



# City of Boise

## Resolution

### Resolution

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**TO:** Mayor and Council  
**FROM:** Elizabeth Koeckeritz, Legal  
**NUMBER:** RES-457-17  
**DATE:** September 8, 2017  
**SUBJECT:** Revised Supplemental Levy for Clean Water and Open Space

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#### **BACKGROUND:**

On November 3, 2015, seventy-four percent (74%) of the eligible electors in Boise City approved a temporary override levy to protect clean water and drinking water, wildlife habitat, critical open space, and native plant species, and enhance recreation opportunities and trails through the establishment of a fund enabling the purchase of property and improvement projects in areas such as the Boise Foothills and Boise River. The levy was to raise the amount of five million dollars for each year for two consecutive fiscal years commencing October 1, 2016 and ending September 30, 2018. Due to a clerical error, the approved levy was not assessed in 2016.

This issue was discovered last week. Since that time, City staff have engaged in numerous internal conversations and met with the Idaho State Tax Commission staff to determine the best course of action moving forward. In consultation with the Mayor, and in order to ensure that the will of the voters is preserved, it is recommended that Council call a ballot question to revise the dates of collection of the levy. This proposed November 7 ballot measure will ask voters for a clerical revision to the measure approved in 2015 that will allow the City of Boise to collect the revenue in fiscal years 2018 and 2019 - rather than fiscal years 2017 and 2018, as the original ballot measure stipulated.

#### **FINANCIAL IMPACT:**

Budget neutral.

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Resolution NO. RES-457-17

BY THE COUNCIL

CLEGG , JORDAN, LUDWIG, MCLEAN,  
QUINTANA, AND THOMSON

**A RESOLUTION CALLING FOR AN ELECTION TO BE HELD NOVEMBER 7, 2017 TO REVISE THE ASSESSMENT PERIOD FOR THAT PREVIOUSLY APPROVED SUPPLEMENTAL LEVY FOR CLEAN WATER AND OPEN SPACE TO CHANGE THE DATES ON WHICH TO COLLECT THE LEVY FROM OCTOBER 1, 2016 THROUGH SEPTEMBER 30, 2018 TO OCTOBER 1, 2017 THROUGH SEPTEMBER 30, 2019; DESIGNATING ADA COUNTY AS THE ADMINISTRATOR OF THE ELECTION; APPROVING THE FORM OF THE BALLOT; APPROVING THE FORM OF NOTICE OF REVISED SUPPLEMENTAL LEVY ELECTION; DIRECTING THE CITY CLERK TO CONVEY THE BALLOT AND NOTICE OF ELECTION TO THE COUNTY; DESIGNATING ADA COUNTY AS THE CANVASSING BOARD; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Boise Foothills are an important community amenity providing outdoor enjoyment, critical habitat for wildlife, protection of rare plants, and a scenic backdrop to Boise City; and

**WHEREAS**, the Boise River provides drinking water, recreational opportunities and habitat for a variety of fish and wildlife; and

**WHEREAS**, the citizens of Boise City have shown strong support for protecting clean water, critical open space, natural areas and wildlife habitat and enhancing recreation through the purchase of open spaces in the Boise Foothills and the support of projects to enhance the Boise River; and

**WHEREAS**, on November 3, 2015, seventy-four percent (74%) of eligible electors in Boise City approved a temporary override levy to protect clean water and drinking water, wildlife habitat, critical open space, and native plant species, and enhance recreation opportunities and trails through the establishment of a fund enabling the purchase of property and improvement projects in areas such as the Boise Foothills and the Boise River; and

**WHEREAS**, the levy was to raise the amount of five million dollars each year for two consecutive fiscal years for a total of ten million dollars, commencing with the fiscal year beginning October 1, 2016 and ending September 30, 2018; and

**WHEREAS**, due to a clerical error, the approved levy was not assessed in the first fiscal year, October 1, 2016 through September 30, 2017; and

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**WHEREAS**, to ensure that the will of the voters is preserved and that clean water and drinking water, wildlife habitat, open space, native plant species, recreation opportunities and trails receive the full protection and enhancement approved by voters, the City requests authority from the electors of Boise City to revise the assessment period of the previously-approved temporary override levy from October 1, 2016 through September 30, 2018 to October 1, 2017 through September 30, 2019.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF BOISE CITY, IDAHO:**

**Section 1.** That a Revised Supplemental Levy Election be held, and the same is hereby called to be held, in the City of Boise City (“City”) on Tuesday, November 7, 2017, for the purpose of submitting to the qualified electors of the City the question set out in the form of the ballot appearing in Section 3, below.

