of this ordinance are hereby ratified and confirmed.

**SECTION 10. Severability.** If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.