

ORDINANCE NO. 10 A

COMMUNITY EDUCATION AND RECREATION COMMISSION

AN ORDINANCE ESTABLISHING A COMMUNITY EDUCATION
AND JOINT RECREATION BOARD AND DEFINING ITS POWERS

The City Council of Big Falls does ordain as follows:

Section 1. The establishment and composition of the Advisory Council.

There is hereby created a Community Education and Recreation Advisory Council for the community of Big Falls pursuant to the authority given by Minnesota Statutes under which the power of the City and the School Board to operate a program of education and recreation may be delegated to such an Advisory Council. The Advisory Council shall consist of seven (7) members, composed as follows: appointed by the City Council-one (1) member of the Council for a one year term; one (1) representative of the clergy for a one year term, one (1) citizen for a two year term; appointed by the School Board-one (1) member of the Board for a one year term; one (1) Senior Citizen for a one year term; one (1) member from the rural community for a two year term and one (1) citizen-at-large for a three year term. Both original and successive appointees shall serve their offices until their successors are appointed and qualified. The School Administrator or designee and City Clerk shall serve as exofficio members to the Advisory Council. The Advisory Council shall appoint two (2) non-voting members from the school student body to serve on the Advisory Council.

A vacancy exists if an Advisory Council member misses three consecutive meetings and shall be filled for the unexpired portion of the term by the appropriate appointing body. Members of the Advisory Council shall serve without compensation and shall not be personally interested in any contracts of the Advisory Council. They shall, upon their appointments and at the beginning of each fiscal year thereafter, elect a chairman and a secretary from their own number with duties in addition to advisory council membership implied by these titles. A majority shall constitute a quorum for the transaction of business.

Section 2. General Powers. The Community Education and Recreation Advisory Council shall have power to operate a program of public education and recreation as a joint agent of the City and School District. If any part of such program of the community be administered directly by any public or private agency other than the Advisory Council, the Advisory Council shall have power to make cooperative agreements with any such public or private agency for the purpose of coordinating all the activities and facilities included in such public recreation program. The program directly administered by the Advisory Council may make use of public property assigned to, or of private property leased or otherwise made available for, public education and recreational use. The City Council shall determine what land is to be acquired by it for recreational purposes, what land it shall be permitted to use in carrying on its program and what buildings or other permanent structures are to be constructed upon lands. The School District shall make similar decisions with respect to

its structures upon it. The Advisory Council shall advise the City Council and the School Board upon such matters and shall operate facilities made available to it for such purposes; but it shall have no authority to acquire land in its own name or without the consent of the governmental unit in whose name such land is to be acquired, and it shall have no authority to construct buildings or other permanent structures upon any land without the consent of the owners of such land; and in no event shall such buildings or structures be constructed by the Advisory Council upon privately owned land.

Section 3. Specific Powers. In order to carry on the community education and recreation program provided herein, the Advisory Council shall have power to:

- (a) Adopt rules for its meetings and the transaction of its business and rules governing the use by the public of the facilities under its control upon approval by the City Council and School Board;
- (b) Employ and fix the compensation of an employee(s) of the program and to carry the workmen's compensation insurance and provide for surety bonds for all such officers and employees; provided all officers and employees shall be selected on a basis of merit and fitness and where appropriate instructors and directors shall be appointed in compliance with the minimum qualifications established by the Advisory Council; make purchases of materials, supplies, equipment and services, but such purchases of other than personnel services shall be competitive and in orders involving more than one-thousand dollars (\$1,000.00), shall be selected after public advertising and opening of written sealed bids;
- (c) Make all contracts for completion within a current fiscal year;
- (d) Lease real or personal property for public recreational use for periods not longer than one year;
- (e) Accept gifts or real and personal property for public educational and recreational purposes, subject to the provisions of Section 2;
- (f) Perform whatever other acts are reasonable and necessary and proper to carry on such a program under this ordinance.

Section 4. Preparation of Program. The Advisory Council shall each year prior to June 25 prepare a comprehensive program for community education and recreational activities for the ensuing year, with recommended divisions of responsibility as between private agencies, other public agencies administering education and recreation activities directly, and the Advisory Council itself. The Advisory Council's own program shall be described in terms of activities and funding thereof. The budget of finances shall be substantially balanced and shall show:

- (a) Estimated revenues, divided as follows:
1. Contributions from the City Council and the School Board;
 2. Contributions from other public bodies;
 3. Contributions from private sources;
 4. Earnings from admissions and other charges made for use of facilities;
 5. Miscellaneous revenues, and
- (b) Estimated expenditures, divided as follows:
1. Payroll
 2. Supplies
 3. Repairs
 4. Rents
 5. Equipment
 6. Miscellaneous expenditures.
- (c) The budget shall be submitted not later than the 25th day of June to the City Council, the School Board and any other public body from which contributions are requested. The final decisions as to these contributions shall be reported back to the Advisory Council, which shall adjust the budget, if necessary. The expenditure allowances, as finally approved by the Advisory Council, shall control the year's spending program, except that excess revenues received may be spent upon the approval of the Advisory Council. The Advisory Council shall not itself levy taxes or borrow money; and it shall not approve any claims or incur any obligations for expenditures, unless there is unencumbered cash in the treasury to the credit of the Advisory Council with which to pay the same.

Section 5. Finances of the Advisory Council. For the purpose of financing the community education and recreation program authorized by this ordinance, there shall be established in the City accounts and treasury a special fund to be called the Community Education and Recreation Fund. Into this fund shall be placed the various revenues as enumerated in Section 4 and from it shall be paid claims for various recreation expenditures as enumerated in Section 4. All receipts belonging to the Advisory Council shall be deposited intact in a bank account to the credit of the fund and no disbursements shall be made from this bank account except by check nor unless a verified claim for services and commodities actually rendered or delivered has first been submitted to and approved for payment by the Advisory Council, authenticated by signature of the chairman and secretary. The accounting of the fund and the custody of the cash and the bank checking account shall be in the hands of the accounting officer and the treasurer, respectively, of the City. These officers shall make reports to the Advisory Council at reasonable intervals as determined by the Advisory Council.

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For purposes of accounting and report, the fiscal year of the Advisory Council and the fund shall be January 1st to December 31st. An audit of the funds shall be made annually. Such audit may be made independently of or in conjunction with any audit which may be made of the funds of the City or School District. The Advisory Council shall be authorized to establish charges or fees for the restricted use of any facilities or to make any phase of the program wholly or partially self-sustaining. Any employee of the Advisory Council who handles cash in the process of collections shall be bonded.

Section 6. Effective Date. This ordinance shall be in effect from and after its passage according to law.

October 11, 1977

Marianne Nygaard
City Clerk