

Park District Enabling Legislation Provisions:

Where necessary LRB draft ought to be revised to reflect the following provisions:

1. Procedures for creation of PD

Created by either: 1) Resolution of governing body which would transfer park operations; or 2) Referendum, that is triggered by citizen petition, containing 100 signatures.

Units of local government, including municipalities and counties, may form park districts, without the law prescribing specific combinations of particular units.

Requirements related to timing of circulation of petition (which would trigger a referendum), should be such so as to allow filing of a petition triggering an April 2007 referendum, after the enabling law becomes effective by mid-February, 2007.

2. Dissolution of PD

By referendum which is triggered either by: resolution of governing bodies which had created the district; or 2) citizen petition.

3. Expansion of PD boundaries after creation

The law, itself, should specify procedure for expansion of park district boundaries, which include the following:

For a unit of government to be added to an existing park district, the community must evidence its consent by complying with the same procedures for initial creation of a park district, as specified in 1, above.

The existing park district commission gives its consent to the addition via a resolution passed by the park district commissioners.

4. Election of commissioners

For park district that is approved with boundaries that serve a population not less than 500,000, 9 commissioners would be elected from election districts, of approximately equal population. The State Election Commission will determine the initial boundaries of the election district. Park district commissioners will conduct redistricting thereafter.

For park districts that are proposed to serve a population less than 500,000, the resolution, approving the park district, or petition for referendum, should specify the number of commissioners that will be elected, provided that number is not less than 5 and not more than 9. Additionally, the resolution or petition will specify how many commissioners will be elected by election district and/or how many, if any, will be elected at large

These elected commissioners would serve without compensation but may be reimbursed actual expenses incurred in their service.

No person may run for or serve as a park district commissioner if that person holds another elected office.

If elected by election district, the commissioner must reside within the election district.

Warrant

New

seems impossible

new

9/15/06 teleconf. seems v similar to current - I asked them to study 2867 + suggest changes if it's not consistent w/ their intent

JTK

only 1 PD/county -- If a PD exists in a cnty, no muni in that county may create its own PD in that county.

2. can LGU withdraw? must all LGUs agree to dissolve?

less flexible than current law

9/15/06 tele-conf. keep current provision

start w funds - see one (5)

2. - 1st election takes place in April at spring election, so no
EEs, assets, etc., transfer until = 8 1/2 months - what happens during the
after election? who pays for EE's & who controls them?
8 1/2 months? who pays for EE's & who controls them?
PARK COSTS during 8 1/2 mo. before transfer occurs?
Do assets & liabilities transfer immediately

5. Timing of park district approval, election of commissioners, initial levy, and transfer of assets and beginning park district management.

Park districts gain title to transferred park property and receive transferred employees, effective the first January 1st after the following two actions take place: a referendum or resolution approving the Park District; and a subsequent election of Park District Commissioners.

After approval (via resolution or referendum), the initial operating levy of the park district will be levied, in the name of the park district, on property tax bills mailed in the December immediately prior to the January 1 transfer date. The park district would receive payments made under this levy.

Initial park district operating tax levy is set by statute in the amount which is the greater of: the total operating levy of transferring units of government attributable to expenditures for park and recreational purposes for the budget year during which the PD is authorized (by resolution or referendum); or the total operating levy of transferring units of government attributable to expenditures for park and recreational purposes for the budget year immediately prior to the budget year during which the PD is authorized.

Hard to calculate - shared use equip. JTK - (MFS) divide

6. Offset in transferring units of government levy.

For the budget year that the park district is effective, the transferring units of government must impose an operating tax levy which is less than the previous levy in an amount equal to the initial operating levy of the park district.

Calculate cap & subtract from current levy

Not done -- bill can't take effect before the cap expires (see 0.66, 0.602(7)) so this is a non-issue

7. Transferable Liabilities Defined

Employees -

The current employees engaged in the work of the jurisdictions to become a Park District would become employees of the newly created Park District. The Park District Commission would recognize any union affiliations of its workers at the time of its creation and will continue wage rates and working conditions contained in the prior collective bargaining agreement for at least 1 year, as initial levy reflects operating budget including those salaries.

9/15/06 - just let labor K contract expires or is modified by mutual consent

why not for term of 1

As employees of the new district the workers would participate in the State's retirement fund for local employees (WRS) immediately upon their employment as employees of the district. *The State assumption of Milwaukee County foster care, etc. and transferring Assistant District Attorneys to the State payroll are precedents that may provide helpful language.

