

RESOLUTION NO. 08-510

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON, AUTHORIZING THE MAYOR TO EXECUTE A SPECIAL PROPERTY TAX LEVY AGREEMENT BETWEEN KING COUNTY AND THE CITY OF BLACK DIAMOND.

WHEREAS, King County voters approved a special property tax levy of five cents per thousand dollars of assessed value in August 2007; and

WHEREAS, the six-year levy will generate an estimated \$16.8 million in revenue in 2008, which will be shared among King County Parks (three cents), each city within King County (one cent) and the Woodland Park Zoo (one cent); and

WHEREAS, the city portion is to be used for acquisition and development of open space and natural lands and city trail projects that support connections to the regional trail system; and

WHEREAS, the cities' share of levy proceeds totals approximately \$3.3 million in 2008 and that amount will increase annually by the percentage change in the consumer price index; and

WHEREAS, King County's allocation estimates \$7908.52 in funds for the City of Black Diamond for 2008; and

WHEREAS, the Special Property Tax Levy Agreement would authorize the disbursement of the funds to the City of Black Diamond from King County; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, DOES RESOLVE AS FOLLOWS:

Section 1. The City Council of the City of Black Diamond, Washington, does hereby authorize the Mayor to execute the Special Property Tax Levy Agreement with King County as attached hereto as Exhibit A.

PASSED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 15TH DAY OF MAY, 2008.

CITY OF BLACK DIAMOND:


Howard Botts, Mayor

Attest:



Brenda L. Streepy, City Clerk

EXHIBIT 17A

KING COUNTY & (City) Black Diamond

SPECIAL PROPERTY TAX LEVY AGREEMENT

This Special Property Tax Levy Agreement (the "Agreement") is made and entered into as of May 15, 2008, by and between KING COUNTY, a political subdivision of the state of Washington (the "County") and the City of Black Diamond, a State of Washington municipal corporation. ("City").

RECITALS

WHEREAS, the County owns and operates a park system with over twenty-five thousand (25,000) acres of regional parks and open spaces and over one hundred seventy-five (175) miles of regional trails. In addition, the County is the provider of local parks in the rural area and is the transitional provider of local parks in the urban incorporated areas; and

WHEREAS, since 2003, on recommendation of the Metropolitan Parks Task Force and direction from the County Executive and County Council, the County's Parks and Recreation Division has focused on managing a system of regional parks, open spaces and trails and a limited set of regional active recreation assets; and

WHEREAS, consistent with its role as a regional and local rural service provider under Countywide Planning Policies and the State Growth Management Act, the County has divested itself of local parks and facilities in urban unincorporated areas as these areas incorporate or annex to cities; and

WHEREAS, in November 2006, the County Executive created the Parks Futures Task Force to recommend a funding plan for the current County park system, and to examine what steps should be taken, if any, regarding future park system acquisitions; and

WHEREAS, the Task Force recommended, among other things, that the County place before the voters a recommendation for a new \$0.05, six-year, inflation adjusted property tax lid lift to expand park and recreation opportunities, one cent of the five-cent acquisition levy proceeds be distributed to cities for acquisition and development of open space and natural lands and city trail projects that support connections to the regional trail system, defined to include both county regional trails and city trails that are regional in nature, and may specifically include local trails in underserved areas linking to city of county trails that connect to regional trails; and

WHEREAS, under state law, the Special Property Tax Levy funds may not supplant certain existing funds, as defined in RCW 84.55.050, used for the same purposes; and

WHEREAS, on May 7, 2007, the King County Council adopted Ordinance 15760 which called for a special election in accordance with RCW 29A.04.321 to consider the Special Property Tax Levy; and

WHEREAS, on August 21, 2007, the voters of King County approved the Special Property Tax Levy;

NOW, THEREFORE, in consideration of the mutual promises and undertakings hereinafter set forth and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

