GENERAL ELECTION
Tuesday, 11/5/2019

CITY of BOISE

# VOTERS' PAMPHLET

PUBLISHED BY CITY OF BOISE OFFICE OF THE CITY CLERK

BOISE
CITY OF TREES

## INSIDE

## ARGUMENT IN FAVOR OF PROPOSITION ONE

ARGUMENT FOR **"YES"**: AN INITIATIVE REQUIRING VOTER APPROVAL OF THE COST, FINANCING, LOCATION, DESIGN, AND SIZE OF CERTAIN BOISE CITY LIBRARY FACILITY PROJECTS (PROPOSITION ONE).

A vote for this initiative will require any Boise library project expected to cost $25 million or more to be placed on a ballot and approved by a simple majority of Boise voters (50 percent plus one).

If you want to express your will at the ballot box, vote yes on this initiative. If it passes, the city will have to ask for voter approval of a major library project.

Good government respects and responds to the will of the people. Boise Working Together, a grassroots group of your Boise neighbors and friends, collected thousands of signatures on a petition to require a binding vote on major library projects. Because a project of this size would change the face of our city and cost millions of taxpayer dollars, Boise citizens should be given the opportunity for a binding vote.

The right of citizens to vote before public debt is incurred is enshrined in the Idaho Constitution. Vote yes on this initiative in order to extend that right for major library projects in Boise. Vote yes on this initiative if you want the opportunity to vote for, or against, any Boise library project costing $25 million or more.

## REBUTTAL TO ARGUMENT IN FAVOR OF PROPOSTION ONE

The right to vote is a great privilege and responsibility. Voting "yes" on Proposition 1 is not "good government" as its proponents claim, and is simply not responsible.

First, Proposition 1 is unnecessary and redundant. Proposition 1 asks only for a "vote to have a vote". The City Council has placed a special Question on this same ballot that provides the opportunity for citizens to vote directly on whether or not to proceed with the Main Library Project. That is good government.

Second, proponents of Proposition 1 refer to the Idaho Constitution's requirement for a citizens' vote before public debt is incurred. That requirement does not apply to the Library Project: the City's plan does NOT include any new public debt or any new taxes.

Third, the Boise City Attorney believes Proposition 1 is illegal under the Idaho Constitution, and is likely to be challenged in court if it passes, because it addresses an administrative matter and not a legislative matter.

Finally, while Proposition 1 targets the Library Project, it also sets a bad precedent, requiring citizens to vote on an expenditure which is only 3.3% of the City's current annual budget. If this approach persists, future propositions could require an endless parade of votes on individual budget items that would hamstring City Council's ability to manage the City.

## ARGUMENT AGAINST PROPOSITION ONE

VOTERS SHOULD **REJECT** PROPOSITION 1 FOR THE FOLLOWING REASONS:

**1. Proposition 1 is unnecessary.**
Sponsors of Proposition 1 have consistently stated that their sole purpose is to create a vehicle allowing Boise citizens to vote on the proposed Main Library Project. On this same ballot, a question by Boise City Council allows voters to express directly their support or opposition to the Main Library Project. Proposition 1 does not do that. Proposition 1 merely creates a requirement for a future vote on the Library Project, even though this ballot provides for that vote.

**2. Proposition 1 may be unconstitutional.**
The City's attorney has issued an opinion that Proposition 1 is illegal because it targets an administrative decision approving a budget item for the Main Library Project. Sponsors of Proposition 1 claim that it affects a broad class of "any library costing more than $25 million", but only one library project of that magnitude is currently proposed by Boise City. If Proposition 1 were to pass and subsequently be challenged in court, the City could incur added expense and delays with an uncertain outcome. Citizens can obtain a copy of the City Attorney's opinion by requesting it from the City Attorney's office.

**3. Proposition 1 could significantly increase the cost of the Library Project.**
If Proposition 1 were to pass, the subsequent vote on the Library Project would take place in May, 2020, at the earliest. If the Library Project is ultimately approved by voters, the City has estimated that each month of delay will raise the cost of the Project by $250,000.