RAC

Debt Obligation -

Newly created Park Districts would not be liable for any retirement or healthcare liabilities related to employees that retire/retired prior to the first day of operation of the Park District. Those liabilities would accrue to the jurisdictions that these employees retire from.

non-issue

Bonded debt incurred by former jurisdictions for park related improvements prior to creation of a Park District would continue to be retired by the former jurisdictions and not passed on to the Park District. Park district would have authority to fund post-transfer new debt through bonds and impose tax levy to meet debt service.

new

no change? P. 44-45 sub 2(8) + (12)

AREAS IN NEED OF AGREEMENT

JK 1. Limits on ability of park district to increase operating property tax levy, with escape clause for supermajority of park commissioners or public referendum.

2. Limits on ability to incur bonded debt (e.g. capital budget in excess of certain percentage or amount, needs referendum approval)

3. Authority for the PD to impose user fees and prescribe disparate resident versus non-resident fees (see IL PD Act as e.g.)

pending { 4. Statutory management purposes of park district. (Some concepts that may need to be addressed are: limit to recognized well accepted public park uses to discourage facilities like malls or amusement parks; and give preservation/restoration of natural areas equal footing with active park uses.)

5. Authority to prescribe user rules & regulations, enforceable with specified fine amount (e.g. \$500) or restitution. - civil forfeitures

6. Provision requiring hiring of a professionally qualified parks director. (to ensure political accountability of PD commissioners is balanced with professional expertise of day to day parks manager - no political chronies!)

7. Judicial review of park district decisions to circuit court with deferential standard.

is this needed? Ask RPN -- must stat authorize members of the public to go to circuit to challenge a PD's decisions -- PD is LGU

RPN says not needed unless requester is trying to grant standing
Are they trying to limit or expand standing?

Shovers, Marc

From: Tormey, Jessica
Sent: Monday, September 18, 2006 10:49 AM
To: Shovers, Marc
Subject: RE:

Yes, please feel free to connect directly with John Vandlik. His number is 414/297-3276.

Thank you.

Jess

From: Shovers, Marc
Sent: Friday, September 15, 2006 3:24 PM
To: Tormey, Jessica
Subject: RE:

Hi Jess:

I'm sorry, but we forgot the name of the gentleman who participated in the teleconference. Was it John? If we have technical questions, should we call him directly instead of bothering you and having you be the go-between? If that's agreeable, I'll forward his name and number to the other attorneys here. Thanks.

Marc

From: Tormey, Jessica
Sent: Friday, September 15, 2006 1:39 PM
To: Shovers, Marc
Subject: RE:

Great. I'll call you at 6-0129, ok?

From: Shovers, Marc
Sent: Friday, September 15, 2006 1:39 PM
To: Tormey, Jessica
Subject: RE:

Yes, 2 is fine.

From: Tormey, Jessica
Sent: Friday, September 15, 2006 1:39 PM
To: Shovers, Marc
Subject:

Is 2 a go?

Shovers, Marc

From: Tormey, Jessica
Sent: Friday, September 29, 2006 9:12 AM
To: Shovers, Marc
Subject: FW: parks purpose paragraph

-----Original Message-----

From: John.VANDLIK@usda.gov [mailto:John.VANDLIK@usda.gov]
Sent: Wednesday, September 20, 2006 11:52 AM
To: bboxer@reinhartlaw.com; connie.schultz@legis.state.wi.us; eeberle@milwcnty.com;
Tormey, Jessica; jim@theparkpeople-milwaukee.org; wlynch@execpc.com
Subject: Re: parks purpose paragraph

Thanks for the note, Barbara. The legislature hasn't shied away from similar (in length and substance) management purpose provisions for state parks (Sect. 27.01(1)), state forests (Sect. 28.04(2)), and county forests (Sect. 28.11(1)). WI statutes treat local parks inconsistently providing a purpose statement for City park boards (Sect. 27.08(2)(a)) but not clear one for counties. As for subject specific authorities, the law that allows MMSD specifies its functions or roles (Sect. 200.31(1) &(2)) and so does law providing for regional planning commissions (Sect. 66.0309(8)). I had drafted my suggested provision after reviewing many of the above-cited sections. I understand that we don't want to include provisions which might unnecessarily raise objections in the legislative process. As there's precedent for such management purpose statements in the statutes, I'd like to hear substantive concerns about the particular language that might inflame objections and whether it could be edited to address those anticipated objections.

