



OFFICE OF THE CITY ATTORNEY

MAYOR: Lauren McLean | BOISE CITY ATTORNEY: Jayme Sullivan

April 21, 2022

Lynda Lowry
Director of Finance and Administration
Office of the Boise City Clerk
City Hall

VIA HAND DELIVERY

Re: Certificate of Review
Proposed Initiative to Add New Section to Title 7, Chapter 1 of Boise City Code
Requiring a Majority Vote by Qualified Electors to Sell, Trade, Transfer, Gift, or Change
in Use any Park or Open Space in Excess of Five Percent of its Land Area

Dear Director Lowry:

On March 24, 2022, the Office of the Boise City Clerk received a proposed initiative petition from Boise Parks Association (“Petitioner”) seeking to add a new section of Boise City Code Title 7, Chapter 1, to require a majority vote by the qualified electors of the City to approve any sale, trade, transfer, gift, or change in use of any park or open space in excess of five percent of its land area (“Initiative”). The Initiative was submitted with 40 signatures. The Ada County Election’s Office subsequently verified that the Petitioner obtained the requisite twenty (20) signatures, satisfying the number of signatures required by Idaho Code § 34-1804(1) to transmit the Initiative to the Office of the City Attorney (“Office”) for review.

Pursuant to Idaho Code §§ 34-1801B(5) and 34-1809(1)(a), this Office reviewed the Initiative and prepared the following advisory recommendations. Given the strict statutory timeframe for review, this review only identifies areas of concern and does not provide in-depth legal analysis. This Office reviewed the Initiative only for matters of form, style, and substantive import and makes recommendations for revisions or alterations as may be deemed necessary and appropriate. Idaho Code § 34-1809(1)(a). These recommendations do not offer an opinion on any policy or fiscal issues that may be raised by the Initiative. These recommendations are advisory only, and the Petitioner may accept or reject them in whole or in part. Idaho Code § 34-1809(1)(b).

I. Ballot Title

If Petitioner files the Initiative following the issuance of this Certificate of Review, this Office will prepare short and long ballot titles. Idaho Code §§ 34-1801B(5) and 34-1809(2). The short ballot title will contain a distinctive title not exceeding twenty words by which the measure is commonly referred, and the long ballot title will not exceed two hundred words and will include the purpose of the measure. Both ballot titles will be true and impartial statements of the purpose of the Initiative and will not be argumentative or create prejudice either for or against the Initiative. Idaho Code §§ 34-1809(2)(d) and (e). The Petitioner may submit proposed ballot titles to this Office for consideration, provided they are consistent with the standards set forth in Idaho Code §§ 34-1809(2)(d) and (e).

II. Matters of Form and Style

Upon reviewing the Initiative for form and style pursuant to Idaho Code § 34-1809(1)(c), this Office recommends the following revisions:

First, the Initiative petition is drafted with “warning” language at the top of each page. As written, the “warning language” could be considered part of the proposed Initiative language. The “warning” language should be on the first page, in the format set forth in Idaho Code § 34-1801A(2).

Second, the numbering format should be consistent with other sections of Boise City Code. The Initiative seeks to add a new section to Title 7, Boise City Code, and therefore should use a numbering format consistent with Title 7. The Initiative should either be numbered 7-1-2: Statement of Purpose, 7-1-3: Definitions, etc. or the Initiative should be made into a separate article or chapter. If the Petitioner wishes to make the proposed code language a separate article, then Boise City Code, Title 7, Chapter 7 provides an example of the format.

Third, the Initiative does not use headers consistently. Currently, only two sections have headers, Statement of Purpose and Definitions. Each section should have a header, followed by a colon. (“7-1-2A: STATEMENT OF PURPOSE:”)

Fourth, Boise City Code does not use parentheses or numbered subsections in its definitions sections. Instead, it simply lists the definitions in alphabetical order. *E.g.*, Boise City Code § 7-7A-1. The definitions section in the Initiative should be organized in the same manner, listing the definitions in the following order: Change in Use, Land Area, Open Space, and Park. *See* Legislative Drafting Manual, created by the Idaho Legislative Services Office, p. 15 (“Legislative Drafting Manual”) [LEGISLATION DRAFTING MANUAL \(idaho.gov\)](#). Boise City Code also does not use the word “means” when defining a term. *E.g.*, Boise City Code § 7-7A-1.