**Section 2.** That pursuant to Title 34, Idaho Code, the Clerk of Ada County, Idaho shall administer the Revised Supplemental Levy Election, including scheduling the polling times; preparing and printing the ballots; publishing the notice of the election and the sample ballot for the question; and conducting the election.

**Section 3.** That the ballot will be in substantially the following form:

**\*\*\*FORM OF BALLOT\*\*\***

**INSTRUCTIONS TO VOTERS:**

To vote, fill in the oval (0) to the left of the words “YES. I vote IN FAVOR OF” or “NO. I vote AGAINST” according to the way you desire to vote on the questions. If you make a mistake, request a new ballot from an election worker.

On November 3, 2015, Boise City voters approved a temporary override levy with 74% of the vote to protect clean water and drinking water, wildlife habitat, critical open space, and native plant species, and enhance recreation opportunities and trails through the purchase of property and improvement projects in areas such as the Boise Foothills and the Boise River. Due to a clerical error, the approved levy was not assessed in the first fiscal year. To ensure that the will of the voters is preserved, shall the City of Boise, Idaho be authorized to revise the assessment period of the previously-approved temporary override levy to the two fiscal years beginning October 1, 2017 and ending September 30, 2019? If approved, the final total amount collected through this override levy will remain equal to ten million dollars, as was originally approved by voters in 2015. None of the money will be spent on administrative costs and there will be oversight by a citizens’ advisory committee and annual audit.

**0 YES. I vote IN FAVOR OF the temporary levy.**

**0 NO. I vote AGAINST the temporary levy.**

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**\*\*\*End of Form of Ballot\*\*\***

**Section 4.** For purposes of the Revised Supplemental Levy Election, the Notice of Revised Supplemental Levy Election shall be substantially in the following form:

**\*\*\*FORM OF NOTICE OF REVISED SUPPLEMENTAL LEVY ELECTION\*\*\***

**NOTICE OF REVISED SUPPLEMENTAL LEVY ELECTION CITY OF BOISE  
CITY, ADA COUNTY, IDAHO**

Pursuant to the laws of the State of Idaho and Resolution No. \_\_\_\_ of the Mayor and Council of the City of Boise City, Idaho (the "City"), adopted on September 12, 2017, notice is hereby given that a Revised Supplemental Levy Election will be held in the City on Tuesday, November 7, 2017, beginning at the hour of 8:00 A.M. and closing at the hour of 8:00 P.M., for the purpose of submitting to the qualified electors of the City of Boise City their vote on the following question:

On November 3, 2015, Boise City voters approved a temporary override levy with 74% of the vote to protect clean water and drinking water, wildlife habitat, critical open space, and native plant species, and enhance recreation opportunities and trails through the purchase of property and improvement projects in areas such as the Boise Foothills and the Boise River. Due to a clerical error, the approved levy was not assessed in the first fiscal year. To ensure that the will of the voters is preserved, shall the City of Boise, Idaho be authorized to revise the assessment period of the previously-approved temporary override levy to the two fiscal years beginning October 1, 2017 and ending September 30, 2019? If approved, the final total amount collected through this override levy will remain equal to ten million dollars, as was originally approved by voters in 2015. None of the money will be spent on administrative costs and there will be oversight by a citizens' advisory committee and annual audit.

**0 YES. I vote IN FAVOR OF the temporary levy.**

**0 NO. I vote AGAINST the temporary levy.**

Said election will be conducted pursuant to Title 34, Idaho Code.

**\*\*\*End Form of Notice of Supplemental Levy Election\*\*\***

**Section 5.** That the City Clerk of the City will convey to the Ada County, Idaho Elections Official the Official Ballot and Notice of Election, appearing in Sections 3 and 4 hereof, for election preparation and publication pursuant to Idaho Code.

**Section 6.** That the County Commissioners of Ada County, Idaho, will act as the canvassing board pursuant to Idaho Code and will convey the results to the City.

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**Section 7.** That if at the election a majority of the qualified registered electors of the City of Boise City, Idaho, eighteen (18) years of age or older who have resided in the City of Boise City, Idaho, for thirty (30) days, authorize the Revised Supplemental Levy, the assessment period of the previously approved supplemental levy shall be revised to commence October 1, 2017 and end September 30, 2019.

ADOPTED by the Council of Boise City, Idaho, on September 12, 2017.

APPROVED by the Mayor of the Boise City, Idaho, on September 12, 2017.

APPROVED:

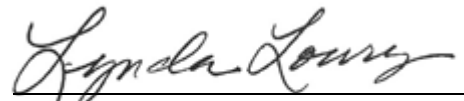


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David H. Bieter, Mayor



ATTEST:



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Lynda Lowry, Ex-Officio City Clerk