

ORDINANCE NO. O-4731

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KIRKLAND, WASHINGTON, PROVIDING FOR THE FORM OF THE BALLOT PROPOSITION AND SPECIFYING CERTAIN OTHER DETAILS CONCERNING SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY AT A SPECIAL ELECTION TO BE HELD THEREIN ON NOVEMBER 3, 2020, OF A PROPOSITION AUTHORIZING THE CITY TO LIFT THE LEVY LIMIT ESTABLISHED IN RCW 84.55.010 IN ORDER TO FUND FIRE AND EMERGENCY MEDICAL SERVICES, AND TO ACQUIRE, CONSTRUCT, IMPROVE, EQUIP AND/OR RENOVATE CITY FIRE FACILITIES.

1           WHEREAS, in 2011, the City Council (the "Council") of the City  
2 of Kirkland (the "City") engaged the services of Emergency Services  
3 Consulting International ("ESCI") to conduct an organizational review of  
4 the City Fire Department; and

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6           WHEREAS, since 2012, Fire Department staff has worked with  
7 other City departments and the City Manager's Office to implement  
8 certain ESCI recommendations, including through the budget process;  
9 and

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11           WHEREAS, the Council completed a Fire Strategic Plan in 2012  
12 to identify needed investments in staffing, equipment and technology to  
13 provide for better response times for fire and Emergency Medical  
14 Services ("EMS"); and

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16           WHEREAS, on February 21, 2017, the Council approved  
17 Resolution R-5239 adopting the City's 2017-2018 Work Program to  
18 "explore potential ballot measures for fire station modernization and  
19 public safety operations to further the goals of Public Safety,  
20 Dependable Infrastructure, and Financial Stability"; and

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22           WHEREAS, on December 12, 2017, the Council adopted  
23 Resolution R-5290, revising the 2017-2018 City Work Program to defer  
24 exploration of a fire facilities and operations ballot measure to at least  
25 2020 due to public concerns about the cumulative financial impact of  
26 property tax increases due to state and regional legislation; and

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28           WHEREAS, the Council subsequently implemented a two-phased  
29 approach to addressing public safety needs; and

30 WHEREAS, phase one included a sales and use tax for enhanced  
31 police and public safety services, which was approved by the voters at  
32 an election held in November 2018, and phase two includes a bond  
33 and/or levy lid lift for fire station seismic renovation, capacity expansion,  
34 and additional firefighter/emergency medical technician ("EMT")  
35 staffing; and  
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37 WHEREAS, on February 19, 2019, the Council adopted the 2019-  
38 2020 City Work Program which ranked "exploring a potential ballot  
39 measure in 2020 to fund Fire Station modernization and enhanced  
40 operations to further the goal of Public Safety" as its number one  
41 priority; and  
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43 WHEREAS, the City continues to experience unprecedented  
44 growth and development, with new types of commercial and residential  
45 structures that need fire/EMS services; and  
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47 WHEREAS, providing fire/EMS services that match this economic  
48 growth and redevelopment are challenged by the expiration of the  
49 annexation sales tax credit in 2021, resulting in the loss of nearly \$4  
50 million annually from the City's general fund; and  
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52 WHEREAS, further, Washington State law limits the annual  
53 increase of a city's regular property tax levy to 1% plus an allowance  
54 for new construction, unless the voters of a city approve a levy lid lift  
55 permitting the collection of regular property taxes in a greater amount;  
56 and  
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58 WHEREAS, to sustainably fund these potential fire/EMS  
59 investments, the City must either identify new revenues or significantly  
60 reprioritize existing general fund programs such as parks maintenance  
61 and street maintenance that also rank as high priorities with City  
62 residents; and  
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64 WHEREAS, in 2019, the Council convened the Community Safety  
65 Advisory Group ("ComSAG") to review options to improve response  
66 times, keep Fire/EMS stations seismically sound, and improve firefighter  
67 health and safety; and  
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69 WHEREAS, in February 2020, ComSAG recommended hiring 24  
70 new firefighter/EMTs to provide a dedicated aid car at Fire Station 22 in  
71 Houghton, fully staff Fire Station 24 in north Juanita, provide daily 12  
72 hour dedicated patient transport during peak hours, and fund five new  
73 firefighter/EMTs to improve response times throughout the City; and  
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75 WHEREAS, to improve response times and protect firefighter  
76 health and safety, the ComSAG also recommended construction of a

