



# City Neighborhood Council

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October 3, 2013

DISTRICT COUNCILS:

- Ballard
- Central
- Delridge Neighborhoods
- Downtown
- East
- Greater Duwamish
- Lake Union
- Magnolia/Queen Anne
- North
- Northeast
- Northwest
- Southeast
- Southwest

Parks and Recreation Legacy  
 Citizens' Advisory Committee,  
 c/o Dept. of Parks and Recreation  
 100 Dexter Avenue North  
 Seattle, WA 98109-5199

City Attorney Pete Holmes  
 PO Box 94769  
 Seattle, WA 98124-4769

Mayor Michael McGinn  
 601 Fifth Avenue, P.O. Box 94749  
 Seattle, WA 98124-4749

Seattle City Council  
 P. O. Box 34025  
 Seattle, WA 98124-4025

**BETTER INFORMATION AND TIMETABLE NEEDED TO ASSESS  
 FUNDING NEEDS AND SOURCES FOR SEATTLE’S PARKS AND  
 RECREATION DEPARTMENT**

To the Citizens Advisory Committee, City Attorney, Mayor, and City Council:

The District Councils and the City Neighborhood Council have long recommended sufficient funding for the Department of Parks and Recreation. CNC’s June 28, 2013 letter to the Mayor and City Council warns that “deferred maintenance imposes future costs that rise exponentially,” and urges elimination of the “maintenance backlog for structures, roads, paths, gardens, and ecosystems including restoring from previous cuts the activities of painting, carpentry, metal work, plumbing, electrical repair, weeding, pruning, watering, cleaning and trash pickup.”

As provided by Res. 31454, the City is examining possible property tax increases for the Parks Department, including temporary and permanent levies or a Metropolitan Park District that would bring with it a permanent property tax increase. Res. 31454 (including the committee charge, timetable, members, and officers) was introduced on May 13, adopted in the City Council committee on May 16 and passed by the Council on May 20. The District Councils, CNC, and the public were not afforded a reasonable opportunity to comment beforehand.

CNC suggests that parks levies or a Metropolitan Park District be considered only if the Citizens Advisory Committee and the public are provided early and full information about the policy and accountability implications and only if efforts have been exhausted for economies within the Parks Dept. and for maximizing

General Fund support for the Parks Dept. without increases in property taxes. Therefore, we seek the following actions from the City.

**Identify possible efficiencies.** Among the responsibilities assigned by Res. 31454 to the Parks and Recreation Legacy Citizens' Advisory Committee is to “review data and information about existing and potential park and recreation projects, maintenance and operations, and programs.” In that task, the Advisory Committee and City officials should identify opportunities to improve the effectiveness of existing spending. The Parks Legacy Plan’s *Draft Goals and Strategies* which the Department released on June 25 states (p. v) a key question as, "Are our resources deployed in the most effective manner?" But other than describing past efficiencies in Parks spending, nowhere in the draft’s 182 pages are possible future actions mentioned that would help reduce expenses.

There is a need for a slate of possible savings in how the Parks budget is spent, and a slate of possible non-tax resources such as heavier use of volunteers and corporate sponsorships. The lack of such information is an important omission that should be corrected in the final Parks Legacy Plan scheduled for completion in November, and in information provided to the City Council regarding the 2014 budget proposals. A 2012 Trust for Public Land survey of parks departments in the 100 largest U.S. cities found Seattle’s Parks and Recreation Department with the highest number of employees per capita and the fourth highest spending per capita.

It is also urgent for the office of City Auditor to be brought into this discussion. We urge the City Council to commission from the Auditor a comprehensive performance audit of the Department of Parks and Recreation; this audit would examine not only the Park Dept. budget, but how it compares with similar agencies in other cities, including the best practices they use, their ideas for improving efficiencies, and how they are responding to budget constraints. The audit should identify operational efficiencies for Seattle, suggest any cost-effective changes, and any new funding options outside of additional property taxes. No decisions about the future of the Park Department should be made until this audit is done.

**General Fund and parks levies.** Past generations of mayors and city councils provided relatively more for the Department of Parks and Recreation from the General Fund than is now the case. Whether to increase property taxes to fund our parks and community centers depends first on whether the Mayor and City Council can reverse this decline and restore a greater share of the General Fund to the Parks Department. Also, if property taxes are increased via a parks levy or Metropolitan Park District, exactly how much in new revenue will result, and what guarantees can there be that these funds will increase the Parks budget rather than supplant further cuts in the General Fund allocation that otherwise would have gone to Parks?

If a renewed parks levy is to be considered, early and full analysis should be provided to the public about the relative merits of making it temporary or permanent. If a levy were to be permanent (not limited to a given number of years), what would be lost in the accountability and public involvement that have periodically accompanied preparation and passage of temporary levies?

