

TOWN OF ST. JOHN, LAKE COUNTY, INDIANA

ORDINANCE NO. 1002

**AN ORDINANCE ESTABLISHING A DEPARTMENT OF
PARKS AND RECREATION IN CONFORMANCE WITH
CURRENT APPLICABLE LAW, AND REPEALING ALL
ORDINANCES, OR PARTS THEREOF, IN CONFLICT
HEREWITH**

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, has been advised by the current Board of Parks and Recreation that review and revision is required to the current Town Ordinances pertaining to the Department of Parks and Recreation; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, has been further advised that the current Ordinances of the Town pertaining to establishment and existence of the Department of Parks and Recreation for the Town are not in compliance with current statutory requirements; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, has reviewed the provisions of the current Town Ordinances establishing and providing for the existence of the Department of Parks and Recreation for the Town, and has been advised that it is necessary and required for the Town to come into compliance with current applicable law; further, the Town Council has been advised that it is necessary and required for the Town to come into compliance with current and applicable law in order for the Town, as well as the Department of Parks and Recreation, to be eligible for grant funding from various sources; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, has determined, upon its review of the existing laws establishing the Department of Parks and Recreation for the Town, as well as providing for its operation, governments, management, operation, budgeting, and all other related responsibilities, that all such existing non-conforming laws should properly be repealed, and that the Department of Parks and Recreation should be re-established in conformance with current applicable Indiana Law, as amended; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, has further determined that it is in the best interests of the residents of the Town that the current Ordinances and Regulations establishing and governing the Department of Parks and Recreation of the Town which are not in conformance with current applicable Indiana Law, as amended, should properly be repealed, and that the Department of Parks and Recreation be re-established and organized in conformance with current applicable Indiana Law, as amended, in order to permit the Department, operating through its newly appointed board, to maximize the operation of the Department and in order to conduct most fully such programs as are generally understood to be Park and Recreation Programs for the residents of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA:

SECTION ONE: That there is hereby re-established a Town Department of Parks and Recreation, in conformance with provisions of Indiana Code 36-10-3, et. seq., as amended from time to time. The Department shall consist of a Park and Recreation Board, and other Personnel that the Board determines. All books, papers, documents, and other property of the current Park and Recreation Department Authorities shall be transferred to and become the property of the Park and Recreation Board established by this Ordinance.

SECTION TWO: The Park and Recreation Board shall be composed of Four (4) Members appointed by the Town, in conformance with applicable law, on the basis of their interest in, and knowledge of, Parks and Recreation. No more than Two (2) Members shall be of the same political party.

Additionally, One (1) or Two (2) Ex Officio Members may be appointed by the Town, in conformance with applicable law, with those Ex Officio Members being:

1. A Member of the governing body of the School Corporation, selected by that body;
2. A Member of the governing body of the Library District, selected by that body; or
3. Both sub-paragraphs 1 and 2

Ex Officio Members have all the rights of regular Members, including the right to vote. A vacancy in an Ex Officio position shall be filled by the appointing authority.

Neither the Town Council President, nor any Member of a County Fiscal Body, County Executive, or Town Council Member, may serve on the Board created hereunder.

SECTION THREE: Upon the establishment of the Park and Recreation Board, the terms initially appointed shall be:

1. One (1) Member for a term of One (1) year;
2. One (1) Member for a term of Two (2) years;
3. One (1) Member for a term of Three (3) years; and
4. One (1) Member for a term of Four (4) years.

As a term expires, each new appointment shall be made by the Town in conformance with applicable law for a term of Four (4) years. All terms expire on the first Monday in January, but a Member shall continue in Office until his Successor is appointed. The Town shall make

initial appointments within Ninety (90) days after the creation of the Department under the provisions of this Ordinance and applicable Law, as amended from time to time. In the event an appointment for any new term is not made by the first Monday in April, the incumbent Member shall serve another term. In the event a vacancy on the Board occurs, the Town shall appoint a new Member to serve for the remainder of the unexpired term.

SECTION FOUR: A Member of the Town Park and Recreation Board may be removed only for cause, upon specific written charges filed against him or her. The charges shall be filed with and heard by the Town Council or the other appointing authority, unless the appointing authority is bringing the charges. In the event the appointing authority is bringing the charges, the Town Council shall appoint a Hearing Officer. The person to hear the charges shall fix a date for a Public Hearing and give Public Notice at least Ten (10) days in advance of the Hearing. At the Hearing, the Member is entitled to present evidence and argument, and to be represented by Counsel.

SECTION FIVE: At its first regular meeting each year, the Park and Recreation Board shall elect a President and a Vice-President. The Vice-President shall have the authority to act as the President of the Board during the absence or disability of the President. The Board may additionally select a Secretary from within or without its own membership.

SECTION SIX: The Park and Recreation Board shall have the power to perform all acts necessary to acquire and develop sites and facilities, as well as to conduct such programs as are generally understood to be Park and Recreation functions. Additionally, the Park and Recreation Board shall have all the powers and duties provided for in Indiana Code 36-10-3, et. seq., as amended from time to time.

SECTION SEVEN: The Park and Recreation Board shall prepare and submit an annual Budget in the same manner as all other Departments of Town Government, as prescribed by the State of Indiana Board of Accounts. The Board may accept gifts, donations, and subsidies for Park and Recreation purposes.


SECTION EIGHT: That Town Ordinance No. 365, being "An Ordinance Creating a Department of Parks and Recreation for the Town of St. John, Indiana, under the Park and Recreation Law of 1965", and all Amendments Thereto, is repealed in its entirety. All property of the existing Park and Recreation Department and authority shall be transferred to and become the property of the re-established Department of Parks and Recreation, and its Board, created by this Ordinance.

SECTION NINE: That all other existing Ordinances, Guidelines, Regulations, or parts thereof, in conflict with the provisions of this Ordinance, are hereby deemed null, void, and of no legal effect, and are specifically repealed.

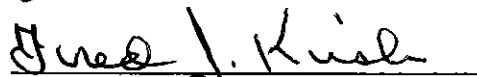
SECTION TEN: If any section, clause, provision, or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause, provision, or portion of this Ordinance.

SECTION ELEVEN: That this Ordinance shall take effect, and be in full force and effect, from and after its passage, approval, and adoption, by the Town Council of the Town of St. John, in accordance with applicable law.

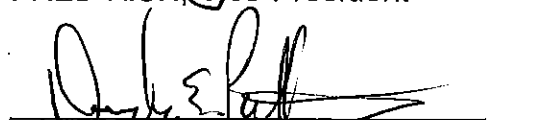
PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA THIS 25th DAY OF January, 1996.



JOHN TAYLOR, President



FRED KISH, Vice-President



DOUGLAS E. PATTERSON, Member

ATTEST



JUDITH L. COMPANIK, Clerk-Treasurer