

BRUCE LAING

Gruger  
Sims, Grant  
Sullivan, Barden  
North, Reams

1 June 18, 1988  
2 0758C:GM:SM:mls

INTRODUCED BY: North, Reams

3 PROPOSED NO. 88-372

4  
5 ORDINANCE NO. **8551**

6 AN ORDINANCE relating to public open space,  
7 parks, trails and recreation facilities; calling  
8 a special election for the purpose of submitting  
9 to the voters of King County on September 20,  
10 1988, a proposition to authorize the county to  
11 issue its general obligation bonds in the  
12 principal amount not to exceed \$85,870,000, to  
13 provide funds for the acquisition, development,  
14 renovation and improvement of public parks,  
15 trails, open space and recreation facilities in  
16 King County.

17 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

18 SECTION 1. FINDINGS. The council finds and declares as  
19 follows:

20 A. Enactment of this ordinance is necessary for the health,  
21 welfare, benefit, and safety of the residents within King County  
22 and is strictly a county purpose.

23 B. Public open space, parks, trails and facilities for public  
24 appreciation of marine life in King County provide for a wide  
25 variety of public recreation activities, and these facilities make  
26 King County a more desirable place in which to live and to visit.

27 C. Such public open space, parks, trails and recreation  
28 facilities are no longer adequate. Additional public open space,  
29 parks and trails are needed, and the Seattle Aquarium, the  
30 principal regional recreational facility for appreciation of and  
31 education about the marine environment, is in need of renovation  
32 and expansion.

33 D. Public open space, parks, trails and recreation facilities  
acquired or improved pursuant to this ordinance, together with  
existing lands and facilities set aside for those purposes, will  
constitute a necessary system of public open space, parks, trails  
and recreation facilities for the county and its residents.

1 E. The renovation and expansion of the Seattle Aquarium will  
2 provide a more comprehensive and integrated facility in the county  
3 for environmental education, public recreation and appreciation of  
4 marine life. The Aquarium is a regional facility serving public  
5 purposes for all citizens of King County and merits countywide  
6 support for its development; further, the elected officials of The  
7 City of Seattle have committed to address the issue of regional  
8 private and public participation in the management/governance  
9 structure and financing of the renovated and expanded Aquarium.

10 F Moss Lake Wetland and portions of Hylebos Wetland No. 18  
11 are included for acquisition solely as wetland parks and wetland  
12 interpretive centers. The King County wetland inventory  
13 identifies Moss Lake as the most significant wetland in King  
14 County. It contains an extraordinary variety of vegetation  
15 subclasses and diversity of wildlife habitat. The purpose of the  
16 proposed acquisition of 24.6 acres on the southern and  
17 southwestern boundaries of the Hylebos State Park is to expand the  
18 state park and its educational and interpretive programs. The  
19 acquisition, of both the Moss Lake property in northern King  
20 County and portions of the Hylebos Wetland No. 18 in southern King  
21 County for development of trail systems and interpretive programs,  
22 is a unique and important educational opportunity that will  
23 benefit all King County citizens. There may be other wetlands  
24 existing on parcels that are being acquired solely for the purpose  
25 of providing public access and trail systems. These wetlands are  
26 considered incidental to, and not the basis for, the purchase of  
27 these properties.

28 G. The proposition and the Plan hereinafter set forth have  
29 for their object the furtherance, accomplishment or preservation  
30 of public open space, parks, trails and recreation facilities and  
31 constitute a single purpose.  
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1 H. Public open space, parks, trails and recreation facilities  
2 acquired or improved pursuant to this ordinance, whether located  
3 partly or wholly within or without the cities and towns of the  
4 county will be reasonably available and of general benefit to all  
5 of the residents of the county.

6 SECTION 2. DEFINITIONS. Unless the context clearly indicates  
7 otherwise, as used in this ordinance, the following words will  
8 have the meanings set forth in this section:

9 A. "Bond Proceeds" means the principal proceeds received from  
10 the sale of the Bonds and any interest earned by the county on  
11 such funds thereafter, but shall not mean accrued interest on the  
12 Bonds paid by the original purchaser of the Bonds.