Fifth, the Initiative uses the Oxford comma inconsistently within its text. For example, the Oxford comma is not used in the first half of the definition of “Park” but is used in the second half of the definition. All grammar, including the Oxford comma, should be consistent throughout the Initiative.

Finally, the Initiative includes typographical and spelling errors. For example, Section 7-1-2A(4) reads “the reduction or elimination or Parks and Open Space” (emphasis added), and 7-1-2B(3) includes “Open space” instead of “Open Space.” Spelling, spacing, and typographical errors should be corrected if the Petitioner files the Initiative following the issuance of this Certificate of Review.

III. Summary of the Initiative and Matters of Substantive Import

A. Summary of the Initiative

1. Overview

The Initiative seeks to add a new section to Boise City Code designated as section 7-1-2. The Initiative sets forth a statement of purpose, definitions, voting requirements and information, an exemption for eminent domain proceedings, and a severability clause.

Section 7-1-2A has the header “statement of purpose.” It describes the importance of parks and open space to the City, its economy, and the quality of life of its population.



Section 7-1-2B has the header “definitions” and includes definitions of the following terms: change in use, park, open space, and land area. These definitions will be discussed in more detail below.

Section 7-1-2C does not have a header and purports to restrict the City from selling, trading, transferring, gifting, or changing the 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 . . . shall inform the City Council’s public interest determination.”

Section 7-1-2D does not have a header, and states that “[a]pproval by a majority of qualified electors voting in an election is a prerequisite to a determination that such action is in the public interest.”

Section 7-1-2E does not have a header, and states that “[t]his section shall not apply to any successful eminent domain proceeding” or other final orders from a court, provided that the City “takes action to oppose such condemnation and participates in the defense of such eminent domain proceedings in all administrative and judicial proceedings related to such condemnation.” This purports to require the City to participate in legal proceedings regardless of whether there is a sound legal basis for opposition, and regardless of the cost to the City of such legal actions. It also leaves the City open to challenges as to the sufficiency of its opposition. For example, it leaves open the question of whether the City would be required to seek appeal of all adverse decisions to the United States Supreme Court, or whether opposition at the administrative or trial court level is sufficient.

Section 7-1-2F does not have a header, and purports to be a severability clause. It states that if any portion of this section is held to be invalid, unlawful, void, or unenforceable, “the validity of the remaining portions of this section shall be enforced to the maximum extent possible by law to further the purposes set forth in this section.”

2. Definitions

Section 7-1-2B includes the Initiative’s definitions. These definitions are drafted very broadly and include undefined terms. The ambiguous definitions could be interpreted as requiring a vote by the qualified electors of the City for almost any changes to any property.

“Change in use” is defined as “any action by the City to permit any use of any Park or Open Space as defined herein that is not then-currently a permitted use for any Park or Open Space as defined herein.” It is unclear what is intended by this definition, specifically with respect to the “permitted use” reference. “Permitted use” is not defined.

The first sentence of the Initiative’s definition of “Park” includes the same language as Boise City Code § 7-7A-1. “Park” is defined, in part, to include open space and property “owned, operated or maintained by Boise City or specifically in the inventory of park properties at the Office of the Director.” However, unlike Title 7, Chapter 7, Article A, the Initiative does not define “Director.” Without this definition, “Director” could be interpreted as meaning a director of any City department.

Additionally, the Initiative’s definition of “Park” goes beyond the definition in Boise City Code § 7-7A-1. The Initiative’s definition also includes “Mini-Parks, Neighborhood Parks, Community Parks, Regional Parks, Special Use Parks, Greenbelt/Linear Parks, Open Space/Reserves, Trails, Neighborhood Community Facilities, Regional Community Facilities, Regional Recreational Facilities, Neighborhood Pools, and Undeveloped Parks.” These additional terms are not defined, and it is unclear what properties are included in this definition. Some of these undefined properties may include property not owned by the City, such as



parks leased to the City by the State of Idaho or private entities, or facilities operated through a partnership with another public entity. Further, the inclusion of “undeveloped parks” could be interpreted as any property, as any land could theoretically be turned into a park. The City may not have the legal right to control the sale, trade, transfer, gift, or change in use of such properties. The Initiative, as written, would subject such properties to a vote by the qualified electors of the City regardless of whether the City has any actual legal right to control the sale, trade, transfer, gift, or change in use of the properties.

