

ORDINANCE NO. O-4857

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 7, 2023, OF A PROPOSITION AUTHORIZING THE CITY TO LIFT THE LEVY LIMIT ESTABLISHED IN RCW 84.55.010 IN ORDER TO FUND PARK, RECREATION, AND OPEN SPACE OPERATIONS, MAINTENANCE, SERVICES, AND FACILITIES.

1           WHEREAS, parks and recreation services are a vital component  
2 of the quality of life for all Kirkland community members, businesses,  
3 and visitors and Kirkland values an exceptional parks, natural areas,  
4 and recreation system that provides a wide variety of opportunities  
5 aimed at promoting the community's health and enjoyment; and

6           WHEREAS, the Kirkland City Council (the "Council") has  
7 continuously included parks and recreation in biennial Council goals,  
8 most recently with the 2021-2022 goal of Abundant Parks, Open Spaces  
9 & Recreation Services, which seeks to provide and maintain natural  
10 areas and recreational facilities and opportunities that enhance the  
11 health and wellbeing of the community; and

12           WHEREAS, in the past, significant funding for parks and  
13 recreation in the City of Kirkland (the "City") has been secured through  
14 bonds and levies placed on the ballot and approved by Kirkland voters;  
15 and

16           WHEREAS, voters approved a 20 year parks bond in 2002 to  
17 finance playfields, playgrounds, land acquisition, and development of  
18 Juanita Beach Park, and these bonds matured on December 31, 2022,  
19 resulting in a reduction of property taxes starting in 2023; and

20           WHEREAS, since 2001, the City's Comprehensive Parks,  
21 Recreation, and Open Space Plans ("PROS Plan") have identified the  
22 need for more multi-use recreation space in the community; and

23           WHEREAS, aquatic facilities have been an essential part of the  
24 Kirkland community and culture for over 55 years, beginning with the  
25 construction of the Peter Kirk Pool in 1968, followed in 1971 with the  
26 construction of the Juanita Aquatics Center at Juanita High School; and

27           WHEREAS, the Kirkland community's desire for additional  
28 indoor recreation, aquatics, and gathering space has been well  
29 documented, beginning with the 2001 Indoor Recreation Needs Survey  
30 and the 2001 PROS Plan; and

31 WHEREAS, according to the guidelines from the City's 2010,  
32 2015, and 2022 PROS Plans, based on guidelines from the National  
33 Recreation and Parks Association, the current Kirkland public aquatic  
34 facilities do not meet community needs; and

35 WHEREAS, the Kirkland Park Board (the "Board"), together with  
36 the Department of Parks and Community Services (the "Department"),  
37 conducted an in-depth study and review of City programs, policies, and  
38 planning for parks, recreation, and open space, a process which  
39 included extensive outreach and a statistically valid survey to gather the  
40 opinions and desires of community members; and

41 WHEREAS, the Board and Department, on the basis of the study  
42 and review, and with input from over 4,700 community members,  
43 completed the 2022 PROS Plan; and

44 WHEREAS, the 2022 PROS Plan provides a vision of the City's  
45 parks and recreation system, proposes changes to the City's park level  
46 of service methodology, includes updates to service guidelines, and  
47 addresses goals, objectives, actions, and other management  
48 considerations for the provision of high-quality recreation opportunities  
49 to benefit community members and visitors to the City; and

50 WHEREAS, on September 20, 2022, the Council adopted  
51 Resolution No. R-5555 integrating the 2022 PROS Plan with the City's  
52 Comprehensive Plan update; and

53 WHEREAS, the 2022 PROS plan identifies an indoor aquatic  
54 and recreation center(s) as a top community need, and other top  
55 interests include trails and trail networks, restrooms in parks, park safety  
56 and security, accessibility and sustainability measures, aquatics  
57 programs, environmental and outdoor education, sports programs,  
58 fitness and wellness programs, and community events; and

59 WHEREAS, the Council's 2021-2022 City Work Program  
60 included a goal to explore potential comprehensive parks and recreation  
61 ballot measure options to be placed before Kirkland voters in 2023 for  
62 the purpose of maintaining and expanding natural areas, open spaces,  
63 aquatics and recreational facilities, and program opportunities that  
64 enhance the health and well-being of the community and further the  
65 goals of abundant parks, open spaces, and recreational services; and