13 B. "Bonds" means the Public Open Space, Parks, Trails and  
14 Recreation Facilities Bonds described and authorized by this  
15 ordinance.

16 C. "Chief Financial Officer" means the person serving as the  
17 chief financial officer of the office of financial management of  
18 King County and the county officer who succeeds to the duties now  
19 delegated to that office.

20 D. "Governmental Agency" or "Agency" means the county,  
21 Seattle and any Suburban Jurisdiction or other government entity  
22 within the county.

23 E. "Interlocal Contract" shall mean the contract provided for  
24 in Section 6 to be entered into between the county and each other  
25 Governmental Agency.

26 F. "Project" means any specific parcel of public open space,  
27 park, trail, or facility to which any Bond Proceeds are allocated  
28 under this ordinance.

29 G. "Project Category" means the county Projects, Seattle  
30 Projects, or Suburban Jurisdiction Projects.

31 H. "Seattle" means The City of Seattle, Washington.  
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1 I. "Suburban Jurisdiction" means the cities identified in  
2 Exhibit C.

3 SECTION 3. COUNTY PROJECTS. The county Projects described in  
4 Exhibit A attached hereto and incorporated herein by this  
5 reference are authorized to be carried out.

6 SECTION 4. SEATTLE PROJECTS. The Seattle Projects described  
7 in Exhibit B attached hereto and incorporated herein by this  
8 reference are authorized to be carried out.

9 SECTION 5. SUBURBAN JURISDICTION PROJECTS. The Suburban  
10 Jurisdiction Projects described in Exhibit C attached hereto and  
11 incorporated herein by this reference are authorized to be carried  
12 out.

13 SECTION 6. INTERLOCAL CONTRACT. The county shall negotiate a  
14 form of Interlocal Contract to govern the use of Bond Proceeds.  
15 Before any Bond Proceeds are distributed by the county to a  
16 Governmental Agency, there must be executed between the county and  
17 that Governmental Agency an Interlocal Contract necessary to  
18 satisfy applicable Federal tax laws and regulations and those  
19 provisions expressly mentioned below. The Interlocal Contract  
20 shall contain provisions governing the administration of Bond  
21 Proceeds, including, without limitation, the determination of the  
22 amount, method and time of distribution of Bond Proceeds, the use  
23 of distributed Bond Proceeds, Project implementation schedules and  
24 reports, the reallocation of Bond Proceeds in the event of the  
25 abandonment of Projects, cost overruns or underruns on Projects,  
26 or for other reasons, the effect of the receipt of matching or  
27 supplemental funds for Projects, the effect of changes in plans  
28 for Projects, conveyance of Projects or interests therein, use of  
29 proceeds of condemnation or purchase of Projects or parts thereof,  
30 provisions to assure tax exemption of the interest on the Bonds,  
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1 use of unspent Bond Proceeds, investment of Bond Proceeds, and the  
2 method or methods of amending the Interlocal Contract. In the  
3 event that any Governmental Agency shall fail within such  
4 reasonable time as the council may determine after reasonable  
5 notice, to enter into an Interlocal Contract, the council may  
6 reallocate those Bond Proceeds in agreement with one or more of  
7 the affected Agencies to new or existing Projects within the same  
8 Project Category. The following special provisions will be  
9 included in the Interlocal Contracts identified below and are  
10 incorporated herein.

11 A. The Interlocal Contract with Seattle shall include the  
12 following provisions:

13 1. Aquarium governance: Seattle shall, by January 1, 1991  
14 and after a public process and in consultation with Suburban  
15 Jurisdictions and King County, make a decision regarding and begin  
16 implementation of alternative management/government and financial  
17 structures for the aquarium which shall:

18 a. Provide for regional participation in policy issues of  
19 the expanded operation; and

20 b. Provide for either:

21 (1) An independent or quasi independent entity which may  
22 be any appropriate new governance entity for the aquarium which  
23 can operate and maintain the aquarium and also provide for  
24 marketing, concession and fund raising programs which insure that  
25 increased revenues derived from such programs will benefit the  
26 aquarium, and which will not deprive the interest on the Bonds  
27 from exclusion from gross income for federal income tax purposes;  
28 or,

29 (2) alternatively, in the event that the decision is  
30 made not to create a new entity to operate and maintain the  
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1 aquarium, an independent or quasi independent adjunct entity for  
2 the aquarium which can implement marketing, concession and fund  
3 raising programs which insure that increased revenues derived from  
4 such programs will benefit the aquarium, and which will not  
5 deprive the interest on the Bonds from exclusion from gross income  
6 for federal income tax purposes.

