

Approved and definitely
2/26/08

Submitted by: ASSEMBLY MEMBER TESCHE
ASSEMBLY MEMBER TRAINI
ASSEMBLY MEMBER SELKREGG
Prepared by: Dept. of Law
For reading: February 12, 2008

ANCHORAGE, ALASKA
AO No. 2008-34

1 AN ORDINANCE ENACTING "OUR PARKS AND TRAILS, A LEGACY FOR THE
2 FUTURE" ACT OF 2008, AMENDING ANCHORAGE MUNICIPAL CODE TITLE 6
3 TO ESTABLISH THE PARKS & TRAILS LEGACY FUND, PROVIDE FOR AN
4 ANNUAL BUDGET, AND A PROCEDURE FOR APPROPRIATIONS OF VOTER
5 APPROVED CAPITAL PROJECTS.

6
7 THE ANCHORAGE ASSEMBLY ORDAINS:
8

9 **Section 1.** **Title.**

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11 This ordinance shall be known as "Our Parks and Trails, a Legacy for the Future" Act of
12 2008.
13

14 **Section 2.** **Findings.**

15
16 The Assembly finds:
17

- 18 A. Together, the residents of Anchorage own more than 15,000 acres of public
19 parkland and almost three hundred miles of paved and unpaved trails, paths, and
20 walkways.
21
22 B. Our parks and trails system is recognized as one of the most extensive assets
23 available to any community in the United States.
24
25 C. We are all stewards of the physical and spiritual resources of the parks and trails in
26 Anchorage. As stewards, we are called to protect, preserve, and maintain these
27 assets for the benefit of this community. Municipal parks and trails are also our
28 legacy to our children and grandchildren yet unborn. Our stewardship of these
29 assets reflects the moral values of this community.
30
31 D. This Act affirms our commitment to protect, preserve, and maintain our public
32 parks and trails and to nurture these community assets for future generations.
33
34 E. Through the approval of municipal budgets and through continued support available
35 from the private sector, the Assembly resolves to contribute a portion of those funds
36 to a Parks & Trails Legacy Fund dedicated for the continued maintenance of parks,
37 trails, greenways and natural resources in Anchorage.
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39

Section 3. Anchorage Municipal Code title 6 is amended to add a new chapter 6.130 to read as follows:

**Chapter 6.130
PARKS & TRAILS LEGACY FUND**

- 6.130.010 Establishment; purpose**
- 6.130.020 Definitions**
- 6.130.030 Revenues**
- 6.130.040 Earnings**
- 6.130.050 Expenditures from Fund**
- 6.130.060 Administration of Fund**
- 6.130.070 Annual report**
- 6.130.080 Service Areas, use of private contributions to the Fund**

6.130.010 Establishment, purpose.

There is established a Parks & Trails Legacy Fund. Monies in the Legacy Fund are dedicated to the maintenance of parks, trails, greenways and natural resources throughout the Municipality of Anchorage as provided in this chapter.

6.130.020 Definitions. In this chapter:

- A. ***“Commission”*** means the Parks & Recreation Commission.
- B. ***“Foundation”*** means the board of directors of the Anchorage Parks Foundation.
- C. ***“Fund”*** or ***“Legacy Fund”*** means the Parks & Trails Legacy Fund.
- D. ***“Parks and Trails”*** means all real property devoted to parks, trails, and recreations uses, including community recreation facilities owned by the Municipality of Anchorage.
- E. ***“Service Areas”*** means the Parks & Recreation service areas in Eagle River/Chugiak and in Girdwood.

6.130.030 Revenues.

- A. The following revenues received by the municipality shall be accounted for separately from all other revenues. These revenues may be appropriated by the assembly to the Legacy Fund:
 - 1. Monies appropriated by the Assembly to the Legacy Fund in connection with its approval of the annual general government operating budget.

a. Funds, if any, appropriated from any service area shall be held in a separate account and applied only to projects in and approved by the service area.