66 WHEREAS, the 2022 PROS Plan identified objectives for  
67 funding the 2022 PROS Plan, under which any funding plan would  
68 include a mix of projects that can be implemented quickly along with  
69 phased investments for larger long-term project objectives, advance the  
70 City's goal of bringing a park or trail within walking distance to all  
71 community members, address impacts of growth by providing open  
72 space, and provide significant early funding to maximize leveraged  
73 partnerships, opportunistic property acquisitions, and development; and

74 WHEREAS, the Council adopted Resolution R-5551 authorizing  
75 the City Manager to convene a Parks Funding Exploratory Committee  
76 ("PFEC") to meet from September 2022 through March 2023 and to  
77 recommend to the Council capital and operating elements and funding  
78 mechanisms that could be included in one or more potential parks and  
79 recreation ballot measures; and

80 WHEREAS, PFEC included 45 community members who  
81 studied Kirkland community needs and priorities based on the 2022  
82 PROS Plan and reviewed potential ballot measure elements to meet  
83 those needs; and

84 WHEREAS, PFEC completed an initial report in March 2023  
85 recommending that a ballot measure or measures should have at least  
86 six priority elements, including at least one aquatic and recreation  
87 facility, three new and six winterized year-round restrooms in parks  
88 across Kirkland, green loop trail networks, seven new sports courts,  
89 City-managed Kirkland Teen Union Building ("KTUB") operations  
90 including teen recreation programs, and increased beach lifeguard  
91 hours and water safety programs; and

92 WHEREAS, PFEC reconvened in May 2023 and reviewed  
93 additional indoor aquatic and recreation facility options, and the results  
94 of a statistically valid community survey conducted to gather public input  
95 on expanded aquatics, parks, and recreational opportunities, and PFEC  
96 recommended an addendum to the original report; and

97 WHEREAS, in May 2023, PFEC updated its previous  
98 recommendation specifying that Council should focus on securing  
99 funding for an 86,000 square foot aquatic and recreation center at  
100 Houghton Park and Ride in addition to the above mentioned five  
101 elements; and

102 WHEREAS, after conversation with the Board and reviewing  
103 community survey feedback, Council determined to include parks safety  
104 and security as a seventh element from the 2022 PROS Plan to prioritize  
105 for funding but adjusted funding for the other elements to keep the total  
106 cost similar to the PFEC recommendations; and

107 WHEREAS, to provide long-term financing for the acquisition,  
108 design, construction, and equipping of the proposed aquatic and  
109 recreation center, the City intends to issue limited tax general obligation  
110 bonds within its allowable non-voted debt capacity and to use funds on  
111 deposit in the City's General Fund and other legally available revenue  
112 to pay debt service on such bonds; and

113 WHEREAS, to provide funding for aquatic and recreation center  
114 operations, trails and open spaces, urban park systems, year-round  
115 restrooms, neighborhood and community park facilities, active  
116 recreation, park rangers and automatic locking gates, beach lifeguards  
117 and water safety programs, sport courts, and teen services identified in  
118 the 2022 PROS Plan, and to operate and maintain open space,

119 neighborhood, community, recreation and park facilities as found  
120 necessary by the Council, it is deemed advisable that the City impose  
121 taxes within the limits permitted to cities; and

122 WHEREAS, RCW 84.55.050 authorizes the voters of a city to  
123 authorize an increase above the levy limitations established in RCW  
124 84.55.010 (a "levy lid lift"); and

125 WHEREAS, RCW 84.55.050 requires that the ballot measure for  
126 a proposed levy lid lift state the aggregate maximum regular property  
127 tax rate per \$1,000 of assessed valuation to be levied in the first year of  
128 the levy lid lift, taking into consideration the City's regular levy for general  
129 City purposes, any allowable increases, and the proposed incremental  
130 increase; and

131 WHEREAS, the King County Assessor has cautioned that  
132 assessed valuations in certain east King County jurisdictions for  
133 purposes of calculating regular property taxes are expected to decrease  
134 significantly from 2023 to 2024, including the assessed values in the  
135 City; and