7 (3) Support for aquarium operations: Until and unless a  
8 regional governance and financing structure for the aquarium is  
9 implemented, Seattle shall agree to maintain the high level of  
10 support for aquarium operations and maintenance to assure its  
11 continued position as a premier publicly owned aquarium.

12 2. Greenbelts: Seattle shall covenant that the proceeds for  
13 the Greenbelt Acquisition Project shall be spent in accordance  
14 with an adopted program which shall include greenbelt acquisition  
15 criteria that accomplish preservation of wildlife habitat,  
16 buffering of incompatible land uses, preservation and continuity  
17 of the publicly owned open space, and assurance of appropriate  
18 geographic diversity of the acquisitions.

19 3. Burke Gilman Trail Development project: The funding for  
20 the Burke Gilman Trail Development Project for Seattle shall be  
21 used for its intended purpose within six years of the date this  
22 interlocal agreement is entered into by Seattle and King County.  
23 Should project funds remain at the expiration of the six year  
24 period, such funds will become available to be reallocated by the  
25 council to other open space acquisition or development projects.

26 B. The Interlocal Contract with the City of Redmond shall  
27 contain the following provision: The Redmond Watershed  
28 Acquisition Project consists of the acquisition and preservation  
29 for recreational use of the land commonly known as the Redmond  
30 Watershed which is the contiguous landmass of approximately 800  
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1 acres owned by the City of Redmond as of June 1, 1988 lying east  
2 of the City of Redmond and north of the road commonly known as  
3 Northeast Novelty Hill road. No funds shall be dispersed to the  
4 City of Redmond for the purchase by King County of approximately  
5 one-half (400 acres more or less) of the land east of the City of  
6 Redmond known as the Redmond Watershed until Redmond covenants and  
7 undertakes the necessary action to insure that all remaining  
8 acreage of the Redmond Watershed will remain in passive  
9 recreational use by the general public in perpetuity. At least a  
10 portion of the proceeds received by the City of Redmond for the  
11 Redmond Watershed Project shall be used to acquire park land in  
12 the Overlake area.

13 C. The Interlocal Contracts with the cities of Auburn, Kent,  
14 Tukwila and Renton shall contain the following provision: Prior  
15 to the dispersal of funds for the Project described as the  
16 Interurban Trail Development, the above-mentioned cities and King  
17 County must determine: (a) their individual and joint  
18 responsibilities for the Project; and, (b) the allocation of  
19 Project Bond funds to each such Governmental Agency.

20 D. All contracts between the Suburban Jurisdictions and King  
21 County shall contain the following provision pertaining to the  
22 Project described as the Major Waterfront Acquisition Project:  
23 The funds allocated for the Major Waterfront Acquisition Project  
24 in the county Project and Suburban Jurisdiction Project Categories  
25 will be used to obtain major acquisitions of waterfront property  
26 of regional nature which can serve large areas of population  
27 including Suburban Jurisdictions on either Lake Washington, Lake  
28 Sammamish or Puget Sound. Such acquisitions will contain at least  
29 300 linear feet of waterfront on the above water bodies and with  
30 sufficient acreage to permit satisfactory use by regional  
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1 populations. The Major Waterfront Acquisition Project funds,  
2 regardless of Project Category, shall be allocated by the council  
3 in accordance with the above-stated requirements for Projects  
4 proposed by King County or the Suburban Jurisdictions separately  
5 or jointly.