2. Private donations to the Legacy Fund, if not inconsistent with the stated intent of their donors.

3. Wetlands mitigation monies, where permissible.

4. As required by ordinance, surcharges on tickets for admission to events in recreational facilities.

6.130.040 Earnings.

A. Legacy Fund assets shall be invested and managed by the Chief Fiscal Officer under the same principles and requirements applicable to the MOA Trust Fund under section 6.50.060.

B. The principal, interest and earnings shall be retained by the Legacy Fund. Only interest and earnings, pursuant to this chapter, may be appropriated by the assembly.

C. Monies appropriated into the fund, as well as earnings, from public and private sources shall be accounted for separately, tracked separately, and reported separately.

6.130.050 Expenditures from the Legacy Fund.

A. Subject to the controlled spending policy applicable to the Legacy Fund under section 6.130.040, and the limitations of this section, the assembly may appropriate monies from the Fund for defraying some of the costs of maintaining parks and trails throughout the Municipality for non repetitive normal maintenance tasks or significant safety improvements.

1. The Commission, after consulting with the Foundation, shall make a recommendation to the assembly prior to any appropriation of any monies from the Fund by the Assembly under this section.

2. The Service Areas in Eagle River-Chugiak and Girdwood, after consulting with the Foundation, shall make recommendations to the assembly prior to any appropriation of any service area monies from the Fund by the Assembly under this section.

B. Appropriation of monies from the Legacy Fund, subject to the limitations in section 6.130.040, may be approved by the Assembly only if the Chief

Fiscal Officer first certifies sufficient funds have been generated by the Fund in accordance with the investment policies and are available for that purpose.

C. The provisions of any contrary section of this title notwithstanding, no appropriation shall be made from the Legacy Fund until December 1, 2017, to allow monies in the Fund, through prudent investment and management, to generate a sufficiently large corpus to address the policy objectives of this chapter. However, funds may be appropriated earlier than December 1, 2017 if, and only if:

1. Recommended by the Commission, following consultation with the Foundation; or
2. Recommendation by a Service Area, following consultation with the Foundation; and
3. The availability of funds is certified by the Chief Fiscal Officer; and
4. The assembly, after public hearing, approves an ordinance adopting an earlier date for the initial appropriation from the Legacy Fund.

6.130.060 **Administration of Fund.**

The fund shall be administered by the Chief Fiscal Officer under the same principles and requirements applicable to the MOA Trust Fund under section 6.50.060. When provisions of section 6.50.060 conflict with the provisions of this chapter, this chapter shall govern.

6.130.070 **Annual report.**

A. By no later than 90 days before the date the mayor is required to submit a proposed operating and capital budgets for the next fiscal year to the assembly, the Commission and each Service Area shall submit to the mayor, the assembly and to the residents of Anchorage a report:

1. Describing the current physical state of Anchorage's parks, trails, and public recreation facilities;
2. Containing the Commission's and Service Areas' candid assessment of this community's stewardship of our public parks, trails, and public recreation facilities; and
3. Providing recommendations, in consultation with the Foundation, to the mayor and to the assembly of an amount to be appropriated in the operating and capital budget to the Legacy Fund for the next

fiscal year over and above the normal operating budget for each parks and recreation services area.

6.130.080 Service Areas, use of private contributions to the Fund.

- A. Upon recommendation, and as permitted by state law and charter, the Assembly may approve an appropriation to the Fund from and for the benefit of any service area authorized to provide parks, recreation, or recreation facilities within the municipality.
- B. As permitted by state law and charter, except as otherwise stated as a condition of a private donation, appropriations approved by the assembly from the Legacy Fund for the maintenance of parks, trails, greenways and natural resources shall benefit the municipal service area providing those services.