**4. Proposition 1 creates confusion and wasted expense.**
If citizens approve both Proposition 1 and the City's question on the Library Project, there would still be a second, redundant vote on the Library Project. If in this later vote citizens again approved the Library Project, the cost of the second election will have been unnecessary. If in this later vote citizens disapproved of the Library Project, the additional planning costs incurred between the two elections would be wasted.

**5. Proposition 1 sets a bad precedent.**
The $25 million threshold set by Proposition 1 is approximately 3.3% of Boise City's current annual budget. As the City grows, the threshold will become

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Ref: Approved argument against Proposition 1 - Library

On Friday, July 26, Boise Working Together received the argument against Proposition 1 submitted by the Boise Public Library Foundation (attached). Within this argument, the Foundation makes reference to "a question by Boise City Council" and "and the City's question on the Library Project."

Boise Working Together formally requests that this argument be rejected due to these references to "a Boise City Council question." As of this date, such a question does not exist and therefore cannot be used as an argument or rebutted against. It is the City of Boise's responsibility to select an argument against each Proposition among those submitted, and due to the clear faults in this argument, that another be selected as a valid argument in opposition to Proposition One.

The Boise City Council has yet to even set a date for a Public Hearing on its ordinance, let alone craft language for its "special election question." If the Boise Public Library Foundation has knowledge of the City Council's "question" or has had communications with the City Council concerning its intent and/or actual language, this information must be made public.

However, at this time, no such "question by Boise City Council" is available. No language exists that can be commented on or rebutted. Therefore, mention of it should not be allowed in the text of the voter information pamphlet for this coming general election.

Your prompt attention to this issue is greatly appreciated, so we can complete our rebuttal process.

Respectfully,
Boise Working Together
Adelia Simplot, President

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July 31, 2019

**VIA EMAIL**

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Richard Llewellyn, Committee Chair
Boise Working Together, Inc.
c/o Dave Kangas
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**Re: Request to Reject Boise Public Library Foundation Argument**

Dear Ms. Simplot and Mr. Llewellyn:

I am writing in response to Boise Working Together's letter emailed to the Boise City Clerk earlier today requesting that the Boise City Clerk reject the argument against Proposition 1 submitted by the Boise Public Library Foundation. I have been retained as outside counsel for the Boise City Clerk to provide any necessary legal advice regarding arguments submitted to the Boise City Clerk for or against the library and stadium initiatives and the process for submitting those arguments. Accordingly, I am responding to your letter on behalf of the Boise City Clerk.

Through your letter, you request that the Boise City Clerk reject the Boise Public Library Foundation's argument against Proposition 1 based on the content of the argument. Your letter states that the argument refers to a "Boise City Council question" but no such question currently exists. Title 34, Sections 1812A and B of the Idaho Code govern the submission of arguments and rebuttal arguments concerning initiative and referendum measures. Those provisions spell out the requirements for such arguments, and a process for selecting among arguments when more than one is submitted. Where the initiative is for a municipal election, the City Clerk performs the duties of the Secretary of State. The City Clerk must ensure that any submitted argument complies with the requirements of § 34-1812A and § 34-1812B. The statute does not authorize the City Clerk to reject an argument or a rebuttal argument for any other reason. Likewise, the City Clerk is not authorized under the statute to substantively edit any such argument. Thus, under the statutory provisions governing arguments and rebuttal arguments, the Boise City Clerk is not authorized to reject the argument against Proposition 1 submitted by the Boise Library Foundation for the reasons set forth in your letter. The Boise City Clerk has determined that the Boise Library Foundation's argument against Proposition 1 meets the requirements of § 34-1812A, and, accordingly, provided a copy to Boise Working Together. If

Boise Working Together wishes to provide a rebuttal argument, it may do so by 5:00 p.m. on August 1, 2019.

Thank you for contacting the Boise City Clerk regarding this matter.

Very truly yours,

Wendy J. Olson