

## **Ordinance # 63**

### **CHARTER TOWNSHIP OF GARFIELD PARKS AND RECREATION COMMISSION ORDINANCE**

#### **Preamble**

An ordinance to establish a Charter Township of Garfield Parks and Recreation Commission under the Parks and Recreation and Playgrounds Act, Public Act 156 of 1917, MCL 123.51, *et seq.*; provide for the composition of that parks and recreation commission; and provide for the powers, duties and limitations of that parks and recreation commission.

THE CHARTER TOWNSHIP OF GARFIELD, GRAND TRAVERSE COUNTY, MICHIGAN, ORDAINS:

#### **Section 1: Scope, Purpose and Intent**

This ordinance is adopted pursuant to the authority granted the township board under the Parks and Recreation and Playgrounds Act, Public Act 156 of 1917, MCL 123.51, *et seq.*, to establish a parks and recreation commission with the powers, duties and limitations provided by that Act and subject to the terms and conditions of this ordinance and any future amendments to this ordinance.

The purpose of this ordinance is to provide that the Charter Township of Garfield Township Board shall hereby establish under the Parks and Recreation and Playgrounds Act, Public Act 156 of 1917, MCL 123.51, *et seq.*, the Charter Township of Garfield Parks and Recreation Commission; to establish the appointments, terms, and membership of the parks and recreation commission; to identify the officers and the minimum number of meetings per year of the parks and recreation commission; and to prescribe the authority, powers and duties of the parks and recreation commission.

#### **Section 2: Establishment**

The township board hereby establishes under the Parks and Recreation and Playgrounds Act, Public Act 156 of 1917, MCL 123.51, *et seq.*, the Charter Township of Garfield Parks and Recreation Commission. The Parks and Recreation Commission shall have five members.

#### **Section 3: Membership**

Membership of the parks and recreation commission shall be comprised as follows:

1. One member of the township board may be appointed to the parks and recreation commission as an ex officio member. The Township Supervisor shall not serve as the ex officio member.
2. One member of the Garfield Township Planning Commission may be appointed to the parks and recreation commission.
3. One member of the City of Traverse City and Charter Township of Garfield Joint Recreational Authority may be appointed to the parks and recreation commission.
4. All other parks and recreation commission members shall be qualified electors of the township.
5. No other elected officer or employee of the township is eligible to be a member of the parks and recreation commission.

#### **Section 4: Appointments and Terms**

- A. The township supervisor, with the approval of the township board by a majority vote of the members elected and serving, shall appoint all parks and recreation commission members, including the ex officio member, in accordance with the following:
  - 1. The parks and recreation commission members, other than the ex officio member, shall serve for terms of 3 years each.
  - 2. The ex officio member shall serve for a term of 1 year.
  - 3. A parks and recreation commission member, other than the ex officio member, shall hold office until his or her successor is appointed.
  - 4. The ex officio member's term and the term of any member appointed from a separate board or commission shall expire with his or her term on the board from which he or she was appointed.
  - 5. Vacancies shall be filled for the unexpired term in the same manner as the original appointment.
- B. All members, inclusive of the ex officio member, shall have full voting rights.

#### **Section 5: Solicitation for Membership**

- A. By November of each year, the township shall determine which members' terms of office expire.
- B. If the township does not have at least two candidates for each office, an advertisement(s) shall be placed in a newspaper of general circulation within the township, seeking applications for appointment.
- C. In December of each year, the township board shall consider the applications and appoint members to the parks and recreation commission by a majority vote. All three year terms shall expire on December 31.
- D. These procedures need not be followed for initial appointments establishing the parks and recreation commission or to reappoint a current member of the parks and recreation commission.

#### **Section 6: Removal**

The township board may remove a member of the parks and recreation commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. Failure to repeatedly attend parks and recreation commission meetings shall be considered nonfeasance in office.

The secretary of the parks and recreation commission shall report any member who has missed three regular meetings in a row to the Township Board.

#### **Section 7: Conflict of Interest**

Before participating in parks and recreation commission deliberations or casting a vote on a matter on which a parks and recreation commission member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the parks and recreation commission. Failure of a member to disclose a potential conflict of interest as required by this ordinance constitutes malfeasance in office.

Conflict of interest shall be addressed in the parks and recreation commission By-laws.

#### **Section 8: Compensation**

Parks and recreation commission members shall serve without compensation. Subject to funding as may be provided for by township board resolution, the parks and recreation commission may adopt bylaws relative to compensation and expenses of its members for travel when engaged in the performance of activities authorized by the township board, including, but not limited to, attendance at conferences, workshops, educational and training programs and meetings.

