

RESOLUTION NO. 1810

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST PARK, WASHINGTON, RELATING TO THE CITY'S REGULAR PROPERTY TAX LEVY; PROVIDING FOR THE SUBMISSION TO THE VOTERS OF THE CITY AT A SPECIAL ELECTION TO BE HELD ON NOVEMBER 2, 2021, IN CONJUNCTION WITH THE STATE GENERAL ELECTION TO BE HELD THE SAME DATE, OF A PROPOSITION AUTHORIZING THE CITY TO LEVY REGULAR PROPERTY TAXES IN AN AMOUNT IN EXCESS OF THE LIMITATIONS PROVIDED IN CHAPTER 84.55 RCW; DESIGNATING THE CITY ADMINISTRATOR, CITY ATTORNEY, AND SPECIAL COUNSEL TO RECEIVE NOTICE OF BALLOT TITLE FROM THE DIRECTOR OF ELECTIONS OF KING COUNTY, WASHINGTON; AND PROVIDING FOR RELATED MATTERS

WHEREAS, in the past five years, the City Administration and City Council have engaged the community in multiple studies and resulting reports and plans that include sidewalks, walkways, bicycle connections, parks and recreation facilities options for Lake Forest Park residents; these efforts have included community outreach and engagement through surveys, public work-shops, and public meetings; and

WHEREAS, Safe Streets was initiated by City staff in the Fall of 2016 to look at streets throughout City and ways to make them safer for everyone; it included studying safe connections between neighborhoods of the City and to schools, parks, transit, Town Center, Burke-Gilman Trail, and the Interurban Trail; Safe Streets reports were issued in July 2017 and April 2018; and

WHEREAS, the Lake Forest Park Parks Recreation Open Space and Trails ("PROST") Plan examined the City's parks, open space and recreation resources and included recommendations for improvements to form a basis for future improvement planning; the final PROST Plan was adopted in February 28, 2019; and

WHEREAS, because of fiscal constraint the City has not invested in the level of improvements for sidewalks, walkways, bicycle connections, parks and recreation as the community may otherwise have desired, and to provide these improvements the City is in need of additional funds to supplement existing City general revenue; and

WHEREAS, chapter 84.55 RCW limits the amount of the City's regular property tax levy to 101% (or 100% plus inflation, if inflation is less than 1%) of the prior highest

lawful levy amount (the "levy lid"), plus an additional amount for increases in assessed value from or due to new construction, construction of certain renewable energy facilities, improvements to property and state-assessed property; and

WHEREAS, due to the levy lid, the City's current regular property tax levy is \$0.97679 per \$1000 of assessed value, which is \$1.65957 per \$1000 of assessed value less than what is statutorily authorized; and

WHEREAS, RCW 84.55.050 provides for the levy of regular property taxes in an amount exceeding the limitations specified in chapter 84.55 RCW if such increased levy is authorized by a ballot proposition approved by a majority of the voters at a special election held within the taxing district (a "levy lid lift"), which proposition may provide that the taxing district will use the regular property tax levy amount so approved for purposes of computing the levy lid for subsequent levies, and that the proposition may set the regular property tax levy at a rate less than the maximum rate allowed for the taxing district, and that the exemption for low-income senior citizens, disabled veterans and other people with disabilities authorized by RCW 84.36.381 will apply to the levy lid lift; and

WHEREAS, the development, operation, and maintenance of parks, recreational spaces, open spaces, trails and pedestrian/cyclist connections within the City, the promotion of public health and safety from public use of such facilities, and the increased demands and costs of providing such facilities to the community require the expenditure of permanent and reliable (i.e., sustainable) revenues in excess of the current levy lid; and

WHEREAS, the City Council has determined that it is in the best interest of the City and its residents to submit a levy lid lift proposition under RCW 84.55.050(1) to the voters for their approval or rejection, authorizing an increase to the City's regular property tax levy for collection in 2022 by a rate of approximately \$0.59321 per \$1,000 of assessed value for a total levy rate \$1.57 per \$1,000, which remains less than the maximum aggregate rate of \$3.60 per \$1,000. The resulting increased revenue amount of approximately \$2 million annually will be dedicated to walkways, safe connections, parks and recreation.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Lake Forest Park, as follows:

Section 1. Findings and Determinations. The City Council (the "City Council") of City of Lake Forest Park, Washington (the "City"), takes note of the foregoing recitals and incorporates them into this resolution as findings and determinations of the City Council.

Section 2. Description of the Ballot Proposition. The City Council seeks voter approval under RCW 84.55.050(1) of a levy lid lift proposition, as follows:

(a) Maximum Aggregate Levy Rate Authorized. The proposition authorizes the City to establish its maximum aggregate regular property tax levy to the amount resulting from a rate of \$1.57 per \$1,000 of assessed value for levy in 2021 and collection in 2022, which represents a rate that is less than the maximum rate allowed for the City.

(b) Computing the Limitations for Subsequent Levies. The City will use the dollar amount of the maximum aggregate property tax levy resulting from a rate of \$1.57 per \$1,000 of assessed value for levy in 2021 and collection in 2022 for the purpose of computing the limitations for subsequent levies under chapter 84.55 RCW.

(c) Exemption. The exemption authorized by RCW 84.36.381 applies to the additional regular property taxes authorized by this proposition.

Section 3. Calling of Election. The Director of Elections of King County, Washington, as *ex officio* Supervisor of Elections (the "Director of Elections"), is requested to call and conduct a special election, in the manner provided by law, to be held in the City on November 2, 2021 (the "Special Election"), for the purpose of submitting to the City's voters, for their approval or rejection, the proposition authorizing the City to increase its regular property tax levy in 2021 for collection in 2022 by an amount greater than otherwise permitted under chapter 84.55 RCW and to use the dollar amount of such levy for the purpose of computing the limitations for the City's subsequent levies under chapter 84.55 RCW.