77 new Fire Station 27 in Totem Lake, and the seismic renovation of Fire  
78 Station 22 in Houghton, Fire Station 26 in Rose Hill and Fire Station 21  
79 at the border of Juanita and Norkirk; and  
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81 WHEREAS, since the ComSAG completed its recommendation in  
82 February 2020, the City proclaimed an emergency to combat the  
83 COVID-19 pandemic and has been grappling with the escalating social  
84 and economic impact of the virus and related public health and safety  
85 orders on the community; and  
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87 WHEREAS, the capital and operating elements in the proposed  
88 ComSAG recommendation would have significantly improved the City's  
89 response to COVID-19, and the budget challenges created by the  
90 economic impacts of the outbreak curtails the City's ability to fund  
91 any of these additional public safety investments without a voter  
92 approved revenue source; and  
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94 WHEREAS, at the May 19, 2020 Council meeting, the Council  
95 directed staff to reprioritize the capital and operating elements funded  
96 within the ballot measure(s) to be no more than the ComSAG's  
97 recommendation of \$0.22513 per \$1,000 of assessed valuation which  
98 required a deferral of some staffing and facility elements to future years;  
99 and  
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101 WHEREAS, the King County Assessor has cautioned that Eastside  
102 assessed valuations may decrease in 2021. Should that occur, the ballot  
103 measure may not generate sufficient revenue to accomplish the  
104 commitments set forth in Section 1 below on the projected timeframe  
105 expected by voters. Consistent with the City's conservative fiscal  
106 policies, the levy rate has been increased from \$0.22513/\$1,000AV to  
107 \$0.23513/\$1,000AV to offset an up to five percent drop in assessed  
108 valuations in 2021; and  
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110 WHEREAS, it is deemed necessary that the City increase its  
111 regular property tax levy rate to \$0.23513 per \$1,000 of assessed value  
112 for collection in 2021 and thereafter to use the resulting levy amount as  
113 the basis for computing the limitations for subsequent levies as allowed  
114 by chapter 84.55 RCW; and  
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116 WHEREAS, the Council deems it necessary to submit to the  
117 voters of the City the proposition of whether or not the City shall levy  
118 regular property taxes for collection in 2021 in excess of the limit factor  
119 provided for in chapter 84.55 RCW;  
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121 NOW, THEREFORE, the City Council of the City of Kirkland does  
122 ordain as follows:  
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Section 1. Findings. The Council hereby finds that the best interests of the residents of the City require the City to fund fire and emergency medical services and facilities, including but not limited to the following ("Fire and EMS Services"):

- Acquire pandemic response equipment, including stockpiling personal protective equipment;
- Acquire, construct, improve and equip a new Fire Station in Totem Lake, including the acquisition of land;
- Modernize, improve, expand, and/or renovate existing Fire Stations, including Fire Station 21 in Juanita, Fire Station 22 in Houghton and Fire Station 26 in Rose Hill;
- Facility seismic renovations and capacity expansion;
- Hire approximately 20 additional full-time equivalent firefighter/emergency medical technicians (EMTs) and staff;
- Modernize and upgrade technology and public safety facilities and equipment;
- Fund additional operating, maintenance, vehicle and capital expenses to provide enhanced public safety services; and
- Other public safety operations, maintenance, improvements, equipment and services as determined by the Council should anticipated investments become infeasible or City public safety needs significantly change.

The City Council shall determine the timing, order and manner of funding the Fire and EMS Services and uses of levy proceeds. The cost of all compensation, benefits, training, support services, equipment, vehicles, infrastructure, facilities, real property, and/or administrative expenses and other costs incurred in connection with the Fire and EMS Services shall be deemed a part of the costs of such Fire and EMS Services. The Council may alter, make substitutions to, and amend such components as it determines are in the best interests of the City and consistent with the general public safety descriptions provided herein. The proper officials at the City shall produce an annual accountability report documenting use of levy proceeds, actions and program status of Fire and EMS Services.

