

RESOLUTION NO. 188 - 2024

A RESOLUTION DETERMINING THAT A PROPOSAL FOR THE ESTABLISHMENT OF A DEDICATED PARK FUND TO FUND PUBLIC PARKS IN FAYETTE COUNTY, TO BE FINANCED BY THE LEVY OF AN ADDITIONAL TWO AND ONE QUARTER CENTS (\$0.0225) PER ONE HUNDRED DOLLARS (\$100) VALUATION ON ALL TAXABLE REAL PROPERTY, SHALL BE SUBMITTED TO THE ELECTORATE OF FAYETTE COUNTY IN A PUBLIC REFERENDUM PURSUANT TO KRS 97.590 AND KRS 67A.160 WITH THE LANGUAGE OF THE BALLOT QUESTION SUBSTANTIALLY SIMILAR TO THE FOLLOWING "ARE YOU IN FAVOR OF THE ESTABLISHMENT OF A DEDICATED PUBLIC "PARK FUND" PROGRAM THAT WILL PROVIDE FUNDS TO IMPROVE AND DEVELOP NEIGHBORHOOD PARKS, WALKING AND HIKING TRAILS, NATURE PARKS, BIKE TRAILS, SWIMMING POOLS, PLAYGROUNDS, DOG PARKS, RECREATIONAL FACILITIES, AND OTHER RELATED FACILITIES FOR CHILDREN, ADULTS, FAMILIES, AND SENIORS TO BE FINANCED BY THE LEVY OF AN ADDITIONAL TWO AND ONE QUARTER CENTS (\$0.0225) PER ONE HUNDRED DOLLARS (\$100) ON ALL TAXABLE REAL PROPERTY, EFFECTIVE JANUARY 1, 2025?"; AND AUTHORIZING TAKING ANY RELATED NECESSARY ACTIONS.

WHEREAS, KRS 97.590 provides that an urban-county government may levy taxes not exceeding five cents (\$.05) on each one hundred dollars (\$100) of all taxable property "for the purpose of purchasing and maintaining public parks within [its] jurisdictional limits" pursuant to a successful voter referendum held in accordance with KRS 67A.160;

WHEREAS, the Parks and Recreation Advisory Board of the Lexington-Fayette Urban County Government (the "Parks Board") has recommended and requested that the Council of the Lexington-Fayette Urban County Government consider establishing a dedicated funding source to be utilized for improving and developing public parks in Fayette County through a voter referendum;

WHEREAS, the means to create such a dedicated funding source would be an additional ad valorem tax levy as approved by the voters of Fayette County pursuant to KRS 97.590 and KRS 67A.160;

WHEREAS, the Parks Board has submitted proposed ballot language and a proposed funding rate to the Urban County Council for consideration;

WHEREAS, KRS 67A.160 provides that a public parks purchase and maintenance program proposal authorized by KRS 97.590 may be submitted to the voters of Fayette County by a resolution of the Urban County Council;

WHEREAS, the Urban County Council has determined that it is in the public interest to have the electorate of Fayette County determine whether they are in favor of paying additional ad valorem taxes in order to fund public parks in Fayette County;

WHEREAS, KRS 67A.160 requires additional procedural steps to be performed by the Lexington-Fayette Urban County Government and the Fayette County Clerk, including the preparation of the proposed ballot language; and

WHEREAS, if the proposed ballot question is successful, KRS 97.590 requires the creation of a separate and distinct "Park Fund" to hold all funds derived from the levy.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE LEXINGTON-FAYETTE COUNTY GOVERNMENT:

Section 1 - That the preamble to this Resolution be and hereby is incorporated by reference as if the same had been fully stated herein.

Section 2 - That the Council of the Lexington-Fayette Urban County Government has determined that a proposal to create a dedicated funding source for funding public parks in Fayette County is a matter that should be decided by the voters of Fayette County pursuant to a public referendum as authorized by KRS 97.590 and KRS 67A.160.

Section 3 - That pursuant to KRS 97.590, the appropriate mechanism for funding a public parks program in Fayette County would be through the establishment of an additional ad valorem tax on all taxable real property in Fayette County, not to exceed two and one-quarter cents (\$0.0225) per one hundred dollars (\$100) valuation, effective January 1, 2025.

Section 4 - That it is the intent of the Lexington-Fayette Urban County Government that any successful ballot language be interpreted in a manner that provides it with the greatest discretion on how the funds are to be expended so long as said expenditures are related to public parks in Lexington-Fayette County and consistent with the law.

Section 5 - That language substantially similar to the following question be submitted to the Fayette County Clerk for placement on the ballot at the next regular election:

Are you in favor of the establishment of a dedicated public "Park Fund" program that will provide funds to improve and develop neighborhood parks, walking and hiking trails, nature parks, bike trails, swimming pools, playgrounds, dog parks, recreational facilities, and other related facilities for children, adults, families, and seniors to be financed by the levy of an additional two and one-quarter cents (\$0.0225) per one hundred dollars (\$100) on all taxable real property, effective January 1, 2025?

Section 6 - That the Lexington-Fayette Urban County Government is authorized to take any additional related and necessary actions consistent with the intent of this Resolution, and the Clerk of the Urban County Council is directed to deliver a certified copy of this Resolution to the Fayette County Clerk.

Section 7 – That in the event the proposed ballot question is successful, the Department of Finance be and hereby is directed to create and designate a separate and distinct “Park Fund” pursuant to KRS 97.590 to hold all funds collected pursuant to the additional tax levy, with such funds dedicated to public park purposes.

Section 8 – That this Resolution shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: April 25, 2024



MAYOR

ATTEST:



CLERK OF URBAN COUNTY COUNCIL

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