

ORDINANCE NO. 140-C

AN ORDINANCE ESTABLISHING A RECREATION COMMISSION PROVIDING FOR THE SELECTION, QUALIFICATIONS, AND TERM OF OFFICE OF ITS MEMBERS AND FOR ITS POWERS, DUTIES, AND REGULATIONS.

The City Council of the City of Empire, County of Dakota, State of Minnesota, ordains as follows:

Section 1. PURPOSE

This ordinance is enacted to establish a Recreation Commission for the City of Empire under the provisions of Minnesota Statutes for the following purposes:

- 1.1 To provide recreation programs and facilities for the benefit of all City residents, especially but not limited to, the youth of the City.
- 1.2 To provide for recreational programs in cooperation with other municipalities, school districts, incorporated veterans' organizations, or non-profit organizations.
- 1.3 To determine the needs of the City for recreational programs and the availability of recreational programs already in operation in the area; to seek economy in the provision of facilities and services; to avoid duplication of recreational programs and facilities through the cooperation with non-profit organizations already providing such programs and facilities.

Section 2. ESTABLISHMENT; QUALIFICATIONS; TERM OF OFFICE

- 2.1 There is hereby established a Recreation Commission hereinafter referred to as the "Commission" which will consist of seven (7) members appointed by the City Council from among the residents of Empire.
- 2.2 In addition to the seven members, there shall be an ex officio member to be appointed from the membership of the City Council. The ex officio member shall be appointed for an annual term, provided that membership on the commission shall terminate with the office from which the ex officio membership is derived.
- 2.3 Terms of office for other than the ex officio member shall be three (3) years.
- 2.4 Members other than the ex officio member shall be appointed from among persons in a position to represent the general public interest and shall be persons who express to the City Council, an interest in the establishment and maintenance of recreation programs and facilities in the City.
- 2.5 All members of the commission, except the ex officio member, shall have one vote on all Commission matters.

Section 3. REMOVAL FROM OFFICE; VACANCIES

- 3.1 Any member of the Commission may be removed from office for just cause by two-thirds vote of the City Council, provided, that he is given ten (10) days advance notice, in writing, of the proposed action of the Council, and an opportunity for a public hearing before the vote is taken. Any member of the Commission may be removed for non-attendance at Recreation Commission meetings provided that his removal is voted by a majority of the remaining Commission members and provided that the removal is approved by the City Council after 10 days written notice to the member of the Commission to be removed.
- 3.2 It shall be the duty of the chairman of the Recreation Commission to notify the City Council promptly of any vacancies occurring in the membership of the Commission, and the City Council shall fill such vacancies within thirty (30) days for the unexpired term of the appointment.

Section 4. OFFICERS, RULES, EMPLOYEES, SALARIES AND EXPENSES.

- 4.1 The Commission shall elect a chair and a secretary from among its members. The election of officers shall take place at the first meeting of the Recreation Commission of each year.
- 4.2 The Recreation Commission shall adopt rules for its governance and for the transaction of its business which shall be approved by the City Council before taking effect.
- 4.3 The secretary of the Commission shall keep a written record of attendance at its meetings and of resolutions, transactions, findings and determinations showing the vote of each member of each question requiring a vote, or if absent or abstaining from voting, indicating such fact. The records of the Commission shall be a public record. Copies of the minutes of the Recreation Commission meetings shall be transmitted to the city clerk at least twenty-four (24) hours prior to the next regularly scheduled meeting of the City Council following the meeting of the Recreation Commission.
- 4.4 Within limits set by appropriations by the City Council for the Recreation Commission, the Commission shall employ such staff as may be deemed proper, and may incur such other expenses as may be necessary and proper for the conduct of its affairs.
Members of the commission shall receive the following per diem salaries for services:
\$40.00 per meeting.
Necessary travel per diem, and other expenses while on official business for the commission.

Section 5. FUNCTION, POWERS AND DUTIES

The functions, powers and duties of the Commission shall be:

- 5.1 To conduct, either formally or informally, a survey of the current facilities and recreational programs available to residents of Empire and to determine there from the need

for providing additional recreational programs and facilities for the benefit of City residents, especially the youth of the City.

- 5.2 To determine what recreational programs and facilities are currently being operated by other municipalities, school districts, incorporated veterans' associations and non-profit organizations in the area.
- 5.3 To determine, from among recreational programs and facilities operated by other groups, mentioned above, whether or not said programs and facilities could be made available to City residents by cooperation with said municipality, school district, incorporated veteran's organization, or non-profit organization.
- 5.4 To prepare and submit to the City Council at least 60 (sixty) days prior to the annual budget workshop each year, a proposal for the next year's recreational programs and facilities and the budget necessary, therefore.
- 5.6 To operate recreational programs and provide recreational facilities, including the acquisition of recreational equipment, land and buildings, within the limits set by the appropriation by the City Council, and to conduct such activities either solely on behalf of the City or in cooperation with other municipalities, school districts, incorporated veterans' organizations or non-profit organizations.
- 5.7 To keep the City Council and general public informed and advised as to all recreation programs and facilities.
- 5.8 To perform other duties which may be lawfully assigned to it, or which may have a bearing on its other functions, powers and duties.

Section 6. APPROPRIATIONS

- 6.1 Upon receipt of the proposal on the Recreation Commission for the recreational program and facilities for the coming fiscal year of the city, the City Council shall review the proposal and the proposed budget, therefore.

Section 7. REPEALS

All ordinances or portions of ordinances in conflict herewith are hereby repealed. Should any section of this ordinance be held unconstitutional or void, the remaining provisions shall nevertheless remain in full force and effect.

Section 8. EFFECTIVE DATE.

The effective date of this Ordinance shall be after its passage and publication according to law. Ordinance No. 140-C was adopted by the City Council this 23rd day of April 2024.

ATTEST:

Trent Larson, Mayor

Charles Seipel-Teng, Clerk-Administrator