

CITY OF MERCER ISLAND, WASHINGTON

ORDINANCE NO.           

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON, PROVIDING FOR THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY AT AN ELECTION TO BE HELD ON NOVEMBER 8, 2022, OF A PROPOSITION AUTHORIZING THE CITY TO LIFT THE LEVY LIMIT ESTABLISHED IN RCW 84.55.010 TO PAY FOR COSTS OF OPERATING AND MAINTAINING CITY PARKS AND RECREATION FACILITIES; SETTING FORTH THE TEXT OF THE BALLOT PROPOSITION; DIRECTING PROPER CITY OFFICIALS TO TAKE NECESSARY ACTIONS; AND PROVIDING FOR OTHER RELATED MATTERS.**

WHEREAS, pursuant to Ordinance No. 08-08 approved on August 4, 2008, the City of Mercer Island, Washington (the “City”) has in effect a tax levy in excess of the limit established in RCW 84.55.010 to pay costs of operating and maintaining City parks and recreational facilities, including the Luther Burbank Park; and

WHEREAS, the levy lid lift for operation and maintenance of City parks is scheduled to expire on December 31, 2023; and

WHEREAS, in order to continue paying costs of operations and maintenance as found necessary by the City Council, it is deemed advisable that the City impose taxes within the limits permitted to cities; and

WHEREAS, RCW 84.55.050 authorizes the voters of a City to authorize an increase above the levy limitations established in RCW 84.55.010; and

WHEREAS, if approved by the voters, the new levy lid lift authorized herein will begin in 2023 and continue for 15 years thereafter, effectively replacing and extending the expiring levy for continued operation and maintenance of City parks; and

WHEREAS, if the levy lid lift authorized herein is approved by the voters to begin collections in 2023, the City intends to terminate its current levy lid lift for parks purposes one year early (for an expiration date of December 31, 2022), to avoid duplication in funding; and

WHEREAS, on June 7<sup>th</sup>, 2022, the City Council directed staff to prepare an ordinance for such levy lid lift to replace and extend the expiring levy lid lift to sustain current service levels describe herein; and

WHEREAS, the estimated annual cost to a median assessed value home on Mercer Island is [\$\_\_\_\_\_]; and

WHEREAS, the City Council desires to allow the electors to approve or reject a proposition under RCW 84.55.050(2), authorizing the City Council to levy the City's regular property tax in an amount that exceeds the incremental limit factor that would otherwise be prescribed by RCW 84.55.010; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON DOES ORDAIN AS FOLLOWS:

Section 1. Purpose. The Council hereby finds that the best interests of the residents of the City require the City to pay [costs of maintaining and operating City open space, park and recreation facilities island wide, including the full costs of operating and maintaining Luther Burbank Park, and improving ecological health of open spaces] ("Park Operations").

The City Council shall determine the timing, order and manner of funding Park Operations and other uses of levy proceeds. The cost of all compensation, benefits, training, support services, equipment, vehicles, infrastructure, facilities, and/or administrative expenses and other costs incurred in connection with Park Operations shall be deemed a part of the costs of such Park Operations. 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 park and recreation descriptions provided herein.

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 8, 2022. For the purpose of providing funds to pay the costs of Park Operations, 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 of the City for their approval or rejection a proposition to increase the City's regular property tax levy by up to \$0.\_\_\_\_\_ per \$1,000 of assessed valuation (to a total rate not to exceed \$\_\_\_\_\_ per \$1,000 of assessed valuation) for collection in 2023, as allowed by chapter 84.55 RCW. The 2023 levy amount will be used as the basis to calculate subsequent levy limits for a period of 15 years (expiring December 31, 2037).

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

Upon approval of the voters of the proposition hereinafter set forth, the City may use proceeds of such levy to pay the costs of Park Operations as more particularly described in this ordinance.

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

CITY OF MERCER ISLAND PROPOSITION NO. 1

LEVY LID LIFT FOR  
PARK OPERATIONS AND MAINTENANCE

The City Council of the City of Mercer Island adopted Ordinance No. \_\_\_\_\_ concerning property taxes to maintain and operate park and recreational facilities. This proposition would increase the City’s regular property tax levy by approximately \$\_\_\_\_/\$1,000 to a maximum rate of up to \$\_\_\_\_/\$1,000 for collection in 2023 and to increase the levy as allowed by RCW 84.55 for 15 years thereafter to continue operating Luther Burbank Park, improve forest and vegetative health of open spaces, and operate and maintain park and recreation-related facilities and services. Qualifying seniors, veterans, and others would be exempt, per RCW 84.36.

Should this proposition be approved:

YES? .....	<input type="checkbox"/>
NO? .....	<input type="checkbox"/>

Section 3. 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 Manager and (b) the City Attorney, as the individuals to whom such notice should be provided. The City Attorney and City Manager are each authorized individually to approve changes to the ballot title, if any, deemed necessary by the Director.

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.

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 8, 2022 election.

Section 4. 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.

Section 5. Local Voters’ Pamphlet Authorized. The preparation and distribution of a local voters’ pamphlet providing information on the foregoing ballot measure is hereby authorized. The pamphlet shall include an explanatory statement and arguments advocating approval and disapproval of the ballot measure, if any. In accordance with RCW 29A.32.280, the arguments advocating approval and rejection of the ballot measure shall be prepared by

committees appointed by the City Council. Each committee shall be composed of not more than three persons; however, a committee may seek the advice of any person or persons. The committee advocating approval shall be composed of persons known to favor the ballot measure, and the committee advocating rejection shall be composed of persons known to oppose the ballot measure.

Section 6. Severability. The recitals stated above (i.e., the “Whereas” clauses) constitute specific findings by the City Council in support of the passage of this ordinance. If any provision of this ordinance is declared by any court of competent jurisdiction to be invalid, then such provision shall be null and void and shall be separable from the remaining provisions of this ordinance and shall in no way affect the validity of the other provisions of this ordinance or of any other ordinance or resolution, or of the levy or collection of the taxes authorized herein.

Section 7. Publication and Effective Date. This ordinance shall take effect five days after its passage, approval and publication as required by law.

PASSED by the City Council of the City of Mercer Island, Washington, at a regular open public meeting thereof held this \_\_\_\_ day \_\_\_\_\_, 2022.

CITY OF MERCER ISLAND, WASHINGTON

\_\_\_\_\_  
Salim Nice, Mayor

APPROVED AS TO FORM:

ATTEST:

\_\_\_\_\_  
Bio Park, City Attorney

\_\_\_\_\_  
Andrea Larson, City Clerk