

BENTON COUNTY ORDINANCE NO. 355

AN ORDINANCE ESTABLISHING A BENTON COUNTY PARK COMMISSION

WHEREAS, the Benton County Board of Commissioners recognizes the value of citizen involvement in county issues; and,

WHEREAS, Minnesota Statutes Section 398.36 authorizes the county board to establish a park commission; and,

WHEREAS, the Benton County Board of Commissioners conducted a public hearing on April 1, 2003 to consider adoption of this ordinance; and,

WHEREAS, notices of the public hearing were published in the official newspaper of Benton County on March 4, 2003; now, therefore,

THE COUNTY BOARD OF BENTON COUNTY ORDAINS:

1. There is hereby created the Benton County Park Commission, which shall consist of nine members to be appointed by the Benton County Board of Commissioners. Two of the members shall be Benton County Commissioners, one member shall be a parks and recreation or planning professional, one member shall be a conservation or environmental advocate, and five members shall be citizens of Benton County, including one resident from each of the five county commissioner districts.
2. Term of Office. The term of all park commission members shall be for three years, and shall be staggered so no more than three members terms expire in any given year. All regular terms shall expire on December 31st. No member may serve more than three consecutive three-year terms.
3. Duties. The Benton County Park Commission shall act in an advisory capacity to the Benton County Board of Commissioners, providing recommendations to the board regarding the planning, development, funding and evaluation of park and recreation facilities and programs.

The Commission shall adhere to the requirements of the by-laws of the Benton County Park Commission, as adopted by the Benton County Board of Commissioners.
4. Compensation. Commission members shall receive per diem and mileage reimbursement, in an amount set by the Benton County Board of Commissioners for attending regular monthly meetings.

Benton City Clerk / Sec

BE IT FURTHER ORDAINED THAT the Benton County Board of Commissioners adopt the by-laws of the Benton County Park Commission, which are attached hereto and incorporated herein by reference.

This ordinance shall become effective upon passage and publication as provided by law.

Dated this 1st day of April, 2003.

BENTON COUNTY BOARD OF
COMMISSIONERS

Richard J. Soyka 4/1/03
Richard Soyka, Chair

ATTEST:
Vicki L. Feuling
Dave Loch, Interim Co. Coordinator
By *Vicki Feuling, County Clerk*
Clerk

MARILYN J. NOVAK
COUNTY RECORDER
BY *Marilyn J. Novak* DEPUTY, *MB*

OFFICE OF
BENTON COUNTY RECORDER
BENTON COUNTY, MN
CERTIFIED TO BE FILED
AND/OR RECORDED ON

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BY-LAWS OF THE BENTON COUNTY PARKS COMMISSION

Article I: **Name of the Commission**

The name of the organization shall be the Benton County Parks Commission.

Article II: **Vision, Mission and Purpose**

Section 1. Vision:

The vision of the Parks Commission is to create, sustain and preserve excellent parks, trails and open spaces to enhance the lives of current and future generations of Benton County residents.

Section 2. Mission:

The mission of the Parks Commission is to contribute vision, leadership and recommendations to the Benton County Board of Commissioners for the best use and development of Benton County parks, trails and open spaces.

Section 3. Purpose:

The purpose for which this commission is organized shall be to work as a team to:

1. Study and determine the park, recreation and open space needs of the County and serve as an advisory body providing recommendations to the County Commissioners on matters pertaining to the planning, programming, evaluating and funding of park and recreation facilities and programs in accordance with Minnesota Statutes 398.31 to 398.36.
2. Recommend annual priorities to the County Commissioners, with reference to the Benton County Master Plan for Parks, Trails and Open Space, for the acquisition, development, operation and maintenance of recreation areas, natural areas, facilities and programs. The recommended annual plan for the ensuing fiscal year, together with an estimate of the cost thereof, shall be submitted no later than July 1st of each year.
3. Support the mission of the Benton County Parks Department.

Article III: **Authorization**

The authorization for the establishment of this commission is set forth under Minnesota Statutes, Section 398.36. Duties are delegated to the Parks Commission by the Benton County Board of Commissioners by Ordinance #355 and power pursuant to Minnesota Statutes, Section 398.31 to 398.36.

Article IV: **Membership**

Section 1. Commission Structure:

The County Parks Commission shall consist of nine (9) members:

1. Two (2) Benton County Commissioners
2. Five (5) citizen members, including one from each County Commissioner's District
3. One (1) Parks & Recreation or Planning Professional
4. One (1) Conservation / Environmental Advocate

All members must be Benton County residents and all shall have equal rights and privileges.

