

R E S O L U T I O N

82-2010

Grand Traverse County Parks & Recreation Commission Rules & Regulations

(This Resolution Supersedes Resolution 42-77)

WHEREAS, Resolution 42-77 created the Parks and Recreation Commission; and

WHEREAS, Resolution 42-77 is out-of-date in that it provides for appointment of members of now defunct county commissions; and

WHEREAS, this board wishes to clarify the duties and authorities of the Parks and Recreation Commission as they relate to this Board; and

WHEREAS, this Board wishes to establish a separate set of rules and regulations to govern the Parks and Recreation Commission;

THEREFORE, IT IS RESOLVED that a County Parks and Recreation Commission is established pursuant to the provisions of Act 261, of P.A. 1965, as amended.

IT IS FURTHER RESOLVED that the Grand Traverse County Parks and Recreation Commission is established as an agency of the Grand Traverse County Board of Commissioners and shall operate its programs under policies and procedures approved by this Board to be known as "Rules and Regulations with Respect to the Grand Traverse County Parks and Recreation Commission." (attached hereto)

This resolution supersedes resolution 42-77. All current members of the Parks and Recreation Commission shall continue to serve out their terms of office and until replaced as provided in the Rules and Regulations with Respect to the Grand Traverse County Parks and Recreation Commission.

APPROVED: April 28, 2010

RULES AND REGULATIONS WITH RESPECT TO THE GRAND TRAVERSE COUNTY PARKS AND RECREATION COMMISSION

1 AUTHORITY

These rules are adopted by the Grand Traverse County Board of Commissioners pursuant to MCL 46.351(4).

2 NAME

The agency shall be known as the Grand Traverse County Parks and Recreation Commission.

3 MEMBERS; TREASURER; TERM OF OFFICE; VACANCY; REMOVAL

3.1 Members

The County Parks and Recreation Commission shall consist of the following ten (10) members:

- (a) The chairperson of the County Road Commission or another Road Commissioner designated by the Board of County Road Commissioners.
- (b) The County Drain Commissioner or an employee of the Drain Commissioner's Office designated in writing by the Drain Commissioner.
- (c) The Chairperson of the County Planning Commission or another member of the County Planning Commission designated by the County Planning Commission.
- (d) Seven members appointed by the County Board of Commissioners, not less than 1 and not more than 3 of whom shall be members of the County Board of Commissioners.

[M.C.L.A. 46.351(2)]

3.2 Treasurer

The County Treasurer shall be the treasurer of the Parks and Recreation Commission.

3.3 Term of Office

Of the members first appointed by the County Board of Commissioners, 2 shall be appointed for a term ending 1 year from the following January 1, 2 for a term ending 2 years from the following January 1, and 3 for a term ending 3 years from the following January 1.

From then on, each appointed member shall be appointed for a term of 3 years and until his or her successor is appointed and qualified. Each term shall expire at noon on January 1.

[MCL 46.351(3)]

3.4 Vacancy

A vacancy shall be filled for the unexpired term according to rule 14 of the County Board Rules of Order. Whenever there shall arise the need to make an appointment to the Parks and Recreation Commission, the Chairperson of the County Board of Commissioners shall appoint an ad hoc committee consisting of four members of the County Board of Commissioners to review applications for the position and make recommendations for appointment to the full County Board of Commissioners. All appointees shall be ratified by a majority vote of the County Board of Commissioners.

[MCL 46.351(3)]

3.5 Removal

An appointed member of the Parks and Recreation Commission may be removed from office by a majority vote of the County Board of Commissioners.

4 QUORUM

A majority of the members of the Parks and Recreation Commission constitutes a quorum for the transaction of the ordinary business of the Parks and Recreation Commission.

[MCL 46.353].

5 COMPENSATION

5.1 Per Diem

The seven appointed members of the Parks and Recreation Commission are entitled to per diem for meetings as established in the county's per diem schedule.

5.2 Mileage

Parks and Recreation Commission members are entitled to mileage reimbursement in the amounts listed in the county travel policy.