136 WHEREAS, in order to generate sufficient funds for the  
137 proposed park and recreation projects identified in Section 1 below, it is  
138 advisable that the Council increase the aggregate property tax levy rate  
139 by approximately \$0.28054 per \$1,000 of assessed value for park and  
140 recreation projects to 1.38386 per \$1,000 of assessed value for  
141 collection in 2024 to offset any anticipated decrease in assessed  
142 valuation, and thereafter to use the resulting levy amount as the basis  
143 for computing the limitations for subsequent levies as allowed by  
144 chapter 84.55 RCW; and

145 WHEREAS, should such aggregate property tax levy rate be  
146 greater than the rate necessary to offset fluctuations in assessed values  
147 while including the state-authorized one percent increase and new  
148 construction revenues, and to accomplish the purposes set forth in this  
149 ordinance, the incremental increase in the tax rate resulting from the  
150 proposed levy lid lift for collections in 2024 shall not exceed an amount  
151 necessary to fund the state-authorized increases and the park and  
152 recreation projects identified in Section 1 below (approximately  
153 \$10,800,000); and

154 WHEREAS, the Council deems it necessary to submit to the  
155 voters of the City the proposition of whether or not the City shall levy  
156 regular property taxes for collection in 2024 in excess of the limit factor  
157 provided for in chapter 84.55 RCW;

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

160 Section 1. Findings; Description of the Park and Recreation  
161 Projects. The Council hereby finds that the best interests of community  
162 members of the City require that the Council accept the priority

163 recommendations of PFEC, the Board, and community members  
 164 (through the community survey) as described in the recitals of this  
 165 ordinance which are incorporated herein by this reference. Funding for  
 166 the recommended elements will be provided from multiple sources,  
 167 including a ballot measure authorizing a levy lid lift as set forth herein.  
 168 Furthermore, to provide long-term financing for the acquisition, design,  
 169 construction, and equipping of the proposed aquatic and recreation  
 170 center, the City intends to issue limited tax general obligation bonds  
 171 within its allowable non-voted debt capacity and to use funds in the  
 172 City's General Fund and other legally available revenue to pay debt  
 173 service on such bonds. The timing, terms, and authorizing for such  
 174 bonds shall be set forth in a separate ordinance of the Council.

175 The Council further finds that the best interest of community  
 176 members of the City requires the City to fund park, recreation, and open  
 177 space operations, maintenance, services, and facilities, including but  
 178 not limited to the following ("Park and Recreation Projects"):

- 179 - Design, improve, equip, operate, and maintain an aquatic  
 180 and recreation center;
- 181 - Modernize, improve, expand, and renovate existing park and  
 182 recreation facilities;
- 183 - Enhance park safety and security with new park rangers and  
 184 automatic locking gates;
- 185 - Provide for year-round restrooms at certain park facilities;
- 186 - Fund green loop trail networks and improve and maintain  
 187 trails;
- 188 - Acquire, construct, improve, and equip sport courts;
- 189 - Fund teen programs and other park and recreation  
 190 operations and programming;
- 191 - Improve, equip, operate, and maintain the Kirkland Teen  
 192 Union Building;
- 193 - Provide extended beach lifeguard hours and water safety  
 194 education programming and services; and
- 195 - Other park, recreation, and open space operations,  
 196 maintenance, improvements, property acquisition,  
 197 equipment, and services.

199 The City Council shall determine the timing, order, and manner of  
 200 funding the Park and Recreation Projects and other uses of levy  
 201 proceeds. The cost of all compensation, benefits, training, support  
 202 services, equipment, vehicles, infrastructure, facilities, real property,  
 203 and/or administrative expenses and other costs incurred in connection  
 204 with the Park and Recreation Projects shall be deemed a part of the  
 205 costs of such Park and Recreation Projects. The Council may alter,  
 206 make substitutions to, and amend such components as it determines  
 207 are in the best interests of the City and consistent with the general park  
 208 and recreation descriptions provided herein. The proper officials at the  
 209 City shall produce an annual accountability report documenting actions

210 and program status of the Park and Recreation Projects and other uses  
211 of levy proceeds.

