

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELLEVUE, 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 IN CHAP. 84.55 RCW FOR PARKS, OPEN SPACE AND RELATED PURPOSES TO PAY AND/OR FINANCE COSTS TO ACQUIRE, IMPROVE AND DEVELOP OPEN SPACE, NEIGHBORHOOD, COMMUNITY AND RECREATION FACILITIES AND PARKS, AND TO PAY COSTS OF MAINTAINING AND OPERATING OPEN SPACES, NEIGHBORHOOD, COMMUNITY AND RECREATION FACILITIES, AND PARKS; 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 Council has an adopted 2021-2023 priority to “advance a parks funding strategy, including consideration of new funding sources for operations, maintenance and construction” (High Quality Built and Natural Environment Priority #9); and

WHEREAS, the City’s Parks and Open Space System Plan (“POSSP”) is developed through extensive public engagement and is used to guide the long-term growth and development of Bellevue’s parks and open space system, with goals that include providing equitable and inclusive access to park facilities and providing spaces, services and programs that remove disparities in opportunities, power and resources; and

WHEREAS, the City’s Parks and Community Services Board has identified higher level principles for funding the POSSP, and under the principles any funding plan would include a mix of projects that can be implemented quickly along with phased investments for larger long-term project objectives, advance the City’s goal in bringing a park or trail within walking distance to residents, address impacts of growth by providing open space, and provide significant early funding to maximize leveraged partnerships, opportunistic property acquisitions and development; and

WHEREAS, to provide funding for trails and open spaces, urban park systems, neighborhood and community park facilities, active recreation, and water access projects identified in the POSSP, and to operate and maintain open space, neighborhood, community, recreation and park facilities as found necessary by the City Council, it is deemed advisable that the City impose taxes within the limits permitted to cities; and

WHEREAS, the City’s current levy rate of \$0.84311 per thousand of assessed valuation is below its maximum 2022 rate of \$0.95913 (including banked capacity) and below the maximum statutory rate 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 but still within the maximum statutory rate; and

WHEREAS, if the levy lid lift authorized herein is approved by the voters, levy proceeds may be applied to fund, or pay debt service on notes, bonds and other obligations issued to fund or refund, the open space, neighborhood, community, recreation, and park purposes described herein; and

WHEREAS, the City desires to continue to "bank capacity" under RCW 84.55.092, and therefore the proposition, if approved, would authorize the City to increase its maximum regular property tax levy to an aggregate rate of \$1.1944 per thousand of assessed valuation, permitting the City to levy below this maximum authorized level and continue to bank the unused amount; 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, while continuing to bank its unused levy capacity; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BELLEVUE, 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 and/or finance costs of acquiring, improving and developing open space, neighborhood, community, recreation, and park facilities contained in the POSSP including without limitation trails and open spaces, urban park systems, neighborhood and community park facilities, active recreation, and water access projects as described in Exhibit A (the "Open Space and Park Facilities") and to pay costs of maintaining and operating open space and park facilities including neighborhood, community and recreation facilities within the City (together with the Open Space and Park Facilities, the "Projects").

The City Council shall determine, or provide for the determination of, the scope, timing, order and manner of funding the Projects. The cost of all compensation, benefits, training, support services, equipment, vehicles, infrastructure, facilities, appraisals, negotiation, closing, architectural, engineering, financial, legal and other consulting services, inspection and testing, administrative and relocation expenses and/or administrative expenses and other costs incurred in connection with the Projects shall be deemed a part of the costs of such Projects.

The City Council may alter, make substitutions to and amend the description of any of the Projects and allocate levy proceeds among the various Projects as it determines is in the best interests of the City and consistent with the general open space, neighborhood, community, recreation, and park purposes provided herein. The City Council shall determine, or provide for the determination of, the application of moneys available for the Projects so as to accomplish, as nearly as may be, all of the Projects. If the City Council shall determine that it has become impractical to acquire, improve, develop, operate or maintain all or any portion of the Projects by reason of changed conditions, incompatible development, costs substantially in excess of the

amount of tax levies and other City funds estimated to be available, or acquisition by a superior governmental authority, the City shall not be required to acquire, improve, develop, operate or maintain such portions.

Section 2. Calling of Election Regarding the Levy of Additional Regular Property Taxes. It is hereby found and declared that 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 or finance the costs of the Projects as described herein, 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 for a period of nine years by approximately \$0.15/\$1,000 to pay and finance costs of acquiring, improving and developing Open Space and Park Facilities and by approximately \$0.05/\$1,000 to pay costs of maintaining and operating open space and park facilities including neighborhood, community and recreation facilities within the City, to a maximum rate of up to \$1.1944/\$1,000 for collection beginning in 2023, as allowed by chapter 84.55 RCW, as may be amended from time to time. The 2023 levy amount would be used as the basis to calculate subsequent levy limits for the additional eight year period of the levy lid lift (expiring December 31, 2031).

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, as may be amended from time to time, in the absence of voter approval under this ordinance, including all other authorized lid lifts.

Upon approval of the voters of the proposition hereinafter set forth, the City may use proceeds of such levy to pay or finance the costs of the 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 BELLEVUE PROPOSITION NO. 1

LEVY LID LIFT FOR  
PARKS AND OPEN SPACE

The City Council of the City of Bellevue adopted Ordinance No. \_\_\_\_\_ concerning property taxes for parks, open space, and related purposes. This proposition would increase the City’s regular levy for nine years by approximately \$0.15/\$1,000 to pay and finance the acquisition, improvement and development of parks, community/recreation facilities and open space, and \$0.05/\$1,000 for maintenance and operations, to a maximum rate of up to \$1.1944/\$1,000 for collection in 2023. The 2023 amount would be used to compute limitations for subsequent levies (through 2031) as allowed by RCW 84.55. Qualifying seniors, veterans, and others would be exempt, per RCW 84.36.

Should this proposition be approved:

YES? .....

NO? .....

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. 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 Bellevue, Washington, at a regular open public meeting thereof held this \_\_\_\_ day \_\_\_\_\_, 2022.

CITY OF BELLEVUE, WASHINGTON

\_\_\_\_\_  
Lynne Robinson, Mayor

APPROVED AS TO FORM:

ATTEST:

\_\_\_\_\_  
Kathy Gerla, City Attorney

\_\_\_\_\_  
Charmaine Arredondo, City Clerk

## Exhibit A

### Open Space and Park Facilities

Categories:	(in Millions)	
	Estimated Capital to be Paid from Levy	Estimated M&O per Year
Open Space, Greenways, Wildlife Corridors & Trails	\$20.0	\$0.4
Community Parks (e.g. BBG Wetland Sun Terrace Phase Development)	5.0	0.1
Neighborhood Parks (e.g. Eastgate/Factoria/Ashwood)	20.0	0.4
Recreation/Community Facilities (e.g. Aquatics, Cross Cultural Center)	10.0	0.1
Waterfront Restoration/Development (e.g. Meydenbauer Bay, Chism Beach)	10.0	0.4
BelRed/Wilburton Acquisition/Development	10.0	0.4
Emerging Sports, Off Leash Areas	10.0	0.3
Existing Facilities - Maintenance & Operations	0.0	2.0
<b>TOTAL</b>	<b>\$85.0</b>	<b>\$4.0</b>