

**CITY OF WASILLA
ORDINANCE SERIAL NO. 00-38**

AN ORDINANCE OF THE WASILLA CITY COUNCIL ACCEPTING THE DELEGATION OF PARKS AND RECREATION POWERS WITHIN THE CITY OF WASILLA FROM THE MATANUSKA-SUSITNA BOROUGH.

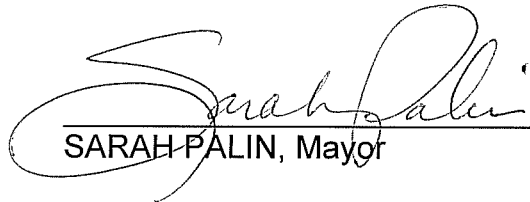
BE IT ENACTED:

* **Section 1. Classification.** This is a non-code ordinance.

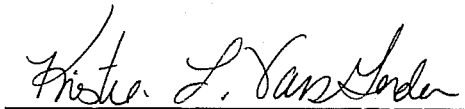
* **Section 2. Acceptance of Delegation.** The City of Wasilla hereby accepts the delegation of the parks and recreation powers within the city of Wasilla from the Matanuska-Susitna Borough in accord with and under the conditions set forth in Matanuska-Susitna Borough Ordinance Serial No. 00-032, adopted March 21, 2000.

* **Section 3. Effective date.** This ordinance shall take effect upon adoption of the Wasilla City Council.

ADOPTED by the Wasilla City Council, Alaska, on April 24, 2000.


SARAH PALIN, Mayor

ATTEST:


KRISTIE L. VANGORDER, CMC
City Clerk

[SEAL]

Code Ordinance

By: M. Scott
Introduced: 3/7/00
Public Hearing: 3/21/00
Adopted: 3/21/00

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 00-032**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY PROVIDING FOR THE DELEGATION OF PARKS AND RECREATIONAL POWERS TO A CITY; DELEGATING SUCH POWERS TO THE CITY OF WASILLA FOR CERTAIN PARKS AND RECREATIONAL ACTIVITIES WITHIN ITS BOUNDARIES; AMENDING MSB 1.10.120, PARKS AND RECREATION; AND ADOPTING MSB 1.10.122, DELEGATION OF A PORTION OF PARKS AND RECREATIONAL POWERS TO THE CITY OF WASILLA AND MSB 1.10.123, RELINQUISHMENT OF PARKS AND RECREATIONAL POWERS BY THE CITY OF WASILLA.

WHEREAS, the city of Wasilla desires to perform parks and recreational activities within its jurisdiction; and

WHEREAS, the city of Wasilla is specifically interested in exercising parks and recreational authority for all parks and recreational facilities within the city of Wasilla except:

1. Lake Lucille Park;
2. Brett Memorial Ice Arena; and

WHEREAS, AS 29.35.250 authorizes a city to exercise parks and recreational activities notwithstanding the borough's acquisition of the areawide power since MSB 1.10.120 provides for such a delegation; and

WHEREAS, the parks and recreational facilities within the city of Wasilla will be open to all residents of the borough; and

WHEREAS, the borough may, without obtaining the consent of the city, revoke the delegation of parks and recreational powers; and

WHEREAS, the city of Wasilla has consented by ordinance to accept the borough's delegation of parks and recreational power within the city limits; and

WHEREAS, the borough may, by ordinance, delegate to any city inside its boundaries the responsibility for the exercise of parks and recreational powers.

BE IT ENACTED:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become part of the borough code.

Section 2. Amendment of section. MSB 1.10.120 is amended to read as follows:

(A) The borough shall exercise parks and recreation powers on an areawide basis except as provided in subsections (E) and (F). In the exercise of parks and recreation power, the borough [SHALL] may assist municipalities, nonprofit associations or corporations, and parks-related service areas to improve or to develop or maintain parks and recreation facilities, to acquire land and recreation-related equipment and materials, and to conduct recreation programs.

(B) In the exercise of its parks and recreation power, the [ASSEMBLY] borough may contract with cities or nonprofit corporations and make arrangements with service areas to provide, improve, develop and maintain parks and recreation facilities, to acquire recreation-related equipment and materials, and to conduct recreation programs. However, the cities, nonprofit associations or nonprofit corporations, or service areas shall meet

specifications the [ASSEMBLY] borough may prescribe. The specifications shall include parks and recreation facilities, equipment and programs to meet the needs and to be made available to all citizens of the borough.

(C) Records of all activities shall be kept and transmitted to the manager as prescribed by the manager.

(D) Applications for funds, other than by incorporated cities, shall be made as prescribed by the assembly by resolution.