>>> bboxer@reinhartlaw.com@inter2 9/19/2006 9:29:32 PM >>>
I think less is better, I believe this maybe too much.

-----Original Message-----

From: John.VANDLIK@usda.gov [mailto:John.VANDLIK@usda.gov]
Sent: Tuesday, September 19, 2006 01:53 PM Central Standard Time
To: Barbara K. Boxer; connie.schultz@legis.state.wi.us; eeberle@milwcnty.com;
jessica.tormey@legis.state.wi.us; jim@theparkpeople-milwaukee.org; wlynch@execpc.com
Subject: Re: parks purpose paragraph

Further to our telephone conversation today, as promised, below is a draft of PD purpose section that I had previously put together. Please review comment, edit, etc...Again, I think some type of paragraph such as this, in the enabling bill, would help explain what a PD is, in addition to providing broad legislative sideboards on PD's role. Unlike IL which has a century old history w/ PD's, this is a new animal for WI gov't. Under MN law, one park district enabling authority, for regional parks, gives its parks boards the "primary duty" of the "acquisition, development and maintenance of large parks, wildlife sanctuaries, forest and other reservations, and means for public access to historic sites and to lakes, rivers and streams and to other natural phenomena." Minn. Stat. Sect. 398.07. Of course that would be too limiting for our intended purposes. The paragraph I drafted is:

"A park district, under the direction of a park commission, shall govern, manage, control, improve and care for public parks and parkways for the accessible benefit and enjoyment of present and future generations of residents of the park district. Land and improvements under the jurisdiction of the park district shall be devoted to public park purposes and uses, which may include, but are not limited to, the following: outdoor recreation; athletic fields and courts; swimming pools and aquatic centers; beaches; boating; fishing; botanical gardens and education; watershed, wetland and floodplain protection; trail systems; protection of natural aesthetics; preservation and restoration of native plant communities, biological diversity, and wildlife; environmental interpretation; historic preservation and interpretation; zoos; and associated visitor facilities and services. Nothing herein shall be construed as directing that a park commission give preference to one of the above-listed public park purposes or uses over another. The park commission

shall also recognize that not all of the varied public park purposes and uses can or should be provided in each park or parkway."

>>> bboxer@reinhardtlaw.com@inter2 09/18/06 12:03 PM >>>
Below is the information for tomorrow's 10 AM conference call.

Call in: 1-888-852-5501

Passcode: 4143219876

Barbara K. Boxer
Attorney
Government Relations, Department Chair
Reinhart, Boerner, Van Deuren, s.c.
1000 Water Street Suite 2100
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all districts are created, dissolved, expanded, contracted effective January

1 of a given year --

no temp. commissioners

draft must ~~stay~~
address mkt. in
< 1 county

initial ref can be in the Spring or, in even year, in the fall

if deadline is missed for Spring election in odd # yrs, must wait until the next Spring election for ref. vote.

Commissioner take office 1st Mon in Jan if elected in fall of even # yr;

or 1st Mon in June if elected in Spring election

3 yr terms (staggered)

fall: 1 $\frac{1}{2}$, 2 $\frac{1}{2}$, 3 $\frac{1}{2}$; Spring 1, 2, 3

can have appointments to fill vacancies

Clerk of most populated jurisdiction elections clerk for init election - ^{is temp} ~~can~~
dist appoints a clerk

even if initial comm take office 1st Mon in June, dist doesn't come into effect until Jan 1

refer. in Spring
 have 1st election in the fall for commissioners
 Jan 1 eff date
 have future elections in the spring

all

retire benefit? -- of retire < Jan 1
 respons of current gov. body

clearest date for trans is Jan 1
 no start up loan or temp conditions

init elect/ of Comm is fall; future
 elections would be in the spring

ref in Spring
 init elect/ of Comm in fall
~~ref~~ all future elections in Spring

all assets, liabilities**

Shovers, Marc

From: Tormey, Jessica
Sent: Wednesday, December 13, 2006 10:52 AM
To: 'VANDLIK, JOHN'
Cc: Shovers, Marc
Subject: RE: park district bill

Marc, Sending an electronic version to John is authorized. You suggested you would have a draft by today, so I am hopeful we can get that document!

