

CHAPTER 405

PARKS AND RECREATION AND FORESTRY COMMISSION¹
 (Ord. 714, 5/12/03)

SECTION:

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405.01: **COMMISSION ESTABLISHED; PURPOSE:** There is hereby established a Parks and Recreation and Forestry Commission for the purpose of advising the Council on the operation of public recreation, parks, and playgrounds, pursuant to the authority of this Chapter. The Parks and Recreation and Forestry Commission is referred to herein as "the Commission". (1988 Code §34.01; Ord. 714, 5-12-03)

405.02: **MEMBERSHIP; OATH; COMPENSATION:**

Subd. 1. Appointment of Members: The Commission shall consist of seven (7) members appointed by the City Council and based on the recommendation of the Parks and Recreation Commission, from the applications submitted. Based upon the recommendation of the Parks and Recreation Commission, the City Council shall appoint a chairperson. (1988 Code §34.02; Ord. 627, 2-8-99; Ord. 707, 10-28-02; Ord. 714, 5-12-03; Ord. 741, 6-28-04)

Subd. 2. Oath of Office: Every appointed member shall, before entering upon the discharge of their duties, take an oath that they will faithfully discharge the duties of their office. (1988 Code §34.03)

¹ See Chapter 905 of this Code for parks, playgrounds and recreation.

405.02

405.06 (Rev. 5/03)

Subd. 3. Compensation: Members of the Commission shall serve without compensation. (1988 Code §34.04)

405.03: TERMS AND VACANCIES:

Subd. 1. Terms: Members of the Commission shall serve three (3) year staggered terms, with terms expiring December 31 of each year. In order to establish appropriate staggering of terms for the commission members, appointments to a term of less than three (3) years are permissible. Both original and successive appointees shall hold their offices until their successors are appointed and qualified. (Ord. 456, 2-27-89; Ord. 646, 1-10-00)

Subd. 2. Vacancies: Vacancies during the term shall be filled by the Mayor with the approval of the majority of the Council for the unexpired portion of the term. (1988 Code §34.03)

405.04: CONFLICTS OF INTEREST: No member shall be personally interested in any contracts in which the Commission may enter. (1988 Code §34.03)

405.05: REMOVAL FROM OFFICE:

Subd. 1. Removal for Just Cause: An appointed member of the Commission may be removed from office for just cause and on written charges by at least four-fifths (4/5) of the entire City Council. Such member may be entitled to a public hearing before such vote is taken.

Subd. 2. Removal for Nonattendance: In addition, an appointed member may be removed by the City Council for nonattendance at Parks and Recreation Commission meetings if a Commission member does not attend (9) nine regularly scheduled meetings per year.

Subd. 3. Vacancies Filled: It shall be the duty of the Chairman of the Commission to notify the City Council promptly of any vacancies occurring in membership. The Mayor, with approval of the City Council, shall fill such vacancies, for the unexpired term of the original appointment. (1988 Code §34.05)

405.06: ORGANIZATION AND MEETINGS:

Subd. 1. Officers: The Commission shall select a Vice Chairman and Secretary. The Vice Chairman shall be selected from its membership and shall serve for a term of one (1) year. The Secretary may be selected from the Commission or City staff. (Amended, Ord. 714, 5-12-03)

Subd. 2. Attorney and Engineer: The Municipal Attorney shall act as attorney for the Commission and the Director of Public Works/City Engineer shall act as its engineer.