Section 4. Anchorage Municipal Code section 6.10.036A. is amended to add a new subsection as follows (*the remainder of the subsection is not affected and therefore not set out*):

6.10.036 Annual operating budget--Form and content.

- A. It shall be among the prescribed duties of the mayor to present a proposed annual operating budget for general government and municipal utilities conforming to all other requirements of law and, at a minimum, contains the following:

*** *** ***

11. An amount recommended by the mayor to be appropriated to the Parks & Trails Legacy Fund for the purposes set forth in chapter 6.130.

*** *** ***

(AO No. 2002-157(S), § 2, 10-29-02)

Section 5. Anchorage Municipal Code section 6.10.035 is amended to read as follows (*the remainder of the subsection is not affected and therefore not set out*):

6.10.035 Voter-approved capital projects.

- A. The assembly shall determine which capital projects will have a significant impact on the general operating budget. Voter approval of a capital project at a general or special election on a ballot proposition that sets forth information on estimated construction, operation and maintenance costs of the project will permit appropriations for the operation and maintenance of the project to be added to the spending limitation on the general government

operating budget as specified in section 6.10.037.

B. Ballot propositions presented to the voters on the issue of general obligation bonds for construction, reconstruction and/or repair of parks, trails, greenways and natural resources shall state, upon approval of the proposition by the voters, the assembly is authorized and directed to appropriate an additional sum of not less than five percent (5%) of the total amount of the bonded indebtedness authorized by the proposition into the Legacy Fund for future operations and maintenance. The appropriations into the Legacy Fund shall be made through the operating budget of the municipality and shall be completed within three (3) years from the date voters approve issuance of the bonds.

C. Ballot propositions presented to the voters on the issue of general obligation bonds for parks, trails, greenways and natural resources shall also state, effective December 1, 2017, or earlier as provided in chapter 6.130, the annual costs of maintenance of those projects may be paid in whole or in part by appropriations made from the Legacy Fund.

(AO No. 83-50(S), 1-1-84)

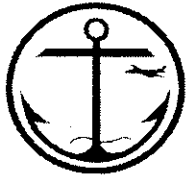
Section 6. This ordinance shall be effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2008.

Chair of the Assembly

ATTEST:

Municipal Clerk



MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

AM No. 100-2008

Meeting Date: February 12, 2008

From: Mayor

Subject: AN ORDINANCE ENACTING "OUR PARKS AND TRAILS, A LEGACY FOR THE FUTURE" ACT OF 2008, AMENDING ANCHORAGE MUNICIPAL CODE TITLE 6 TO ESTABLISH THE PARKS & TRAILS LEGACY FUND, PROVIDE FOR AN ANNUAL BUDGET, AND A PROCEDURE FOR APPROPRIATIONS OF VOTER APPROVED CAPITAL PROJECTS

Together, the residents of Anchorage own more than 15,000 acres of public parkland and almost three hundred miles of paved and unpaved trails, paths, and walkways. Our parks and trails system is recognized as one of the most extensive assets available to any community in the United States. We are all stewards of the physical and spiritual resources of the parks and trails in Anchorage. As stewards, we are called to protect, preserve, and maintain these assets for the benefit of this community. Municipal parks and trails are also our legacy to our children and grandchildren yet unborn. Our stewardship of these assets reflects the moral values of this community. This Act affirms our commitment to protect, preserve, and maintain our public parks and trails and to nurture these community assets for future generations.

Through the approval of municipal budgets and through continued support from the private sector, the Assembly resolves to contribute a portion of those funds to a Parks & Trails Legacy Fund dedicated for the continued maintenance of parks, trails, green ways and natural resources in Anchorage.

The ordinance establishes a special municipal fund formally dedicated to paying the costs of maintaining parks and trails through the municipality and for non repetitive normal maintenance tasks or significant safety improvements. Monies are deposited into the Legacy Fund upon annual appropriation through the parks operating budget, receipt of private donations, and wetlands mitigation monies appropriated by the Assembly. Annual appropriations shall also include contributions authorized by voter approved capital projects. 6.10.035. Fund assets will be invested and managed by the Chief Fiscal Officer under the same standards that government management of the MOA Utility Trust fund under AMC 6.50.060.