6 SECTION 7. BONDS AUTHORIZED.

7 A. Subject to approval by the qualified electors of the  
8 county, for the purpose of providing funds for capital purposes  
9 only, other than the replacement of equipment, namely, carrying  
10 out the county Projects, the Seattle Projects and Suburban  
11 Jurisdiction Projects, and for other capital purposes permitted  
12 under this ordinance and an Interlocal Contract, and paying  
13 necessary design, engineering and Project administration expenses,  
14 paying interest on any interim financing pending the receipt of  
15 Bond Proceeds, and paying costs and expenses incurred in issuing  
16 the Bonds, the county shall issue the Bonds in not to exceed the  
17 principal amount of \$85,870,000 for public open space, parks,  
18 trails and recreation facilities, or so much thereof as may be  
19 required for those purposes. The Bonds shall be named "Unlimited  
20 Tax General Obligation Public Open Space, Parks, Trails and  
21 Recreation Facilities Bonds"; shall be sold at public sale in the  
22 manner required by law, or, if the council finds that it is in the  
23 best interest of the county to do so, by negotiated sale; shall  
24 bear interest which, except for the first interest payment, shall  
25 be payable semiannually; and shall mature within twenty years  
26 after their date of issue, but may mature within a lesser time as  
27 fixed by the council. The Bonds shall be issued over a period not  
28 exceeding seven years after their approval by the qualified  
29 electors, may be issued in more than one series, and may be  
30 combined for purpose of issuance with other authorized county  
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1 bonds, and shall be issued in such amounts and in such  
2 denominations and shall contain such redemption provisions and  
3 other terms and conditions as shall be provided later by ordinance  
4 of the council.

5 B. Both the principal of and interest on the Bonds shall be  
6 payable out of the annual tax levies to be made upon all of the  
7 taxable property within the county in excess of the regular  
8 non-voted property tax levy without limitation as to rate or  
9 amount and from any other money which may become available and may  
10 be used for such purposes.

11 SECTION 8. DISTRIBUTION AND USE OF PROCEEDS.

12 A. The principal proceeds of sale of the Bonds shall be  
13 deposited in a fund or funds to be designated in the county  
14 treasury (for convenience of this ordinance referred to as the  
15 Public Open Space, Parks, Trails and Recreation Facilities Fund).  
16 Any premium and accrued interest on the Bonds received at the time  
17 of their delivery and payment therefor shall be paid into a fund  
18 of the county to be used for redemption of the Bonds. Money in  
19 the Public Open Space, Parks, Trails and Recreation Facilities  
20 Fund may be temporarily advanced to the bond redemption fund for  
21 the Recreation Facilities Bonds to pay interest on the Bonds  
22 pending receipt of taxes levied therefor.

23 B. From the principal amount of the Bonds, the Project  
24 Categories are allocated in the following amounts: County  
25 Projects, \$34,467,000; Seattle Projects, \$30,679,000, and  
26 Suburban Jurisdiction Projects, \$20,724,000. Interest earnings  
27 shall be generated and accounted for in each category. The  
28 summary of the Project financing appears in Exhibit D and is  
29 herein incorporated by this reference. In the event of an  
30 interest earning shortfall compared to the estimated earnings, the  
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1 county shall distribute Bond Proceeds to the Governmental Agencies  
2 in accordance with the Interlocal Contract and in amounts prorated  
3 in accordance with the above Project Category shares (and Suburban  
4 Jurisdiction shares within the Suburban Jurisdiction Project  
5 Category amount shown on Exhibit C) after deducting prorata shares  
6 of the cost and expense of Bond issuance and any withholding or  
7 reserve for arbitrage rebate payments provided for under Section 9.

8 C. In the event of unanticipated Bond Proceeds including, but  
9 not limited to, excess interest earnings, Project completion at  
10 less than estimated cost or abandonment of Projects, the council  
11 may reallocate funds in agreement with one or more of the affected  
12 Agencies for the existing Projects or for new Projects within the  
13 same Project Category from which the funds are realized and that  
14 are consistent with the purposes of the Bonds. Abandonment of a  
15 Project requires a determination and finding of fact by the  
16 affected Agency through its normal legislative process that  
17 changes in conditions or new information developed after approval  
18 of this ordinance prevent the practical accomplishment of the  
19 Project or clearly indicate that the Project would no longer best  
20 serve its intended purpose.