**Metropolitan Park District.** CNC requests that the City Attorney soon and publicly issue a legal analysis of the Metropolitan Park District option. CNC also requests that the Citizens Advisory Committee, Mayor and/or City Council ensure that such an analysis (if not by the Law Department, then by someone else) is prepared and made public. For example, the City has not acknowledged that an MPD’s property taxing authority would be junior to the senior taxing authority of the state, county, cities, and port, and thus would be more vulnerable to interruptions than the property taxes

that the City's own General Fund now provides to the Parks Department. State law also does not allow the City to provide funds to the MPD unless the City has declared that an emergency exists.

The detailed and public analysis we are requesting should analyze the implications that an MPD would be a special purpose district separate from the City of Seattle. An MPD would be state chartered under RCW 35.61 without home rule. Seattle City government has home rule because the legislature has granted Seattle its own charter, allowing any action not specifically prohibited by state law. It appears that an MPD would not be legally accountable to the City's charter, laws, regulations, rules, and other procedures that currently protect our parks and their governance. Even if it wanted to, the MPD could not comply with many of these requirements because, under the judicial "Dillon rule," lacking home rule it would be limited to those powers expressly granted by state law. For example, according to the Municipal Research and Services Center, no MPD can operate or fund human services such as are provided by parks departments in Seattle and elsewhere.

It appears that current City ordinances applying to the Parks Department could not apply to an MPD, including competitive bidding, equal employment, human rights, ethics, civil service, whistleblower protection, percent for the arts, tree protection, the comprehensive plan, and Initiative 42 (a law which protects Seattle parks from being misused, sold or given away). Some of these mandates would apply to the MPD under state laws, but would generally be looser than Seattle's laws and could be changed without the power of Seattle to prevent it. It appears that under state law, an MPD cannot be undone by voters (RCW 35.61); and if dissolved by its board, that the MPD's assets must be auctioned off, not returned to the City (RCW 53.48.040). As a state-chartered entity, an MPD would not be subject to the initiative and referendum powers granted to Seattle citizens by the City Charter. Any initiative or referendum regarding an established Seattle MPD would require statewide signatures and a statewide vote.

The detailed and public analysis we are requesting soon should also discuss the very substantial powers that an MPD would appear to have under state law, among them to: (1) acquire property for almost any purpose, including outside the City limits and by eminent domain (condemnation); (2) acquire City property (including street rights of way) by transfer without the procedural safeguards and public notice required when the City transfers property to other entities; (3) annex and tax land outside the City limits; (4) increase the property tax assessment on adjoining private properties that have benefited from any street improvement the MPD has done; (5) establish local improvement districts (additional taxes in a limited area); (6) sell, exchange, or otherwise dispose of property by declaring it surplus; (7) issue revenue bonds and general obligation bonds, many without voter approval; (8) use "community revitalization financing" under which a portion of the taxes collected in an area near one of its facilities can be denied to citywide uses or the schools; (9) commission its own police officers with full powers; and (10) build and operate stadiums, airports and port facilities and conduct any other business activities "as it shall judge desirable or beneficial for the public, or for the production of revenue for expenditure for park purposes" [RCW 35.61.130].

**Take the time for careful decision making.** CNC is concerned that Res. 31454 imposes too rapid a timetable for the needed information to be provided before action by the Citizens Advisory Committee, Mayor, City Council, and public. Also, the current timetable would put a possible levy or Metropolitan Park District (or both) before the voters in the August 2014 primary election, when voter turnout is notoriously low and a voters' pamphlet may not even be mailed. These decisions are of great import for the Park Department and the public and should not be rushed. CNC suggests a special effort to time any ballot measure to occur during the November general election, when the most voters will be participating.

**Conclusion.** Res. 31454 tasks the Parks and Recreation Legacy Citizens' Advisory Committee with conducting outreach to the broader public to gather recommendations and comments. In order for this effort to succeed, the Committee should obtain early and full information about possible efficiencies in the Parks Dept. budget; and about the funding alternatives, including alternatives of not increasing property taxes. With property tax increases for parks and community centers being seriously considered, it is first essential to reassure the public that existing spending is well targeted and efficient, and that the Mayor and City Council have done all they can to fully support the parks from the General Fund.

A permanent parks property tax increase via a levy or Metropolitan Park District may well be desirable, but should not be considered unless the public is informed early about its full implications. The current timetable will not allow the information and care needed to earn the trust of the citizenry for the important decisions ahead. The above letter was discussed, revised, and adopted at the July 29, 2013 City Neighborhood Council meeting.

Sincerely,

A handwritten signature in black ink, appearing to read "Philip Shack". The signature is written in a cursive, flowing style.

Philip Shack  
Chair

cc: Board of Parks Commissioners; District Councils