

WARNING

It is a felony for anyone to sign any initiative or referendum petition with any name other than his own, or to knowingly sign his name more than once for the measure, or to sign such petition when he is not a qualified elector.

INITIATIVE PETITION

To the Honorable Lynda Lowry, Ex-Officio City Clerk of the city of Boise City, State of Idaho:

"We, the undersigned citizens and qualified electors of the city of Boise City, State of Idaho, respectfully demand that the following proposed law, to-wit:

Short Title

AN INITIATIVE REQUIRING VOTER APPROVAL FOR CHANGES TO PARKS OR OPEN SPACES IN EXCESS OF FIVE PERCENT OF LAND AREA.

General Title

AN INITIATIVE RELATING TO PARKS AND OPEN SPACES; AMENDING BOISE CITY CODE TITLE 7, CHAPTER 7, TO ADD A NEW ARTICLE D PROVIDING THAT THE SALE, TRADE, DISPOSAL, TRANSFER, GIFT, OR CHANGE IN USE OF MORE THAN FIVE PERCENT OF THE LAND AREA OF ANY PARK OR OPEN SPACE OWNED, OPERATED, OR MAINTAINED BY THE CITY REQUIRES A PUBLIC VOTE; STATING THE PURPOSE OF THE NEW ARTICLE INCLUDING THAT CHANGES TO PARKS AND OPEN SPACES SHOULD BE DONE ONLY WITH CONSULTATION OF THE ELECTORATE; DEFINING THE TERMS "CHANGE IN USE," "LAND AREA," "OPEN SPACE," AND "PARK;" DEFINING "PARK" TO INCLUDE LANDS, BUILDINGS, FACILITIES, RESERVES, OPEN SPACE, SPORTS COMPLEXES, SWIMMING POOL GROUNDS, GOLF COURSES, CEMETERIES, ZOOS, BOTANICAL GARDENS, TRAILS, AND OTHER PLACES; PROHIBITING CHANGES TO ANY PARKS OR OPEN SPACES IN EXCESS OF FIVE PERCENT OF ITS LAND AREA UNLESS CITY COUNCIL DETERMINES THAT IT IS IN THE PUBLIC INTEREST; REQUIRING A MAJORITY VOTE OF QUALIFIED ELECTORS TO DETERMINE WHETHER SUCH ACTION IS IN THE PUBLIC INTEREST; EXCLUDING SUCCESSFUL EMINENT DOMAIN PROCEEDINGS OR OTHER FINAL COURT ORDERS FROM THE ARTICLE IF THE CITY OPPOSES THE CONDEMNATION AND PARTICIPATES IN THE DEFENSE OF ALL EMINENT DOMAIN PROCEEDINGS; AND PROVIDING A SEVERABILITY CLAUSE.

Be It Enacted by the Mayor and City Council of Boise that Boise City Code Title 7, Chapter 7 shall be, and hereby is, amended by the addition thereto of a new article 7-7D to read as follows:

Section 7-7D-1: STATEMENT OF PURPOSE:

- 1) Parks, wildlife habitat, and Open Space are vital to the quality of life of children, adults, and seniors in Boise. As the City's population grows, the importance of Parks and Open Space for Boise residents also grows.
- 2) Studies show that Parks and Open Space promote public health by providing places to walk and exercise, thus, increasing physical activity and reducing stress.

- 3) Preservation of Boise's unique natural heritage not only protects the quality of life of all Boise residents, but it also promotes tourism. Boise's Parks are, therefore, important to the economic development and stability of businesses and their employees alike.
- 4) Given the importance of Parks and Open Spaces to the physical and mental well-being of Boiseans and of the economy of the City, the disposal, sale, or Change In Use of Parks and Open Space should be done only with care and with the consultation of the City's electorate.

Section 7-7D-2: DEFINITIONS: For the purposes of this article 7-7D only, the following words and phrases shall have the following meanings:

CHANGE IN USE: Any action taken or considered by the City to modify the zoning, land use, or Park or Open Space designation of any Park or Open Space as defined herein.

LAND AREA: The area of land of a specific property at the time it was acquired by the City.

OPEN SPACE: Any and all lands owned or maintained by any Boise City Department that are designated, dedicated, or otherwise restricted to uses consistent with open space at the time of or subsequent to enactment of this article 7-7D. Open Space shall include any land that is used, designated, or acquired as open space or land that is preserved as undeveloped green space.

PARK: Any and all lands, buildings, facilities, reserves or open space, sports complexes, swimming pool grounds, golf courses, game fields, cemeteries, playgrounds, skate board parks, BMX facilities, zoological and/or botanical gardens, trails, and other general or special use outdoor places, including the Boise River Greenbelt, that are owned, operated, or maintained by the City of Boise or specifically in the inventory of park properties at the Office of the Director of the Boise City Department of Parks and Recreation or his/her designee at the time of or subsequent to enactment of this article 7-7D.

Section 7-7D-3: PUBLIC VOTE: Notwithstanding any rule, regulation, ordinance, or law, the City shall not sell, trade, dispose, transfer, gift, or Change In Use of any Park or Open Space in excess of five (5) percent of its Land Area unless the City Council determines it is in the public interest by submitting any such proposed action to the qualified electors of the City. The results of the election regarding such proposed sale, trade, disposal, transfer, gift, or Change In Use shall inform the City Council's public interest determination.

Section 7-7D-4: PUBLIC APPROVAL: Approval by a majority of qualified electors voting pursuant to the preceding section in an election is a prerequisite to a determination that such action is in the public interest.

Section 7-7D-5: EXCEPTION FOR EMINENT DOMAIN: This article 7-7D shall not apply to any successful eminent domain proceeding in a court of competent jurisdiction or any other final order from a court of competent jurisdiction provided, however, that the City takes action to oppose such condemnation and participates in the defense of such eminent domain proceedings in all administrative and trial court proceedings related to such condemnation.

Section 7-7D-6: SEVERABILITY: If any section, paragraph, clause, or other portion of this article 7-7D or the application thereof is held to be invalid, unlawful, void, or unenforceable to any extent for any reason, the validity of the remaining portions of this article 7-7D shall be enforced to the maximum extent possible by law to further the purposes set forth in this article 7-7D.

shall be submitted to the qualified electors of the city of Boise City, State of Idaho, for their approval or rejection at the regular general City election, to be held on the 7th day of November A.D., 2023, and each for himself says: I have personally signed this petition; I am a qualified elector of the city of Boise City, State of Idaho; my residence and city are correctly written after my name.”

Signature	Printed Name	Residence Street and Number	City	Date
1				
2				
3				
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8				
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11				
12				

State of Idaho)
)ss.
 County of Ada)

I, _____, being first duly sworn, say: That I am a resident of the State of Idaho and at least eighteen (18) years of age: that every person who signed this sheet of the foregoing petition signed his or her name thereto in my presence: I believe that each has stated his or her name, address and residence correctly, and that each signer is a qualified elector of the city of Boise City, State of Idaho.

Name Printed and Signature (Petition Circulator):

Petition Circulator’s Residential Address:

Subscribed and sworn to before me this _____ day of _____, _____.

(Notary Seal)

Notary Public: _____

Residing at: _____

My Commission Expires: _____

AN INITIATIVE REQUIRING VOTER APPROVAL FOR CHANGES TO PARKS OR OPEN SPACES IN EXCESS OF FIVE PERCENT OF LAND AREA.