- Subd. 3. Rules of Procedure: At its first meeting, the Commission shall adopt rules of procedure and elect the two (2) officers. It shall amend the rules, from time to time, as is necessary. (1988 Code §34.06)
- Subd 4. Meetings: The Commission shall establish regular meeting dates, but special meetings may be called by any officer of the Commission upon seven (7) days' notice to all members. The Commission shall hold at least twelve (12) regular meetings each calendar year. (Amended, Ord. 714, 5-12-03)
- Subd. 5. Quorum: A majority of the appointed members shall constitute a quorum. (1988 Code §34.07)

405.07: **POWERS AND DUTIES:** In order to carry on the recreation provided herein, the duties of the Commission shall include: (Amended, Ord. 714, 5-12-03)

- Subd. 1. Operation of City Parks and Playgrounds: Under the direction of the City Council, advise City staff to operate a program of public recreation and playgrounds upon property which is owned or otherwise made available to the Municipality for such public recreation purpose.
- Subd. 2. Lease and Acquisition of Property:
- a. Recommend to the Council the leasing or acquisition of real or personal property for public recreational use as it deems desirable but shall not have the authority to acquire land or construct buildings in its own name. Any equipment or recreational facilities shall belong to the Municipality.
 - b. Advise the Council of leasing real or personal property or both for public recreation use for periods of not longer than one (1) year.
- Subd. 3. Maintenance and Care of Public Recreation Property: Maintain and care for all property which it has acquired and which has been assigned to it for public recreation purposes. (Amended, Ord. 714, 5-12-03)
- Subd. 4. Inventories of Services: Make periodic inventories of recreation and park services which exist or may be needed and to interpret the needs of the public to the Council.
- Subd. 5. Cooperation with Other Agencies: Cooperate with other park and recreation departments, schools and private agencies for establishment of a joint powers agreement to provide parks and recreation services to the City residents.

- Subd. 6. Policies and Functions of Department: Interpret the policies and functions of the Park and Recreation Department to the public.
- Subd. 7. Capital Improvement Plans and Budgets: Advise the Council and administrator in the preparation of the annual budget and long range capital improvement programs.
- Subd. 8. Rules and Regulations: Formulate and prescribe reasonable rules and regulations for the use of the general public of any facilities in any park area.
- Subd. 9. Construction of Improvements: Advise the Council on maintaining and constructing roadways, paths, buildings, fountains, docks, boat houses, bath houses, refreshment booths, community center, pavilions and other necessary structures and improvements in parks. The Commission may advise the Council on making contracts and leases for the construction and operation of these facilities for terms not exceeding ten (10) years. Every such contract and lease shall provide that the structure shall be operated for the public use and convenience, and that the charges shall be reasonable, and it shall reserve to the Commission power to prescribe reasonable rules and regulations, from time to time, for the conduct of the privilege. (Amended, Ord. 714, 5-12-03)
- Subd. 10. Communication: Communicate regularly with the City Council and Planning and Zoning Commission through joint meetings and meeting minutes.
- Subd. 11. Athletic Awareness: Be aware of the role and services provided by athletic organizations within the community.
- Subd. 12. Sanitation and Reforestation Programs: Advise the City Council regarding sanitation and reforestation programs within the City.
- Subd. 13. Other Duties: Do whatever other acts are reasonable, necessary and proper to carry out its prescribed powers and functions as set forth herein. (1988 Code §34.09)

405.08: **BUDGET AND FINANCES:**

- Subd. 1. Annual Presentation of Proposed Budget: The Commission, through the City Parks and Recreation Division staff, should present, no later than August 1 of each year, a proposed budget, in such details as the Council shall require, of the financial needs for the ensuing fiscal year to operate and maintain the parks and open spaces, as well as provide recreation programs. (Amended, Ord. 714, 5-12-03)
- Subd. 2. Fees and Charges: The Commission shall advise the Council to establish charges or fees for the restricted use of any facilities or to make any phase of the recreation program wholly or partially self-sustaining. (1988 Code §34.08)

405.09

405.09 (Rev. 5/03)

405.09: **RULES AND REGULATIONS:** The Council may establish such rules and regulations for the administration of this Chapter as it may deem necessary and may delegate such rule-making authority to the Commission, and the Commission shall have power to make such rules and regulations pursuant to delegated authority as it deems necessary for the purpose of performing its duties as herein set forth. (1988 Code §34.10)