

ORDINANCE NO. 365

AN ORDINANCE CREATING A DEPARTMENT OF PARKS AND RECREATION FOR THE TOWN OF ST. JOHN, INDIANA, UNDER "THE PARK AND RECREATION LAW OF 1965"

WHEREAS, under the Acts of 1955, Chapter 311, as amended by the Acts of 1965, Chapter 404, "The Park and Recreation Law of 1965", was enacted, and

WHEREAS, the Board of Trustees of the Town of St. John, Lake County, Indiana, deem it necessary and desirable to create a single department of parks and recreation as a part of the governmental organization of the Town of St. John, and

WHEREAS, the Board of Trustees desire to create the department of parks and recreation under and within the scope of "The Park and Recreation Law of 1965", as amended,

NOW THEREFORE BE IT ORDAINED by the Board of Trustees of the Town of St. John, Lake County, Indiana, as follows:

Section 1. Creation of Department.

A Department of Parks and Recreation of the Town of St. John, Lake County, Indiana, is hereby created. All prior ordinances creating separate park and recreation departments or authorities, if any, are hereby repealed.

Section 2. Definitions as used in this Ordinance.

"Town" means Town of St. John, Lake County, Indiana.

"Town Board" means Board of Trustees of the Town of St. John.

"Board" means Park and Recreation Board as created hereunder.

"Department" means the Park and Recreation Department as created hereunder.

"Superintendent" means Administrative Head of the Department of Park and Recreation responsible for a park and recreation program.

Section 3. Board of Parks and Recreation.

The Board of Parks and Recreation shall be composed of four (4) members who shall be appointed by and serve at the pleasure of the Town Board. Each member shall be a resident of the Town for at least three (3) years immediately prior to his becoming a member of the Board.

The members of the First Board shall take office as of the date of their appointment and qualification. Each member shall be appointed for a term, and unless removed at the pleasure of the Board, shall serve until the expiration of the term, or until his successor is appointed and qualified, whichever first occurs. The term of one member shall expire January 1, 1973, the term of one member shall expire January 1, 1974, and the term of one member shall expire January 1, 1975, and the term of one member shall expire January 1, 1976; thereafter, a member of the Board shall be appointed for a term of four (4) years, and unless removed at the pleasure of the Town Board, shall serve until the expiration of the term or until his successor is appointed and qualified, whichever first occurs.

~~Beginning as of _____, and thereafter, each member shall receive ^{NO} as compensation, the sum of \$ _____ annually, to be paid in such installments as the Town Board shall from time to time determine.~~

A person holding any other public office or position in the government of the Town may be eligible for membership on such Board.

Section 4. Powers of the Board of Parks and Recreation.

The Board shall have the general power to perform all acts necessary to acquire and develop sites and facilities and to conduct such programs as are generally understood to be park recreation functions.

In addition to all other powers necessary to achieve the general objectives of the Board, the Board shall have, for park and recreation purposes, the power and duty to:

(A) Prepare a plan for parks and recreation purposes in the Town of St. John.

(B) Provide police protection for its property and activities, either by requesting assistance from town police authorities, or by having specified employees deputized as police officers. Such deputized employees, however, shall not be eligible for police pension benefits or other emoluments of police officers.

(C) Make contracts and leases for facilities and services, but shall have no authority to contract with a person, corporation, or private agency for the operation of a park recreation program.

(D) Acquire and dispose of real and personal property, either within or without this town.

(E) Exercise the power of eminent domain under the authority of any laws generally made available to municipalities for this purpose.

(F) Appoint such administrative officers of the Department as are necessary, fix their duties and compensation, and delegate authority to perform ministerial acts in all cases except where final action of this Board is necessary.

(G) Establish standards and qualifications for the appointment of all personnel, fix their compensation, and approve their appointments without regard to political considerations.

(H) Engage in self-supporting activities.

(I) Contract for special and temporary services and for professional assistance.

(J) Make recommendations and an annual report to the Town Board concerning the operation of the Board and the status of park and recreation programs within its jurisdiction.

(K) Prepare, publish and distribute reports and other materials relating to activities authorized by this ordinance.

(L) Sue and be sued collectively by its legal name, styled "St. John Town Park and Recreation Board"; service of process being had upon the President of the Board; but no costs shall be taxed against the Board or its members in any action.

(M) Invoke any legal, equitable, or special remedy for the enforcement of the provisions of this ordinance, a park or recreation ordinance, or the Board's own action taken thereunder.

Section 5. Budget and Operating Expense.

The Board shall prepare and submit an annual budget to the Town Board in the same manner as other Departments of the Town, as prescribed by the State Board of Accounts.

The Town Board as they might determine shall provide the revenues necessary for the operation of the Department and for capital expenditures not provided by the issuance of bonds, or both, by a specific levy to be used for such purposes exclusively or by special appropriation, or both.

Section 6. Official and Fidelity Bonds.

Each person and each employee who may be charged with the duty of handling any funds in the performance of his duties as authorized or directed by the provisions of this ordinance shall execute an official bond for his term. The bonds required shall be individual surety company public official bonds continued on the faithful performance of duties and the penal amount of the bonds shall be fixed by resolution of the Town Board, from year to year and if no resolution be adopted, the amount to be fixed at One Thousand Dollars (\$1,000.00).

All monies received by or on account of said Department shall be paid over and delivered to the Clerk-Treasurer of the Town of St. John to be accounted for and disbursed according to law.

Section 7. Contracts with other Governmental Units.

The Board may contract with another like Board, a governmental unit, department or agency, or with a person for property, facilities or services; but the Board shall have no authority to contract with

a person, corporation or private agency for the operation of a park or recreation program.

Section 8. Saving Clause.

The Board shall succeed to and continue all park and recreational functional activities lawfully exercised by the Town Board prior to the enactment of this ordinance, and any rights or obligations that have vested on behalf of or against park and recreation authorities, if any, the existence of which are terminated by the repeal of any prior ordinance, if any, shall remain in full force and effect as rights or as obligations of this Board as its successor. All physical effects and property which shall or ought to belong to a park and recreation authority shall be transferred to the Board.

Section 9. Severability of ordinance.

It is hereby declared that the sections, paragraphs, sentences, clauses and words of this ordinance are severable, and if any one shall be declared illegal or unconstitutional by the valid judgment or decree of any court of competent jurisdiction such illegality or unconstitutionality shall not affect any of the remaining words, clauses, sentences, paragraphs and sections of this ordinance.

Passed by the Board of Trustees of the Town of St. John, Lake County, Indiana, this 13 day of MARCH, 1972.

William T. Tupper
Kenneth C. Fellberg
Eugene J. Smith
BOARD OF TRUSTEES of the Town
of St. John, Lake County, Indiana

Attest:

Betty L. Siedelma
Clerk-Treasurer