

ORDINANCE O-4729

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KIRKLAND, WASHINGTON, PROVIDING FOR THE FORM OF THE BALLOT PROPOSITION AND SPECIFYING CERTAIN OTHER DETAILS CONCERNING SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY AT A SPECIAL ELECTION TO BE HELD THEREIN ON NOVEMBER 3, 2020, OF A PROPOSITION AUTHORIZING THE CITY TO LIFT THE LEVY LIMIT ESTABLISHED IN RCW 84.55.010 IN ORDER TO PROVIDE FUNDS TO PAY THE COSTS OF IMPROVING CITY FIRE AND EMERGENCY MEDICAL SERVICES.

1 WHEREAS, in 2011, the City Council (the "Council") of the City
2 of Kirkland (the "City") engaged the services of Emergency Services
3 Consulting International ("ESCI") to conduct an organizational review of
4 the City Fire Department; and
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6 WHEREAS, since 2012, Fire Department staff has worked with
7 other City departments and the City Manager's Office to implement
8 certain ESCI recommendations, including through the budget process;
9 and
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11 WHEREAS, the Council completed a Fire Strategic Plan in 2012
12 to identify needed investments in staffing, equipment and technology to
13 provide for better response times for fire and Emergency Medical
14 Services ("EMS"); and
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16 WHEREAS, on February 21, 2017, the Council approved
17 Resolution R-5239 adopting the City's 2017-2018 Work Program to
18 "explore potential ballot measures for fire station modernization and
19 public safety operations to further the goals of Public Safety,
20 Dependable Infrastructure, and Financial Stability"; and
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22 WHEREAS, on December 12, 2017, the Council adopted
23 Resolution R-5290, revising the 2017-2018 City Work Program to defer
24 exploration of a fire facilities and operations ballot measure to at least
25 2020 due to public concerns about the cumulative financial impact of
26 property tax increases due to state and regional legislation; and
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28 WHEREAS, the Council subsequently implemented a two-phased
29 approach to addressing public safety needs; and
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31 WHEREAS, phase one included a sales and use tax for enhanced
32 police and public safety services, which was approved by the voters at

33 an election held in November 2018, and phase two includes a bond
34 and/or levy lid lift for fire station seismic renovation, capacity expansion,
35 and additional firefighter/EMT staffing; and
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37 WHEREAS, on February 19, 2019, the Council adopted the 2019-
38 2020 City Work Program which ranked "exploring a potential ballot
39 measure in 2020 to fund Fire Station modernization and enhanced
40 operations to further the goal of Public Safety" as its number one
41 priority; and
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43 WHEREAS, the City has and expects to continue to experience
44 unprecedented growth and development, with new types of commercial
45 and residential structures that need fire/EMS services; and
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47 WHEREAS, providing fire/EMS services that match this economic
48 growth and redevelopment are challenged by the expiration of the
49 annexation sales tax credit in 2021, resulting in the loss of nearly \$4
50 million annually from the City's general fund; and
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52 WHEREAS, further, Washington State law limits the annual
53 increase of a city's regular property tax levy to 1% plus an allowance
54 for new construction, unless the voters of a city approve a levy lid lift
55 permitting the collection of regular property taxes in a greater amount;
56 and
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58 WHEREAS, to sustainably fund these potential fire/EMS
59 investments, the City must either identify new revenues or significantly
60 reprioritize existing general fund programs such as parks maintenance
61 and street maintenance that also rank as high priorities with City
62 residents; and
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64 WHEREAS, in 2019, the Council convened the Community Safety
65 Advisory Group ("ComSAG") to review options to improve response
66 times, keep Fire/EMS stations seismically sound, and improve firefighter
67 health and safety; and
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69 WHEREAS, in February 2020, recommended hiring 24 new
70 firefighter/EMTs to provide a dedicated aid car at fire station 22 in
71 Houghton, fully staff fire station 24 in north Juanita, provide daily 12
72 hour dedicated patient transport during peak hours, and fund five new
73 firefighter/EMTs to improve response times throughout the City; and
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75 WHEREAS, since the ComSAG completed their recommendation
76 in February 2020, the City proclaimed an emergency to combat the
77 COVID-19 pandemic and has been grappling with the escalating social
78 and economic impact of the virus and related public health and safety
79 orders on the community; and
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81 WHEREAS, the capital and operating elements in the proposed
82 ComSAG recommendation would have significantly improved the City's

83 response to COVID-19, and the budget challenges created by the
84 economic impacts of the outbreak curtails the City's ability to fund
85 any of these additional public safety investments without a voter
86 approved revenue source; and

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88 WHEREAS, at their May 19, 2020 Council meeting, the Council
89 directed staff to reprioritize the capital and operating elements funded
90 within the ballot measure(s) to be no more than the ComSAG's
91 recommendation of \$0.225 per \$1,000 of assessed valuation; and

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93 WHEREAS, in order to provide the level of service identified by
94 the ComSAG, and refined by Council, four potential new firefighter/EMTs
95 and a second ladder were removed from the elements to be funded by
96 the levy lid lift; and

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98 WHEREAS, it is deemed necessary that the City increase its
99 regular property tax levy rate to \$0.11565 per \$1,000 of assessed value
100 for collection in 2021 and thereafter to use the resulting levy amount as
101 the basis for computing the limitations for subsequent levies as allowed
102 by chapter 84.55 RCW; and

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104 WHEREAS, the Council deems it necessary to submit to the
105 voters of the City the proposition of whether or not the City shall levy
106 regular property taxes for collection in 2021 in excess of the limit factor
107 provided for in chapter 84.55 RCW;

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109 NOW, THEREFORE, the City Council of the City of Kirkland does
110 ordain as follows:

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112 Section 1. Findings. The Council hereby finds that the best
113 interests of the residents of the City require the City to provide additional
114 funds to pay for the costs of City operations, facilities and services,
115 including but not limited to the following ("Fire and EMS Services"):

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117 • Public safety services and operations, such as a dedicated
118 aid car at Fire Station 22, additional staff at Fire Station 24, and
119 one additional firefighter/EMT, as necessary;
120 • Construction, maintenance and improvement of existing and
121 new City public safety facilities; and
122 • Other City public safety operations, maintenance,
123 improvements, equipment, and services as determined to be
124 necessary from time to time.

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126 The City Council shall determine the timing, order and manner of
127 funding the Fire and EMS Services and other uses of levy proceeds. The
128 cost of all compensation, benefits, training, support services,
129 equipment, vehicles, infrastructure, facilities, and/or administrative
130 expenses and other costs incurred in connection with the Fire and EMS
131 Services shall be deemed a part of the costs of such Fire and EMS
132 Services.

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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 3, 2020. For the purpose of providing funds to pay the costs of the Fire and EMS Services, 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 \$0.11565 per \$1,000 of assessed valuation (to a total rate not to exceed \$_____ per \$1,000 of assessed valuation) for collection in 2021, as allowed by chapter 84.55 RCW. The 2021 levy amount will be used as the basis to calculate subsequent levy limits.

Upon approval of the voters of the proposition hereinafter set forth, the City may use proceeds of such levy to pay the costs of the Fire and EMS Services as more particularly described herein.

Section 3. Election. 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.

CITY OF KIRKLAND PROPOSITION NO. 1
LEVY LID LIFT FOR
FIRE AND EMERGENCY MEDICAL SERVICES AND OPERATIONS

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The City Council of the City of Kirkland adopted Ordinance 4729 concerning funding for fire and emergency medical services. This proposition would provide funding for fire and EMS, including stockpiling Personal Protection Equipment, hiring additional firefighter/Emergency Medical Technicians, acquiring equipment, improving facilities and response times by increasing the City's regular property tax by \$0.11565/\$1,000 to a maximum rate of \$ [redacted] /\$1,000 of assessed valuation for collection in 2021. The 2021 levy amount will be used as the basis to calculate subsequent levies, consistent with RCW 84.55. Seniors and other individuals qualifying under RCW 84.36 would be exempt.

Should this proposition be approved:

YES?

NO?

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 Clerk and (b) the City Attorney, as the individuals to whom such notice should be provided. The City Attorney and City Clerk 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 3, 2020 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

207 in RCW 84.36.381) shall be exempt from the tax increase resulting from
208 such levy lid lift.

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210 Section 5. Voters' Pamphlet. The preparation and distribution
211 of a local voters' pamphlet providing information on the foregoing ballot
212 measure is hereby authorized. The pamphlet shall include arguments
213 advocating approval and disapproval of the ballot measure. In
214 accordance with RCW 29A.32.280, the arguments advocating approval
215 and rejection of the ballot measure shall be prepared by committees
216 appointed by the City Council by resolution not later than forty-five days
217 before the publication of the pamphlet. Each committee shall be
218 composed of not more than three persons; however, a committee may
219 seek the advice of any person or persons. The committee advocating
220 approval shall be composed of persons known to favor the ballot
221 measure, and the committee advocating rejection shall be composed of
222 persons known to oppose the ballot measure.

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224 Section 5. Ratification. Any act consistent with the authority
225 and prior to the effective date of this ordinance is hereby ratified and
226 confirmed.

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228 Section 6. Effective Date. This ordinance shall be in full force
229 and effect five days from and after its passage by the Kirkland City
230 Council and publication of a summary of this ordinance in accordance
231 with Kirkland Municipal Code 1.08.017.

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233 Passed by majority vote of the Kirkland City Council in open
234 meeting this ___ day of _____, 2020.

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236 Signed in authentication thereof this ___ day of _____,
237 2020.

Penny Sweet, Mayor

Attest:

Kathi Anderson, City Clerk

Approved as to Form:

Pacifica Law Group LLP, Bond Counsel

CERTIFICATE

I, the undersigned, City Clerk of the City of Kirkland, 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. 4729 of the City (the "Ordinance"), as finally adopted at a regular meeting of the City Council held on _____, 2020, 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 said Ordinance; that all other requirements and proceedings incident to the proper adoption or passage of said Ordinance have been duly fulfilled, carried out and otherwise observed, and that I am authorized to execute this certificate.

Dated this ____ day of _____, 2020.

CITY OF KIRKLAND, WASHINGTON

Kathi Anderson, City Clerk