

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BELLINGHAM CONTINUING THE GREENWAY PROGRAM AND RELATING TO ADDITIONAL REGULAR PROPERTY TAXES, PROVIDING FOR THE SUBMISSION TO THE QUALIFIED VOTERS OF THE CITY AT A SPECIAL ELECTION ON MAY 16, 2006, OF A PROPOSITION AUTHORIZING THE CITY TO INCREASE ITS REGULAR PROPERTY TAX LEVY TO \$2.49 PER THOUSAND (REPRESENTING A CONTINUATION OF \$0.57 PER \$1,000) OF ASSESSED VALUATION ON ALL TAXABLE PROPERTY WITHIN THE CITY FOR COLLECTION IN 2007 AND TO INCREASE ITS LEVY FOR EACH OF THE NINE SUCCEEDING YEARS THEREAFTER AS ALLOWED BY RCW 84.55, TO PROVIDE AN ESTIMATED AMOUNT OF TAX REVENUES FOR THE PURPOSE OF ACQUISITION, DEVELOPMENT, IMPROVEMENT, AND MAINTENANCE OF GREENWAYS, OPEN SPACE, PARKS, AND TRAILS.

WHEREAS, Bellingham residents passed a Greenways Levy in 1990 and a Beyond Greenways Levy in 1997 to acquire and develop parks, trails, and open spaces; and

WHEREAS, during the past 15 years, Bellingham residents have paid nearly \$27 million towards the acquisition of 500 acres of parks, miles of trails, and other recreation projects; and

WHEREAS, matching grant funds and donations have yielded an additional \$3.8 million in Greenway development funds and over \$8 million in Greenway acquisition funds; and

WHEREAS, the most recent Beyond Greenways levy is set to expire in 2006 and residents must decide how to shape the future of its parks and greenway systems and whether to continue the funding of the greenway program; and

WHEREAS, the City's Greenway Advisory Board has identified additional land acquisitions and park development projects that will expand and complete the Greenways system; and

WHEREAS, the City's Park Advisory Board unanimously supports continuation of the Greenway program; and

WHEREAS, Bellingham continues to grow at a rapid rate and there are developers and property owners who support public acquisition of key properties critical to the completion of Greenway corridors; and

WHEREAS, numerous citizens, local organizations, and civic leaders have expressed support for the continuation of a levy to provide funds for the continuing acquisition, development, improvement, and maintenance of current and future greenways, parks, trails, open space; and

WHEREAS, the City also recognizes the need to provide funds for the acquisition, maintenance, improvement, and development of the City's existing and future park facilities; and

WHEREAS, presentations have been made to City neighborhoods, to the Bellingham Parks and Recreation Advisory Board, to the City's Greenways Advisory Committee, and to all elected City of Bellingham officials on the need for continuing greenways preservation and the importance of considering the passage of a third greenways levy to achieve that purpose; and

WHEREAS, the City has adopted the 2002 Park, Recreation and Open Space Plan, based on community wide meetings, citizen input and a community survey; and

WHEREAS, on February 8, 2006, City Council conducted a Public Hearing to facilitate public input; and

WHEREAS, the City conducted a statistically valid phone survey of 400 households to assist the City Council in making a Greenway's decision; and

WHEREAS, in order to pay the costs of developing, improving and maintaining parks, trails, and open space it is necessary that the City institute a levy and use the proceeds of a temporary increase of the regular tax levy rate of the City as authorized by RCW 84.55.050; and

WHEREAS, it is intended that these funds will be collected in 10 years; and

WHEREAS, nothing in such levy would relieve private developers or others from obligations otherwise existing in applicable State and local development, subdivision, and shoreline laws, regulations, and ordinances; and

WHEREAS, State law, RCW 84.55.050, requires that the question of whether the City may collect such levy be submitted to the qualified voters of the city for ratification or rejection.

NOW, THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN as follows:

Section 1. Findings.

A. The general fund of the City of Bellingham does not have sufficient resources to provide for the acquisition of additional greenways, open space, parks, and trails nor does it have sufficient funds for the development, maintenance and improvement of those and existing City properties.

