



Legislation Text

File #: 2019-0084, **Version:** 2

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, 2019, 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 \$0.1832 per one thousand dollars of assessed valuation in the first year and limiting annual levy increases by the King County inflation plus population index published by the King County office of economic and financial analysis, or the chapter 84.55 RCW limitation, whichever is greater in years two through six for the purpose of maintaining and operating King County's open space system; improving parks, recreation, access and mobility in the King County open space system by acquiring lands and continuing to develop regional trails; improving parks and trails in and acquiring lands by metropolitan parks districts, towns and cities in King County; funding environmental education, maintenance and conservation programs at the Woodland Park Zoo; funding capital construction at the Seattle Aquarium; and funding for capital improvements at publicly owned pools, for all King County residents.

STATEMENT OF FACTS:

1. King County owns and operates a system of regional and local parks and trails that consists of twenty-eight 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 areas, regional parks and local parks in 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. 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 open space system provides all these benefits to King County residents and businesses.

3. The 2002 Parks Business Transition Plan, adopted by the King County council and enacted by Ordinance 14509, became the blueprint for establishing the regional open space system we have today. Building on that blueprint, the county has adopted open space plans, which have provided the framework guiding King County in the acquisition, planning, development, stewardship, maintenance and management of its complex system of parks, regional trails and acres of open space. The latest open space plan was updated in 2016 and adopted by Ordinance 18309.

4. In implementing the open space plan, 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 implemented 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.

5. Consistent with the recommendations of past parks-related task forces, the county has sought voter-approved levies on three prior occasions: in 2003, enacted by Ordinance 14586, to

provide maintenance and operating funding for the parks and recreation division for 2004 through 2007; in 2007, enacted by Ordinance 15759, to provide funding for maintenance and operations as well as funding for open space acquisition, regional trail development, the Woodland Park Zoo and for King County towns and cities for use in their open space acquisition and trail projects for 2008 through 2013; and in 2013, enacted by Ordinance 17568, to provide funding for maintenance and operations as well as for open space acquisition, asset maintenance and improvement, parks and trails projects, the Woodland Park Zoo and for King County towns and cities to use for their parks and recreation for 2014 through 2019. Voters approved the funding measures on all three occasions that they were on the ballot. The voter-approved levies have helped keep the open space system clean, safe and open.

6. The 2014 through 2019 voter-approved parks, trails and open space replacement levy provides approximately eighty percent of the operating budget of the parks and recreation division, with approximately thirteen percent generated through business activities and entrepreneurial efforts. King County general fund support to the parks and recreation division was eliminated as of 2011.

7. The community partnerships and grants program enacted by Ordinance 14509 enhances parks amenities by partnering with parks and recreation organizations. Since the inception of the community partnership and grant program in 2003, more than sixty projects representing more than sixty million dollars' worth of new, enhanced, or preserved public recreation facilities have been completed, with only eighteen million dollars of King County capital investment.

8. The Woodland Park Zoo received distributions from the past two voter-approved levies to supplement zoo operating revenue for education and conservation programs, horticulture and maintenance and capital improvements. Levy proceeds distributed to the zoo provided environmental education, programming and transportation focusing on accessibility for

underserved areas, supported thousands of students annually and benefitted residents throughout King County. Levy proceeds also provided conservation and animal care for threatened Pacific Northwest species.

9. King County towns and cities received funding from the past two voter-approved levies. In 2008 through 2013, towns and cities could use levy proceeds for open space and natural lands acquisition and development of town or city trail projects that supported connections to the regional trail system with distributions being contingent upon an equal or greater contribution of matching moneys from the recipient town or city for the same project. In the 2014 through 2019 levy, types of uses for the distribution to King County towns and cities were broadened to provide flexibility and better meet the parks and recreation needs of cities.

10. Parks levy oversight committees were established to monitor the expenditures of the proceeds from the 2004 through 2007, 2008 through 2013 and 2014 through 2019 levies. Annual committee review has concluded that the county has complied with all levy requirements.

11. King County is growing rapidly as a region. In 2017, King County's population increased by close to fifty thousand people; and over the next ten years, the region is expected to grow by another one hundred eighty thousand people. Recent surveys have indicated that since 2008, the number of people who hike in natural area parks has doubled. More and more people are using the King County parks and trails, which puts greater pressure on an aging system. As development increases to accommodate population growth, the risk of losing natural lands and green spaces throughout the county grows. Those valuable lands contribute to King County residents' high quality of life. The cost of land to accommodate this growth and preserve open spaces is also increasing. Today is the opportune time to address future needs of residents by investing in our parks and trails and accelerating conservation of open space.

12. In King County, many communities have experienced a history of inequitable and limited

regional investments in parks, recreation and open space, limiting the ability of residents to lead healthy lives. Five hundred thousand King County residents live without ready access to, parks, recreation and open spaces. There is a need to address disparities in access to parks, recreation and open space for underserved areas and communities, including people with disabilities. This proposal provides an opportunity to address parks and recreation needs of these underserved areas and communities.

13. Recognizing growth in population, increased use of parks and trails and the need to address disparities in preparation for the 2020 through 2025 levy, the parks and recreation division conducted outreach to obtain feedback on the current park system and future parks and recreation needs for all King County residents. From August through November 2018, parks and recreation division staff conducted fifty-four in-person engagement meetings with groups representing all geographic areas of the county including towns and cities, business, recreation, community and environmental interests. An online survey was also conducted from November to December 2018, and received one thousand nine hundred thirty-four responses from the public, representing all geographic areas of the county.

14. The feedback from the engagement meetings and online survey showed support for the King County open space system. Engagement findings showed support for maintenance and operations of the open space system, as well as critical infrastructure repair and replacement, and the acquisition, conservation and stewardship of open space, as such lands can provide for passive or active recreation opportunities and protection of habitat and water quality, and the development of and improvements on regional trail corridors. Feedback supported funding for King County towns' and cities' parks and recreation programs; the Woodland Park Zoological Society education and conservation programs and horticulture, maintenance and capital improvements; and recognized the Seattle Aquarium as a regional asset.

15. The King County executive took into consideration information obtained from this outreach, the region's growing population, increased use of parks and trails across King County, and the lack of parks, recreation and open space in some communities, and has put forth this proposal which acknowledges the changing landscape and the need to grow the open space system to keep up with demand from the region. This proposal is also consistent with the goals and priorities of past levy task forces.

16. This proposal would exempt low-income senior citizens, disabled veterans and other people with disabilities from the regular property tax increase on their residences resulting from a levy authorized by this ordinance, if they have been approved for an exemption under RCW 84.36.381.

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

B. "Integrated floodplain management" means habitat restoration, open space acquisition or recreational opportunities that are integrated with preventive and corrective measures to reduce the risk of flooding.

C. "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.

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

E. "Limit factor" means the most recent published King County office of economic and financial analysis King County inflation plus population index, or the limitation contained in chapter 84.55 RCW, whichever is greater.

F. "Open space system" means the system that includes parks, trails, natural areas, resource lands and structures or buildings owned or otherwise under the jurisdiction of the parks and recreation division of the department of natural resources and parks. For the purposes of this ordinance, with reference to King County, the term "open space lands" shall collectively refer to natural areas and resource lands.

G. "Targeted equity grant program" means the program through which King County provides moneys in order to achieve equitable opportunities and access to parks and recreation for underserved areas and communities, including people with disabilities, located in unincorporated King County and King County towns and cities.

H. "Town or city parks system" means any building or other structure related to parks or recreation, parks, trails, open space such as natural areas and resource or ecological lands and other parks or recreation property owned or otherwise under the jurisdiction of a town or city within King County.

SECTION 2. Levy submittal to voters. To provide necessary moneys 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 2020, at a rate not to exceed \$0.1832 per one thousand dollars of assessed value in the first year of the levy period. The dollar amount of the levy in the first year shall be the base upon which the levy amounts in year two through six shall be calculated. 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. Costs incurred by the county that are attributable to the special election called for in section 5 of this ordinance.

B. Up to eight million dollars to the Seattle Aquarium from the first four years of the levy. Levy proceeds for the Seattle Aquarium shall solely be for capital costs for the Ocean Pavilion project, except as provided in subsection E.5. of this section.

C. Up to forty-four million dollars to publicly owned pools for: capital improvement projects, including planning, feasibility studies, preconstruction and design, construction; and major maintenance repair or replacement projects.

D. Up to twenty-two million dollars to habitat restoration, open space acquisition or recreational opportunities, or any combination thereof, associated with integrated floodplain management capital improvement projects and to outreach and education related to the benefits of integrated floodplain management projects.

E. The remainder of levy proceeds shall be used for the following purposes:

1. Forty percent of levy proceeds for maintenance and operations of King County's open space system and the targeted equity grant program, but no more than ten million dollars may be used for the targeted equity grant program;

2. Forty-seven percent of levy proceeds for:

a. acquisition, conservation and stewardship of additional open space lands, natural areas, resource or ecological lands, rights of way for regional trails and urban green spaces;

b. acquisition of rights of way for and development of regional and other public trails;

c. capital improvement projects and major maintenance repair or replacement of open space system infrastructure;

d. community partnerships and grants program; and

e. capital improvement projects and major maintenance repair or replacement of parks or recreation infrastructure in metropolitan park districts, towns or cities;

3. Eight percent of levy proceeds for distribution to towns and cities in King County for their town or city parks system operations and capital improvement projects, of which amount:

a. twenty-five thousand dollars shall be distributed annually to each town and city;

b. an additional seventy-five thousand dollars shall be distributed annually to cities with a population greater than four thousand;

c. of the remainder, fifty percent shall be distributed in proportion to each town or city's population and fifty percent shall be distributed in proportion to the assessed value of parcels within each town or city;

4. Five percent of levy proceeds for distribution to the Woodland Park Zoological Society shall be used solely for: environmental education with an emphasis on accessibility to traditionally underserved populations throughout the county; horticulture and maintenance of buildings and grounds; conservation of threatened species; and development of conservation and education strategies to mitigate impacts to animals and habitats from climate change; and

5. Of the levy proceeds in subsections B., C., D., E.2.e., E.3. and E.4. of this section, 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 B., C., D., E.2.e., E.3. and E.4. of this section as well as sections 6 and 7 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, 2019, 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, with such additions, deletions or modifications as may be required for the proposition listed below by the prosecuting attorney:

The King County council passed Ordinance ____ concerning replacement of an expiring parks levy. If approved, this proposition would provide funding for county, town, city and park district parks, and for open space, trails, recreation, public pools, zoo operations and an aquarium capital project. It would authorize an additional six-year property tax beginning in 2020 at \$0.1832 per \$1,000 of assessed valuation with the 2020 levy amount being the base for calculating annual increases in 2021 - 2025 by the King County inflation plus population index or the 84.55 RCW limitation, whichever is greater. Should this proposition be:

Approved? __

Rejected? __

SECTION 6. Distributions. Each distribution of levy proceeds to a King County town or city, the Woodland Park Zoological Society or its successor, or the Seattle Aquarium 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 purposes. Distribution of levy proceeds shall be subject to the execution of a contract for: the targeted equity grant program; publicly owned pool capital improvement projects and major maintenance repair or replacement projects; integrated floodplain management capital improvement projects and outreach and education; capital improvement projects and major maintenance repair or replacement projects to parks or recreation infrastructure in metropolitan park districts, towns or cities; and acquisition, conservation and stewardship of additional natural areas, resource or ecological lands, rights of way for regional trails and urban green spaces.

SECTION 7. Parks levy 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 oversight board shall be appointed by the executive. The board shall consist of nine members. Each councilmember shall nominate a candidate for the board who resides in the councilmember's district no later than March 31, 2020. If the executive does not appoint by May 31, 2020, the person nominated by a councilmember, the executive must request that the councilmember should by June 30, 2020, nominate another candidate for appointment. Members shall be confirmed by the council. Members may not be elected or appointed officials of any unit of government, except that individuals serving in a civic capacity on a local board or commission would be eligible to serve on the parks levy oversight board.

B. The board shall review the allocation of levy proceeds and progress on achieving the purposes of this proposition. On or before December 31, 2021, 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 2020. 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 board expires December 31, 2026.

SECTION 8. Exemption. The additional regular property taxes authorized by this ordinance shall be included in any real property tax exemption authorized by RCW 84.36.381.

SECTION 9. 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, 2019, and any other acts 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.