

CODE ORDINANCE

Sponsored By: Borough Manager  
Introduced: 05/01/18  
Public Hearing: 05/15/18  
Adopted: 05/15/18

**MATANUSKA-SUSITNA BOROUGH  
ORDINANCE SERIAL NO. 18-029**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY PROVIDING FOR THE LIMITED DELEGATION OF PARKS AND RECREATION POWERS TO THE CITY OF HOUSTON FOR CERTAIN RECREATIONAL FACILITIES IN THE LITTLE SUSITNA RIVER CAMPGROUND AND DAY USE AREA LOCATED WITHIN THE CITY BOUNDARIES; ADOPTING MSB 1.10.126, DELEGATION OF LIMITED PARKS AND RECREATIONAL POWERS TO THE CITY OF HOUSTON, AND MSB 1.10.127, RELINQUISHMENT OF PARKS AND RECREATIONAL POWERS BY THE CITY OF HOUSTON (MSB007373).

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WHEREAS, the city of Houston has managed the Little Susitna River Campground and Day Use Area since 1994 which is contained within seven adjoining parcels inside city limits; and

WHEREAS, all seven parcels are open to all residents of the Borough to use; and

WHEREAS, in 2017 the city formally requested conveyance of the park's seven parcels to the city in perpetuity; and

WHEREAS, Ordinance Serial No. 17-147 authorized said conveyance with reversionary rights reserved by the Borough; and

WHEREAS, five of the seven parcels included in Ordinance Serial No. 17-147 were identified as the "Phase One Parcels" and were conveyed to the city by quitclaim deed on February 2, 2018; and

WHEREAS, the two remaining parcels, identified in Ordinance Serial No. 17-147 as the "Phase Two Parcels" are restricted by

Land and Water Conservation Fund rules, and require additional approval from the National Park Service prior to transfer of ownership; and

WHEREAS, one of the National Park Service requirements is that the city must have the legal authority to provide public recreation services; and

WHEREAS, the city does not currently have such authority and delegation must be provided through amending Borough code; and

WHEREAS, Alaska Statute 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(E), provides for such a delegation; and

WHEREAS, this ordinance also contains amendments to code addressing relinquishment of parks powers in the event the city no longer desires to carry out this power or if the Borough decides to withdraw the delegated power; and

WHEREAS, pursuant to MSB 1.10.120(E), the city must by ordinance accept the Borough's delegation of parks and recreational power.

BE IT ENACTED:

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

Section 2. Adoption of section. MSB 1.10.126, is adopted to read as follows:

1.10.126. DELEGATION OF PARKS AND RECREATIONAL POWERS TO THE CITY OF HOUSTON.

(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 Houston a portion of its areawide parks and recreational authority within the Little Susitna River Campground and Day Use Area park located within city boundaries.

(C) As part of the Borough's delegation, the city of Houston may expand the parks and recreation land and facilities in Houston and may acquire new parks and recreation land and facilities in Houston. The city may expand and acquire such land and facilities through purchase, lease, gift, exchange, or any other manner of acquisition; provided however, if such manner of expansion or acquisition of any particular park and recreation land or facilities is through a grant that requires the performance of any on-going duties by the city, its successors or assigns, then the city may not acquire such land or facilities without first obtaining the Borough's approval by means of a Borough resolution.

(D) The city of Houston 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 Houston, 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 the Borough revokes this delegation without the consent of the city, the city shall remain responsible for and duly perform all on-going duties required of the city, its successors or assigns, that the borough approved under subsection (C) above.

Section 3. Adoption of section. MSB 1.10.127, is adopted to read as follows:

1.10.127 RELINQUISHMENT OF PARKS AND RECREATIONAL POWERS BY THE CITY OF HOUSTON.

(A) If the city of Houston seeks to relinquish the authority pursuant to MSB 1.10.120, and MSB 1.10.126, the city must adhere to the following procedures:

(1) The Houston City Council must, by ordinance, request that the Borough resumes all authority delegated by this section.

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

(3) The city of Houston shall remain responsible for the appropriation of funds for the continued operation and maintenance for parks and recreational activities within the city. The city shall remain responsible for the cost and completion of parks and recreational capital projects underway within the city at the time of the relinquishment of its parks and recreational powers.

Section 4. Effective date. This ordinance shall take effect upon adoption.

ADOPTED by the Matanuska-Susitna Borough Assembly this  
15 day of May, 2018.

  
VERN HALTER, Borough Mayor

ATTEST:

  
LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)



PASSED UNANIMOUSLY: Sykes, Beck, McKee, Leonard, Mayfield, and  
Kowalke