Section 2. Calling of Election Regarding the Levy of Additional Regular Property Taxes. It is hereby found and declared the best interests of the City require the submission to the qualified electors of the City of the proposition whether the City shall levy regular property taxes above the levy limitations established in RCW 84.55.005 and RCW 84.55.010 for their ratification or rejection at an election to be held on November 3, 2020. For the purpose of providing funds to pay the costs of the Fire and EMS Services, the King County Director of Records and Elections (the "Director"), as *ex officio* supervisor of elections in King County, Washington, is hereby requested to call and conduct such election to be held on such day and to submit to the qualified electors

172 of the City for their approval or rejection a proposition to increase the  
173 City's regular property tax levy by up to \$0.23513 per \$1,000 of  
174 assessed valuation (to a total rate not to exceed \$1.22951 per \$1,000  
175 of assessed valuation) for collection in 2021, as allowed by chapter  
176 84.55 RCW. The 2021 levy amount will be used as the basis to calculate  
177 subsequent levy limits.

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179       Upon approval of the voters of the proposition hereinafter set  
180 forth, the City may use proceeds of such levy to pay the costs of the  
181 Fire and EMS Services as more particularly described in this ordinance.

182       Section 3. Election. The City Clerk is hereby authorized and  
183 directed to certify the following proposition to the Director, in  
184 substantially the following form. Such election shall be conducted by  
185 mail unless otherwise determined by the Director.

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187                               CITY OF KIRKLAND PROPOSITION NO. 1  
188                               LEVY LID LIFT FOR  
189                               FIRE AND EMERGENCY MEDICAL SERVICES AND FACILITIES

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191       The City Council of the City of Kirkland  
192 adopted Ordinance No. O-4731  
193 concerning funding for fire and  
194 emergency medical services and facilities.  
195 This proposition would fund public safety,  
196 including stockpiling pandemic personal  
197 protective equipment, constructing a new  
198 fire station, seismically renovating  
199 existing stations, and hiring additional  
200 firefighters/EMTs to improve response  
201 times by increasing the City's regular  
202 property tax by approximately  
203 \$0.23513/\$1,000 to a maximum rate of  
204 \$1.22951/\$1,000 assessed valuation for  
205 collection in 2021. The 2021 levy amount  
206 will be the basis to calculate subsequent  
207 levies, per RCW 84.55. Qualifying seniors,  
208 disabled veterans, and others would be  
209 exempt, per RCW 84.36.

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211       Should this proposition be approved:

212   YES?.....

213   NO?.....

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215       For purposes of receiving notice of the exact language of the  
216 ballot proposition required by RCW 29A.36.080, the City Council hereby

217 designates: (a) the City Clerk and (b) the City Attorney, as the  
218 individuals to whom such notice should be provided. The City Attorney  
219 and City Clerk are each authorized individually to approve changes to  
220 the ballot title, if any, deemed necessary by the Director.

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222 The City Clerk is authorized to make necessary clerical  
223 corrections to this ordinance including, but not limited to, the correction  
224 of scrivener's or clerical errors, references, numbering,  
225 section/subsection numbers, and any reference thereto.

226  
227 The proper City officials are authorized to perform such duties  
228 as are necessary or required by law to submit the question of whether  
229 the regular property tax shall be increased, as provided in this  
230 ordinance, to the electors at the November 3, 2020 election.

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232 Section 4. Exemption. If the ballot proposition set forth herein  
233 is approved by the voters, as authorized by RCW 84.36.381, senior  
234 citizens, disabled veterans, and other people with disabilities (as defined  
235 in RCW 84.36.381) shall be exempt from the tax increase resulting from  
236 such levy lid lift.

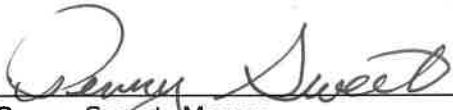
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238 Section 5. Voters' Pamphlet. The preparation and distribution  
239 of a local voters' pamphlet providing information on the foregoing ballot  
240 measure is hereby authorized. The pamphlet shall include an  
241 explanatory statement and arguments advocating approval and  
242 disapproval of the ballot measure, if any. In accordance with RCW  
243 29A.32.280, the arguments advocating approval and rejection of the  
244 ballot measure shall be prepared by committees appointed by the City  
245 Council. Each committee shall be composed of not more than three  
246 persons; however, a committee may seek the advice of any person or  
247 persons. The committee advocating approval shall be composed of  
248 persons known to favor the ballot measure, and the committee  
249 advocating rejection shall be composed of persons known to oppose the  
250 ballot measure.

