

AUG 08 2008

[[AS ADOPTED]]

**BAINBRIDGE ISLAND METROPOLITAN PARK & RECREATION DISTRICT,  
KITSAP COUNTY, WASHINGTON**

**RESOLUTION 2008-17**

A RESOLUTION of the of the Board of Commissioners of the Bainbridge Island Metropolitan Park & Recreation District, Kitsap County, Washington, relating to regular property taxes; providing for the submission to the qualified electors of the District at a special election held in conjunction with the state general election on November 4, 2008, of a proposition authorizing the District to levy regular property taxes in excess of the limitations of ch. 84.55 RCW; setting forth the text of the ballot proposition; directing proper District officials to take necessary actions; and providing for other properly related matters.

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BE IT RESOLVED BY the Board of Commissioners of Bainbridge Island Metropolitan Park & Recreation District, Washington, as follows:

Section 1. Recitals. The Board of Commissioners (the "Board") of Bainbridge Island Metropolitan Park & Recreation District, Kitsap County, Washington (the "Park District" or "District"), hereby makes the following findings and determinations:

(a) The City of Bainbridge Island (the "City") has or is expected to transfer numerous park and open space properties to the Park District pursuant to the recommendations of the Public Lands Stewardship Committee Report.

(b) RCW 84.55.050 provides for the levy of regular property taxes in an amount exceeding the limitations specified in chapter 84.55 RCW if such increased levy is authorized by a proposition approved by a majority of the voters at general election held within the taxing district (a "levy lid lift").

(c) The existing revenues available to the Park District over the next several years will not provide sufficient resources to support the acquisition and development of real property or property interests for parks, open space and trails; to facilitate public use and access; and to develop and maintain parks, open space and trails.

(d) The Board has therefore determined that it is in the interests of the Park District and its residents to submit a levy lid lift proposition under RCW 84.55.050(1) and (4) to the voters for their approval or rejection.

Section 2. Calling of Election. The Board finds that it is in the best interest of the District to submit to the qualified voters of the District, at a special election held in conjunction with the state general election on November 4, 2008, a proposition authorizing the District to increase its regular property tax levy for collection in 2009 by an amount greater than otherwise permitted under chapter 84.55 RCW for a limited purpose, all as described more particularly in Section 3, below. If this proposition is approved, the Board will be authorized to adopt, in

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accordance with its regular budget process, an increased regular property tax not to exceed the maximum rate described in this resolution and in the ballot proposition.

Section 3. Description of Ballot Proposition. The Board seeks voter approval under RCW 84.55.050(1) and (4) for a levy lid lift, as follows:

(a) Maximum Authorized Levy Rate for 2009. The proposition authorizes a maximum total levy rate of \$0.75 per \$1,000 of assessed value for collection in 2009. This represents an incremental rate increase over the 2008 levy rate of \$0.166422 per \$1,000 of assessed value.

(b) Levy Limits in Future Years. The dollar amount of the levy approved for collection in 2009 shall be used for the purpose of computing the limitations for subsequent levies under ch. 84.55 RCW. The amounts collected pursuant to this authorization shall be used solely as follows:

- (1) Not less than 75% of the annual revenues collected pursuant to the increase authorized in this proposition shall be used solely for the acquisition, development or improvement of real property or other interests in property for parks purposes, including but not limited to parks, open space, and trails and to facilitate the work of a citizens' committee to be established by the Board to provide recommendations on property acquisitions using revenues collected pursuant to this subsection.
- (2) The remaining portion of the annual revenues collected pursuant to the increase authorized in this proposition shall be used for general Park District purposes to facilitate public use of and access to Park District properties, and to operate and maintain Park District properties.

Section 4. Ballot Proposition. The Auditor of Kitsap County, Washington (the "Auditor"), as *ex officio* supervisor of elections, is hereby requested to call and conduct a special election in the District, in the manner provided by law, to be held on the date identified in Section 2, for the purpose of submitting to the voters of the District, a proposition in substantially the following form:

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**Bainbridge Island Metropolitan Park & Recreation District,  
Kitsap County, Washington**

**Proposition 1  
Levy Lid Lift for Parks**

*The Board of Commissioners of the Bainbridge Island Metropolitan Park & Recreation District has adopted Resolution 2008-17 concerning a levy lid lift for parks purposes. If approved, this proposition would restore the 2009 regular levy rate to \$0.75/\$1,000 assessed value. The 2009 levy amount will be used to calculate subsequent levy limits. Not less than 75% of the increase will be used to acquire, develop and improve property and property interests for parks, open space, and trails, and for a citizens' advisory committee. The remainder will be used to facilitate public use of and access to District properties and to operate and maintain those properties. Should this proposition be:   
\_\_\_ Approved? \_\_\_ Rejected?*

*[[At direction of the Board, the above ballot title prepared by Counsel to the District, based on 7/31/2008 draft and revised to conform to amendments reflected in this resolution as adopted by the Board.]]*

Section 5. Notices Relating to Ballot Proposition. For purposes of receiving notice of the language of the ballot proposition required by RCW 29A.36.080, the Board hereby designates Counsel to the District, Foster Pepper PLLC (Alice Ost diek, 206/447-4663, ostda@foster.com) as the person to whom such notice should be provided, and authorizes such changes as in her opinion are necessary or advisable to carry out the Board's intent as expressed in this resolution.

Section 6. Authorization to Deliver Resolution and Perform Other Necessary Duties. The Secretary to the Board is authorized and directed, no later than August 12, 2008, to certify a copy of this Resolution to the Auditor and to perform such other duties as are necessary or required by law to the end that the proposition described herein should appear on the ballot at the special election identified in Section 2 of this resolution.

Section 7. Local Voters' Pamphlet Authorized. The preparation and distribution of a local voters' pamphlet providing information on this ballot proposition is hereby authorized. The pamphlet shall include arguments advocating approval and disapproval of the ballot proposition. In accordance with RCW 29A.32.280, committees to prepare arguments advocating approval and disapproval of the measure shall be appointed by motion of the Board not later than 45 days before the publication of the pamphlet, or as otherwise requested by the Auditor. Each committee shall be composed of not more than three persons, and the committee advocating approval shall be composed of persons known to favor the ballot proposition and the committee advocating disapproval shall be composed of persons known to oppose the ballot proposition. The Director, or his designee, is authorized and directed to take all action required in connection with the voters' pamphlet.

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[[7/31/08]]

Section 8. Severability. If any provision of this Resolution shall be 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 and shall in no way affect the validity of the other provisions, or of the levy or collection of the taxes authorized herein.

Section 9. Effective Date. This resolution shall become effective immediately upon its adoption.

ADOPTED by the Board of Commissioners of Bainbridge Island Metropolitan Park & Recreation District, Kitsap County, Washington, at a special meeting thereof, this 31<sup>st</sup> day of July, 2008, the following Commissioners being present and voting in favor of this action:



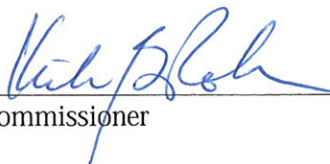
Chair and Commissioner



Commissioner



Commissioner



Commissioner

Commissioner

ATTEST:

\_\_\_\_\_  
Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Foster Pepper PLLC