21 SECTION 9. ARBITRAGE REBATE. The Chief Financial Officer  
22 shall provide for a method or methods of calculating and providing  
23 for the payment of the rebate of excess arbitrage earnings to the  
24 United States of America under Section 148(f) of the Internal  
25 Revenue Code of 1986, as amended, and regulations thereunder.  
26 Such method or methods of payment may include, without limitation,  
27 the setting aside of a reserve for such payments, provision for  
28 reimbursement of the county by Agencies for such payments, or  
29 other means of assuring that such payments will be made on time  
30 and that the interest on the Bonds will remain excludable from  
31 gross income for federal income taxation purposes.  
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1           SECTION 10. SHORT-TERM OBLIGATIONS. Pending the issuance of  
2 any series of the Bonds and the receipt of Bond Proceeds, any  
3 Governmental Agency (other than the county), which has executed an  
4 Interlocal Contract, or the county may incur short-term  
5 obligations in anticipation of the receipt of such Bond Proceeds  
6 for the same purposes for which those Bond Proceeds may be spent.  
7 The payment of interest on those short-term obligations shall be a  
8 proper purpose for the expenditure of such Bond Proceeds.

9           SECTION 11. PROJECT REPORTING. Prior to the sale of the  
10 Bonds, the county by its normal legislative process shall  
11 establish a committee which will issue periodic public reports on  
12 the status of implementation on the Projects.

13           SECTION 12. BOND ELECTION. It is found and declared that an  
14 emergency exists requiring the submission to the qualified  
15 electors of the county at a special election to be held therein on  
16 September 20, 1988, in conjunction with the State primary  
17 election, of a proposition authorizing the issuance of the Bonds  
18 for the purposes provided in this ordinance.

19           The manager of the King County records and elections division,  
20 as ex officio supervisor of all elections held within King County,  
21 is authorized and requested also to find the existence of such  
22 emergency and to assume jurisdiction of and to call and conduct  
23 such special election to be held within the county on that date  
24 and to submit to the qualified electors of the county at such  
25 special election the proposition set forth below.  
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1 The clerk of the council is authorized and directed to certify  
2 propositions to the manager of the King County records and  
3 elections division in substantially the following form:

4 KING COUNTY, WASHINGTON

5 PROPOSITION

6 PUBLIC OPEN SPACE, PARKS, TRAILS, AQUARIUM  
7 AND RECREATION FACILITY BONDS - \$85,870,000  
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9 Shall King County, for the purpose of paying  
10 all or part of the costs of acquiring, constructing,  
11 developing and improving public open space, parks,  
12 trails and recreation facilities, including the  
13 Seattle Aquarium, within the county, issue  
\$85,870,000 of its general obligation bonds,  
maturing within twenty years, and levy excess  
property taxes to pay and retire the bonds, all as  
provided in Ordinance No. \_\_\_\_\_.

14 BONDS YES  BONDS NO

15 SECTION 12. SEVERABILITY. Should any section, subsection,  
16 paragraph, sentence, clause or phrase or this ordinance be  
17 declared unconstitutional or invalid for any reason, that  
18 determination shall not affect the validity of the remaining  
19 portions of this ordinance.