Section 2. Appointment of Members:

a) The County Board of Commissioners shall directly appoint their own Commissioner representation.

b) The remaining members shall apply for the position according to the following procedure:

Initial Establishment of the Commission

1. The vacancies shall be posted in the official newspaper, and a notice shall be mailed to all cities and townships. The membership application will be given to all interested parties.

2. A minimum of five (5) weeks public notice is required. The County Board of Commissioners will make the membership appointments at their earliest convenience thereafter.

On-going Membership Application Procedure

1. Any vacancies shall be posted in the official newspaper, and a notice shall be mailed to all cities and townships affected by the vacancy. The membership application will be given to all interested parties.

2. All applications shall be submitted to the Parks Director at the Courthouse. A minimum of five (5) weeks public notice is required. The Parks Director and Parks Commission members shall review all applications and make a recommendation to the County Board, and the Board shall have final approval over all appointments to the Commission.

Application Form

1. An application form containing the following questions will be sent to all interested applicants.
 - a. Please tell us why you are interested in applying.
 - b. Please tell us about your work experiences.
 - c. Please tell us about any prior or current civic involvement.

- d. Please tell us about your educational experiences.
- e. Please tell us about any "life experiences" that my help you fulfill a board or commission position.
- f. Please tell us what time commitment you can provide your board or commission beyond regular meetings.
- g. Please tell us what you think you can contribute.
- h. Please disclose any affiliations that may be construed as a conflict of interest.

Article V: **Term of Office**

Section 1: **Term and Term Limits:**

The term of the members shall be for three (3) years, and shall be staggered so that no more than three members' terms expire in a given year. All regular terms shall expire December 31st. Current members must reapply for appointment, if interested. All members shall not serve more than three (3) consecutive three (3) year terms. Upon completion of the terms, a member may be eligible for reappointment after one (1) year of non-membership.

To ensure that the terms are staggered, the charter members will have the following initial terms:

Commissioner District 1 and 2:	1-year term
Commissioner District 3:	2-year term
Commissioner District 4 and 5:	3-year term
Parks & Recreation/Planning Professional	1-year term
Conservation/Environmental Advocate	2-year term

Section 2: **Early Dismissal:**

Any member of the Parks Commission who misses three consecutive meetings per year, or acts in a manner inappropriate to the duties of the Parks Commission is subject to removal at the pleasure of the County Board of Commissioners.

Article VI: **Vacancy**

Any vacancy in the regular membership prior to term expiration shall be filled by the County Board of Commissioners and such appointee shall serve for the unexpired term so filled. Said appointee may serve additional terms pursuant to Article IV, Section 2 and Article V, Section 1.

Article VII: **Officers**

Section 1. **Elections:**

Officers shall be elected at the first regularly scheduled meeting of the new year. The County Parks Commission shall elect from its membership a chair, vice-chair, and a secretary who shall serve for a term of one year and shall have such powers as may be prescribed in the rules of said Commission. Officers shall serve for one year and shall be eligible for re-election.

Section 2. Duties of Chair:

The chair shall preside at all meetings of the Parks Commission and shall have the duties normally conferred by parliamentary usage of such officers. The Chair shall work with the Parks Director to establish the agenda for the meetings.

Section 3. Duties of Vice-Chair:

The vice-chair shall act for the chair in his/her absence.

Section 4. Duties of Secretary:

The secretary shall keep the minutes and records of the Commission; and with the assistance of staff as is available, arrange proper and legal notice of hearings when necessary, attend to the correspondence of the Commission and other duties as are normally carried out by a secretary.

Article VIII: Compensation

Commission members shall receive per diem and mileage reimbursement for attending their regular monthly meeting. Per diem and mileage for special meetings will be subject to approval by the County Board. Per diem and mileage reimbursement shall be based upon current rates and policies as established by the County Board.

Article IX: Changing & Amending

These by-laws may be amended as deemed necessary by the Parks Commission. Such amendments shall be in writing and may not be acted upon with less than thirty (30) days prior written notice and must have two-thirds (2/3) majority vote to be recommended to the County Board for their action.

Article X: Meetings

1. Regular meetings will be held once a month. The meeting night shall be the first Wednesday of every month, at 6:00 pm. In the event of a conflict with holidays or other events, the Chairperson may change the date with proper notice.
2. Special meetings may be called by a majority of duly appointed members.
3. The Commission may establish and appoint committees. These committees shall meet at the direction of the Commission and shall report back to the Commission.
4. All meetings shall be open to the general public and shall follow Roberts Rules of Order, Simplified and Applied, unless otherwise specified and/or applicable.

Article XI. Quorum:

1. A quorum consisting of a majority of duly appointed members shall be present at any meeting in which official action is taken.