212 Section 2. Calling of Election Regarding the Levy of  
213 Additional Regular Property Taxes. It is hereby found and declared the  
214 best interests of the City require the submission to the qualified electors  
215 of the City of the proposition whether the City shall levy regular property  
216 taxes above the levy limitations established in RCW 84.55.005 and  
217 RCW 84.55.010 for their ratification or rejection at an election to be held  
218 on November 7, 2023. For the purpose of providing funds to pay the  
219 costs of Park and Recreation Projects, the King County Director of  
220 Records and Elections (the "Director"), as *ex officio* supervisor of  
221 elections in King County, Washington, is hereby requested to call and  
222 conduct such election to be held on such day and to submit to the  
223 qualified electors of the City for their approval or rejection a proposition  
224 to increase the City's regular property tax levy to a total rate of not to  
225 exceed \$1.38386 per \$1,000 of assessed valuation for collection in  
226 2024, as allowed by chapter 84.55 RCW, to generate approximately  
227 \$10,800,000 for Park and Recreation Projects. The 2024 levy amount  
228 will be used as the basis to calculate subsequent levy limits.

229 The Council acknowledges that the aggregate regular property  
230 tax rate included in the ballot proposition in Section 3 has been  
231 increased to offset the anticipated decrease in assessed valuation in the  
232 City, as described herein. The Council agrees that should such  
233 aggregate property tax levy rate be greater than the rate necessary to  
234 offset fluctuations in assessed values, including the state-authorized  
235 one percent increase and new construction revenues, and to generate  
236 approximately \$10,800,000 for collection in 2024 for the Park and  
237 Recreation Projects, the Council will not levy the full authorized rate and  
238 will levy only what is necessary to offset fluctuations in assessed values,  
239 including the state-authorized one percent increase and new  
240 construction revenues, and generate such revenues for the Park and  
241 Recreation Projects.

242 The taxes authorized by this proposition will be in addition to the  
243 maximum amount of regular property taxes the City would have been  
244 limited to by RCW 84.55.010 in the absence of voter approval under this  
245 ordinance plus other authorized lid lifts. Thereafter, such levy amount  
246 would be used to compute limitations for subsequent years as allowed  
247 by chapter 84.55 RCW.

248 Upon approval of the voters of the proposition hereinafter set  
249 forth, the City shall use proceeds of such levy to pay the costs of Park  
250 and Recreation Projects as more particularly described in this  
251 ordinance.

252 Section 3. Election. The City Clerk is hereby authorized and  
253 directed to certify the following proposition to the Director, in  
254 substantially the following form. Such election shall be conducted by  
255 mail unless otherwise determined by the Director.  
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CITY OF KIRKLAND PROPOSITION NO. 1

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LEVY LID LIFT FOR

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EXPANDED AQUATICS, RECREATION, AND PARKS

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FACILITIES, OPERATIONS, AND PROGRAMS

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The Kirkland City Council adopted Ordinance No. O-4857 concerning funding for expanded aquatics, recreation, and parks facilities, operations, and programs. This proposition funds aquatic and recreation center operations, parks maintenance, year-round restrooms, park rangers, beach lifeguards, sports courts, teen services, and green loop trail networks by increasing the City's regular property tax levy to a maximum rate of \$1.38386/\$1,000 of assessed valuation (generating approximately \$10,800,000 for these purposes) for collection in 2024. The 2024 levy amount will be the basis to calculate subsequent levies (RCW 84.55). Qualifying seniors, disabled veterans, and others would be exempt (RCW 84.36).

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Should this proposition be approved:

YES?.....

NO?.....

Two empty rectangular boxes for voting 'YES' and 'NO'.

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Section 4. Minor Adjustments. For purposes of receiving notice of the exact language of the ballot proposition required by RCW 29A.36.080, the City Council hereby designates: (a) the City Clerk and (b) the City Attorney as the individuals to whom such notice should be provided. The City Attorney and City Clerk are each authorized individually to approve changes to the ballot title, if any, deemed necessary by the Director.

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

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The proper City officials are authorized to perform such duties as are necessary or required by law to submit the question of whether the regular property tax shall be increased, as provided in this ordinance, to the electors at the November 7, 2023 election.

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Section 5. Exemption. If the ballot proposition set forth herein is approved by the voters, as authorized by RCW 84.36.381, senior citizens, disabled veterans, and other people with disabilities (as defined in RCW 84.36.381) shall be exempt from the tax increase resulting from such levy lid lift.