20 INTRODUCED AND READ for the first time this 9<sup>th</sup> day  
21 of May, 1988.

22 PASSED this 20<sup>th</sup> day of June, 1988.

23 KING COUNTY COUNCIL  
24 KING COUNTY, WASHINGTON

25 Bery Grant  
26 Chair

27 ATTEST:

28  
29 Donna M. Stevens  
30 Clerk of the Council

31 APPROVED this 30<sup>th</sup> day of June, 1988.

32 Jim Hill  
33 King County Executive

COUNTY PROJECTS  
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Project Name -----	Project Costs -----
Soos Creek Trail Extension #1 Acquisition	\$149,225
Soos Creek Trail Extension #2 Acquisition	\$291,425
Cedar River Trail Acquisition	\$1,389,798
Green River to Cedar River Link Acquisition	\$563,533
Enumclaw Plateau Trail Acquisition	\$595,599
Klahanie to Redmond Watershed Trail Acquisition	\$1,193,259
East Lake Sammamish to Klahanie Trail Acq.	\$388,760
Redmond to Redmond Watershed Trail Acquisition	\$483,900
Lake Desire/Spring Lake Acquisition	\$2,529,571
Redmond Watershed to Tolt Pipeline Trail Acq.	\$22,582
Sammamish River Site Acquisition	\$663,500
Squak Mountain/Tiger Mountain Corridor Acq.	\$2,729,631
Cougar Mountain Park Acquisition Completion	\$1,121,249
Cougar Mountain/Squak Mountain Corridor Acq.	\$4,304,471
Moss Lake Acquisition	\$2,203,374
Cedar River to Lake Sammamish Trail Acquisition	\$1,726,964
Green River Trail Acquisition	\$1,696,028
Marine Hills Acquisition Completion	\$447,355
Burke Gilman Trail Acq and Development	\$3,210,609
Cottage Lake Acquisition	\$1,920,425
Clark Lake Acquisition	\$1,086,180
Hylebos Wetlands Acquisition	\$398,723
North SeaTac Park Development	\$4,376,694
Major Waterfront Acquisition	\$3,537,625
Lisabuela Acquisition & Development	\$166,774
Interurban Trail Development	\$420,406
May Creek-Cougar Mtn. Connection Acq.	\$275,851
TOTAL	----- \$37,893,712 -----

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NOTE: Other capital projects in accord with the purpose of and procedures set forth by this ordinance may be substituted or added by County ordinance.

EXHIBIT A

8551

SEATTLE PROJECTS  
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	Project Costs -----
Aquarium	\$29,340,860
Burke-Gilman Trail Development	\$2,655,135
Greenbelt Acquisitions	\$4,429,062
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TOTAL	\$36,425,058 =====

NOTE: Other capital projects in accord with the purpose of and procedures set forth by this ordinances may be substituted or added by County ordinance.

EXHIBIT B

## SUBURBAN PROJECTS

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Project Name	City	Project Costs
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Juanita Bay Park Acq. & Development	Kirkland	\$1,198,624
Redmond Watershed Acq.	Redmond	\$2,993,736
Mercer Slough Acquisition	Bellevue	\$5,109,543
Cedar River Trail Development	Renton	\$1,351,700
Honey Creek/Cedar River Trail Acq.	Renton	\$333,548
Springbrook Trail Phase I Acq.	Renton	\$303,225
Major Waterfront Acquisition	Unallocated	\$3,537,625
Green River Park Acquisition	Tukwila	\$256,606
White (Stuck) River Park Acq.	Auburn	\$1,941,809
Des Moines Creek Trail Development	Des Moines	\$318,619
Clark Lake Acquisition	Kent	\$1,086,180
Riverbend Park Acquisition	Kent	\$841,407
Green River Wetlands Acq.	Kent	\$218,054
Blythe Park Trail Acq. & Dev.	Bothel	\$400,962
Iss. Comm Park to Cougar Mtn Tr. Acq.	Issaquah	\$80,189
Iss. Creek to Squak Mtn Trail Acq.	Issaquah	\$106,919
Riverfront Park Acquisition	Duvall	\$90,881
Interurban Trail Development	Knt/Rnt/Tk/Ab	\$1,681,624
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	TOTAL	\$21,851,252
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NOTE: Other capital projects in accord with the purpose of and procedures set forth by this ordinances may be substituted or added by County ordinance.

EXHIBIT C

8551

PROJECT FINANCING SUMMARY

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	Project Totals	Bond Proceeds	Investment Earnings	Total Revenue
Seattle	\$36,475,058	\$30,679,000	\$5,796,749	\$36,475,749
Suburban	\$21,901,252	\$20,646,000	\$1,255,964	\$21,901,964
County	\$37,943,712	\$34,616,000	\$3,328,252	\$37,944,252
TOTAL	\$96,320,022	\$85,941,000	\$10,380,965	\$96,321,965

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EXHIBIT D