[see resolution 01-2007; MCL 46.351(4)]

6. DIRECTOR; APPOINTMENT; GENERAL DUTIES; ADMINISTRATIVE DUTIES; PUBLIC RELATIONS

6.1 Appointment

The County Administrator shall appoint a Director of Parks and Recreation and shall take into account the advice and/or recommendations of the Parks and Recreation Commission.

6.2 General Duties

The Director shall be responsible for the professional and administrative work, directing and coordinating the program of the Parks and Recreation Commission. The Director's work shall be carried on with the widest degree of professional responsibility, subject to the policy determination of the Parks and Recreation Commission and administrative policies of the county.

6.3 Public Relations

The Director and/or the Parks and Recreation Commission Chairperson, or their designee(s), shall officially represent the Commission and its staff at conferences, interdepartmental meetings of the county government, meetings among local, state and federal agencies, and serve generally as liaison between the Commission and the public. The Director shall present commission recommendations to the County Board of Commissioners when required by these rules.

7 DUTIES AND RESPONSIBILITIES

The Parks and Recreation Commission is an agency of the Grand Traverse County Board of Commissioners that operates its programs under policies and procedures approved by the County Board of Commissioners [MCL 46.351(4)]. The Parks and Recreation Commission has only those duties and responsibilities as set forth below.

1. Bylaws. The Parks and Recreation Commission is authorized to adopt bylaws. [MCL 46.353]
2. Contracts. The Parks and Recreation Commission is authorized to enter into contracts. All contracts shall comply with the county purchasing policy. [MCL 46.353]
3. Study and determination of facilities and needs; plan. The Parks and Recreation Commission may study and ascertain the County's park, preserve, parkway and recreation and other conservation facilities, the need for such facilities and the extent to which such needs are being currently met, and prepare and adopt a coordinated plan of areas and facilities to meet such needs. [MCL 46.356]
4. Filing of land ownership records, acquisition and development plans; public availability of records.
 - a. The Parks and Recreation Commission shall file with the Department of Natural Resources and Environment a record of its land ownership, proposals for acquisition of land, and its general development plans and programs for improvement and maintenance of the land.
 - b. A writing prepared, owned, used, in the possession of, or retained by the Parks and Recreation Commission, in the performance of an official function shall be available to the public in compliance with Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws. [MCL 46.357]
5. Acquisition of property. The Parks and Recreation Commission may acquire in the name of the county by gift, purchase, lease, agreement, or otherwise, in fee or with conditions, suitable real property, within the county or region, or contiguous with or adjacent thereto, for public parks, preserves, parkways, playgrounds, recreation centers, wildlife areas, lands reserved for flood conditions for impounding runoff

water, and other conservation purposes. In acquiring or accepting land, due consideration shall be given to its scenic, historic, archaeological, recreational or other special features. [MCL 46.358].

6. Condemnation of private property. The Parks and Recreation Commission may take private property necessary for any purpose within the scope of its powers under this act, for the use or benefit of the public, and institute and prosecute proceedings for that purpose under and in accordance with Act No. 149 of the Public Acts of 1911, as amended, being sections 213.21 to 213.41 of the Compiled Laws of 1948. If the Parks and Recreation Commission desires to take real property within Grand Traverse County, it shall notify the County Board of Commissioners of its intentions to institute proceedings under MCL 46.359; and, unless the members of the Board of Commissioners by a majority vote disapprove the contemplated action within 60 days of the receipt of notification by certified mail of such contemplated action, the Parks and Recreation Commission may proceed to institute proceedings pursuant to the provisions of MCL 46.359. [MCL 46.359]
7. Condemnation of property in another county. If the Parks and Recreation Commission desires to acquire real property in another county not a member of a regional commission, it shall notify the Board of Commissioners of the county wherein the real property to be taken is located of its intentions to institute proceedings under MCL 46.359; and, unless the members of the Board of Commissioners by a majority vote disapprove the contemplated action within 60 days of the receipt of notification by certified mail of such contemplated action the Parks and Recreation Commission may proceed to institute proceedings pursuant to the provisions of MCL 46.359a. [MCL 46.359a]
8. Acceptance of gifts, bequests, grants-in-aid, contributions, and appropriations. The Parks and Recreation Commission may accept in the name of the County gifts, bequests, grants-in-aid, contributions and appropriations of money and other personal property for conservation purposes. The Parks and Recreation Commission shall comply with the County's policy regarding acceptance of gifts, bequests, grants-in-aid, contributions, and appropriations. ¹[MCL 46.360]
9. Development and operation of facilities. The Parks and Recreation Commission may plan, develop, preserve, administer, maintain and operate park and recreational places and facilities and construct, reconstruct, alter and renew buildings and other structures. [MCL 46.361]
10. Custody, control and management of property. The Parks and Recreation Commission shall have the custody, control and management of all real and personal property acquired by the county for public parks, preserves, parkways, playgrounds, recreation centers, wildlife areas, lands reserved for flood conditions for impounding runoff water, and other county conservation or recreation purposes. [MCL 46.362]