AGREEMENT

1. Definitions. As used in this Agreement, the following terms shall have the following meanings:
 - 1.1 "Annual Report" shall mean the annual report prepared by the City and provided to the County annually by May 1 beginning in 2009 setting forth a summary of city projects for the preceding year, along with a complete financial accounting for the use of County Levy Proceeds, and a listing of all capital investments made at the City funded in whole or in part by County Levy Proceeds, and for the 2009 annual report the City shall identify the dollar amount of the City's Existing Funds.
 - 1.2 "City" shall mean the City of Blak Diamond, State of Washington, and all of its boards, commissions, departments, agencies and other subdivisions.
 - 1.3 "City proceeds" shall mean twenty percent (20%) of the total County Levy Proceeds collected by King County, specifically allocated by King County Ordinance 15760 for city projects.
 - 1.4 "City projects" shall mean the acquisition of open space and natural lands and the acquisition and development of county regional trails or City trails that are regional in nature, and may specifically include local trails in underserved areas linking to city or county trails that connect to regional trails, consistent with Ordinance 15760.
 - 1.5 "County" shall mean King County, State of Washington, and all of its boards, commissions, departments, agencies and other subdivisions.
 - 1.6 "County Council" shall mean the County Council of King County, State of Washington.
 - 1.7 "County Levy" means the Open Space, Regional Trails, and Woodland Park Zoo levy lid lift approved by the County voters on August 21, 2007.

- 1.8 "County Levy Proceeds" shall mean the principal amount raised by the County Levy, any interest earnings on the funds and the proceeds of any interim financing.
 - 1.9 "Executive" shall mean the King County Executive or his or her functional successor.
 - 1.10 "Existing funds" shall mean those funds, as defined by RCW 84.55.050, from the City's actual operating expenditures for the calendar year 2007 used to fund City projects. Actual operating expenditures shall not include lost federal funds, lost or expired state grants or loans, extraordinary events not likely to re-occur, and major nonrecurring capital expenditures.
 - 1.11 "Regional trail system" shall mean the system-wide non-motorized network of designated off-road, shared-use paths, trails, or greenways for recreation and regional mobility.
2. Term of Agreement. The term of this Agreement (the "Term") shall be for a period commencing on the Effective Date (the "Commencement Date"), and expiring on December 31, 2014 (the "Termination Date").
 3. Receipt of County Levy Proceeds.
 - 3.1 Generally. The County shall distribute the City's proportionate share of the City Proceeds to the City pursuant to the schedule identified in Section 3.2 below; provided that, the County shall only have a duty to distribute the City Proceeds in accordance with the requirements of King County Ordinance 15760.
 - 3.2 Receipt and Distribution of Levy Proceeds.
 - 3.2.1 Payment Schedule. Throughout the term of the Levy, the County shall transfer the City Proceeds to the City on a monthly basis. Annual amounts shall be adjusted as set forth in the Levy, but the actual amounts transferred shall never exceed the City's proportionate share of the City Proceeds actually received by the County.
 - 3.2.2 Administrative Fee. The Parties agree that the County has authority to deduct up to one percent (1%) from City Proceeds for expenditures related to the administration of the distribution of County Levy Proceeds.

- 4.1 Use of County Levy Proceeds. On or before May 1 of each year throughout the Term of this Agreement, the City shall provide the County with a copy of the Annual Report and provide any further documentation showing that the County Levy Proceeds were expended on City Projects.
- 4.2 Representations and Warranties. The City represents and warrants that all City Proceeds received by the City shall be used only for specific City Projects as defined in this Agreement and that such funds shall not be used to supplant Existing Funding. The City represents and warrants that all City Projects shall be consistent with the requirements in King County Ordinance 15760. The City represents and warrants that in addition to the City's proportionate share of the City's Proceeds, the City shall annually expend on City Projects an amount equal to the City's Existing Funds.
5. Title to Improvements. All appurtenances, fixtures, improvements, equipment, additions and other property attached to or installed in the Premises during the Term shall be and remain the properties of City and shall not be deemed property of the County under any circumstances.
6. Notices. All notices required to be given hereunder shall be in writing and either delivered personally or sent by certified mail to the appropriate address listed below, or at such other address as shall be provided by written notice. Notice shall be deemed communicated two City business days from the time of mailing if mailed as provided in this section. For convenience of the parties, copies of notices may also be given by other means; however, neither party may give official or binding notice except by personal delivery or by certified mail.

If to the City:

May Miller, Finance Director
City of Black Diamond
24301 Roberts Drive - PO Box 577
Black Diamond, WA 98010
M. Miller @ ci.blackdiamond.wa.us

If to King County:

Kevin Brown, Division Director
King County Parks and Recreation Division
Department of Natural Resources and Parks
201 South Jackson, Suite 700
Seattle, WA 98104

- 7.1 Compliance with Laws. The City shall comply and conform with all applicable laws and all governmental regulations, rules and orders.

