

**TOWNSHIP OF SCIO
WASHTENAW COUNTY, MICHIGAN**

**Ordinance No. 2020-07
PARKS AND PATHWAYS**

AN ORDINANCE TO REGULATE THE FUNDS PROVIDED THROUGH THE SCIO TOWNSHIP PARKS AND PATHWAYS MILLAGE

THE TOWNSHIP OF SCIO, WASHTENAW COUNTY, MICHIGAN, HEREBY AMENDS CHAPTER 22 – PARKS AND RECREATION, renaming and replacing Article I in full:

Article I. Township Parks and Pathways

Sec. 22.1. - Findings and declaration of purpose.

The board of trustees finds that:

- (1) The township is a desirable place to live, work and visit in large part due to the presence of preserves, parks, trails, and recreational opportunities.
- (2) The voters of the township approved the Parks and Pathways Millage Proposal in August 2020, a .65 mill tax for ten years to provide funds to develop and maintain nature preserves, parks, trails, recreational opportunities, including a network of non-motorized pathways.
- (3) The voter approved millage requires the Board of Trustees to enact any necessary legislation to implement appropriate administrative oversight of these activities, and that administrative costs of all of the above activities shall not exceed 15% of the annually estimated revenue.
- (4) It is the intention of the township to develop and maintain nature preserves, parks, trails, recreational opportunities, including a network of non-motorized pathways as approved by the voters to provide access to open space recreation and a safe means for movement for pedestrians and cyclists throughout the township, and to enhance the-quality of life for township residents and others in the area.
- (5) It is the intention of the township to pursue additional sources of funding, such as grants or gifts, to leverage the funds made possible through the voter approved millage for nature preserves, parks, trails, and recreational opportunities, including a network of non-motorized pathways.

(6) It is the intention of the township to work as collaboratively as possible with other units of government and private organizations to develop and maintain nature preserves, parks, trails, recreational opportunities, including a network of non-motorized pathways

(7) The development and maintenance of nature preserves, parks, trails, recreational opportunities, including a network of non-motorized pathways and, when necessary, acquisition of land, not otherwise suitable or qualified for preservation by the township, and land rights as provided in this article are public purposes of the township.

Sec. 22.2. - Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Governmental agency means the United States or any agency thereof, the state or any agency thereof or any municipal corporation.

Annually Estimated Revenue means the amount of estimated revenue from the Parks and Pathways Millage that is adopted as part of the Township's annual budget.

Parks means designated sites in the township developed for both active and passive recreational opportunities and identified as parks.

Parks Advisory Board (PAB) means the Scio Township Parks & Recreation Advisory Board re-established on March 4, 2014 by a resolution of the Scio Township Board of Trustees and issued its charge on July 28, 2015, and modified by any subsequent resolutions.

Pathways means non-motorized pathways designated and prepared principally for the use of pedestrians and bicyclists to the exclusion of vehicles to connect residents to the township center, parks and preserves, area assets such as the Border to Border pathway, and to adjacent communities.

Nature Preserves means parcels owned by the township made accessible to residents with parking areas and trails.

Recreational opportunities means activities such as hiking, biking, birding, photography, access to the Border-2-Border trail or the facilities available in the Huron-Clinton Metroparks

Trails means an identified, groomed path within a park, a preserve, or conservation easement.

Transportation Alternatives Planning Committee ("TAP") means the Scio Township Transportation Alternatives Planning Committee established by resolution of the Scio Township Board of Trustees on September 12, 2017, and modified by any subsequent resolutions.

Sec. 22.3. - Township board authority and responsibility.

The township board is authorized under state law and this article to:

(1) Construct, develop, and maintain recreational facilities in support of Parks, Preserves, and Pathways which, in the opinion of the township board, will achieve the ends sought by the voters in adopting the millage.

(2) Enter into agreements with other governmental agencies, nonprofit land trusts, legally established and in good standing, or other similarly qualified nonprofit organizations to participate jointly in the retention, management, and acquisition of nature preserves, parks, trails, recreational opportunities, and a network of non-motorized pathways, to the extent permitted by law and in accordance with this article.

(3) Subject to the limit on Administrative costs adopted by the voters, employ and/or enter into contracts with qualified professionals to design, engineer, construct, develop and/or maintain Parks, Preserves and Pathways, and/or to provide other services necessary or appropriate to accomplish the purpose of this article.

