

Resolution Relating to

RESOLUTION 10.0
Sponsor(s): Councilor Bushor

NOVEMBER 2, 2004 SPECIAL CITY MEETING –
CONSERVATION LEGACY FUND

Introduced: 08/09/04

Referred to: _____

Action: adopted

Date: 09/07/04

Signed by Mayor: 09/16/04

CITY OF BURLINGTON

In the year Two Thousand Four.....

Resolved by the City Council of the City of Burlington, as follows:

That WHEREAS, since 1991 A City of Burlington’s land use policy has included recommendations for the creation of a land conservation fund for the purchase and protection of important natural areas and open space; and

WHEREAS, the creation of such a fund continues to be a central recommendation of the City’s “official” land use and development plans as evidenced in the adopted *Burlington Legacy Project Action Plan*, the *2000 Burlington Open Space Protection Plan*, and the *2001 Burlington Municipal Development Plan*; and

WHEREAS, as recently as March 2001 an Advisory Resolution regarding the creation of a local conservation fund and evaluation of potential funding sources was overwhelmingly approved by Burlington voters; and,

WHEREAS, the goal of such a fund is to leverage funding from other non-city sources to facilitate the acquisition and long-term stewardship of Burlington’s significant natural areas, important open spaces, and urban greenspaces for permanent protection; and

WHEREAS, the Burlington Conservation Board, Parks & Recreation Commission, and Planning Commission have unanimously recommended a proposal for the creation of such a fund and a local revenue source;

Page 2

Resolution Relating to NOVEMBER 2, 2004 SPECIAL CITY MEETING—
CONSERVATION LEGACY FUND

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby establishes a "Conservation Legacy Fund" as described in the attached document, to support the acquisition and stewardship of conservation land by the City and support ongoing operation of the Burlington Conservation Legacy Program including:

- To fund **Land Acquisition** and long-term protection of significant natural areas, important open spaces, and urban greenspaces through public acquisition by the City and other interested parties.
- To support the **Long-Term Stewardship**, including the development and implementation of property-specific management plans, of significant natural areas and important open spaces permanently managed by the City of Burlington's Conservation Legacy Program as Urban Wilds.
- To develop and support **Conservation Education Programs** administered under the Burlington Conservation Legacy Program; and

BE IT FURTHER RESOLVED that the following question be placed upon the ballot of the Special City Meeting to be held November 2, 2004:

"Shall the tax rate ceiling in Sec. 99 of the City Charter be amended by increasing it one (1) cent upon the dollar of the property grand list, from 38.88 cents to 39.88 cents, and shall the voters recommend authorizing the appropriation of such increase to be placed in a special revenue account under the name of the Burlington Conservation Legacy Fund, the purpose of which is the purchase and protection of important natural areas and open space?"

* * * * *

DISTRIBUTION:

I hereby certify that this resolution has been sent to the following department(s) on

Burlington Conservation Board, Chair
Parks & Recreation Commission, Chair
Planning Commission, Chair

ORIGINAL

RESOLUTION RELATING TO

November 2, 2004 Special City Meeting

Conservation Legacy Fund

Adopted by the City Council

September 7, 2004

G. P. Marchese Sst. Clerk

Approved..... 10/16/04

W. D. Collins Mayor

Kari Olberg
Kari Olberg
Administrative Assistant

Vol. Page

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Burlington Conservation Legacy Fund

I. Goal

To facilitate the acquisition and long-term stewardship of Burlington's significant natural areas, important open spaces, and urban greenspaces for permanent protection in support of the *Open Space Protection Plan*.

II. Purpose:

To support the acquisition and stewardship of conservation land by the City and support ongoing operation of the Burlington Conservation Legacy Program including:

- To fund **Land Acquisition** and long-term protection of significant natural areas, important open spaces, and urban greenspaces through public acquisition by the City and other interested parties.
- To support the **Long-term Stewardship**, including the development and implementation of property-specific management plans, for significant natural areas and important open spaces permanently managed by the City of Burlington's Conservation Legacy Program as Urban Wilds.
- To develop and support **Conservation Education Programs** administered under the Burlington Conservation Legacy Program.

III. Establishment of a Conservation Legacy Fund:

- The City Council establishes a special revenue account under the name of the Burlington Conservation Legacy Fund.
- Intended to accept deposited requests, donations, grants, and loans from any possible sources, and any other revenue specifically dedicated to the Conservation Legacy Fund by City Charter, the Code of Ordinances, or the City Council.
- The Conservation Legacy Fund shall be a dedicated fund for the purposes set forth above. Therefore, its assets and revenues shall not be placed in the General Fund at the end of any fiscal year but shall be carried over from year-to-year.

Burlington Conservation Legacy Fund

p. 2

IV. Capitalization of the Fund

- Locally supported by:
 - 1-cent/\$100 dollars on the value of real property.
 - Additional sources of local public funding to be considered in the future includes bonds, creation of an Open Space impact fees, and local option taxes (if enabled by the VT Legislature).
- These local funds will be used to leverage grants, loans, bequests, and donations from other public and private sources. Goal is to leverage 60-80% of the funds needed for a given acquisition project.

V. Management of the Conservation Legacy Fund

The Burlington Conservation Board and Parks and Recreation Commission shall be designated by the City Council to monitor the operation and activity of the Fund which is to be managed by the Clerk-Treasurer's Office. The Board and Commission shall:

1. Oversee the disbursement of Conservation Legacy Fund monies pursuant to Section VI below;
2. Monitor the use of monies expended by the Fund to ensure compliance with the purposes of the Fund and any conditions under which these monies were granted;
3. Report annually to the Mayor and City Council regarding the operation and activity of the Conservation Legacy Fund; and,
4. Establish written rules and procedures for making and evaluating requests for disbursement from the Fund, subject to the joint approval of the Burlington Conservation Board and the Parks & Recreation Commission.
5. Consult with the Planning Commission when appropriate regarding possible long-term land use implications of larger conservation projects.

prepared by the
Burlington Conservation Board
in collaboration with the Depts. of Parks & Recreation and Planning & Zoning

VI. Distribution and Use of the Conservation Legacy Fund

- All disbursements of principal, interest, or other assets of the Conservation Legacy Fund shall only be made in furtherance of the public purposes set out in Section I and II.
- The Conservation Legacy Fund shall have 2 categories of disbursements:
 - **(Acquisition Funds)** A joint recommendation to the Mayor from the Conservation Board and the Parks & Recreation Commission shall be made on a case-by-case basis for the disbursement of Conservation Legacy Fund monies for the acquisition of land, interests in land, and associated costs identified as for permanent protection in the City of Burlington.
 - Expenditures may be made to any form of nonprofit corporation, municipal corporation, state or federal government agency, for-profit corporation, estate, trust, partnership or individual.
 - **(Capacity Funds)** During each year, the Conservation Board and the Parks & Recreation Commission shall jointly recommend to the Mayor a disbursement from the Fund to the Burlington Conservation Legacy Program for the purposes of Land Acquisition Planning, Stewardship, and Conservation Education for inclusion in the annual budget resolution.
 - No more than 30% of the annual tax revenue generated by the Fund shall be used to support the Program's annual operations.
- The Burlington City Council shall make the final approval of the annual budget, all loans and grants received, and all disbursements of principal, interest or other assets of the Fund upon the recommendation of the Mayor. The operations of the Fund shall be subject to all City purchasing and expenditure rules and procedures, and any staff shall be assigned for human resource administration purposes to the Parks and Recreation Department.