



## Legislation Text

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Clerk 04/30/2013

AN ORDINANCE providing for the submission to the qualified electors of King County at a special election to be held in King County on August 6, 2013, of a proposition authorizing a property tax levy in excess of the levy limitation contained in chapter 84.55 RCW for a period of six consecutive years, at a total rate of not more than \$0.1877 per one thousand dollars of assessed valuation in the first year with annual increases by the percentage increase in the consumer price index or the limitation in 84.55 RCW, whichever is greater in years two through six, for the purpose of maintaining and operating King County's parks system; improving parks, recreation and mobility by acquiring open space and continuing to develop regional trails; repairing, replacing, and improving local parks and trails in King County's cities; funding environmental education, maintenance, conservation and capital programs at the Woodland Park Zoo.

### STATEMENT OF FACTS:

1. King County owns and operates a system of regional and local parks and trails that consists of twenty six thousand acres of parklands and more than one hundred seventy five miles of regional trails. The county provides regional trails, regional recreational facilities, regional natural area parks, and local rural parks, and is the transitional provider of local parks in the urban unincorporated areas. Examples of regional county parks and trails include Marymoor Park, Cougar Mountain Regional Wildland Park, the Weyerhaeuser King County Aquatic Center

and the Sammamish River Trail.

2. Public parks, natural areas, and trails contribute to a high quality of life. A robust system of parks and trails provides: physical, social and mental health benefits to individuals; economic opportunity through recreation and tourism; economic growth for private businesses that must attract and retain skilled workers; and environmental benefits and cultural resource protection through open space conservation. King County's parks system provides all these benefits to King County residents and businesses.

3. The 2002 Parks Business Transition Plan, which was adopted by the King County council, became the blueprint for establishing the regional parks system we have today. The parks and recreation division of the department of natural resources and parks has successfully focused its lines of business on regional parks and trails, backcountry trails, natural lands, and local parks in unincorporated King County and has been implementing business practices that generate revenue from park system assets by implementing or increasing user fees and establishing corporate and community partnerships that enhance park amenities and leverage public and private dollars to improve parks and increase access to parks.

4. Consistent with the recommendations of past parks-related task forces, the county has sought voter-approved levies on two prior occasions: in 2003, to provide maintenance and operating funding for the parks and recreation division for the period of 2004-2007; and in 2007, to provide funding for maintenance and operating, as well as funding for open space acquisition and asset maintenance and improvement, for the period of 2008-2013. Voters approved the levies on both occasions that they were on the ballot. The voter-approved levies have helped keep the parks system open, clean and safe.

5. Approximately seventy percent of the operating budget of the parks and recreation division is provided by the 2008-2013 voter-approved operations and maintenance levy, with approximately

seventeen percent generated through business activities and entrepreneurial efforts. King County general fund support to the parks and recreation division was eliminated as of 2011.

6. In 2013, the 2008-2013 voter-approved Open Space and Trails Levy will fund approximately seventy-seven percent of the parks and recreation division's asset management budget.

Historically, the real estate excise tax funded nearly all of the parks and recreation division's asset management program; however, the real estate excise tax has declined 83 percent from 2006 to 2012.

7. The effective rate of the combined levies in 2013 is \$0.1331 per one thousand dollars of assessed value. A comparable effective levy rate beginning in 2014 would need to be \$0.1478 per one thousand dollars of assessed value. Due to the loss of general funds and real estate excise tax, a higher levy rate is necessary in the future to achieve the recommendations of all the past parks task forces and the council-approved parks business transition plan.

8. Parks levy citizen oversight committees were established to monitor the expenditures of the proceeds from the 2004-2007 and 2008-2013 levies. In every year of its review, the committee has concluded that the county has complied with all levy requirements.

9. As specified under Motion 12809, the King County executive developed and implemented an annual process to review and recommend for council approval open space projects funded by the Open Space and Trails Levy through coordination with the conservation futures tax program.

10. The King County executive convened the King County parks levy task force in June 2012 to recommend a funding plan for the current park system and how to address the parks and recreation needs of King County residents in the future. The task force, which met from June to October, was comprised of twenty-two individuals representing all geographic areas of the county, as well as business, recreation, community, and environmental interests.

11. The task force issued a report in October 2012, recommending that the county replace the

expiring levies and put a ballot measure before the voters in 2013 that requests a six-year inflation-adjusted property tax levy lid lift at a total rate of \$0.1901 per one thousand dollars of assessed value. The task force recommended continuing to fund maintenance and operations of King County's parks system, as well as funding critical infrastructure repair and replacement, acquisition and stewardship of open space, as such lands can provide for passive or active recreation opportunities and/or protection of habitat and water quality, and the continued development of regional trail corridors, including strategic connections between trails and transportation hubs to improve mobility. The task force also recommended providing support to King County's cities for local parks and recreation capital purposes and to the Woodland Park Zoological Society for education and conservation programs, horticulture and maintenance, and capital improvements.

12. The King County executive supports the findings and recommendations of the task force and has put forth a funding proposal that is consistent with the goals and priorities of the task force, decreasing the rate recommended by the task force by utilizing updated forecasts for real estate excise tax, which enabled adjustments to be made to the overall funding assumptions.

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. "Conservation futures tax program" means the program defined in K.C.C. chapter 26.12.

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

C. "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.

D. "Limit factor" means the ratio of the most recent June Consumer Price Index to the immediately

previous June Consumer Price Index, which is the final published CPI-W Seattle-Tacoma-Bremerton, 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, or the limitation contained in chapter 84.55 RCW, whichever is greater.

E. "Parks system" means any building or other structure, park, open space, natural area, resource or ecological land, trail, or other property owned or otherwise under the jurisdiction of the parks and recreation division of the department of natural resources and parks.

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

**SECTION 2. Levy submittal to voters.** To provide necessary funds for the purposes identified in section 4 of this ordinance, the King 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 2014, at a rate not to exceed \$0.1877 per one thousand dollars of assessed value in the first year of the levy period. In accordance with RCW 84.55.050, this levy shall be a regular property tax levy subject to the limit factor.

**SECTION 3. Deposit of levy proceeds.** The levy proceeds shall be deposited into a dedicated subfund of the parks and recreation fund, or its successor.

**SECTION 4. Eligible expenditures.** If approved by the qualified electors of the county, levy proceeds shall be used for the following purposes:

A. Forty-seven percent for maintenance and operations of King County's parks system, of which no more than one and three tenths percent of total levy proceeds is for the recreation grant program;

B. Thirty-nine percent for:

1. Acquisition, conservation and stewardship of additional open space lands, natural areas, resource or ecological lands;

2. Acquisition and development of rights of ways for regional trails;

3. Major maintenance repair, replacement and improvement of parks system infrastructure; and

4. Development of trailhead facilities to increase access to parks and trails;

C. If the county council, in its sole discretion, finds that annual revenues from the real estate excise tax 1 and real estate excise tax 2 from the real estate excise taxes imposed under K.C.C. 4A.51.100 and 4A.510.120 have increased sufficiently that the levy amount needed for the purposes identified in subsection B. of this section should be reduced, it may reduce the annual dollar amount levied for the parks levy based on this finding and the entire dollar amount of the reduction in the levy proceeds for that year shall be allocated solely to the distribution of levy proceeds for the purposes set forth in subsection B. of this section. Such annual reduction shall not limit the authority of the council to levy in any future year without such reduction or to modify the distribution of levy proceeds levied in any future year;

D. Seven percent for distribution to cities in King County for their local parks system projects, of which amount fifty percent shall be distributed based on city population and fifty percent shall be distributed based on the assessed value of parcels within a city;

E. Seven percent for distribution to the Woodland Park Zoological Society for: environmental education with emphasis on accessibility to traditionally underserved populations throughout the county; horticulture and maintenance of buildings and grounds; conservation and animal care for rare, threatened or endangered Pacific Northwest species; and board-approved capital projects/campaigns in existence as of December 31, 2012; and

F. Of the proceeds designated for distribution to King County cities and the Woodland Park Zoological Society, a portion shall be retained by the county to be used for expenditures related to administration of the distribution of levy proceeds. Eligible administrative 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 subsections D. and E. of this section of this ordinance. Consistent with RCW 84.55.050, as it may be amended, levy proceeds may not supplant existing funding.

**SECTION 5. 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 primary election on August 6, 2013, to consider a proposition authorizing a regular property tax levy for the purposes described in this ordinance. The King County 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 King County director of elections in substantially the following form:

The King County council has passed Ordinance \_\_\_\_ concerning funding for parks, trails, recreational facilities and open space. This proposition would replace two expiring levies and fund maintenance and operations of the King County parks system; trails and open space for recreation, habitat and water quality; city parks; and zoo programs, all subject to citizen oversight. This proposition authorizes an additional property tax of \$0.1877 per \$1,000 of assessed value for collection in 2014 and authorizes increases by the annual percentage change in the CPI or the limitation in 84.55 RCW, whichever is greater, for five succeeding years.

Should this proposition be:

Approved? \_\_

Rejected? \_\_

**SECTION 6. Distributions.** Each distribution of levy proceeds to a King County city or to the Woodland Park Zoological Society, or its successor, for the eligible purposes identified in section 4 of this ordinance shall be subject to the execution of a contract between the county and each entity for the same project. Distribution of levy proceeds to King County for open space acquisition purposes shall be in accordance with the annual conservation futures tax process for the development, review and recommendation

to the King County council as set forth in the open space and natural lands acquisition process, which is included as Attachment A to this ordinance.

**SECTION 7. Parks levy citizen oversight board established.**

A. If the proposition in section 5 of this ordinance is approved by the qualified electors of King County, a parks levy citizen oversight board shall be appointed by the executive. The board shall consist of nine members. Each councilmember shall nominate a candidate for the board from the councilmember's district no later than ninety days from the start of the first year of collections. If the executive does not appoint within sixty days of the nominations a person who has been nominated by a councilmember, the executive must request that the councilmember should within thirty days of the request nominate another candidate for appointment. 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, except that citizens serving in a civic capacity on a local board or commission would be eligible to serve on the parks levy citizen oversight board.

B. The board shall review the allocation of levy proceeds and progress on achieving the purposes of this proposition. The report shall include information on the status of addressing maintenance needs and controlling noxious weeds in King County's parks system. On or before December 31, 2015, the board shall review and report to the King County executive, the King County council and the regional policy committee on the expenditure of levy proceeds for 2014. Thereafter, the board shall review and report to the King County executive, the King County council and the regional policy committee annually. Any report to the King County council under this section shall be made in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers. 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 December 31, 2020.

**SECTION 8. Ratification.** Certification of the proposition by the clerk of the King County council to the director of elections in accordance with law before the election on August 6, 2013, and any other acts

consistent with the authority and before the effective date of this ordinance are hereby ratified and confirmed.

SECTION 9. **Severability.** If any provision of this ordinance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.