Inconsistent definitions of parks may lead to confusion regarding the proposed section of Boise City Code and how it relates to the other sections. The Petitioner should use the same definition in the Initiative as set forth in Boise City Code § 7-7A-1, and clearly define “Director,” to provide for consistent and accurate application of Boise City Code.

“Open Space” is defined, in part, as lands “owned, operated, or maintained by any Boise City Department that are permanently set aside for public or private use and will not be developed.” It also includes “any land parcel zoned under the Open Land Reserve (A-2) District, that are used as community open space, or preserved as undeveloped green space.” It is unclear which properties are included in this definition. This definition also does not limit “used as community open space” to allowed, lawful, or permitted use of said space, and could be interpreted to include properties informally used by the public. Additionally, this definition does not provide a standard by which to evaluate whether a property is actually “preserved as undeveloped green space.”

Finally, “Land Area” is defined as “the area of land of a specific property at the time it was acquired by the City.” As discussed above, the definitions of “Park” and “Open Space” are not currently limited to property owned by the City. Therefore, this definition of “Land Area” may be inapplicable in some circumstances.

B. Matters of Substantive Import

Upon reviewing the Initiative for matters of substantive import pursuant to Idaho Code § 34-1809(1)(a), this Office finds that the Initiative is likely unconstitutional, preempted by State law, and in conflict with other sections of Boise City Code.

1. The Initiative May Be Considered Administrative in Nature, And Therefore Unconstitutional

Article III, section 1 of the Idaho Constitution governs the right of citizens to enact laws via initiative:

The people reserve to themselves the power to propose laws, and enact the same at the polls independent of the legislature. This power is known as the initiative, and legal voters may, under such conditions and in such manner as may be provided by acts of the legislature, initiate any desired legislation and cause the same to be submitted to the vote of the people at a general election for their approval or rejection.

Initiatives can only seek to implement an act or measure, and only subjects that are legislative in nature are appropriate for action by initiative. *See City of Boise City v. Keep the Commandments Coalition*, 143 Idaho 254, 256, 141 P.3d 1123, 1125 (2006); *Weldon v. Bonner County Tax Coalition*, 124 Idaho 31, 38, 855 P.2d 868, 875 (1993)(overruled on other grounds by *Keep the Commandments Coalition*). Subjects that are administrative in nature are not appropriate for action by initiative. *Keep the Commandments Coalition*, 143 Idaho at 256, 141 P.3d at 1126.



To say that administrative determinations are subject to referendum could defeat the very purpose of local government. To give a small group of the electorate the right to demand a vote of the people upon every administrative act of the governing body would place municipal governments in a straightjacket and make it impossible for the city's officers to carry out the public's business.

Idaho Att'y Gen. Op. No. 7614 (1987) (quoting *Cuprowski v. City of Jersey City*, 242 A.2d 873, 878 (N.J. 1968)(holding that approval and adoption of a municipal budget is administrative in character)).

Idaho courts have not adopted a bright line rule distinguishing legislative acts from administrative acts. *Keep the Commandments Coalition*, 143 Idaho at 256, 141 P.3d at 1126. In *Weldon*, the court held that an initiative to reject a county budget decision and implement a new county budget process did not seek to reject or propose a law, but instead sought to propose a process. "The county budgeting process, which results in *ad valorem* levy, is not an 'act' or 'measure,' but instead it is merely the *result* of the statutory process set forth in the County Budget Law, title 31, chapter 16, Idaho Code." *Weldon*, 124 Idaho at 38, 855 P.2d at 875 (emphasis in original). The court rejected the petitioners' argument that the budget process is a law. *Id.* at 39, 855 P.2d at 876. Similarly, the Initiative at issue here also proposes a process – a process on how the City should approve the sale, trade, transfer, gift, or change in use of properties. The purchase and sale of lands for the purposes of parks is firmly within the jurisdiction of the City under Idaho law, Idaho Code §§ 50-303, 50-1401 *et seq.*, and the City's procedures for determining the sale, trade, transfer, lease, and use of the property is indeed a *process* and in compliance with Title 50, chapter 14, Idaho Code. Therefore, the Initiative is likely administrative in nature and not legislative, making it inappropriate for action by initiative.