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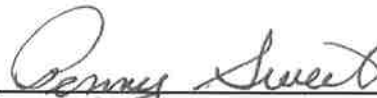
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297           Section 6. Voters' Pamphlet. The preparation and distribution  
 298 of a local voters' pamphlet providing information on the foregoing ballot  
 299 measure is hereby authorized. The pamphlet shall include an  
 300 explanatory statement and arguments advocating approval and  
 301 disapproval of the ballot measure, if any. In accordance with RCW  
 302 29A.32.280, the arguments advocating approval and rejection of the  
 303 ballot measure shall be prepared by committees appointed by the City  
 304 Council. Each committee shall be composed of not more than three  
 305 persons; however, a committee may seek the advice of any person or  
 306 persons. The committee advocating approval shall be composed of  
 307 persons known to favor the ballot measure, and the committee  
 308 advocating rejection shall be composed of persons known to oppose the  
 309 ballot measure.


310           Section 7. Severability; Ratification. If any provisions in this  
 311 ordinance shall be declared by any court of competent jurisdiction to be  
 312 contrary to law, then such provision shall be null and void and shall be  
 313 deemed separable from the remaining provisions of this ordinance and  
 314 shall in no way affect the validity of the other provisions of this ordinance  
 315 or of the levy or collection of the taxes authorized by this proposition.  
 316 Any act consistent with the authority and prior to the effective date of  
 317 this ordinance is hereby ratified and confirmed.

318           Section 8. Effective Date. This ordinance shall be in full force  
 319 and effect five days from and after its passage by the Kirkland City  
 320 Council and publication of a summary of this ordinance in accordance  
 321 with Kirkland Municipal Code 1.08.017.


322           PASSED by the City Council of the City of Kirkland, Washington,  
 323 at a regular open public meeting thereof held this 18<sup>th</sup> day of July, 2023.

  
 Penny Sweet, Mayor

Attest:

  
 Kathi Anderson, City Clerk

Approved as to Form:

  
 Kevin Raymond, City Attorney



CERTIFICATE

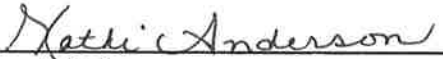
I, the undersigned, City Clerk of the City of Kirkland, Washington, and keeper of the records of the City Council, DO HEREBY CERTIFY:

1. That the attached Ordinance is a true and correct copy of Ordinance No. O-4857 of the City (the "Ordinance"), as finally passed at a regular meeting of the City Council held on July 18, 2023, 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 passage 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 18<sup>th</sup> day of July, 2023.

CITY OF KIRKLAND, WASHINGTON

  
Kathi Anderson, City Clerk

PUBLICATION SUMMARY  
OF ORDINANCE NO. O-4857

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 7, 2023, OF A PROPOSITION AUTHORIZING THE CITY TO LIFT THE LEVY LIMIT ESTABLISHED IN RCW 84.55.010 IN ORDER TO FUND PARK, RECREATION, AND OPEN SPACE OPERATIONS, MAINTENANCE, SERVICES, AND FACILITIES.

Section 1. Sets forth findings of the Council and authorizes the City to fund park and recreational services and facilities, including but not limited to those operating and capital services set forth therein (the "Park and Recreation Projects").

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 7, 2023, for the purpose of providing funds for Park and Recreation Projects.

Section 3. Sets forth the form of ballot proposition authorizing a levy lid lift for the Park and Recreation Projects.

Section 4. Provides for minor adjustments within the meaning of the Ordinance.

Section 5. 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.

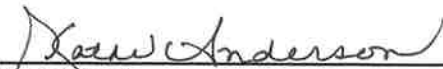
Section 6. Authorizes the preparation and distribution of a local voters' pamphlet providing information on the levy lid lift ballot proposition.

Section 7. Provides for the severability of the Ordinance and ratifies prior actions taken in furtherance of the purposes of the Ordinance.

Section 8. 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 18th day of July, 2023.

I certify that the foregoing is a summary of Ordinance No. O-4857 approved by the Kirkland City Council for summary publication.

  
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Kathi Anderson, City Clerk