Section 4. Form of Ballot Title. Pursuant to RCW 29A.36.071, the City Attorney of the City (the "City Attorney") has prepared the concise description of the aforesaid proposition for the ballot title in substantially the following form:

City of Lake Forest Park
Proposition No. 1
Levy for walkways, safe connections, parks, and recreation

The City Council of the City of Lake Forest Park adopted Resolution No. 1810, concerning sustainable funding for walkways, safe connections, parks, and recreation.

This proposition would help fund projects and services identified in Safe Streets reports and PROST plan. It authorizes a maximum regular property tax rate for collection in 2022 of \$1.57 per \$1,000 of assessed valuation (an approximately \$0.59 per \$1,000 increase). The 2022 levy amount will be used to compute the limitations for subsequent levies under chapter 84.55 RCW. Qualifying low-income seniors, disabled veterans and others with disabilities will be exempt from the levy increase under RCW 84.36.381.

Should this proposition be approved:

Yes

No

Section 5. Levy Proceeds Fund. The levy proceeds of approximately \$2.0 million annually shall be deposited in a special revenue fund established exclusively for the levy proceeds.

Section 6. Eligible Expenditures and Accountability. If the levy is approved by the voters, the approximately \$2.0 million funds received annually from its passage deposited per Section 5 shall only be used for the purposes provided therein and as identified for in the following subsections.

(a) Planning, public engagement, construction, repair, maintenance and related expenditures, and reporting for the projects and operations will be qualified for appropriation of these levy funds, if identified in the City's Safe Streets reports, including such efforts as pedestrian, bicycle, traffic calming, and other safety connections, or the Lake Forest Park Parks Recreation Open Space and Trails ("PROST") Plan; and any future parks, recreation and pedestrian/cyclist connectivity plans adopted by the City Council; and

(b) Funds from the special revenue fund shall only be appropriated if identified in an adopted or amended Levy Implementation Plan ("Levy Plan") that implements projects and operations from subsection a) above. The Levy Plan will include projects and operations descriptions, milestones, and costs.

(c) The City will electronically publish an annual report on the projects, operations, and expenditures of the levy funds by May 1 of each year.

Section 7. Authorization to Deliver Resolution to Director of Elections and Perform Other Necessary Duties. The chief administrative officer of the City (the "City Administrator") or his designee is authorized and directed to: (a) present a certified copy of this resolution to the Director of Elections no later than August 3, 2021; and (b) perform such other duties as are necessary or required by law to submit to the City's voters at the Special Election, for their approval or rejection, the proposition authorizing the City to increase its regular property tax levy in 2021 for collection in 2022 by an amount greater than otherwise permitted under chapter 84.55 RCW and to use the dollar amount of such levy for the purpose of computing the limitations for the City's subsequent levies under chapter 84.55 RCW.

Section 8. Notices Relating to Ballot Title. For purposes of receiving notice of the exact language of the ballot title required by RCW 29A.36.080, the City Council hereby designates (a) the City Administrator (Phillip Hill), telephone: 206-368-5440; email: phill@cityofflp.com; (b) the City Attorney (Kim Adams Pratt), telephone: 425-201-5111; email: Kim@MadronaLaw.com; and (c) special counsel, Foster Garvey P.C. (Lee Marchisio), telephone: 509.447.6264; email: lee.marchisio@foster.com, as the individuals to whom the Director of Elections shall provide such notice. The City Administrator is authorized to approve changes to the ballot title, as determined necessary.

Section 9. General Authorization and Ratification of Prior Acts. This resolution may be executed by the Mayor or Deputy Mayor of the City, and attested by the City Clerk in tangible medium, manual, facsimile or electronic form under any security procedure or platform, and notwithstanding any other City ordinance, resolution, rule, policy or procedure, or in any other manner evidencing its adoption. The Mayor, City Administrator, City Attorney, Finance Director of the City, other appropriate officers of the City and special counsel, Foster Garvey P.C., are individually authorized and directed to take such actions and to create, accept, execute, send, use and rely upon such documents, records and signatures (including in tangible medium, manual, facsimile or electronic form, under any security procedure or platform, and notwithstanding any other City ordinance, resolution, rule, policy or procedure) as in their judgment may be necessary or desirable to effectuate the provisions of this resolution. All actions taken prior to the effective date of this resolution in furtherance of and not inconsistent with the provisions of this resolution are ratified and confirmed in all respects.

Section 10. Severability. If a court of competent jurisdiction, all appeals having been exhausted or all appeal periods having run, holds any provision of this resolution invalid or unenforceable, then the offending provision is null and void, is separate and severable from the remaining provisions of this resolution and in no way affects the validity of the other provisions of this resolution or of the levy or collection of the regular property taxes as so authorized herein.

Section 11. Effective Date. This resolution takes effect upon its adoption.

Section 12. Corrections. The City Clerk is authorized to make necessary corrections to this resolution including, but not limited to, the correction of scrivener's/clerical errors, references, numbering, section/subsection numbers and any references thereto.

PASSED BY A MAJORITY VOTE of the members of the Lake Forest Park City Council this 22nd day of July, 2021.

APPROVED:



Jeff Johnson
Mayor

ATTEST/AUTHENTICATED:



Evelyn Jahed
City Clerk

FILED WITH THE CITY CLERK: July 16, 2021
PASSED BY THE CITY COUNCIL: July 22, 2021
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