When making the determination of whether an act is legislative or administrative, courts in other jurisdictions have looked at a variety of factors. Cases with similar facts are discussed below, but these are not Idaho cases and therefore will not be binding on an Idaho court. Idaho courts may look to such cases for guidance but are not required to adhere to their rulings.

In *City of Idaho Springs*, the Colorado Supreme Court reviewed two petitions for initiated ordinances: the first repealing any city council measures that approved the purchase of certain land as a site for a new city hall and relocation of a historical building to be renovated for use as a new city hall, and the second prohibiting the appropriation of funds for the relocation of the historical building or purchase of land for the relocation. *City of Idaho Springs v. Blackwell*, 731 P.2d 1250, 1251-52 (Colo. 1987). The court was tasked with determining whether the initiated ordinances were administrative or legislative and stated that "[t]he central inquiry is whether the proposed legislation announces a new public policy or is simply the implementation of a previously declared policy." *Id.* at 1254. The court concluded that the selection of a site and structure for a city hall was not a permanent or general act and thus administrative in nature. *Id.* at 1254. The court also looked at whether an initiated action is necessary to carry out existing legislative policies and purposes or whether it constitutes a declaration of public policy. *Id.* The court held that the proposed initiatives were administrative under this test as well, stating that the choice of location and structure for the new city hall is "necessary to carry out" the existing legislative policy to build a new city hall. *Id.* at 1255.

In *Vagneur*, the Colorado Supreme Court reviewed two petitions for initiated ordinances regarding the design and construction of a state highway entrance, requiring a vote on a change in use of open space, a mandate regarding the specifics of the design and location, and a mandate to amend or rescind documents that conflict with the elements of the proposed roadway. *Vagneur v. City of Aspen*, 295 P.3d 493 (Colo. 2013). The court held that the proposed initiatives were administrative in nature, as they sought to



circumvent the administrative process for the approval of the location and design of the state highway. *Id.* at 496. In making its decision, the court stated that “the powers of initiative and referendum to not encompass the right to petition for an election on administrative matters . . . In short, a voter initiative must be a valid exercise of legislative power, rather than executive or judicial power.” *Id.* at 504. *Vagneur* clarified that the “permanent or general” test set forth in *City of Idaho Springs* focused on “whether the act represented a ‘declaration of public policy of general applicability’” and not the “duration of legislation or the anticipated useful life of a municipal improvement.” *Id.* at 507 (quoting *City of Idaho Springs*, 731 P.2d at 1254). The court further explained that executive acts are based on individualized, case-specific considerations rather than broad policy grounds. *Id.*

In *Sevier Power*, the Utah Supreme Court reviewed an initiative that sought to amend a county’s zoning ordinance in two ways: (1) requiring voter approval on conditional use permits, and (2) requiring the revocation of already-issued conditional use permits for certain facilities if issued after the initiative had been filed and before any vote required in section (1). *Sevier Power Co., LLC v. Board of Sevier County Com’rs*, 196 P.3d 583, 587 (Utah 2008). In reviewing whether the initiative was legislative or administrative in substance, the court stated it:

depends upon the precise language of the initiative proposed and on the action of government it intends to modify or require. When an initiative seeks to undo an accomplished action taken pursuant to existing law, it most likely falls within the administrative action category. . . . When, on the other hand, an initiative seeks to enact or modify a statute or ordinance of broad application, it most likely falls within the legislative sphere.