¹ Will need to create policy to govern all county departments similar to commission on aging policy.

11. Installation and maintenance of roads and parking facilities. The Parks and Recreation Commission may install and maintain road and parking facilities within areas under its control. [MCL 46.363]
12. Rules, adoption, effectiveness, penalties for violations; regulation of recreational trailways; park rangers; police services. With the approval of the County Board, the Parks and Recreation Commission may do all of the following: adopt, amend, or repeal rules for the protection, regulation, and control of its facilities and areas in accordance with MCL 46.364(1)-(2); provide for penalties and enforcement of those rules as provided in MCL 46.364(3)-(4) and; appoint park rangers in accordance with MCL 46.364(5); contract with townships, cities, villages, or sheriffs for police services required to enforce rules adopted under this section and appropriate and expend funds for those services in accordance with MCL 46.364(6).
13. Charge and collection of fees; payment and disposition of fees. The Parks and Recreation Commission may charge and collect reasonable fees for the use of the facilities, privileges and conveniences provided. All charges and fees for the use of county facilities, privileges and conveniences shall be paid over to the county treasurer. [MCL 46.365]
14. Employment of personnel. The Parks and Recreation Commission, through its parks Director, may employ such personnel as may be authorized by the board of commissioners including an executive officer. The Commission shall abide by all county personnel policies and all personnel matters other than hiring/firing and discipline shall be the responsibility of the County Human Resources Department.

8 APPROPRIATIONS AND EXPENSES

The Board of Commissioners in its annual budget may provide for the expenses of the Parks and Recreation Commission, which shall be limited in its expenditures to amounts so appropriated unless a further appropriation is made by the Board of Commissioners.

8.1 Annual Budget

The Parks and Recreation Commission shall prepare annually an operating budget *for final approval by the County Board of Commissioners.**

8.2 Purchasing Policy

The Parks and Recreation Commission shall abide by all county purchasing policies and procedures.

8.3 Audit

An audit will be shall be conducted by the County Finance Department prior to the end of each fiscal year. The Parks and Recreation Commission shall lend its full cooperation and resources in the preparation of the audit.

[MCL 46.354]

9 COMPLIANCE WITH COUNTY POLICIES AND PROCEDURES

The Parks and Recreation Commission shall comply with all county policies and procedures.

[MCL 46.354]

10 APPROVAL OF COMMISSION ACTIONS

The Parks and Recreation Commission shall carry out its duties and responsibilities in accordance with the policies and procedures set forth in these rules and regulations. Except as otherwise noted in these rules and regulations, an action of the Parks and Recreation Commission shall not be re-considered by the County Board of Commissioners unless a request to review such action shall be made in writing by at least three (3) county commissioners. In such case, the item shall be placed on the agenda of the next regular meeting of the Board of Commissioners. A determination of the Parks and Recreation Commission shall be reversed by the County Board of Commissioners only upon a majority vote of the Board of Commissioners elected and serving.

11 AMENDMENT OF RULES

These rules may be amended by a majority vote of the County Board of Commissioners.