A unique feature of the ordinance is the ten year "holiday" provisions of Section 6.130.050 C which prohibit expenditures from the Legacy Fund for any purpose for a period of ten years after its creation in order to allow the Fund to build up rapidly over time and within that ten-year period, produce a corpus sufficient to support a significant annual contribution to maintenance of parks, trails, and recreational facilities. Expenditures from the Fund are permitted before that date, however, if the override provisions of 1-3 of that subsection are followed. It is hoped that over time, contributions from the Fund will ultimately eliminate the

1 need for annual contribution of operating funds for publicly owned parks, trails and recreation
2 facilities, but that goal is still decades away as the needs are great.

3
4 Maximum community oversight of the use of Fund assets is assured by Sec. 6.130.070
5 which requires the Parks Commission and parks service area boards to report annually on the
6 status of municipal parks and to make recommendations to the Mayor and Assembly on
7 appropriate contributions into the Fund from municipal operating budgets. Expenditures out of
8 the Legacy Fund are approved by the Assembly, but reviewed by the Parks board, the Anchorage
9 Parks Foundation, and relevant service area boards.

10
11 Recognizing the unique aspects and separate governance of parks and recreation service
12 areas in the Eagle River- Chugiak and Girdwood areas, Secs. 6.130.030 and .050 provide that
13 funds received through those service areas are to be kept and accounted for separately and are
14 used only for facilities within those service areas.

15
16 By establishing a permanent Legacy Fund reserved for maintaining parks, trails, and
17 recreation facilities in this community, and formally pledging to support this fund through
18 contributions from the public and private sector, we are better fulfilling our roles as good
19 stewards of these assets for all generations to come.

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21 Enactment of AO 2008 -34 is recommended.

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24 Respectfully submitted: Allan Tesche, Assembly Member-Section 1
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Municipality of Anchorage
MUNICIPAL CLERK'S OFFICE
Agenda Document Control Sheet

(SEE REVERSE SIDE FOR FURTHER INFORMATION)

AO 2008-34

1	SUBJECT OF AGENDA DOCUMENT		DATE PREPARED	
	ENACTING "OUR PARKS AND TRAILS, A LEGACY		2/6/08	
	FOR THE FUTURE" ACT OF 2008, AMENDING AMC			
	TITLE 6 TO ESTABLISH THE PARKS & TRAIL		Indicate Documents Attached <input checked="" type="checkbox"/> AO <input type="checkbox"/> AR <input checked="" type="checkbox"/> AM <input type="checkbox"/> AIM	
	LEGACY FUND ...			
2	DEPARTMENT NAME		DIRECTOR'S NAME	
	Assembly		Dan Coffey, Assembly Chair	
3	THE PERSON THE DOCUMENT WAS ACTUALLY PREPARED BY		HIS/HER PHONE NUMBER	
4	COORDINATED WITH AND REVIEWED BY	INITIALS	DATE	
	Mayor			
	Municipal Clerk			
	Municipal Attorney			
	Employee Relations			
	Municipal Manager			
	Anchorage Parks & Recreation			
	Fire			
	Health & Human Services			
	Merrill Field Airport			
	Municipal Light & Power			
	Office of Management and Budget			
	Police			
	Port of Anchorage			
	Office of Economic & Community Development			
	Solid Waste Services			
	Public Transportation			
	Anchorage Water & Wastewater Utility			
	Executive Manager			
	Planning Department			
	Chief Fiscal Officer			
	Heritage Land Bank			
	Information Technology Department			
	Project Management & Engineering			
	Purchasing			
	Other			
5	Special Instructions/Comments			
	Addendum - Consent Agenda-Introduction			
6	ASSEMBLY HEARING DATE REQUESTED		7 PUBLIC HEARING DATE REQUESTED 2/24/08	
	2/12/08			