Id. The court determined that the initiative was legislative in nature because it addressed the overall conditional use permit issuance and revocation ordinance. *Id.*

In *Friends of Congress Square Park*, the Maine Supreme Court reviewed an initiative that amended the city’s land bank ordinance. *Friends of Congress Square Park v. City of Portland*, 91 A.3d 601 (Maine 2014). Specifically, the amendments would create a new category of land bank property and require the approval of eight out of nine city councilpersons—or in the alternative, six of the nine city councilpersons, a favorable recommendation from the land bank commission and a majority vote in a municipal election—to dispose of property in the land bank. *Id.* at 602-603. The city conceded that setting up the new category of land bank property was legislative but asserted that the remainder of the initiative was administrative. *Id.* at 605. In reviewing whether the initiative was legislative or administrative, the court looked at the effects of the exercise of the initiative power and stated, “an act exceeds the scope of the initiative power if it compels or bars action by elected officials that would seriously hamper governmental functions.” *Id.* at 607. The court determined that the amendments in the initiative would not “seriously impede the day-to-day operations” of the city, city council, or land bank commission. *Id.* The court specifically mentioned that the voting requirement would only be triggered if the city attempted to dispose of the land without garnering eight votes, “a scenario not likely to occur so regularly that it would destroy or disrupt the City’s efficient functioning.” *Id.*

These out-of-state cases, when reviewed in the context of the Initiative, raise concerns that the Initiative will likely be considered administrative in nature if challenged in court. The Initiative at issue here is not a permanent or general matter but seeks to place restrictions on the sale, trade, transfer, gift, or change in use of properties. It also seeks to determine how to carry out existing legislative policies (when and how to sell certain properties) rather than declaring public policy. Further, the Initiative would require a vote for all sales, trades, transfers, gifts, or changes in use of an ambiguously defined group of properties. This is a



much broader voting requirement than those addressed in the above cases, and a vote on all such matters would seriously hamper government functions and impede the day-to-day functions of the City. If deemed to be administrative in nature, it will be an unconstitutional use of the initiative process.

2. The Initiative is Likely Preempted by Idaho Code

Article 12, section 2 of the Idaho Constitution provides that a city ordinance may not conflict with “the general laws.” A conflict between a municipal ordinance and a state statute can be found if preempted by the state, either expressly or impliedly. *Idaho Dairymen’s Ass’n, Inc. v. Gooding County*, 148 Idaho 653, 658-659, 227 P.3d 907, 912-913 (2010) (citing *Envirosafe Serv. Of Idaho v. County of Owyhee*, 112 Idaho 687, 689, 735 P.2d 998, 1000 (1987)). See also *Heck v. Commissioners of Canyon County*, 123 Idaho 826, 827, 853 P.2d 571, 572 (1993) (“Because the legislature did not state any role for local governmental units in regulating the retail sale of safe and sane fireworks, we conclude that the legislature intended to preempt the regulation of retail sales of safe and sane fireworks.”). Implied preemption “typically applies in instances where, despite the lack of specific language preempting regulation by local governmental entities, the state has acted in an area in such a pervasive manner that it must be assumed that it intended to occupy the entire field of regulation.” *Envirosafe*, 112 Idaho at 689, 735 P.3d at 1000. Implied preemption also applies “where uniform statewide regulation is called for due to the particular nature of the subject matter to be regulated.” *Id.* In short, city ordinances cannot conflict with state laws.

In this case, the scope of Title 50, chapter 14, Idaho Code, clarifies that the legislature intended to fully occupy the area of city property regulation. This chapter sets forth the laws regulating the conveyance of property owned by cities, and a city ordinance is preempted by these laws. The law clearly states:

It is the intent of this chapter that cities of the state of Idaho shall have general authority to manage real property owned by the city in ways which the judgment of the city council of each city deems to be in the public interest. The *city council shall have the power to sell, exchange or convey*, by good and sufficient deed or other appropriate instrument in writing, any real property owned by the city which is underutilized or which is not used for public purposes.

Idaho Code § 50-1401(emphasis added). The remainder of the chapter outlines the process by which city councils convey property, including declaring the value of the property, public hearing, disposition after hearing, terms of sale, and leases. Idaho Code §§ 50-1401 *et seq.* Throughout this chapter, numerous references make it clear that the *city council* determines what is in the city’s best interest regarding real property:

- Cities can manage real property in ways in which “the judgment of *city council* of each city deems to be in the public interest.” Idaho Code § 50-1401 (emphasis added).
- City council can contract for or provide that real property be appraised under such conditions “as may be deemed appropriate by the *city council*.” Idaho Code § 50-1402 (emphasis added).
- *City council* has the authority to sell property “as it deems in the best interest of the city” if no bids are received. Idaho Code § 50-1403(1).
- “When it is determined by the *city council* to be in the city’s best interest” that property be exchanged, the city council may do all things necessary. Idaho Code § 50-1403(2) (emphasis added).
- City council may transfer property to a trustee when “it is determined by the *city council* to be in the city’s best interest.” Idaho Code § 50-1403(5) (emphasis added).