7.2 City Agreement to Repay. The City agrees that it is financially responsible for and shall repay King County all indicated amounts following an audit exception that occurs due to the negligence, intentional act, and/or failure, for any reason, to comply with the terms of this Agreement by the WPZS, its officers, employees, agents, and/or representatives. This duty to repay King County shall not be diminished or extinguished by the prior termination of the Agreement pursuant to the Duration of Agreement or the Termination Sections.

8. Miscellaneous.

8.1 Liability of the County. The County's obligations to the City under this Agreement shall be limited to the terms and conditions set forth herein. Notwithstanding any other provision in this Agreement to the contrary, in no event shall the County be liable, regardless of whether any claim is based on contract or tort, for any special, consequential, indirect or incidental damages, including without limitation lost profits, arising out of or in connection with this Agreement or the services performed in connection with this Agreement.

8.2 Dispute Resolution. In the event of a dispute between the City and the County regarding any term of this Agreement, the parties shall attempt to resolve the matter informally through the following mechanism: the City (reps.) or their respective designee(s), shall meet with County (reps) or their respective designee(s) to review and discuss the matter(s) in dispute; if the City (reps) and County (reps) are unable to reach a mutual resolution, the Executive and the mayor, or their respective designee(s) shall meet to review and discuss the matter(s) in dispute. If such persons are unable to resolve the matter informally, either party may submit the matter to a non-binding, structured mediation procedure fashioned by persons or organizations experienced in alternative dispute resolution ("ADR") procedures. The mediation may be requested by any party and shall be initiated within thirty (30) days from the date of the request unless extended by agreement of both parties. The alternative dispute resolution procedures utilized for the mediation shall include the exchange of written claims and responses, with supporting information, at least seven (7) days prior to the actual mediation. The positions expressed and mediator's recommendations shall not be admissible as evidence in any subsequent ADR or legal proceeding. If the matter is submitted to mediation and the matter is not resolved, an affected party shall be entitled to pursue any legal remedy available.

- 8.3 No Implied Waiver. No failure by either party hereto to insist upon the strict performance of any obligation of the other party under this Agreement or to exercise any right, power or remedy arising out of a breach thereof, irrespective of the length of time for which such failure continues (except in cases where this Agreement expressly limits the time for exercising rights or remedies arising out of a breach), shall constitute a waiver of such breach or of that party's right to demand strict compliance such term, covenant or condition or operate as a surrender of this Agreement. No waiver of any default or the performance of any provision hereof shall affect any other default or performance, or cover any other period of time, other than the default, performance or period of time specified in such express waiver. One or more written waivers of a default or the performance of any provision hereof shall not be deemed to be a waiver of a subsequent default or performance. The consent of either party hereto given in any instance under the terms of this Agreement shall not relieve the other party of any obligation to secure the consent of the other party in any other or future instance under the terms of this Agreement.
- 8.4 Headings and Subheadings. The captions preceding the articles and sections of this Agreement and in the table of contents have been inserted for convenience of reference and such captions in no way define or limit the scope or intent of any provision of this Agreement.
- 8.5 Successors and Assigns. The terms, covenants and conditions contained in this Agreement shall bind and inure to the benefit of the County and the City and, except as otherwise provided herein, their personal representatives and successors and assigns. There are no third party beneficiaries to this Agreement.
- 8.6 Agreement made in Washington. This Agreement shall be deemed to be made in and shall be construed in accordance with the laws of the State of Washington. Venue of any action brought by one party against the other to enforce or arising out of this Agreement shall be in King County Superior Court.
- 8.7 Integrated Agreement; Modification. This Agreement contains all the agreements of the parties hereto relating to the subject matter addressed herein, and cannot be amended or modified except by a written agreement approved by the King County Council and mutually executed between each of the parties hereto.
- 8.8 Counterparts. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which taken together shall constitute one and the same instrument.

8.9 Time of Essence. Time is of the essence of each provision of this Agreement.

9.0 Signage. For each capital project funded with County Levy Proceeds, the City shall provide a sign including the following language: This project was funded (or as applicable, funded in part) with proceeds from the Open Space, Regional Trails, and Woodland Park Zoo levy lid lift approved by King County voters in August 2007 under an Agreement with King County Parks and Recreation Division.

DATED this 16th day of may, 2008.