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252 Section 6. Severability; Ratification. If any provisions in this  
253 ordinance shall be declared by any court of competent jurisdiction to be  
254 contrary to law, then such provision shall be null and void and shall be  
255 deemed separable from the remaining provisions of this ordinance and  
256 shall in no way affect the validity of the other provisions of this  
257 ordinance or of the levy or collection of the taxes authorized by this  
258 proposition. Any act consistent with the authority and prior to the  
259 effective date of this ordinance is hereby ratified and confirmed.


260           Section 7. Effective Date. This ordinance shall be in full force  
261 and effect five days from and after its passage by the Kirkland City  
262 Council and publication of a summary of this ordinance in accordance  
263 with Kirkland Municipal Code 1.08.017.

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265           Passed by majority vote of the Kirkland City Council in open  
266 meeting this 21 day of July, 2020.

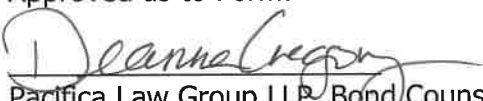
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268           Signed in authentication thereof this 21 day of July, 2020.

  
Penny Sweet, Mayor

Attest:

  
Kathi Anderson, City Clerk

Approved as to Form:

  
Pacifica Law Group LLP, Bond Counsel

CERTIFICATE

I, the undersigned, City Clerk of the City of Kirkland, Washington, and keeper of the records of the City Council, DO HEREBY CERTIFY:

1. That the attached Ordinance is a true and correct copy of Ordinance No. 4731 of the City (the "Ordinance"), as finally adopted at a regular meeting of the City Council held on July 21, 2020, and duly recorded in my office.

2. That said meeting was duly convened and held in all respects in accordance with law, and to the extent required by law, due and proper notice of such meeting was given; that quorum of the City Council was present throughout the meeting and a legally sufficient number of members of the City Council voted in the proper manner for the adoption of said Ordinance; that all other requirements and proceedings incident to the proper adoption or passage of said Ordinance have been duly fulfilled, carried out and otherwise observed, and that I am authorized to execute this certificate.

Dated this 21 day of July, 2020.

CITY OF KIRKLAND, WASHINGTON



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Kathi Anderson, City Clerk



PUBLICATION SUMMARY  
OF ORDINANCE NO. 4731

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KIRKLAND, WASHINGTON, PROVIDING FOR THE FORM OF THE BALLOT PROPOSITION AND SPECIFYING CERTAIN OTHER DETAILS CONCERNING SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY AT A SPECIAL ELECTION TO BE HELD THEREIN ON NOVEMBER 3, 2020, OF A PROPOSITION AUTHORIZING THE CITY TO LIFT THE LEVY LIMIT ESTABLISHED IN RCW 84.55.010 IN ORDER TO FUND FIRE AND EMERGENCY MEDICAL SERVICES, AND TO ACQUIRE, CONSTRUCT, IMPROVE, EQUIP AND/OR RENOVATE CITY FIRE FACILITIES.

Section 1. Sets forth findings of the Council, and authorizes the City to fund fire and emergency medical services and facilities, including but not limited to those operating and capital services set forth therein (the "Fire and EMS Services").

Section 2. Calls for the submission to the qualified electors of the City of the proposition whether the City shall levy regular property taxes above the levy limitations established in RCW 84.55.005 and RCW 84.55.010 for their ratification or rejection at an election to be held on November 3, 2020 for the purpose of providing funds for Fire and EMS Services.

Section 3. Sets forth the form of ballot proposition authorizing a levy lid lift for fire and emergency medical services and facilities.

Section 4. Provides for an exemption for qualified senior citizens, disabled veterans and other persons with disabilities from the regular property tax increase resulting from the levy lid lift.

Section 5. Authorizes the preparation and distribution of a local voters' pamphlet providing information on the levy lid lift ballot proposition.

Section 6. Provides for the severability of the Ordinance and ratifies prior actions taken in furtherance of the purposes of the Ordinance.

Section 7. States the effective date of the Ordinance.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the 21 day of July, 2020.

I certify that the foregoing is a summary of Ordinance No. 4731 approved by the Kirkland City Council for summary publication.

  
Kathi Anderson, City Clerk