Thanks,

Jess

From: VANDLIK, JOHN [mailto:JOHN.VANDLIK@OGC.USDA.GOV]
Sent: Thursday, December 07, 2006 3:10 PM
To: Shovers, Marc; Tormey, Jessica
Subject: RE: park district bill

Glad to hear there's only a couple notes and will look forward to reading them. Jessica, would you be willing authorize Marc to directly email me a copy of the preliminary draft when it comes out of LRB next week? --John

From: Shovers, Marc [mailto:Marc.Shovers@legis.wisconsin.gov]
Sent: Thursday, December 07, 2006 2:48 PM
To: VANDLIK, JOHN
Subject: RE: park district bill

A hard copy and e-mailed version of the draft will go directly to Senator Darling's office. You could either have the senator's office e-mail you a copy or they could authorize the LRB to e-mail a copy to you, but I couldn't release a copy without the senator's permission. There are only a couple of notes in the draft, and a few comments in a drafter's note, so I think that at this point it would be best to review the draft when it comes out. Beside the issues raised in the embedded notes and the drafter's note, I'm sure that there will be other changes that will be requested once the interested parties review the bill.

Marc

From: VANDLIK, JOHN [mailto:JOHN.VANDLIK@OGC.USDA.GOV]
Sent: Thursday, December 07, 2006 1:57 PM
To: Shovers, Marc
Subject: RE: park district bill

Will you be able to email me a copy directly next Wed? We'd want to resolve the notes and get it into introducible form ASAP. Goal has always been introduction when the session begins in January. Are the notes technical problems that LRB needs to sort out? Or are they policy calls the legislator needs to make? I believe there's consensus among bill supporters on what it ought to address so if its policy issue, perhaps we can resolve that now. How much additional LRB work would be needed? If there is anything I can help w/ or provide more info about, please let me know. I'm quitting early today but will be in office all day tomorrow, so you can give me a ring then. --John 414-297-3276

From: Shovers, Marc [mailto:Marc.Shovers@legis.wisconsin.gov]
Sent: Thursday, December 07, 2006 1:36 PM
To: VANDLIK, JOHN
Subject: RE: park district bill

Yes, preliminary drafts can't be introduced. In this case, the draft has some notes embedded in the text which raise questions or issues that must be resolved or addressed before the draft may become a "/1" introducible bill.

Marc

From: VANDLIK, JOHN [mailto:JOHN.VANDLIK@OGC.USDA.GOV]
Sent: Thursday, December 07, 2006 12:38 PM
To: Shovers, Marc
Subject: RE: park district bill

Thanks for the info, Marc. When you say it's a "preliminary draft", what do you mean? ie: does it need more LRB review before a legislator could introduce it in next session?

From: Shovers, Marc [mailto:Marc.Shovers@legis.wisconsin.gov]
Sent: Thursday, December 07, 2006 12:30 PM
To: VANDLIK, JOHN
Subject: RE: park district bill

Hi John:

The last attorney who was working on the bill finished her part today and the bill is now in editing. It should be out on Wednesday. It's a preliminary draft, but it has an analysis.

Marc

Marc E. Shovers

Senior Legislative Attorney
Legislative Reference Bureau
Phone: (608) 266-0129
Fax: (608) 264-8522
e-mail: marc.shovers@legis.state.wi.us

-----Original Message-----

From: VANDLIK, JOHN [mailto:JOHN.VANDLIK@OGC.USDA.GOV]
Sent: Wednesday, December 06, 2006 5:25 PM
To: Shovers, Marc; Shovers, Marc
Subject: RE: park district bill

Hi Marc, I have meeting tomorrow night with representatives of various interest groups supporting the park district legislative effort. At the meeting, I know I will be asked about the status of the re-drafting of the park district bill. Can you please give me a realistic time frame when it will be done? Thanks. --John Vandlik 414-297-3276

-----Original Message-----

From: Vandlik@HQDOMAIN.FIELDCT [mailto:Vandlik@HQDOMAIN.FIELDCT]

Sent: Friday, September 29, 2006 1:18 PM

To: marc.shovers@legis.state.wi.us; marc.shovers@legis.wisconsin.gov

Subject: Fwd: Re: parks purpose paragraph

Hi Marc, Attached is an email string which contains some thoughts I shared w/ others on the purposes provision. The language I had pitched to the group is at the bottom of the attached message in quotes. Aside from Barbara Boxer's comment as to length, one other comment I got was that it should include "open space" in addition "parks and parkways", as "open space" is addressed by existing county park provisions.

If you think an edited version (e.g. first sentence only) would address your concerns, I'm certainly open to hearing your thoughts on that too.

I've sent this to both emails, assuming one will work. Thanks for looking at this. --John Vandlik, 414-297-3276