(4) Expend revenue to acquire interests in land in accordance with this article. The interest acquired may either be fee title or any lesser interest, easement, covenant, or other contractual right pertaining to such rights. Acquisition of land and land rights may be achieved through purchase, grant, covenant, or contract. In particular, the township can acquire easements and parcels of land to establish nature preserves, parks, trails, recreational opportunities, and a network of non-motorized pathways.

(5) Issue bonds for the borrowing of money for any purpose within the scope of this article and the general powers of the township.

(6) To solicit and gather public input for the purpose of identifying needs and priorities in the community on matters relating to nature preserves, parks, trails, recreational opportunities, including a network of non-motorized pathways.

(7) To publish and present to the public a report, at least annually, which shall include a list of all projects initiated or completed by the Township. The report shall include at minimum a brief description of each project, the projected or actual dates the project was started and finished, the costs and sources of funds, the public communication efforts, and any available measurements of utilization.

(8) To work collaboratively with other townships and other public and private organizations to develop regional parks, preserves, and pathways.

(9) In exercising this authority, the township board shall consider input from both the Transportation Alternatives Planning Committee and the Parks Advisory Board, or other such bodies requested by the township board, regarding township Parks, Preserves and Pathways.

Sec. 22.4 – Parks and Pathways fund established.

(1) Revenues received from the Parks and Pathways millage shall be placed in a special revenue fund hereby created in the township budget and shall be called the Parks and Pathways Fund.

(2) The fund shall be invested and managed in the same manner as existing funds of the township. No part of the fund may be transferred to any other fund, nor be encumbered, nor be utilized for any purpose except the purposes specifically set forth in this article. Expenditures from the fund require authorization of the township board.

Sec. 22.5 - Related costs.

The costs of appraisal, engineering, surveying, planning, financial, environmental, legal or other services lawfully incurred incident to the development or acquisition of land or easements by the township in accordance with this article shall be paid by the township and may be paid from millage proceeds, subject to the limitation on Administrative costs as adopted by the voters.

Sec. 22.6 - Administrative costs.

(1) Reasonable administrative expenses not to exceed 15% of the annually estimated revenue can be paid from the Parks and Pathways millage revenues. The following activities shall be considered administrative expenses that may be paid for from millage revenues:

- (a) Personnel or contract services cost devoted directly to meeting the purpose of this ordinance and millage.
- (b) Miscellaneous administrative costs including but limited to annual audit charges, GIS software, insurance.
- (c) Legal expenses directly related to the acquisition of property or property interests, including staff or outside counsel time and enforcement of rules, regulations, and easements.

(2) Charges for the following items can be paid from millage revenues but are not considered administrative expenses:

- (a) Actual cost of property or property interests, except for those that could otherwise be charged to the Open Space Fund.
- (b) Title commitments.
- (c) Payment of property taxes on acquired property.
- (d) Preparation of appraisals, legal surveys, phase 1 environmental assessments of property, as well as subsequent phases, of property.
- (e) Baseline documentation for easements.

(f) Design, engineering, construction, and maintenance costs directly related to planning and construction of nature preserves, parks, trails, recreational opportunities, including a network of non-motorized pathways.

(g) Interest and other costs directly related to the sale of bonds supported by this millage.

(h) Equipment, vehicles, and supplies required for the maintenance of nature preserves, parks, trails, recreational opportunities, including a network of non-motorized pathways.

Sec. 22.7 - Enforcement.

The township board shall enforce this article.

Sec. 22.8 - Repealer

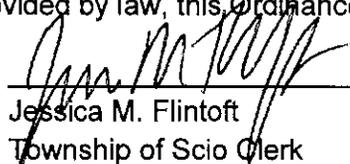
All ordinances or parts thereof which are in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed, except that terms defined herein for the purpose of interpretation, administration and enforcement of this Ordinance shall not act to modify, repeal or otherwise change the definition of any such term as used in other ordinances or laws.

Sec. 22.9 - Savings Clause

The provisions of this Ordinance are hereby declared to be severable. If any clause, sentence, paragraph, section or subsection is declared void or inoperable for any reason by any court, it shall not affect any other part or portion hereof other than the part declared void or inoperable.

Sec. 22.10 - Adoption and Effective Date

This Ordinance shall be published in the manner as required by law. Except as otherwise provided by law, this Ordinance shall be effective the day after publication.

 10/27/20

Jessica M. Flintoft Date
Township of Scio Clerk

Adoption: October 27, 2020
Ordinance Publication: April 22, 2021
Effective Date: April 23, 2021