B. The City Council recognizes the need to provide funds for the acquisition, improvement, development and maintenance of the City's existing and future park facilities.

C. The City Council desires to continue the Greenways Program by submitting to the voters a third Greenways levy which will replace the current levy and is based upon the same \$.57 per \$1,000 of assessed valuation as both previous Greenways levies.

D. The City Council finds and declares that it is in the best interests of the City that its voters have an opportunity to vote on the question of whether to acquire, improve, develop and maintain greenways, open space, parks, and trails, the cost of which is to be paid from an increase in the City's regular property tax levy above the limitations established in RCW 84.55.010 for a period of 10 years commencing in the year 2007.

E. The City Council finds and declares that an emergency exists requiring the submission to the qualified electors of the City the proposition whether the City shall levy regular property taxes above the limitation established in RCW 84.55.010 for their ratification or rejection at a special election on May 16, 2006.

Section 2. Use of Funds:

It is intended that proceeds from the additional tax levied pursuant to this ordinance shall be applied to acquire, improve, develop and maintain greenways, open space, parks, and trails as outlined in Exhibit A, the Greenways III – Expenditure Guideline Summary and in Resolution No. _____ related to policies for implementation of the Greenways Levy III Program. Interest earnings on such proceeds shall also be applied to these purposes. The allocations are intended to be as follows:

A. Land Acquisitions: Approximately 60% of the proceeds and interest of the levy are intended to be dedicated to land acquisition.

B. Development and Improvement: Approximately 31% of the proceeds and interest of the levy are intended to be dedicated to the development and improvement of parks and greenways properties.

C. Greenways Preservation Endowment: Approximately 9% of the proceeds of the levy are intended to be set aside to accrue interest. Interest earnings are to be spent on the maintenance of properties acquired or developed with current or prior Greenway levy funds.

D. Funds raised thereby shall also be used for all administrative and implementation costs to the City in carrying out this program.

E. The above described program components are only illustrative guidelines for implementation of the Greenways III program. In the annual city budget or by separate ordinance, the city shall from year to year determine the budget and allocations among the program components, change the scope of activities or the emphasis, and within a budget year reallocate unexpended and unencumbered funds from one program to another. Proceeds and appropriations unexpended at the end of any budget year shall automatically be carried over to the next budget year.

Section 3. Election-Ballot Title.

The City Council requests that the Auditor of Whatcom County, as ex officio supervisor of elections, find the existence of an emergency pursuant to RCW 29A 04.330 (2) and call and conduct a special election in the City on May 16, 2006, for the purpose of submitting to the qualified voters of the City for their approval the proposition authorizing the City to increase its regular property tax levy to \$2.49 per thousand (representing a continuation of \$0.57 per thousand) of assessed valuation on all of the taxable property within the City, for collection in 2007 and to increase such levy for each of the nine succeeding years as allowed by RCW 84.55 to be used for the cost of parks, greenway, trail, and open space property acquisition, development, and maintenance as set forth in this ordinance.

The City Clerk is hereby authorized and directed to certify to the County Auditor of Whatcom County, Washington, as ex officio supervisor of elections, at least 45 days prior to the May 16, 2006, election date, a copy of this ordinance and the proposition to be submitted at that election in the form of a ballot title in the following form pursuant to RCW 29A.36.071:

**CITY OF BELLINGHAM
PROPOSITION NO. 1**

GREENWAYS III LEVY

The City of Bellingham's Proposition No. 1 concerns a Greenways Levy for greenways, open space, parks, and trails.

For the purpose of funding the acquisition, development, and maintenance of greenways, open space, parks, and trails, this proposition would authorize the City to increase its regular property tax levy up to \$2.49 per \$1,000 (representing a continuation of \$0.57 per \$1,000 of assessed value) for collection in 2007, and to levy the additional amount for nine succeeding years together with annual increases thereon as allowed under RCW 84.55. Should this proposition be approved?

YES...../ /

NO/ /

PASSED by Council this ___ day of _____, 2006.

Council President

APPROVED by me this ___ day of _____, 2006.

Mayor

Attest:

Finance Director

Approved as to Form:

Office of the City Attorney

Published:
