

Adopted as Amended

File No. 00-191[a][a]
(Journal, September 28, 2000)

(ITEM 8) From the Director of the Department of Parks, Recreation and Culture, submitting amendment to adopted General Policy on Use of Park Land in Cooperation With Other Governmental Units (Exemption from Storm Water Utility Fees Requirement), by recommending adoption of the following:

A RESOLUTION

WHEREAS, the County has adopted a General Policy on Use of Park Land in Cooperation With Other Governmental ("Policy") (File No. 00-191, Journal, May 18, 2000) which establishes guidelines and general conditions to be used when developing proposed agreements with other governmental units for the use of County owned parkland; and

WHEREAS, the Director of Parks, Recreation and Culture has indicated that County parkland has and continues to provide inherent flood control benefits to the various municipalities, that the County has been cooperating with the Milwaukee Metropolitan Sewerage District on numerous flood control projects, that only two of the nineteen municipalities have imposed such a fee on the Parks Department and those fees are contested by the County; and

WHEREAS, in a communication dated August 31, 2000, the Director of Parks, Recreation and Culture has recommended that a permanent exemption from storm water utility charges for Parks Department facilities should be a prerequisite to be met before entering into discussions on the use of parkland and/or facilities (for agreements as defined under the Policy) with any governmental unit (as defined under the Policy) and has developed a recommended amendment to the Policy to accomplish this; and

WHEREAS, the Committee on Parks, Energy and Environment voted 7-0 on September 11, 2000 to recommend that the said amended policy be approved; now, therefore,

BE IT RESOLVED, that the General Policy on Use of Park Land in Cooperation With Other Governmental Units is hereby modified as follows (changes are underlined):

Section 9. There is a clear benefit to the County, either through compensation or other consideration, or through service to the residents of the County, or a combination of the preceding. In recognition of the County contribution to storm water management efforts within the various municipalities, an irrevocable agreement that the municipality or other governmental unit that is requesting the agreement will not

46 impose storm water utility fees on Parks Department facilities,
47 sites and/or locations now or in the future must be on file with
48 the Parks Department. The irrevocable agreement must be in a
49 form which is approved by Corporation Counsel and must be
50 on file prior to the Parks Department or any other County
51 Department or Agency entering into negotiations for the use of
52 park land as provided elsewhere in this Policy. This Section
53 also applies specifically to Section 3, which provides that
54 multiple governmental units that benefit from an agreement
55 may be required to be a party to that agreement. It is clarified
56 that the storm water utility fee exemption agreement is
57 required regardless of the agreement that is requested by the
58 other governmental unit as long as the requested agreement is
59 covered under this Policy. It is further clarified that this
60 requirement (for the storm water utility exemption) only
61 applies to "Other Units of Government" as provided under
62 Definitions and does not apply to the public, business or other
63 non-governmental entities.

64
65 ; and

66
67 BE IT FURTHER RESOLVED, that this amendment to the Policy shall become
68 effective upon adoption.

69
70 **FISCAL NOTE:** There is no direct fiscal effect related to adoption of this
71 resolution since it only modifies a policy and any agreements
72 arising out of this policy, as amended, will continue to require
73 review and approval by the County Executive and County Board.
74 This fiscal note was prepared by Department of Parks,
75 Recreation and Culture staff.

76
77
78 PRC

79 jch:09/19/00

80 C:\My Documents\Parks\Parks Current 2000 files\00-191aa r Parks-amend GenPol on Pk Land

81 Use[9].doc

82

MILWAUKEE COUNTY BOARD OF SUPERVISORS

DATE: September 28, 2000

AMENDMENT NO. 1

Resolution File No. 00-191 [a][a]

COMMITTEE: Parks, Energy and Environment, Item 8

OFFERED BY SUPERVISOR(S): DeBruin and Schmitt

ADD at the end of line 63:

"unless waived by the County Board."

A
16-8