

RESOLUTION NO. 2023-##

A RESOLUTION PROVIDING FOR THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY OF BELLINGHAM AT AN ELECTION TO BE HELD ON NOVEMBER 7, 2023 OF A PROPOSITION AUTHORIZING THE CITY TO INCREASE ITS REGULAR PROPERTY TAX LEVY ABOVE THE LIMIT ESTABLISHED IN RCW 84.55.010 TO FUND THE ACQUISITION, DEVELOPMENT, AND MAINTENANCE OF GREENWAYS, OPEN SPACE, WILDLIFE HABITAT AND CORRIDORS, URBAN TREES, PARKS, PARK FACILITIES, AND TRAILS IN ORDER TO CREATE A MORE EQUITABLE AND CLIMATE RESILIENT COMMUNITY.

WHEREAS, Bellingham residents approved Greenways levies in 1990, 1997, 2006, and 2016, funding the acquisition and development of over 3,200 acres of parks and open spaces and over 80 miles of trails, the preservation and enhancement of critical habitat and wildlife corridors, and other projects; and

WHEREAS, Greenways levy funds leverage many millions of dollars in matching funds and donations to expand the community benefits of Greenways; and

WHEREAS, the Greenways IV levy expires at the end of 2023, and voters must decide how to shape the future of the City's Greenways system and whether to continue the legacy of funding Greenways; and

WHEREAS, the City adopted the 2022 Greenways Strategic Plan identifying needed greenway, park, and trail expansion and development projects and additional land acquisition needs for parks, open space, and critical trail connections to expand the Greenways system; and

WHEREAS, the City adopted the 2020 Parks, Recreation, and Open Space Plan, demonstrating the ongoing need and public support for dedicated funding to create and preserve a healthy, equitable, inclusive, and resilient open space, park, trail, and recreation system; and

WHEREAS, protecting, restoring, and enhancing habitat is an integral element of Greenways, and the City completed a Habitat Restoration Technical Assessment demonstrating the need for additional ecosystem protection, enhancement, and restoration in the City; and

WHEREAS, the adverse effects of climate change are apparent and growing, and the Greenways program mitigates climate change impacts and increases community climate resilience in support of the City's adopted Climate Protection Action Plan; and

WHEREAS, urban trees provide habitat, health benefits, and climate resiliency, the City is creating an Urban Forestry Management Plan, and Greenways funds should be one eligible source to assist in achieving the plan's goals; and

WHEREAS, undeveloped rights-of-way hold significant potential to provide trail connections, and identifying and developing those connections will enhance the City's trail system; and

WHEREAS, community gardens provide benefits consistent with Greenways program goals, and maintenance and expansion of community gardens is an appropriate use of Greenways funds; and

WHEREAS, since the creation of the Greenways program, the Greenways Advisory Committee has provided dedicated citizen oversight of the use of Greenways levy funds, ensuring well-informed decision making, accountability, and maintenance of public trust; and

WHEREAS, numerous citizens, local organizations, and civic leaders support the continuation of a levy to fund the development, improvement, acquisition, and maintenance of existing and future City Greenways; and

WHEREAS, the City recognizes the need to provide funds for a Greenways program and finds it necessary to institute a levy and use the proceeds of a temporary increase of the regular property tax levy rate of the City as authorized by RCW 84.55.050; and

WHEREAS, the Council has determined to submit to voters the question of whether to levy up to a total regular property tax levy rate of \$1.55 per thousand of assessed valuation, to provide up to \$0.41 per \$1,000 assessed valuation for Greenway purposes over a period of ten years; and

WHEREAS, if approved, the proposed levy will not relieve developers or others from obligations otherwise existing in applicable Federal, State, County, and local development, subdivision, critical areas, and shoreline laws, regulations, and ordinances; and

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

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BELLINGHAM:

Section 1. Findings.