- Mayor and council may authorize the lease of property “upon such terms as the *city council* determines may be just and equitable.” Idaho Code § 50-1407 (emphasis added).
- Mayor and *council* may authorize leases “upon such terms as may be just and equitable.” Idaho Code § 50-1409.

Idaho Code § 50-301 also clarifies that cities can acquire, lease, and convey real property. Further, Idaho Code § 50-320 provides that cities can convey cemetery lots. Nowhere in these provisions of Idaho Code does it mention the ability of citizens to vote on a conveyance of property, let alone a change in use. The Initiative’s voting requirements for the sale, trade, transfer, gift, or change in use of parks and open spaces conflict with Idaho law and are thus likely preempted.

3. The Initiative Appears to Conflict with Boise City Code

Boise City Code includes specific requirements for selling, exchanging, or conveying real property acquired by the Idaho Department of Parks and Recreation, or which has received land and water conservation funds from the Idaho Department of Parks and Recreation. Boise City Code § 7-1-1C. These requirements include seeking written approval for the sale, exchange, or conveyance from the Idaho Department of Parks and Recreation, holding a public hearing, and a City Council vote. *Id.* These requirements do not include a vote by the public to approve a sale, exchange, or conveyance. To the extent the Initiative restricts the City’s actions with regard to these properties, the Initiative conflicts with existing Boise City Code.

In addition, Boise City Code authorizes the City to convey the right to be buried in a lot within a municipal cemetery. Boise City Code § 7-6-1. Boise City Code sets forth the requirements for such conveyance, none of which include a public vote. To the extent the Initiative seeks to restrict the City’s actions with regard to cemeteries, the Initiative conflicts with existing Boise City Code.

IV. Certification

I hereby certify that the enclosed Initiative has been reviewed for form, style, and matters of substantive import. The recommendations set forth above have been communicated to the Petitioner via a copy of this Certificate of Review, deposited in the U.S. Mail to Boise Parks Association, 7604 W. Thunder Mountain Dr., Boise, ID, 83709.

Sincerely,



Jayme B. Sullivan
City Attorney

Analysis by:
Jane Hochberg
Deputy City Attorney
Municipal Division Senior Manager



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.

CONTACT PERSON / ORGANIZATION

The Contact Person/Organization in all matters affecting the initiative petition and to whom all notices or other information concerning this initiative petition shall be mailed is:

Boise Parks Association
7604 W. Thunder Mountain Dr.
Boise, ID 83709

INITIATIVE PETITION

To the Boise City Clerk:

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

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF BOISE CITY, IDAHO:

That Boise City Code Title 7, Chapter 1 shall be, and hereby is, amended by the addition thereto of a new section 7-1-2 to read as follows:

Section 7-1-2A: 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 reduction or elimination of Parks and Open Space should be done only with care and with the consultation of the electorate.

Section 7-1-2B: DEFINITIONS. For the purposes of this section only, the following words and phrases shall have the following meanings:

2022 MAR 24 PM 12:11
RECORDS DIVISION
BOISE CITY

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- 1) CHANGE IN USE: Means any action by the City to permit any use of any Park or Open Space as defined herein that is not then-currently a permitted use for any Park or Open Space as defined herein.
- 2) PARK: Means any and all lands, buildings, facilities, reserves and 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 Boise City or specifically in the inventory of park properties at the Office of the Director. Park properties shall include Mini-Parks, Neighborhood Parks, Community Parks, Regional Parks, Special Use Parks, Greenbelt/Linear Parks, Open Space/Reserves, Trails, Neighborhood Community Facilities, Regional Community Facilities, Regional Recreational Facilities, Neighborhood Pools, and Undeveloped Parks.
- 3) OPEN SPACE: Means any and all lands owned, operated, or maintained by any Boise City Department that are permanently set aside for public or private use and will not be developed. Open space shall include any land parcel zoned under the Open Land Reserve (A-2) District, that are used as community open space, or preserved as undeveloped green space.
- 4) LAND AREA: Means the area of land of a specific property at the time it was acquired by the City.

