

CITY OF MERCER ISLAND, WASHINGTON

ORDINANCE NO. 22-13

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 MAINTAINING AND OPERATING CITY PARKS, OPEN SPACES, AND RECREATION FACILITIES, AND TO FUND PLAYGROUND REPLACEMENTS, OPERATIONS AND MAINTENANCE OF LUTHER BURBANK PARK, AND FOREST RESTORATION AT PIONEER PARK AND ENGSTROM OPEN SPACE; SETTING FORTH THE TEXT OF THE BALLOT PROPOSITION; DIRECTING PROPER CITY OFFICIALS TO TAKE NECESSARY ACTIONS; AND PROVIDING FOR OTHER RELATED MATTERS.

WHEREAS, the City of Mercer Island, Washington (the “City”) manages 479 acres of parks and open space land, providing numerous waterfront access sites, active recreational facilities for team sports, playground equipment at 11 parks, more than 30 miles of walking paths and trails, picnic areas, and hundreds of acres of natural forest lands; and

WHEREAS, the City Council recently proclaimed July 2022 as Parks and Recreation Month citing the importance of parks and recreation programs and facilities to the quality of life and sense of community on Mercer Island; and

WHEREAS, on March 1, 2022, the City Council, supported by the Parks and Recreation Commission, the Open Space Conservancy Trust, and the Arts Council, adopted the Parks, Recreation and Open Space (“PROS”) Plan, which provides strategic direction on programming, operations, and capital infrastructure investments necessary to meet the Mercer Island community’s needs for parks and recreation services; and

WHEREAS, the PROS Plan community engagement process included a statistically valid community-wide survey in 2020 of which 99% of the respondents indicated that public parks and recreation opportunities are essential to the quality of life on Mercer Island; and

WHEREAS, the PROS Plan includes a six-year (2023-2028) Capital Improvement Plan (“CIP”) that identifies \$40 million in parks, open space, trails, and recreation facility capital projects, and anticipates \$24 million in additional funding will be needed to complete these parks capital projects; and

WHEREAS, the Mercer Island parks system includes 18 playground structures, 15 of which will need to be replaced over the next 16 years; and

WHEREAS, the City stewards nearly 300 acres of open space and natural lands, of which Pioneer Park and Engstrom Open Space comprise 122 acres; and

WHEREAS, open space lands are largely undeveloped, preserve native vegetation and tree canopy, and provide wildlife habitat and valuable ecosystem functions, while also providing passive recreation opportunities to the Mercer Island community; and

WHEREAS, Pioneer Park and Engstrom Open Space are under the ownership of the Open Space Conservancy Trust, which was established in 1992 to protect, maintain, and preserve these lands; and

WHEREAS, the City adopted the Pioneer Park Forest Management Plan in 2003 to address the needs of Mercer Island's largest natural area; and

WHEREAS, the City conducted a full vegetation survey of Pioneer Park in 2008, which is known as the "Pioneer Park Forest Health Survey"; and

WHEREAS, the Forest Health Survey identified several issues in Pioneer Park including high invasive tree regeneration, low native tree regeneration, increasing invasive species cover, and loss of canopy trees; and

WHEREAS, the findings of the Forest Health Survey were used to establish short-, medium-, and long-term tasks essential for restoring Pioneer Park to a healthy, diverse, and resilient forest, created benchmarks for this work to be completed over a 25-year period, and were adopted as an amendment to the Pioneer Park Forest Management Plan in 2009; and

WHEREAS, in July 2010, Engstrom Open Space was added to the Open Space Conservancy Trust Board's oversight; and

WHEREAS, the Open Space Conservancy Trust updated the forest management strategy and practices at Engstrom Open Space to align with the Pioneer Park Forest Management Plan; and

WHEREAS, with funding from the current parks levy and the Capital Improvement Fund over the last 14 years, the City has made considerable progress on the tasks outlined in the Pioneer Park Forest Management Plan; and

WHEREAS, the PROS Plan adopted in February 2022 includes Objective 1.1, which states, "Retain publicly owned parks and open spaces in perpetuity. Actively pursue options to permanently protect parks and open space areas through conservation easements, zoning changes, or other strategies"; and

WHEREAS, on March 15, 2022 the City Council approved Resolution No. 1621 establishing a scope of work, master schedule and public participation plan for the 2024 periodic review of the Mercer Island Comprehensive Plan;

WHEREAS, subtask LU-11 in the approved scope of work for this 2024 periodic review includes completing the necessary work in the Comprehensive Plan for the establishment of a new parks zone; and

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

WHEREAS, the current parks levy contributes over \$700,000 annually to operate and maintain City parks, which represents 31% of the funding needed for maintenance and operations annually; and

WHEREAS, the current parks levy contributes over \$250,000 annually in capital funding to support projects at Luther Burbank Park, open space vegetation management, and Pioneer Park restoration projects, and

WHEREAS, the current parks levy lid lift is scheduled to expire on December 31, 2023; and

WHEREAS, in order to continue paying costs of operations and maintenance for City parks and to provide funding for capital projects 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, collections for the new parks levy lid lift authorized herein will begin in 2023 and continue for 15 years thereafter, replacing the expiring levy for continued operation and maintenance of City parks and to fund capital projects; and

WHEREAS, if the parks levy lid lift authorized herein is approved by the voters to begin collections in 2023, the City intends to terminate its current parks levy lid lift one year early (for an expiration date of December 31, 2022) to avoid duplication in funding by setting the current parks levy rate to zero, as declared in Resolution No. 1628, which the City Council will adopt concurrently with this ordinance; and

WHEREAS, on June 21, 2022, the City Council directed staff to prepare an ordinance for such levy lid lift to replace the expiring parks levy lid lift to sustain current service levels; and

WHEREAS, the City Council also directed staff to include in the levy lid lift ordinance annual capital funding for ongoing playground replacements, and to increase the funding for Pioneer Park to fully fund the restoration projects identified in the Pioneer Park Forest Management Plan, except for the second phased of tree planting; and

WHEREAS, the City Council desires to allow the electors to approve or reject a proposition under RCW 84.55.050, 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.

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

Section 1. Purpose. The City Council hereby finds that the best interests of the residents of the City require the City to pay costs of maintaining and operating City parks, open spaces, and recreation facilities, and to fund playground replacements, operations and maintenance of Luther Burbank Park, and forest restoration at Pioneer Park and Engstrom Open Space, (together, “Park Operations and Capital Projects”).

The City Council shall determine the timing, order and manner of funding Park Operations and Capital Projects 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 and Capital Projects shall be deemed a part of the costs of such Park Operations and Capital Projects. 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.

The recitals stated above (i.e., the “Whereas” clauses) constitute specific findings by the City Council in support of the passage of this ordinance.

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 and Projects, 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 \$1,629,332 (to a total rate not to exceed \$0.862 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 16 years (expiring December 31, 2038).

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 and Projects 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. 22-13 concerning property taxes for park operations, maintenance, and capital projects.

This proposition funds operations and maintenance of parks and open spaces, including Luther Burbank Park, and funds playground replacements and forest restoration in Pioneer Park and Engstrom Open Space; increases the parks levy from \$980,122 (2022) to \$1,629,322 (2023); and sets the maximum tax levy at \$0.862/\$1,000 for 2023 collections and 15 years thereafter (2023 levy amount would be used to calculate subsequent levies), per RCW 84.55.050. Qualifying seniors, veterans, and others are exempt, per RCW 84.36.381.

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, qualifying 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. 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 19 day of July 2022.

CITY OF MERCER ISLAND

Salim Nice, Mayor

APPROVED AS TO FORM:

ATTEST:

Bio Park, City Attorney

Andrea Larson, City Clerk