

**This following transcript from a speech that was given April 1, 2008 at a meeting in Bellingham about the CMPD from a state legislature representative that had worked on the amendments in 2002 that allowed the CMPD guys to attempt this proposal in this form. You can see that clearly, the legislature did not foresee someone misusing the intent of the Metropolitan Park District legislature this way. Read below.**

**Steve Van Luven 1April 2008 Lairmont Manor Metropolitan Park District Speech:**

My name is **Steve Van Luven**. I live on Samish Island.

Between **1983 and 2003 I served almost 18 years in the Washington State House of Representatives**. My district was Bellevue, Redmond & Kirkland. I served 7 years as Chairman of The House Trade & Economic Development Committee.

My family's history goes back 120 years in Whatcom County and almost 80 years on Samish Island. I was born in Bellingham and came to Samish Island just a week after my birth.

Everyday I awake, I look across Samish Bay at the Chuckanut Mountains. This possibly is the only place in the 48 states where the mountains rise right out of the sea. These mountains have been a part of my life since birth.

**When I first heard of the Chuckanut Mountain Park District proposal, I was shocked. That is because this proposal, I believe, goes beyond the original legislative intent of what a Metropolitan Park District is and what it can do.**

I was one of the most knowledgeable legislators about Metropolitan Park districts at the time since I had previously worked on the issue for several years when changes in the law were needed.

In the last few weeks, I had learned much more about this legislation than any legislator was aware of before because of the Chuckanut Mountains Park District proposal. If legislators really understood the powers of a park district and its potential for abuse and disruption of peoples lives that the legislators would be shocked and up in arms and would demand changes in the current law.

This law has never been abused previously and never has created problems in communities before. The current group of supporters is splitting neighbors, friends and communities. Parks should bring people together not divide them.

**The proponents behind this proposal have seen a very creative opportunity to utilize current laws and are taking advantage of a distortion of original legislative intent for what a Metropolitan Park District actually is.**

I cannot speak authoritatively as to the original legislative intent in 1905, when they created the first Metropolitan Park District in Tacoma. I can tell you that in all the years that I was involved in Olympia and my years of supporting the Tacoma Metropolitan Park District, that neither I nor other legislators considered the creation of a Metropolitan Park District on the top of two mountains far from population.

Over the years laws change and often original legislative intent is forgotten. Remember, just because the legislature passes or changes a law does not mean it is right or even good. It just means it got 50% of the vote.

Do you think many years ago that the original legislators envisioned a Metropolitan park district on two mountains half way between Bellingham and Mount Vernon?

### **What is a Metropolitan Park District?**

MPD's can be created for the management, control, improvement, maintenance & acquisition of:

Original law = parks, parkways & boulevards

New law = the parks, parkways, & boulevards AND recreational facilities - it also may include territory in portions or all of one or more cities & counties.

### **The vote went as follows for the 2002 MPD amendments:**

#### **Substitute House Bill (SHB) 2557, 12 February 2002**

Originally voted out of the House Yes - 76, No - 21.

I voted No.

The Senate voted on the bill and it was Yes - 26, No - 20

The Senate amended the bill and it went back to the House and it passed Yes - 84, No - 10,

I voted Yes. I have no recollection of this bill.

There was no testimony against the bill.

There was unanimous support from Local Parks & Recreation Maintenance & Operations Task Force.

The Legislative Task force on Local Parks & Recreation Maintenance & Operations recommended in its report to the Legislature that the law governing metropolitan park districts be amended to make it easier for these districts to be formed, including allowing combinations of cities, counties or cities and counties to form them. The task force also recommended that the governing structure of these districts be amended to provide more flexibility.

Comments were that many communities were awaiting this legislation.

Testifying in Favor: Cities of Aberdeen, Longview, Kelso, Assoc. of Realtors, Wash. Parks & Recreation Assoc., Earl Dierking of Skagit Parks & Recreation.

There was no drafting of legislation re: this issue in the 2007 or 2008 sessions.

### **MPD is the only method that a park may be formed by citizen petition MPD have the power of Eminent Domain.**

#### **RCW 35.61.130 Eminent domain — Park commissioners' authority, generally — Prospective staff screening.**

(1) A metropolitan park district has the right of eminent domain, and may purchase, acquire and condemn lands lying within or without the boundaries of said park district, for public parks, parkways, boulevards, aviation landings and playgrounds, and may condemn such lands to widen, alter and extend streets, avenues, boulevards, parkways, aviation landings and playgrounds, to enlarge and extend existing parks, and to acquire lands for the establishment of new parks, boulevards, parkways, aviation landings and playgrounds. The right of eminent domain shall be exercised and instituted pursuant to resolution of the board of park commissioners and conducted in the same manner and under the same procedure as is or may be provided by law for the exercise of the power of eminent domain by incorporated cities and towns of the state of Washington in the acquisition of property rights: PROVIDED, HOWEVER, Funds to pay for condemnation allowed by this section shall be raised only as specified in this chapter.

This proposed park district would have taxing authority.

Local government groups such as schools, hospitals, fire districts, diking districts and ports will all get less in tax revenues if this proposal passes. This is due to the fact that there are limits as to how much local government bodies can increase taxes. As you add one more taxing entity all of

the others will get a decrease in the amounts they can actually receive.

**RCW 35.61.100 Indebtedness limit — Without popular vote.**

Every metropolitan park district through its board of commissioners may contract indebtedness and evidence such indebtedness by the issuance and sale of warrants, short-term obligations as provided by chapter 39.50 RCW, or general obligation bonds, for park, boulevard, aviation landings, playgrounds, and parkway purposes, and the extension and maintenance thereof, not exceeding, together with all other outstanding nonvoter approved general indebtedness, one-quarter of one percent of the value of the taxable property in such metropolitan park district, as the term "value of the taxable property" is defined in RCW 39.36.015. General obligation bonds shall not be issued with a maximum term in excess of twenty years. Such general obligation bonds shall be issued and sold in accordance with chapter 39.46 RCW.

**RCW 35.61.110 Indebtedness limit — With popular vote.**

Every metropolitan park district may contract indebtedness not exceeding in amount, together with existing voter-approved indebtedness and nonvoter-approved indebtedness, equal to two and one-half percent of the value of the taxable property in said district, as the term "value of the taxable property" is defined in RCW 39.36.015, whenever three-fifths of the voters voting at an election held in the metropolitan park district assent thereto; the election may be either a special or a general election, and the park commissioners of the metropolitan park district may cause the question of incurring such indebtedness, and issuing negotiable bonds of such metropolitan park district, to be submitted to the qualified voters of the district at any time.

Parks are About Families

Parks are about families, having fun, enjoying nature and exercising and relaxing.

Parks should not be contentious.

Parks should never cause neighbors and friends to fight.

**This attempt at a park district has scared people to death. People are afraid of losing their property, either from eminent domain and the taking of their property by the government or by losing their property because of high property taxes.**

Yes, some of these people can afford the tax but that doesn't mean they want to or should have to pay a new tax so outsiders can come and play in their back yard. Many people cannot afford more taxes. Some of the people in this room are barely hanging on now and some are afraid of losing their homes or farms.

**At this time Skagit is out of the equation, but with the attitude of the proponents that I have thus far seen they will be back and they will try to get us again.**

One thing I often reminded other legislators about is to remember that the other side is not the enemy, they are the opposition on this issue. Tomorrow is another day and we may all be working together on a new issue.