Section 7-1-2C: Notwithstanding any rule, regulation, ordinance or law, the City shall not sell, trade, 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, transfer, gift, or Change In Use shall inform the City Council's public interest determination.

Section 7-1-2D. Approval by a majority of qualified electors voting in an election is a prerequisite to a determination that such action is in the public interest.

Section 7-1-2E. This section 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 judicial proceedings related to such condemnation.

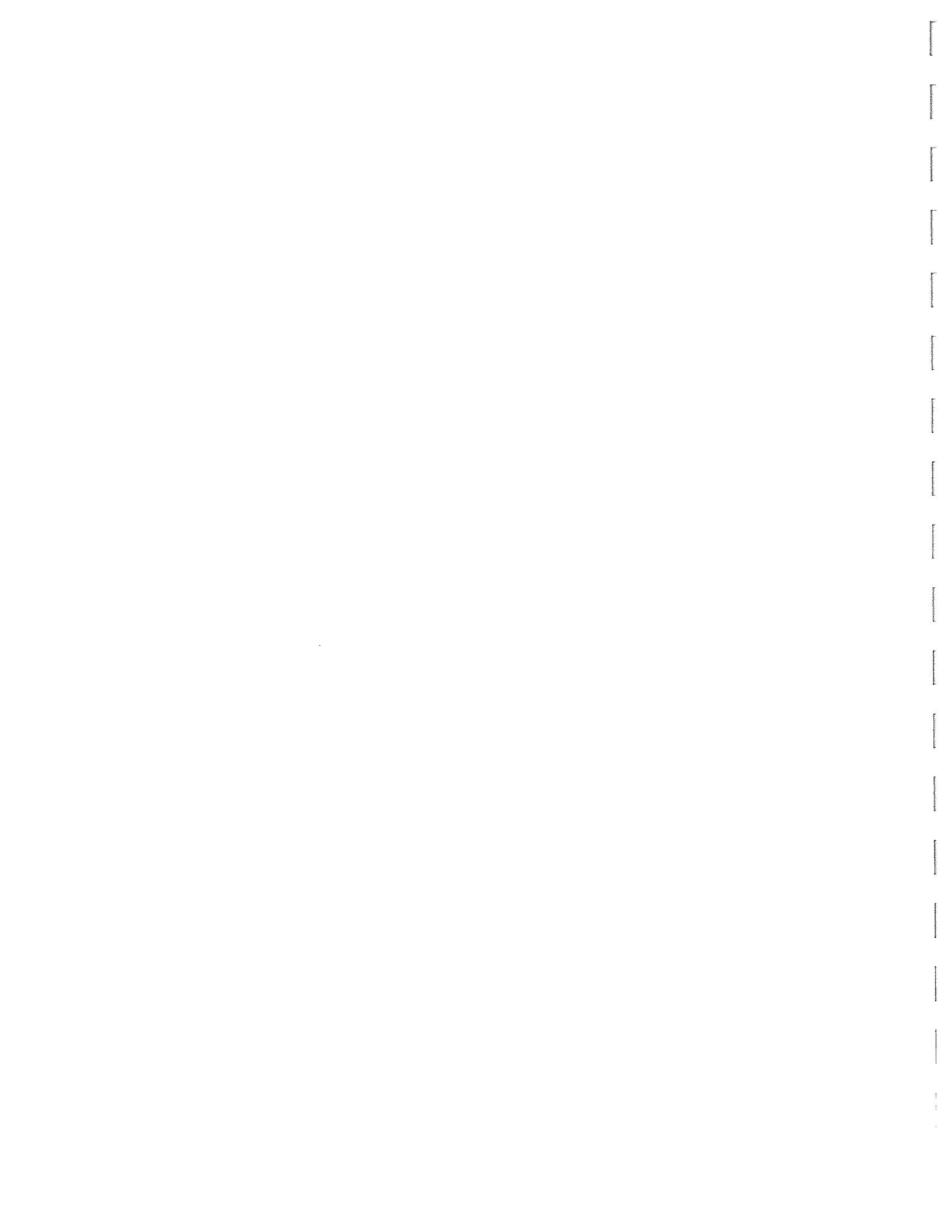
Section 7-1-2F. If any subsection, paragraph, clause or other portion of this section or the application thereof is held to be invalid, unlawful, void or unenforceable to any extent for any reason, the validity of the remaining portions of this section shall be enforced to the maximum extent possible by law to further the purposes set forth in this section.

shall be submitted to the qualified electors of the City of Boise, for their approval or rejection at the next election as provided by law, and each for herself/himself says: I have personally

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signed this petition; I am a qualified elector of the City of Boise; my residence is correctly written after my name.