KING COUNTY, a Washington municipal corporation

By Kevin F. Brown
Its Director

By authority of Ordinance No. 15760

CITY OF BLACK DIAMOND, a Washington municipal corporation

By Howard Roth
Its Mayor

**KING COUNTY PARKS DIVISION
CAPITAL EXPANSION LEVY
PROJECTED CITY ALLOCATIONS
2008**

	POPULATION ¹			ASSESSED VALUE			CITY ALLOCATION
	Estimate	Population as a Percentage	Allocation Based on Population ²	Final 2007 AV for 2008 Tax Roles	AV as a Percentage	Allocation Based on AV ²	Based on 50% Population; 50% AV
King	1,861,300						
Unincorporated	368,255						
Incorporated	1,493,045	100.00%	\$ 3,327,050	290,362,431,565	100.00%	\$ 3,327,050	
		50.00%	\$ 1,663,525		50.00%	\$ 1,663,525	
Algona	2,725	0.183%	3,036	410,820,502	0.141%	2,354	\$ 5,389.79
Auburn	44,300	2.967%	49,358	5,728,381,288	1.973%	32,819	\$ 82,176.95
Beaux Arts Village	310	0.021%	345	115,582,991	0.040%	662	\$ 1,007.59
Bellevue	118,100	7.910%	131,585	31,485,645,842	10.844%	180,385	\$ 311,970.44
Black Diamond	4,120	0.276%	4,590	579,159,749	0.199%	3,318	\$ 7,908.52
Bothell part	16,950	1.135%	18,885	3,275,422,445	1.128%	18,765	\$ 37,650.73
Burien	31,410	2.104%	34,996	3,845,144,599	1.324%	22,029	\$ 57,025.83
Carnation	1,900	0.127%	2,117	202,887,553	0.070%	1,162	\$ 3,279.32
Clyde Hill	2,810	0.188%	3,131	1,579,857,435	0.544%	9,051	\$ 12,182.07
Covington	17,190	1.151%	19,153	1,886,073,554	0.650%	10,806	\$ 29,958.37
Des Moines	29,090	1.948%	32,412	2,936,127,933	1.011%	16,821	\$ 49,233.04
Duvall	5,845	0.391%	6,512	823,259,327	0.284%	4,717	\$ 11,228.96
Enumclaw part	11,320	0.758%	12,613	1,068,153,935	0.368%	6,120	\$ 18,732.14
Federal Way	87,390	5.853%	97,368	9,010,356,378	3.103%	51,622	\$ 148,989.96
Hunts Point	480	0.032%	535	765,357,352	0.264%	4,385	\$ 4,919.64
Issaquah	24,710	1.655%	27,531	5,890,000,046	2.028%	33,745	\$ 61,276.05
Kenmore	19,940	1.336%	22,217	2,941,435,130	1.013%	16,852	\$ 39,068.68
Kent	86,660	5.804%	96,555	11,556,074,644	3.980%	66,206	\$ 162,761.37
Kirkland	47,890	3.208%	53,358	11,452,502,304	3.944%	65,613	\$ 118,971.12
Lake Forest Park	12,770	0.855%	14,228	2,162,443,195	0.745%	12,389	\$ 26,617.04
Maple Valley	20,020	1.341%	22,306	2,303,190,025	0.793%	13,195	\$ 35,501.22
Medina	2,950	0.198%	3,287	2,681,076,024	0.923%	15,360	\$ 18,647.08
Mercer Island	22,380	1.499%	24,935	8,900,540,134	3.065%	50,992	\$ 75,927.79
Milton part	825	0.055%	919	82,372,778	0.028%	472	\$ 1,391.13
Newcastle	9,550	0.640%	10,640	2,051,575,851	0.707%	11,754	\$ 22,394.20
Normandy Park	6,435	0.431%	7,170	1,278,891,064	0.440%	7,327	\$ 14,496.70
North Bend	4,705	0.315%	5,242	679,244,265	0.234%	3,891	\$ 9,133.71
Pacific part	5,945	0.398%	6,624	459,833,283	0.158%	2,634	\$ 9,258.26
Redmond	50,680	3.394%	56,467	12,774,174,381	4.399%	73,185	\$ 129,651.73
Renton	60,290	4.038%	67,174	9,659,677,654	3.327%	55,342	\$ 122,515.66
Sammamish	40,260	2.697%	44,857	8,739,143,248	3.010%	50,068	\$ 94,924.71
SeaTac	25,530	1.710%	28,445	4,606,470,336	1.586%	26,391	\$ 54,836.17
Seattle	586,200	39.262%	653,134	121,621,130,668	41.886%	696,784	\$ 1,349,917.57
Shoreline	53,190	3.563%	59,263	7,293,134,085	2.512%	41,783	\$ 101,046.72
Skykomish	210	0.014%	234	24,534,629	0.008%	141	\$ 374.54
Snoqualmie	8,600	0.576%	9,582	1,725,358,551	0.594%	9,885	\$ 19,466.78
Tukwila	18,000	1.206%	20,055	4,450,243,674	1.533%	25,496	\$ 45,551.33
Woodinville	10,390	0.696%	11,576	2,555,578,871	0.880%	14,641	\$ 26,217.61
Yarrow Point	975	0.065%	1,086	761,575,842	0.262%	4,363	\$ 5,449.50
TOTAL:	1,493,045	100%	1,663,525	290,362,431,565	100%	\$ 1,663,525	\$ 3,327,050