- A. The general fund of the City of Bellingham has neither sufficient resources to provide for the acquisition of additional greenways, open space, wildlife habitat and corridors, urban trees, parks, park facilities, and trails, nor sufficient funds for the development, maintenance, and improvement of those and existing City park properties, based on the needs described in the City's Greenways Strategic Plan and Parks, Recreation, and Open Space Plan.
- B. The City Council recognizes the need to provide funds for the improvement, development, acquisition, and maintenance of the City's existing and future Greenways system.

- C. The City Council desires to support the Greenways program by submitting to the qualified voters of the City a fifth Greenways levy (“Greenways 5 Levy”) to replace the current Greenways IV levy and is based upon a reduced Greenways levy rate of up to \$0.41 per \$1,000 of assessed valuation.
- D. The City Council finds and declares it is in the best interests of the City that its voters have an opportunity to vote on the question of whether to provide funding to acquire, improve, develop, and maintain the existing and future Greenways system from an increase in the City’s regular property tax levy above the limitations established in RCW 84.55.010 for a period commencing with collections in the year 2024 and thereafter for nine succeeding years for this limited purpose.
- E. The City Council finds and declares it is in the best interests of the City that its voters have an opportunity to vote on the question of whether a levy for such purposes shall be instituted to collect approximately \$8.6 million per year over a period of ten years.
- F. The City Council finds and declares it is in the best interests of the City that the Greenways 5 Levy proposition should be submitted to the qualified voters of the City regarding 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 November 7, 2023.

Section 2. Use of Funds.

Proceeds and interest on the proceeds from the additional tax levied pursuant to Proposition No. 2023-# submitted to the voters pursuant to this resolution shall be applied to acquire, improve, develop, and maintain greenways, open space, wildlife habitat and corridors, urban trees, parks, park facilities, and trails in order to create a more equitable and climate resilient community. The below described allocations and program components are guidelines for using Greenways 5 levy funds in implementation of the Greenways program over the duration of this levy:

- A. Property Acquisition: A minimum of 35% of the proceeds and interest on the proceeds of the levy are intended to be dedicated to land acquisition including the completion of trail connections as designated in the Greenways Strategic Plan and the Parks, Recreation, and Open Space Plan.**
- B. Development: A minimum of 20% of the proceeds and interest on the proceeds of the levy are intended to be dedicated to the development of properties purchased by the City consistent with the Greenways Strategic Plan and the Parks, Recreation, and Open Space Plan.**
- C. Climate Resiliency: A minimum of 15% of the proceeds and interest on the proceeds of the levy are intended to be dedicated to reducing emissions and increasing the climate resiliency of City park properties and facilities based on methods supported by peer-reviewed research.**

- D. Maintenance and Operations: A minimum of 20% of the proceeds and interest on the proceeds of the levy are intended to be dedicated to ongoing maintenance, operation, and capital replacement needs of City park properties and facilities.**
- E. Funds not utilized pursuant to subsections A, B, C or D of this section may be used, consistent with the purposes of the Greenways program as set forth herein.**

The City Council shall determine, or provide for the determination of, the scope, timing, order, components, and manner of funding the Greenways program. The City Council shall allocate levy proceeds to the program, and among program components, as it determines is in the best interests of the City and consistent with greenways, open space, wildlife habitat and corridors, urban trees, parks, park facilities, and trails acquisition, development, climate resiliency and maintenance purposes.

Section 3. Election-Ballot Title.