WARNING

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We the undersigned qualified electors of the City of Boise do, pursuant to state law, hereby submit the attached proposed Initiative Petition for a Certificate of Review:

	Signature	Printed Name	Residence Street and Number	City	Date
1		Naomi Simmons	6131 E Settlement ^{Ch} St	Boise	3/14/22
2		David Clement Klinger	1404 North 24 th Street	Boise ⁸³⁷⁰²	3/14/22
3		GARY E RICHARDSON	746 SANTA PAULA CT	Boise	3/14/22
4		Emily Clark	1008 W. Fort St.	Boise	3/14/22
5		MARY KATE FITE	1006 N. 5 th St. Boise ID 83702	Boise	3/14/22
6		Liana Wittrell	3759 S. Yorktown Way	Boise	3/14/22
7		Kathleen Lyons Smith	5296 E. Barber Station	Boise	3/14/22
8		Shauna Whithead	5918 S. Settlement Way	Boise	83716 3/14/22
9		Kathi Wight	459 E Schmeizer Lane	Boise	3/16/22
10		Jenni Beck	4452 S. Wagon Train	Boise	3/16/22
11		Sherryl Clifford	702 E. McKinley	Boise	3/16/22
12		Melanie Simboli	5134 S. Sweetgrass Pl	Boise	3/16/22
13		JACK D KANGAS	1715 W CANAL ST	BOISE	3/20/22
14		Diane M Ronayne	746 N Santa Paula Ct	Boise	3/20/22
15		Llewellyn Field	7701 ^W Ustick	Boise	3/23/22
16		Caitlyn Clarke	1915 W 12 th St	Boise	3/23/22
17		Claudia M. Parnum	8088 W Pocaterra	Boise	3/23/22
18		Fernan Parnum			
19		Karen Lansing	280 W Sandstone Ct	Boise	3/23/22
20		Ann Turner	4315 Christine St	Boise	3/23/22

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.

We the undersigned qualified electors of the City of Boise do, pursuant to state law, hereby submit the attached proposed Initiative Petition for a Certificate of Review:

	Signature	Printed Name	Residence Street and Number	City	Date
21		Vanessa Gross	223 S Langer Lake WV	Star	3/23/22
22		Terra Ingdon	581 N Meadowland Cir	Boise	3/23/22
23		Jennifer Manning	1711 N 11th St	Boise	3/23/22
24		Mark Rossain	1309 W. Lincoln Blvd	Boise	3/23/22
25		BOB MAXEY	373 S. ADQUARRY WAY	Boi	3/23/22
26		Eric Maffey	11711 Franklin Ave	Boise	3/23/22
27		Christina Hersey	1020 W Primrose St	Boise	3/23/22
28		Molly Ramsay	3566 S Heron Falls Pl.	Boise	3/23/22
29		Tody Johnson	7466 W Saxton Ln Boise	Boise	3/23/22
30		Kyle Johnson	7466 W Saxton	Boise	3/23/22
31		Nell Heffner	2940 W Cobalt Dr	McVidie	3/23/22
32		Denise Bowlin	10205 Emmevale	Boise	3/23/22
33		Rory Felton	2909 W Clark St.	Boise	3/23/22
34		David Smith	3445 Boise Ave	Boise	3/23/22
35		Teri Conya	9892 E Hwy 21	B	3/23/22
36		Bill Craft	2174 W. Bent Blvd	Boise	3/23/22
37		D. Toller	8170 N. Leup-	Boise	3/23/22
38		Will Falgout	610 W Beeson	Boise	3/23/22
39		Andrew Piro	7712 W Tillenack	Boise	3/23/22
40		Eric Hafrenz	11213 W. Camas St.	Boise	3/23/22

