

ORDINANCE NO. 4365

AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY OF KIRKLAND AT AN ELECTION TO BE HELD ON NOVEMBER 6, 2012, OF A PROPOSITION AUTHORIZING AN INCREASE TO THE CITY'S REGULAR PROPERTY TAX LEVY AND THE CITY'S PROPERTY TAX LEVY BASE OF \$.16 PER \$1,000 OF ASSESSED VALUATION IN ORDER TO PAY COSTS OF PARKS MAINTENANCE AND OPERATIONS AND TO FUND FACILITY RENOVATIONS AND THE ACQUISITION OF PARKLAND AND OPEN SPACE.

WHEREAS, the City of Kirkland, Washington (the "City") owns, maintains and operates a system of parks and natural areas that provide a balanced park system that defines the City; and

WHEREAS, the City Council has previously approved a Parks, Recreation & Open Space Plan ("PROS") as part of the Kirkland Comprehensive Plan that calls for the acquisition, improvement and development of parks that enhance the range and quality of facilities, preserve natural areas, provide trail corridors and open space buffers, and additional community and neighborhood parks; and

WHEREAS, the City has established goals to maintain a system of parks that are attractive, safe, functional, and available to all segments of the population and has established a program to provide routine and periodic restoration, renovation and replacement, including waterfront docks and shorelines, restrooms, landscaping, urban forests and wetlands, irrigation and drainage systems, trails and pathways, playfields, playgrounds, and other park amenities; and

WHEREAS, since 2008 the City has been unable to provide the necessary funding to adequately maintain, operate, and renovate its system of parks and open spaces to the community's expectations, resulting in an unacceptable backlog of repairs and preventive maintenance projects, closure of certain park restrooms, and the elimination of on-going funding for beach lifeguards; and

WHEREAS, in 2011 as a result of annexation the City assumed ownership and responsibility from King County for public parks and open spaces in the Finn Hill, Juanita, and Kingsgate neighborhoods; and

WHEREAS, the 2011 annexation area included the Finn Hill Park and Recreation District (the "District"), which has established a levy on Kirkland property owners located within District boundaries to maintain O.O. Denny Park and said levy will expire on December 31, 2014; and

WHEREAS, the City is committed to ensuring that O.O. Denny Park remains open and available to all Kirkland residents in perpetuity; and

WHEREAS the City is in need of additional funding to supplement City funds for parks maintenance, restoration and enhancement; and

WHEREAS, RCW 84.55.050 authorizes the voters of a City to permit the levy of taxes in excess of the levy limitations established in RCW 84.55.010 pursuant to a "levy lid lift"; and

WHEREAS, the City Council proposes to present a ballot proposition to the City's voters to increase the City's regular property tax levy in an amount of \$.16 per \$1,000 for collection in 2013 and to provide that the dollar amount of such levy be used for the purpose of computing the limitations for subsequent levies provided for in RCW ch. 84.55;

NOW, THEREFORE, the City Council of the City of Kirkland do ordain as follows:

Section 1. The City Council hereby finds that the best interests of the inhabitants of the City require the City to operate and maintain its parks and recreation areas to City standards and further to acquire, expand and enhance its park, recreation area and open space in accordance with PROS ("Park Improvements") and Capital Improvement Program.

Initially, the identified annual operation and maintenance expenditures are anticipated to be \$1,095,000 and include:

- a. Restoration of Maintenance and Operations, including restoration of lifeguards at Houghton Beach Park and Waverly Beach Park as well as the addition of lifeguards to Juanita Beach Park;
- b. Assumption of O.O. Denny Park Maintenance from the Finn Hill Park and Recreation District;
- c. Fully funded maintenance and operations for parks and open spaces in the new neighborhoods of Finn Hill, Juanita and Kingsgate; and
- d. Forest and Habitat Restoration.

Initially, the capital improvement expenditures include:

- i. Dock and Shoreline Renovations (major repairs and improvements to public docks and park shorelines for safety and property protection);
- ii. City-School Playfield Partnerships (continuation of partnership with Lake Washington School District to upgrade school playfields for neighborhood and community use);
- iii. Waverly Beach Park Renovation (improvements to community waterfront park);
- iv. Edith Moulton Park Renovation (completion of renovations to community park transferred from King County as part of the 2011 annexation);
- v. Cross Kirkland Corridor Trail (an interim pedestrian and bicycle trail within the 5.75 mile Cross Kirkland Corridor);
- vi. Juanita Beach Bathhouse Replacement (replacement facility for park restrooms, maintenance storage and canoe/kayak boating concession); and
- vii. Neighborhood Park Land Acquisition (funding to acquire land for future neighborhood parks).

The City will produce an annual accountability report documenting actions and program status.

Future Park Improvements, including operation and maintenance priorities, will be identified and undertaken in accordance with PROS and the Capital Improvement Program as updated over time and as prioritized by the Park Board and City Council.

The cost of all necessary appraisals, negotiation, closing, architectural, engineering, financial, legal and other consulting services, inspection and testing, administrative and relocation expenses and other costs incurred in connection with the foregoing Park Improvements shall be deemed a part of the costs of such Park Improvements.

The City Council shall determine the exact specifications for the Park Improvements as well as the timing, order and manner of completing the Park Improvements. By ordinance of the City, the Council may alter, make substitutions to and amend the description of any Park Improvement as it determines is in the best interests of the City and consistent with the general descriptions provided herein. By ordinance, the City Council shall determine the application of moneys available for the Park Improvements set forth above so as to accomplish, as nearly as may be, all of the Park Improvements described.

If the City Council, by ordinance, shall determine that it has become impractical to acquire, construct or equip all or any portion of the Park Improvements by reason of changed conditions, incompatible development, costs substantially in excess of the amount of tax levies and other City funds estimated to be available, or acquisition by a superior governmental authority, the City shall not be required to acquire, construct or equip such portions. If all of the Park Improvements have been constructed or acquired or duly provided for, or found to be impractical, the City may apply the levy proceeds (including earnings thereon) or any portion thereof to other open space, park and recreation purposes as the Council, by ordinance and in its discretion, shall determine.

Section 2. It is hereby found that the best interests of the inhabitants of the City require the submission to the qualified electors of the City of a proposition whether the City shall levy regular property taxes above the limitations established in RCW 84.55.010 for approval or rejection at the general election to be held on November 6, 2012, a proposition to increase the City's regular property tax levy by \$.16 per \$1,000 of assessed valuation for collection beginning in 2013 (with an estimated total annual collection amount of \$2,345,000 based on current estimates of assessed valuation) for the park purposes described herein. The dollar amount of such increased levy shall be used for the purpose of computing the limitations for subsequent levies provided for in RCW ch. 84.55. King County Elections, as *ex officio* supervisor of elections in King County, Washington, is hereby requested to assume jurisdiction of and to submit to the qualified electors of the City the proposition hereinafter set forth.

The City Clerk is hereby authorized and directed, not less than 84 days prior to such election date, to certify the proposition to King County Elections in the following form:

CITY OF KIRKLAND
PROPOSITION NO. 2

LEVY FOR CITY PARKS MAINTENANCE, RESTORATION AND
ENHANCEMENT

The Kirkland City Council adopted Ordinance No. 4365 concerning a proposition for a park levy rate increase. To restore and enhance funding for park maintenance and beach lifeguards, to maintain, renovate, and enhance docks, park facilities, trails and playfields and to acquire parkland and open space, the City's regular property tax levy base shall be increased permanently by \$.16 per \$1,000 of assessed value for collection beginning in 2013 and such amount shall be used for the purpose of computing the limitations for subsequent levies provided under RCW ch. 84.55. Should this proposition be:

APPROVED?

REJECTED?

Certification of such proposition by the City Clerk to King County Elections, in accordance with law, prior to the date of such election, and any other acts consistent with the authority, and prior to the effective date, of this ordinance, are hereby ratified.

Section 3. If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction; such decision shall not affect the validity of the remaining portions of this ordinance.

Section 4. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication.

Passed by a majority vote of the Kirkland City Council in open meeting this 17th day of July, 2012 and approved by the City Council as required by law.


Signed in authentication thereof this 17th day of July, 2012.


MAYOR

Attest:


City Clerk

Approved as to Form:


City Attorney