## **Section 9: Training**

Appointed members of the parks and recreation commission may attend educational programs designed for training members of parks and recreation commissions if the adopted Garfield Township budget for that fiscal year includes funds to pay for tuition, registration, and travel expenses for the training.

## **Section 10: Officers and Committees**

The parks and recreation commission shall elect a chairperson and a secretary from its members, and may create and fill other offices as it considers advisable. The ex officio member of the parks and recreation commission is not eligible to serve as chairperson. The term of each office shall be 1 year, with opportunity for reelection as specified in the parks and recreation commission bylaws.

The parks and recreation commission may appoint advisory committees whose members need not be members of the parks and recreation commission.

## **Section 11: Bylaws, Meetings and Records**

A. The parks and recreation commission shall adopt bylaws for the transaction of business.

B. The parks and recreation commission shall hold at least 4 regular meetings each year, and shall by resolution determine the time and place of the meetings.

Unless otherwise provided in the parks and recreation commission's bylaws, a special meeting of the parks and recreation commission may be called by the chairperson or by two other members, upon written request to the secretary. Unless the bylaws otherwise provide, the secretary shall send written notice of a special meeting to parks and recreation commission members at least 48 hours before the meeting

C. The business that the parks and recreation commission may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act, Public Act 267 of 1976, MCL 15.261, *et seq.*

D. The parks and recreation commission shall keep a public record of its resolutions, transactions, findings, and determinations. A writing prepared, owned, used, in the possession of, or retained by a parks and recreation commission in the performance of an official function shall be made available to the public in compliance with the Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, *et seq.*

## **Section 12: Staff**

A. The parks and recreation commission shall be assigned staff from the planning department to carry out the duties of Section 15.

B. The appointment of all employees shall be subject to the same provisions of law, employment policies, employee roster, and employee or union contracts, if any, as govern other employees of the township.

C. Employees that are assigned to work with the parks and recreation commission shall follow the directives of the parks and recreation commission in matters of park and recreation planning issues, but shall not be subject to parks and recreation commission directives concerning employment provisions of law, employment policies, employee roster, and employee or union contracts, if any.

### **Section 13: Liaisons**

The parks and recreation commission, in its Bylaws, may name "liaisons" to the parks and recreation commission. The sole purpose of liaisons is to provide certain Garfield Township and quasi-Garfield Township officials the ability to participate in discussion with the parks and recreation commission in addition to speaking in public participation. At a minimum, liaisons shall include:

1. Garfield Township Planning Department staff, and their agents and consultants.
2. Garfield Township Zoning Administrator.
3. Garfield Township Building Department staff.
4. Garfield Township Attorney.

### **Section 14: Annual Report**

The parks and recreation commission shall make an annual written report to the township board concerning its operations and the status of the parks and recreation activities, including recommendations regarding actions by the township board related to parks and recreation planning.

### **Section 15: Duties and Authority**

It shall be the responsibility of the parks and recreation commission to:

1. Advise the township administration and township board concerning the parks and recreation needs of the citizens of the township.
2. Study existing programs and policies and plan for the future long-range development of a viable parks and recreation program for all of the citizens of the township.
3. Promote and encourage the implementation of any parks and recreation programs approved by the township board.
4. Make recommendations as to rules and regulations for public parks and recreation facilities in the township, to the township board for their review and approval.
5. Make recommendations to the township board regarding the parks and recreational programs and activities for the township, and the policies and rules governing these programs and activities.
6. Such other functions and duties as may be authorized by the township board from time to time.

### **Section 16: Severability**

The provisions of this ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a court of competent jurisdiction, it shall not affect the remainder of the ordinance, which shall continue in full force and effect.

### **Section 17: Effective Date**

This ordinance shall take full force and effect on the date of its publication.

### **CERTIFICATE**

Passed by the Township Board of the Charter Township of Garfield on July 13, 2010, at its regular meeting with 7 members in attendance, 7 voting aye, 0 voting nay.

Signed:  \_\_\_\_\_, Chair.

I hereby certify that the foregoing was duly adopted by the Township Board of Garfield Charter Township, Grand Traverse County, Michigan, at its regular meeting on the July 13, 2010, that of 7 members of the Township Board, 7 were in attendance, and 7 voted for the adoption of the Ordinance.

Signed  \_\_\_\_\_  
Kay Schumacher, Garfield Township Clerk