ORDINANCE NO. 4042

AN ORDINANCE of the City Council of the City of Kent, Washington, providing for the submission to the qualified electors of the City at an election to be held on November 6, 2012, of a proposition authorizing the City to increase the tax levy limit established in RCW 84.55.010 to provide additional funds to improve and add to existing parks and streets infrastructure.

RECITALS

A. The city of Kent has experienced a significant downturn in revenues in the past decade. A number of factors have contributed to this shortfall. reductions in car tab fees substantially reduced state pass-through funds for local infrastructure improvements. The property tax limitation to 1% year over year passed by Referendum 47 capped property tax increases to a level that typically is below the rate of inflation. The recession, which began in 2008 and continues to this day, has resulted in a serious reduction in real estate excise tax revenue, utility tax revenue, sales tax revenue, and development fee revenue.

B. The result of this shortfall is that the city can no longer adequately fund its major, existing infrastructure to a level and quality that the public needs and deserves without additional funding.
C. RCW 84.55.050 authorizes the voters of a city to authorize a “levy lid lift” to permit increases above the levy limits established in RCW 84.55.010.

D. The conditions here and above set forth require the holding of an election in the City.

E. The City Council has determined that, in order to maintain and improve the parks, streets, and related infrastructure to a service level that the citizens of the City deserve and expect, a six-year levy lid lift is appropriate; and this levy lid lift would allocate an additional 37 cents per $1,000 of assessed valuation, of which the City would allocate 23 cents per $1,000 of assessed valuation to parks and 14 cents per $1,000 of assessed valuation to streets.

F. The City Council has determined that it is in the best interest of the City and its residents to submit a levy lid lift proposition under RCW 84.55.050(1) to the voters for their approval or rejection.

G. According to the King County Assessor’s Annual Report for 2012 Taxes, the City’s total property tax levy for collection in 2012 amounted to $19,892,138.

H. The City’s 2012 total property tax levy rate per $1,000 of assessed valuation was 1.56814.

I. The City’s assessed valuation for 2011 was $12,639,004,936.

J. The King County Assessor’s Office estimate of the City’s 2012 assessed value is not available until later this year.
K. The City can increase its regular property tax levy up to 1% each year without voter approval.

L. City could levy for collection in 2013 regular property taxes of approximately $19,964,016 without voter approval and without including any increased revenue associated with new construction.

M. Without any additional voter authorization, the City’s regular property tax levy rate for 2013 would be approximately 1.57950 per $1,000 in assessed valuation.

N. The City Council has determined to ask the voters whether they are willing to fund an additional $4,565,000 to help maintain current levels of service in parks and public works through a levy lid lift for collection in each of the years 2013 through 2018.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

ORDINANCE

SECTION 1. Findings; Projects. The City Council hereby finds that it is in the best interests of the residents of the City to provide additional funds to pay costs of improving and adding to existing parks and street infrastructure. As described herein, the levy lid lift would allocate an initial additional 37 cents per $1,000 of assessed valuation, of which the City would allocate 62% (or 23 cents, initially) per $1,000 of assessed valuation to parks and the remaining 38% (or 14 cents, initially) to streets. The City Council finds that such levy lid lift will not supplant current funding levels, as required by RCW 84.55.050.
The excess revenue received from this additional 37 cents per $1,000 of assessed valuation, over the six-year period of the levy lid lift will be allocated proportionately as described above to the following parks and public works infrastructure projects unless factors outside the city’s control, such as general inflation, or inflation of specific products or materials, such as asphalt or steel, result in insufficient funding to complete all listed projects below:

**Over the six year life of this levy lid lift, the city of Kent parks department’s projects will include:**

**Year One**
- Neighborhood Park Reinvestment Grant Program
- Wilson Playfields Renovation – Replace synthetic turf
- West Fenwick Phase 2 – Replace play equipment, refurbish drainage and irrigation, and replace exercise stations.

