

ORDINANCE O-4731

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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WHEREAS, on February 19, 2019, the Council adopted the 2019-2020 City Work Program which ranked "exploring a potential ballot measure in 2020 to fund Fire Station modernization and enhanced operations to further the goal of Public Safety" as its number one priority; and

WHEREAS, the City has and expects to continue to experience unprecedented growth and development, with new types of commercial and residential structures that need fire/EMS services; and

WHEREAS, providing fire/EMS services that match this economic growth and redevelopment are challenged by the expiration of the annexation sales tax credit in 2021, resulting in the loss of nearly \$4 million annually from the City's general fund; and

WHEREAS, further, Washington State law limits the annual increase of a city's regular property tax levy to 1% plus an allowance for new construction, unless the voters of a city approve a levy lid lift permitting the collection of regular property taxes in a greater amount; and

WHEREAS, to sustainably fund these potential fire/EMS investments, the City must either identify new revenues or significantly reprioritize existing general fund programs such as parks maintenance and street maintenance that also rank as high priorities with City residents; and

WHEREAS, in 2019, the Council convened the Community Safety Advisory Group ("ComSAG") to review options to improve response times, keep Fire/EMS stations seismically sound, and improve firefighter health and safety; and

WHEREAS, in February 2020, recommended hiring 24 new firefighter/EMTs to provide a dedicated aid car at fire station 22 in Houghton, fully staff fire station 24 in north Juanita, provide daily 12 hour dedicated patient transport during peak hours, and fund five new firefighter/EMTs to improve response times throughout the City; and

WHEREAS, since the ComSAG completed their recommendation in February 2020, the City proclaimed an emergency to combat the COVID-19 pandemic and has been grappling with the escalating social and economic impact of the virus and related public health and safety orders on the community; and

WHEREAS, the capital and operating elements in the proposed ComSAG recommendation would have significantly improved the City's response to COVID-19, and the budget challenges created by the economic impacts of the outbreak curtails the City's ability to fund 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 \$0.22500 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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134 Section 2. Calling of Election Regarding the Levy of Additional  
135 Regular Property Taxes. It is hereby found and declared the best

136 interests of the City require the submission to the qualified electors of  
137 the City of the proposition whether the City shall levy regular property  
138 taxes above the levy limitations established in RCW 84.55.005 and  
139 RCW 84.55.010 for their ratification or rejection at an election to be held  
140 on November 3, 2020. For the purpose of providing funds to pay the  
141 costs of the Fire and EMS Services, the King County Director of Records  
142 and Elections (the "Director"), as *ex officio* supervisor of elections in  
143 King County, Washington, is hereby requested to call and conduct such  
144 election to be held on such day and to submit to the qualified electors  
145 of the City for their approval or rejection a proposition to increase the  
146 City's regular property tax levy by up to \$0.22500 per \$1,000 of  
147 assessed valuation (to a total rate not to exceed \$1.22500 per \$1,000  
148 of assessed valuation) for collection in 2021, as allowed by chapter  
149 84.55 RCW. The 2021 levy amount will be used as the basis to calculate  
150 subsequent levy limits.

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

155 Section 3. Election. The City Clerk is hereby authorized and  
156 directed to certify the following proposition to the Director, in  
157 substantially the following form. Such election shall be conducted by  
158 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 4731 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, constructing and equipping a fire station, improving existing facilities and response times by increasing the City's regular property tax by \$0.22500/\$1,000 to a maximum rate of \$1.22500/\$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

207 citizens, disabled veterans, and other people with disabilities (as defined  
208 in RCW 84.36.381) shall be exempt from the tax increase resulting from  
209 such levy lid lift.

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

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

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

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234 Passed by majority vote of the Kirkland City Council in open  
235 meeting this \_\_\_ day of \_\_\_\_\_, 2020.

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237 Signed in authentication thereof this \_\_\_ day of \_\_\_\_\_,  
238 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. 4731 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