- A. The City Council requests that the Auditor of Whatcom County, as *ex officio* supervisor of elections, call and conduct a special election in the City on November 7, 2023, for the purpose of submitting to the qualified voters of the City for their approval or rejection Proposition No. 2023-# authorizing the City to increase its regular property tax levy by up to \$0.41 per \$1,000 of assessed valuation on all of the taxable property (to a total 2024 levy rate of \$1.55 per \$1,000 of assessed valuation) within the City, for collection in 2024 and thereafter for nine succeeding years together with annual increase thereon as allowed under RCW 84.55, to be used for City greenways, open space, wildlife habitat and corridors, urban trees, parks, park facilities, and trails acquisition, development, climate resiliency, and maintenance as set forth in this resolution. The 2024 levy amount would be used as the basis to calculate subsequent levy limits for the additional nine year period (through 2033) of the levy lid lift. The taxes authorized by this proposition will be in addition to the maximum amount of regular property taxes the City would have been limited to by RCW 84.55.010, as may be amended from time to time, in the absence of voter approval under this resolution, including all other authorized lid lifts.
- B. The City Clerk is hereby authorized and directed to certify to the County Auditor of Whatcom County, Washington, as *ex officio* supervisor of elections, prior to August 1, 2023, a copy of this resolution and the propositions to be submitted at that election in the form of a ballot title in substantially the following form pursuant to RCW 29A.36.071:

**CITY OF BELLINGHAM
PROPOSITION NO. 2023-#**

GREENWAYS 5 LEVY

The Bellingham City Council adopted Resolution No. _____ concerning a property tax to fund greenways, park facilities, and trails.

This proposition would replace a Greenways levy for acquisition, development, climate resiliency, and maintenance of greenways, open space, urban trees, parks, park facilities, and trails, creating a more equitable and climate resilient community, by authorizing a \$0.41 per \$1,000 of assessed value increase (to a \$1.55/\$1,000 total rate) for collection in 2024 (the 2024 amount to be used to compute limitations for nine succeeding years, as allowed under RCW 84.55).

Should this proposition be approved?

YES.....[]
NO.....[]

Section 4. Minor Adjustments. For purposes of receiving notice of the exact language of the ballot proposition required by RCW 29A.36.080, the City Council hereby designates the City Attorney as the individual to whom such notice should be provided. The City Attorney is authorized to approve changes to the ballot title, if any, deemed necessary by the Auditor.

The City Clerk is authorized to make necessary clerical corrections to this resolution 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 resolution, to the electors at the November 7, 2023 election.

Section 5. Exemption. If the ballot proposition set forth herein is approved by the voters, as authorized by RCW 84.36.381, qualifying senior citizens, disabled veterans, and other people with disabilities (as defined in RCW 84.36.381) shall be exempt from the tax increase resulting from such levy lid lift.

Section 6. Local Voters' Pamphlet Authorized. The preparation and distribution of a local voters' pamphlet providing information on the foregoing ballot measure is hereby authorized. The pamphlet shall include an explanatory statement in substantially the form set forth below and arguments advocating approval and disapproval of the ballot measure, if any. In accordance with RCW 29A.32.280, the arguments advocating approval and rejection of the ballot measure shall be prepared by committees appointed by the City Council. Each committee shall be composed of not more than three persons; however, a committee may seek the advice of any person or persons. The committee advocating approval shall be composed of persons known to favor the ballot measure, and the committee advocating rejection shall be composed of persons known to oppose the ballot measure.

Explanatory Statement (100-word limit)

The Greenways 5 Levy will replace an existing City of Bellingham levy expiring at the end of 2023. Levy proceeds will be allocated between property acquisition, development, climate resiliency, and maintenance, for greenways, open space, wildlife habitat and corridors, urban trees, parks, park facilities, and trails. Levy proceeds will be used to create an equitable and climate resilient Greenways system

consistent with the City of Bellingham Greenways Strategic Plan, Parks, Recreation, and Open Space Plan, Habitat Restoration Technical Assessment, and Urban Forestry Management Plan. The funds will also be used for administrative and implementation costs incurred by the Greenways program.

Section 7. Severability. If any provision of this resolution is declared by any court of competent jurisdiction to be invalid, then such provision shall be null and void and shall be separable from the remaining provisions of this resolution and shall in no way affect the validity of the other provisions of this resolution or of any other ordinance or resolution, or of the levy or collection of the taxes authorized herein.

PASSED by the Council this _____ day of _____, 2023.

Council President

APPROVED by me this _____ day of _____, 2023.

Mayor

ATTEST: _____
Finance Director

APPROVED AS TO FORM:

Office of the City Attorney