Notes:

¹ Population estimate as of April 1, 2007 prepared by the Washington State Office of Financial Management (OFM).

² City allocation of \$3,327,050 assumes a 1 percent administrative fee, or \$33,606.



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

May 6, 2008

Ordinance 15760

Proposed No. 2007-0225.4

Sponsors Phillips and Ferguson

1 AN ORDINANCE providing for the submission to the
2 qualified electors of King County at a special election to be
3 held in King County on August 21, 2007, of a proposition
4 authorizing a property tax levy in excess of the levy
5 limitation contained in chapter 84.55 RCW, for a period of
6 six consecutive years, at a total rate of not more than \$0.05
7 per one thousand dollars of assessed valuation in the first
8 year with annual increases in the levy amount by the
9 percentage change in the consumer price index in years two
10 through six, for the purpose of providing funds to King
11 County, Seattle and suburban cities for trail and open space
12 acquisitions and capital programs, with recognition of the
13 health benefits associated with the accessibility of quality
14 community parks, trails and open space, and for the
15 purpose of providing funds to the Woodland Park Zoo for
16 environmental education, conservation programs, green
17 space acquisitions and capital improvement projects,

18 excluding parking facilities, at the Woodland Park Zoo; and
19 providing for other related matters.

20

21 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

22 SECTION 1. Finding.

23 A. King County owns and operates a park system with over twenty-five thousand
24 acres of regional parks and open spaces and over one hundred seventy-five miles of
25 regional trails. In addition, the county is the provider of local parks in the rural area and
26 is the transitional provider of local parks in the urban unincorporated areas. County parks
27 and open spaces include Marymoor park, Cougar Mountain Regional Wildland park, the
28 King County Aquatic Center and portions of the Burke-Gilman trail.

29 B. Public parks, open space and recreation contribute to a high quality of life.
30 Through this levy, the residents of King County will continue to reap the physical, social
31 and mental health benefits associated with having access to these public resources.

32 C. Since 2003, on recommendation of the Metropolitan Parks Task Force and
33 direction from the county executive and county council, the parks and recreation division
34 has focused on managing a system of regional parks, open spaces and trails and a limited
35 set of regional active recreation assets.

36 D. Consistent with its role as a regional and local rural service provider under
37 Countywide Planning Policies and the state growth management act, the county has
38 divested itself of local parks and facilities in urban unincorporated areas as these areas
39 incorporate or annex to cities.

40 E. Since 2003, the county has emphasized generating revenue from park system
41 assets. Over twenty percent of annual parks and recreation operating revenue is now
42 generated from user fees and entrepreneurial efforts.

43 F. Nearly sixty percent of the operating budget for parks and recreation is directly
44 provided by a voter-approved levy.

45 G. The current parks levy was recommended by the Metropolitan Parks Task
46 Force before being referred to voters by the metropolitan King County council. The levy
47 was approved by fifty-seven percent of the voters at a special election in May 2003.

48 H. The current parks levy was initially authorized at a maximum rate of \$0.049
49 per one thousand dollars of assessed value. Collection began in 2004, and will be
50 completed at the end of 2007. Levy proceeds may only be applied to the operating costs
51 of regional parks, local rural parks, the community partnership grants program, and costs
52 associated with these purposes.

53 I. As specified under Ordinance 14586, a citizen oversight committee was
54 established. The July 2006 report of the citizen oversight committee concluded that the
55 county complied with all levy requirements in 2004 and 2005.

56 J. The King County executive created the parks futures task force in November
57 2006 to recommend a funding plan for the current park system, and to examine what
58 steps should be taken, if any, regarding future park system acquisitions. The task force is
59 comprised of nineteen individuals representing business, nonprofit and environmental
60 groups. It began meeting in November 2006 and concluded its work in March 2007,
61 receiving information from the county, various cities and stakeholders.

62 K. The task force issued a report in March 2007 recommending that the county
63 place two companion ballots before the voters at the August primary election. The first
64 recommendation was to renew the parks levy with a \$0.07, six-year, inflation-adjusted
65 property tax lid lift. The second recommendation was for a new \$0.05, six-year,
66 inflation-adjusted property tax lid lift to expand park and recreation opportunities through
67 the acquisition of open space and regional trails, and increased environmental education
68 and conservation programs and capital improvements at Woodland Park Zoo. The
69 consumer price index would be used to determine annual inflation.

70 L. Under state law, an inflation adjusted levy lid lift may be for a maximum term
71 of six years, and levy funds may not supplant other funds.

72 M. The task force recommended that the \$0.07 renewal levy be used to sustain
73 and enhance current levels of operations and maintenance of county regional and rural
74 parks, to provide up to \$300,000 annually for the recreation grant programs, and to
75 restore capital funding for the parks division anticipated to decline due to a reduction in
76 real estate excise tax revenues over the next six years.

77 N. King County has identified an acquisition and development strategy to
78 complete the three-hundred-mile regional trails system, which includes the Burke-
79 Gilman, Sammamish River, Green River and East Lake Sammamish trails. The strategy
80 identifies priority acquisitions and development based on criteria such as key connectors
81 or missing links, proximity to urban populations, pursuit of acquisitions which could be
82 lost to development and partnerships with other agencies. Criteria including impacts on
83 health and effects on health inequities/health disparities must also be considered in
84 prioritizing parks levy funded projects.

85 O. King County has a goal of improving water quality in the region by acquiring
86 and preserving open space and natural areas within watersheds.

87 P. Almost half of King County residents are physically inactive. Physical
88 inactivity and a sedentary lifestyle are known contributors to higher rates of obesity,
89 diabetes and other chronic diseases. These negative and life-shortening health conditions
90 disproportionately affect low-income people and people of color.

91 Q. People with access to recreational facilities are two times more likely to reach
92 recommended levels of physical activity than those without access. The closer facilities
93 and parks are to people's homes, the higher the likelihood that they will use parks and
94 recreation facilities, thereby maintaining and improving their health.

95 R. Achieving parity in access to recreational opportunities is an important factor
96 in reversing health inequities/health disparities among the afflicted populations and
97 communities in King County.

98 S. Access to and availability of safe, quality parks, trails, open space, and
99 recreation are necessary to maintain and improve social and mental health for King
100 County residents, especially those suffering from chronic disease. Among the attributes
101 of parks, trails open space and recreation that lead to positive health impacts are exposure
102 to low noise levels, clean air, clean water, increased social interactions, tranquil places,
103 aesthetic views and space for physical exercise.

104 T. The task force recommended expanding the recreational opportunities of
105 underserved populations by increasing access to trails, parks and open space in these
106 communities.

107 U. The Health of King County 2006 report recognizes that underserved
108 populations are at risk for greater health disparities/health inequities.

109 V. The task force recommended that three cents of the five-cent acquisition levy
110 be allocated to King County for protecting and acquiring key open space and natural
111 lands as well as acquiring and developing critical trail connections as identified in the
112 division's Regional Trail System Plan.

113 W. The task force recommended that open space and natural lands acquisitions
114 be made that will protect additional lands, shorelines, lakes, streams and water quality
115 within watersheds, and called on the county to ensure appropriate public access as part of
116 any such acquisitions. The task force noted that both the purchase of development rights
117 and fee title may be appropriate.

118 X. Regional trail expenditures recommended by the task force include acquisition
119 of remaining planned regional trail corridors and development of key urban regional trail
120 connections including the East Lake Sammamish trail, the Sammamish River trail
121 connection to East Lake Sammamish trail and the Soos Creek trail.

122 Y. The task force recommended that one cent of the five-cent acquisition levy
123 proceeds be distributed to cities for acquisition and development of open space and
124 natural lands and city trail projects that support connections to the regional trail system,
125 defined to include both county regional trails and city trails that are regional in nature,
126 and may specifically include local trails in underserved areas linking to city or county
127 trails that connect to regional trails. Any such distributions would be contingent upon an
128 equal or greater contribution of matching funds from the recipient city for the same
129 project.

130 Z. The task force recommended that city funding requests be made through the
131 Conservation Futures Tax Citizen Oversight Committee, whose mission should be
132 expanded to review applications for this purpose.

133 AA. The task force recommended that one cent of the five-cent acquisition levy
134 be used for a one-time investment in environmental education and conservation programs
135 and capital improvements at Woodland Park Zoo.

136 AB. The Woodland Park Zoo, in a letter dated April 12, 2007, offered to take the
137 necessary steps to modify the bylaws of the Woodland Park Zoological Society to
138 provide for a board member appointed by the King County council to monitor the
139 expenditure of county moneys.

140 SECTION 2. Definitions. The definitions in this section apply throughout this
141 ordinance unless the context clearly requires otherwise.

142 A. "Levy" means the portion of the regular property tax levy, for the specific
143 purpose and term provided in this ordinance and authorized by the electorate in
144 accordance with state law.

145 B. "Levy proceeds" means the principal amount of funds raised by the levy, any
146 interest earnings on the funds and the proceeds of any interim financing following
147 authorization of the levy.

148 C. "Limit factor" means the ratio of the most recent September Consumer Price
149 Index to the immediately previous September Consumer Price Index (final published
150 CPI-W All City Average, as calculated by the United States Bureau of Labor Statistics, or
151 its successor) expressed as a multiple of one hundred percent to achieve the result of one
152 hundred percent plus inflation.

153 D. "City projects" means the acquisition of open space and natural lands and the
154 acquisition and development of county regional trails or city trails that are regional in
155 nature, and may specifically include local trails in underserved areas linking to city or
156 county trails that connect to regional trails.

157 E. "Woodland Park Zoo projects" means environmental education, conservation
158 programs, green space acquisitions and capital improvement projects, excluding parking
159 facilities, at the Woodland Park Zoo.

160 F. "Health disparities/health inequities" means the disproportionate burden of
161 disease, disability and death among a particular population or group when compared to
162 the proportion of the population as a whole.

163 **SECTION 3. Levy submittal to voters.** To provide necessary funds for the park
164 and recreation purposes identified in section 5 of this ordinance, the county council shall
165 submit to the qualified electors of the county a proposition authorizing a regular property
166 tax levy in excess of the levy limitation contained in chapter 84.55 RCW for six
167 consecutive years, with collection commencing in 2008, at a rate not to exceed \$0.05 per
168 one thousand dollars of assessed value. In accordance with RCW 84.55.050, this Levy
169 shall be a regular property tax levy subject to the limit factor.

170 **SECTION 4. Deposit of levy proceeds.** The levy proceeds shall be deposited in
171 a dedicated subfund of the parks and recreation fund, or its successor.

172 **SECTION 5. Eligible expenditures.** If approved by the qualified electors of the
173 county, all levy proceeds shall be used as follows: sixty percent for King County's
174 acquisition of open space and natural lands critical to the preservation of regional
175 watersheds and streams, for acquisition and development of rights of way for regional

176 trails, with primary consideration given to those projects that address health
177 disparities/health inequities as recognized in the Health of King County 2006 report and
178 are consistent with the Regional Trails Plan including acquisition of missing critical links
179 and/or maximization of regional trail use, and for repayment of costs, including principal
180 and interest, associated with interim financing following approval of the levy, and to
181 provide up to \$500,000 annually for capital funding of recreation grant programs; twenty
182 percent for distribution to cities in King County of which fifty percent shall be distributed
183 based on city population, and of which fifty percent shall be distributed based on the
184 assessed value of parcels within a city for city projects; and twenty percent for Woodland
185 Park Zoo projects. Of the proceeds designated for distribution to King County cities and
186 the Zoo, a reasonable portion shall be retained by the county to be used for expenditures
187 related to administration of the distribution of levy proceeds. The levy proceeds shall be
188 used solely for the designated purposes and shall not supplant existing funds used for
189 such purposes.

190 **SECTION 6. Contingent distributions.** Each distribution of levy proceeds to a
191 King County city for the eligible expenditures as described in section 5 of this ordinance
192 is contingent upon the execution of a contract with the city for the same project. No
193 distribution of levy proceeds may be made to the Woodland Park Zoological Society, or
194 its successor, until the Woodland Park Zoological Society has modified its bylaws to
195 provide for a board member appointed by the King County council, and without
196 execution of a contract with the county.

197 **SECTION 7. Call for special election.** In accordance with RCW 29A.04.321, a
198 special election is called for August 21, 2007, to consider a proposition authorizing a

199 regular property tax levy for the purposes described in this ordinance. The manager of
200 the records, elections and licensing services division shall cause notice to be given of this
201 ordinance in accordance with the state constitution and general law and to submit to the
202 qualified electors of the county, at the said special county election, the proposition
203 hereinafter set forth. The clerk of the council shall certify that proposition to the manager
204 of the records, elections and licensing services division, in substantially the following
205 form:

206 PROPOSITION 2: The King County Council has passed Ordinance Y
207 concerning funding for open space, regional trails, and Woodland Park Zoo. This
208 proposition would expand city and county parks and recreation opportunities through the
209 acquisition of open space and trails, and programs and capital improvements at the Zoo.
210 It would authorize King County to levy an additional regular property tax of \$0.05 per
211 \$1,000 of assessed valuation for collection in 2008 and authorize annual increases by the
212 percentage increase in the consumer price index for each of the five succeeding years, as
213 allowed by chapter 84.55 RCW. Should this proposition be:

214 Approved? ___

215 Rejected? ___

216 SECTION 8. County parks citizen oversight board established. If the
217 qualified electors of King County approve the proposition set forth in section 7 of this
218 ordinance, a county parks citizen oversight board shall be appointed by the county
219 executive to review the expenditure of levy proceeds and make policy recommendations
220 to the county executive and county council regarding future expenditures. In the event
221 that the qualified electors of King County approve both the proposition set forth in

222 section 7 of this ordinance and the proposition set forth in Ordinance ----, (Proposed
223 Ordinance 2007-0224), section 6, then the council may, at its discretion, nominate and
224 confirm the same members to both boards or combine the board functions into one board.
225 The board shall consist of nine members. Each councilmember shall nominate a
226 candidate for the board from the councilmember's district. If the executive does not
227 appoint a person who has been nominated by a councilmember, the executive must
228 request that the councilmember nominate another candidate for appointment. Board
229 members shall be confirmed by the council. Members shall be residents of King County.
230 The chair of the council shall designate one additional person to participate in board
231 discussion, but the person shall neither vote nor be a member of the board. On or before
232 May 30 of each year beginning in 2009, the board shall review and make a written report
233 to the King County executive and the King County council on the expenditure of all levy
234 proceeds and any policy recommendations regarding the levy proceeds. Ten copies of
235 each written report shall be filed with the clerk of the council, for distribution to all
236 councilmembers. The parks and recreation division shall provide the board with all
237 reports on division activities that the division transmits to the King County council in
238 accordance with K.C.C. 7.08.090. The board expires June 30, 2014.

239 SECTION 9. Pursuant to RCW 29A.32.280, the following individuals are
240 appointed to serve on the voters' pamphlet committees, each committee to write a
241 statement for or against the proposed parks expansion levy ballot measure:

- | 242 | FOR | AGAINST |
|-----|----------|----------|
| 243 | 1. _____ | 1. _____ |
| 244 | 2. _____ | 2. _____ |

245 3. _____ 3. _____

246 4. _____ 4. _____

247 **SECTION 10. Ratification.** Certification of the proposition by the clerk of the
248 county council to the manager of the records, elections and licensing services division in
249 accordance with law before the election on August 21, 2007, and any other act consistent
250 with the authority and before the effective date of this ordinance are hereby ratified and
251 confirmed.

252 **SECTION 11. Severability.** If any provision of this ordinance or its application

Ordinance 15760

253 to any person or circumstance is held invalid, the remainder of the ordinance or the
254 application of the provision to other persons or circumstances is not affected.

255

Ordinance 15760 was introduced on 4/2/2007 and passed as amended by the
Metropolitan King County Council on 5/7/2007, by the following vote:

Yes: 7 - Mr. Gossett, Ms. Patterson, Mr. von Reichbauer, Mr. Ferguson, Mr.
Phillips, Ms. Hague and Mr. Constantine

No: 2 - Ms. Lambert and Mr. Dunn

Excused: 0

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

ATTEST:

APPROVED this 17th day of May, 2007.

Attachments None