**Year One and Two**
- Lake Meridian Phase I – Replace deteriorated swimming/fishing dock

**Year Two and Three**
- Lake Fenwick Park Phase 1 – Replace floating walkway and eastern stairs; repave middle parking lot; pave boat launch and disc golf course parking lot; improve trail connections

**Year Three**
- Russell Road Renovation Phase 1 – Resurface several parking lots and replace existing play structure
- Green River Corridor Master Plan –

**Year Three and Four**
- Green River Corridor Improvements Phase 1 – Construct Kent Valley Loop Trail improvements and renovate Van Doren’s Park

**Year Four**
- Mill Creek Earthworks Redevelopment – Phase 2 – Complete drainage improvements, replace 2 sets of stairs and redevelop trail system

**Year Four and Five**
- Springwood Park Renovation to Community Park
Year Six

- Russell Road Field Conversion – Convert Field one (3.5 acres) to multi-use synthetic turf, reconfigure pathways and lighting, replace restroom building.

Over the six year life of this levy lid lift, the city of Kent public works department’s projects will include improvements to the following streets:

**Year 1**

- SE 196th Street from 108th Avenue SE to 124th Avenue
- SE 132nd Avenue SE from SE 288th Street to Kent-Kangley Road

**Year 2**

- 124th Avenue SE from SE 270th Street to SE 248th Street
- 132nd Avenue SE from Kent-Kangley Road to SE 256th Street

**Year 3**

- Reith Road from State Route 516 to Military Road South
- South 253rd Street from Reith Road to 42nd Avenue South
- 42nd Avenue South from South 253rd Street to South 247th Street
- 43rd Avenue South from South 252nd Street to South 245th Court
- South 252nd Street from 42nd Avenue South to 43rd Avenue South
- South 251st Street from 42nd Avenue South to 43rd Avenue South
- South 250th Street from 42nd Avenue South to 43rd Avenue South
- South 249th Street from 42nd Avenue South to 43rd Avenue South
- South 248th Street from 42nd Avenue South to 43rd Avenue South
- South 247th Court from 43rd Avenue South west to end of street
- South 247th Street from 42nd Avenue South to 43rd Avenue South
- South 246th Court from 43rd Avenue South west to end of street
- 97th Place South from SE 260th Street to SR 516
- 104th Avenue SE from SE 267th Street to SE 264th Street

**Year 4**

- South 260th Street/South 259th Place from Pacific Highway South to Military Road
- 25th Avenue South from South 260th Street south to end of street
- 38th Avenue South from Reith Road to Military Road
- South 257th Street from 36th Place South to 38th Avenue
- South 36th Place South from South 257th Street to South 255th Place
- South 255th Place from 36th Place South to 38th Avenue South
- South 256th Court from 38th Avenue South west to end of street
- South 254th Place from 38th Avenue South to 38th Place South
- 38th Place South from South 255th Place to South 254th Place
- South 255th Place from 38th Place South to 39th Place South
- 39th Place South from South 255th Place to South 254th Place
- South 254th Place from 36th Place South to 38th Avenue South
- 36th Place South from South 254th Place to South 253rd Street
- South 253rd Street from 36th Place South to 38th Avenue South

**Year 5**
- 132nd Avenue SE from SE 240th Street to SE 228th Place
- 132nd Avenue SE from SE 218th Place to SE 208th Street

**Year 6**
- Portions of SE 208th Street from 96th Way South to 116th Avenue SE

**SECTION 2. 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 84.55.010 for their ratification or rejection at an election to be held on November 6, 2012. For the purpose of providing funds to pay for improving and adding to existing parks and street infrastructure, the King County Records and Elections Division, as ex officio supervisor of elections in King County, Washington, is hereby requested to call and conduct the election to be held within the City on that 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 37 cents per $1,000 of assessed valuation for a total authorized rate of approximately $1.96 per $1,000 of assessed valuation to be levied in 2012 for collection in 2013, and to use the dollar amount of the levy collected in 2013 for computing the limitation for taxes levied for collection in 2014 through 2018 (with the statutory limit factor calculation (101% plus new
construction) for each of those years), and to use the amount of the 2017 levy (for collection in 2018) to compute the limitations for subsequent levies, as permitted by chapter 84.55 RCW.