(E) The borough may, by ordinance, delegate to each city within the borough the responsibility for parks and recreation powers if consented to by city ordinance.

(F) The borough reserves the right to revoke any power or duty delegated under this section without obtaining the consent of affected cities.

Section 3. Adoption of section. MSB 1.10.122 is adopted to read as follows:

1.10.122. DELEGATION OF PARKS AND RECREATIONAL POWERS TO THE CITY OF WASILLA.

(A) The borough has the authority pursuant to MSB 1.10.120(E), to delegate to each city within the borough the responsibility for parks and recreation powers if consented to by city ordinance.

(B) The borough delegates to the city of Wasilla a portion of its areawide parks and recreational authority

over certain parks and other park and recreational activities within its boundaries, except as follows:

1. Lake Lucille Park;
2. Brett Memorial Ice Arena.

(C) The city of Wasilla may expand the parks and recreation land and facilities in Wasilla through purchase, lease, gift of exchange or eminent domain, or any other manner of acquisition.

(D) The city of Wasilla shall indemnify, defend, and hold and save the borough, its elected and appointed officers, agents, and employees, harmless from liability of any nature or kind including costs, expenses, and attorney's fees, for or on account of any and all legal actions or claims of any character resulting from injuries, death, economic loss, or damages sustained by any person or property arising from the city of Wasilla, or its officers', agents', employees', and subcontractors' performance, acceptance, or exercise of parks and recreational powers and activities, in any way whatsoever.

(E) In the event that the borough revokes this delegation without the consent of the city, the borough shall pay the city of Wasilla the fair market value of all city of Wasilla owned property taken by the borough as of the date the borough revokes this delegation. In no event shall the borough pay the city of Wasilla for property owned by the borough prior to the effective date

of the acceptance of the delegation by the city of Wasilla.

Section 4. Adoption of section. MSB 1.10.123 is adopted to read as follows:

1.10.123 RELINQUISHMENT OF PARKS AND RECREATIONAL POWERS BY THE CITY OF WASILLA

(A) If the city of Wasilla seeks to relinquish the authority delegated pursuant to MSB 1.10.120 and MSB 1.10.122, the city must adhere to the following procedures:

(1) The Wasilla City Council must, by ordinance, request that the borough resume all authority and duties delegated by this section.

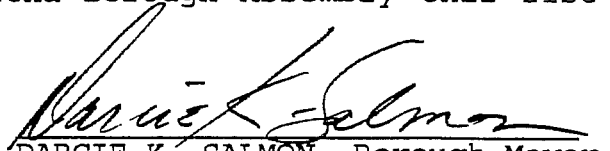
(2) The relinquishment of authority by the city of Wasilla shall not take effect until the borough has rescinded the delegated authority by ordinance.

(3) The city shall remain responsible for the appropriation of funds for the continued operation and maintenance for parks and recreational activities for the remainder of the fiscal year after the assembly's approval of the relinquishment of parks and recreational powers. The city shall remain responsible for the cost and completion of parks and recreational capital projects underway at the time of the relinquishment of its parks and recreational activities.

(4) All park and recreation facilities returned to the borough by the city of Wasilla, shall be returned in the same or better condition at the time the city of Wasilla obtained parks and recreational powers or obtained the facility, whichever is later.

Section 5. Effective date. Ordinance Serial No. 00-032 shall take effect upon adoption by the Matanuska-Susitna Borough Assembly.

ADOPTED by the Matanuska-Susitna Borough Assembly this 21st day of March, 2000.


DARCIE K. SALMON, Borough Mayor

ATTEST:


SANDRA A. DILLON, Borough Clerk

(SEAL)

SUBJECT: Acceptance of Parks & Recreation Powers

REQUESTED BY: Mayor Palin

PREPARED BY: John Cramer

DATE: April 3, 2000

FOR AGENDA OF: April 10, 2000

SUMMARY:

Attached is the ordinance, which accepts the delegation of parks and recreation powers within the city from the Mat-Su Borough and Mat-Su Borough Ordinance 00-032 delegating those powers. This delegation has been sought after by the City for some time and represents a compromise. This is an example of how local governments can work together towards the common good of the people for all our benefit.

FISCAL IMPACT: No Yes, amount requested: \$

Fund:

MAYORS RECOMMENDED ACTION: Introduce ordinance and schedule for public hearing and Council approval.

Administration Initial: *sd*

Presented with: Ord 00-38
Date: 4/24/00 Verified by: JK

Attachments:
Mat-Su Borough Ordinance Serial No. 00-032.
Frontiersman Newspaper Article of 3-24-00