**SECTION 3. Ballot Proposition.** The City Clerk is hereby authorized and directed to certify the following proposition to the King County Records and Elections Division, as *ex officio* supervisor of elections in King County, Washington, in substantially the following form:

CITY OF KENT
PROPOSITION NO. 1
LEVY TO SUPPORT KENT PARKS AND STREETS

The City Council of the City of Kent adopted Ordinance No. 4042 concerning property taxes to support City parks and streets. This proposition permits the City to increase the regular property tax levy by $0.37/$1,000 assessed valuation, for a regular levy of approximately $1.96/$1,000, for collection in 2013, to use this levy to compute levies for collection in 2014 through 2018 (with a 101% limit factor), and to use the amount of the levy for collection in 2018 to compute subsequent levy limits, as permitted by chapter 84.55 RCW, to fund improvements to City parks and streets. Should this proposition be:

APPROVED ______ REJECTED ______

**SECTION 4. Changes.** The Mayor and City Attorney are authorized to make minor adjustments to the wording of this proposition as may be recommended by the King County Assessor or the Office of the King County Prosecuting Attorney, as long as the intent of the proposition remains clear and consistent with the intent of this ordinance as approved by the City Council.
SECTION 5. Notice Relating to Ballot Proposition. For purposes of receiving notice of the exact language of the ballot proposition required by RCW 29A.36.080, the City Council hereby designates the City Clerk.

SECTION 7. Effective Date. This ordinance will take effect five days after publication, as provided by law.

PASSED by the City Council of the City of Kent, Washington, at a regular open public meeting thereof held this 31 day of July, 2012.

CITY OF KENT, WASHINGTON

[Signature]
Mayor

ATTEST:

[Signature]
BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

[Signature]
TOM BRUBAKER, CITY ATTORNEY
PUBLISHED: 3 day of August, 2012.
CERTIFICATE

I, the undersigned, City Clerk of the City of Kent, 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. 4042 of the City (the “Ordinance”), as adopted at a regular meeting of the City Council held on July 31, 2012, 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 adoption of the Ordinance; that all other requirements and proceedings incident to the proper adoption or passage of the Ordinance have been duly fulfilled, carried out and otherwise observed, and that I am authorized to execute this certificate.

Dated this 31st day of July, 2012.

Brenda Jacober, City Clerk
STATE OF WASHINGTON, COUNTY OF KING
AFFIDAVIT OF PUBLICATION

PUBLIC NOTICE
Linda M Mills, being first duly sworn on oath that she is the Legal Advertising Representative of the

Kent Reporter

a weekly newspaper, which newspaper is a legal newspaper of general circulation and is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a weekly newspaper in King County, Washington. The Kent Reporter has been approved as a Legal Newspaper by order of the Superior Court of the State of Washington for King County. The notice in the exact form annexed was published in regular issues of the Kent Reporter (and not in supplement form) which was regularly distributed to its subscribers during the below stated period. The annexed notice, a:

Public Notice

was published on August 3, 2012.

The full amount of the fee charged for said foregoing publication is the sum of $81.52.

Linda M. Mills
Legal Advertising Representative, Kent Reporter
Subscribed and sworn to this 9th day of August, 2012.

Kathleen C. Sherman, Notary Public for the State of Washington,
Residing in Buckley, Washington

CITY OF KENT
NOTICE OF ORDINANCES
PASSED BY THE CITY COUNCIL

The following is a summary of ordinances adopted by the Kent City Council on July 31, 2012.
ORDINANCE NO. 4042
AN ORDINANCE of the City Council of the City of Kent, Washington, providing for the submission to the qualified electors of the City at an election to be held on November 6, 2012, of a proposition authorizing the City to increase the tax levy limit established in RCW 84.55.010 to provide additional funds to improve and add to existing parks and streets infrastructure.
Effective Date: August 8, 2012
Each ordinance will take effect 30 days from the date of passage, unless subjected to referendum or vetoed by the Mayor, or unless otherwise noted. A copy of the complete text of any ordinance will be mailed upon request to the City Clerk.
Brenda Jacober, CMC, City Clerk
Published in the Kent Reporter on August 3, 2012. #658774