

## CHAPTER 3

### COUNTY PARKS AND RECREATION

#### ORGANIZATION OF THE OFFICE

A County Park and Recreation Department is created by the adoption of an ordinance of the county fiscal body. The Department consists of the Park and Recreation Board, a Superintendent, and other personnel that the Board determines.

After the Board has been created by ordinance, all books, papers, documents, and other property of the former Park and Recreation Authority, becomes the property of the Board. [IC 36-10-3-3]

The Park and Recreation Board is made up of 5 members. Two members are appointed by the Circuit Court Judge. The county executive appoints one member and the county fiscal body appoints two members of the Board. After the initial appointments, all terms are for 4 years, ending on the first Monday in January. However, a member continues to serve in office until his or her successor is appointed. [IC 36-10-3-5]

If a vacancy on the Board occurs, the appointing authority shall appoint a person to serve the remainder of the unexpired term. [IC 36-10-3-5]

Whenever a municipality is located in the county and the county has a Park and Recreation Board, the municipal and county boards may each designate a member to sit with the other Board in an advisory capacity. [IC 36-10-3-7]

All meetings of the Board of Park and Recreation are open to the public. The Board shall fix the time and place of its regular meetings, but it shall meet at least quarterly. At the first regular meeting each year the Board shall elect a president and a vice president. The Board may select a secretary either from within or outside its membership. [IC 36-10-3-8]

Every officer and employee who handles money in the performance of duties shall execute an official bond for the term of office or employment before entering upon the duties of the office or employment. The county fiscal body may enter into a blanket bond or crime insurance policy under IC 5-4-1-18 to cover all officers= and employees= faithful performance of duties. The amount of the bond or crime insurance policy shall be fixed by the fiscal body. [IC 36-10-3-16]

#### POWERS AND DUTIES

The Board of Park and Recreation shall exercise general supervision of and make rules for the Park and Recreation Department. The Board shall establish rules governing the use of the park and recreation facilities by the public and provide police protection for its property and activities. The Board is to appoint necessary administrative officers of the Department and fix their duties. The Board has the responsibility to establish standards and qualifications for the appointment of all personnel and to approve their appointments without regard to politics. Recommendations and an annual report to the County Executive and County Council concerning the operation of the Board and the status of park and recreation programs are to be given by the Park and Recreation Board. Additionally, the Board is to submit an annual budget in the same manner as other executive departments. [IC 36-10-3-10]

The Board of Park and Recreation may:

1. Enter into contracts and leases for facilities and services;
2. Contract with persons for joint use of facilities for the operation of park and recreation programs

and related services;

3. Contract with another board, a unit, or a school corporation for the use of park and recreation facilities or services, and a township or school corporation may contract with the Board for the use of park and recreation facilities or services;
4. Acquire and dispose of real and personal property, either within or outside Indiana;
5. Sell, lease, or enter into a royalty contract for the natural or mineral resources of land that it owns, the money received to be deposited in a nonreverting capital fund of the Board;
6. Contract for special and temporary services and for professional assistance;
7. Prepare, publish, and distribute reports and other materials relating to activities authorized;
8. Release and transfer, by resolution, a part of the area over which it has jurisdiction for park and recreational purposes to park authorities of another unit for park and recreational purposes upon petition of the Park or Recreation Board of the acquiring unit; and
9. Other powers as listed in IC 36-10-3-11.

The Board may also lease any buildings or grounds belonging to the unit and located within a park to a person for a period not to exceed fifty (50) years. The lease may authorize the lessee to provide upon the premises educational, research, veterinary, or other proper facilities for the exhibition of wild or domestic animals in wildlife parks, dining facilities, swimming facilities, golf courses, skating facilities, dancing facilities, amusement rides generally found in amusement parks, or other recreational facilities. A lease may be made for more than one (1) year only to the highest and best bidder, after notice that the lease will be made has been given by publication in accordance with IC 5-3-1. [IC 36-10-3-11]

The Board may lease buildings or grounds belonging to the unit for a period of more than one (1) year without soliciting the highest and best bidder or providing notice under IC 5-3-1 if:

1. The buildings or grounds are leased to an Indiana nonprofit corporation;
2. The buildings or grounds are operated as a public golf course; and
3. The golf course remains subject to rules and regulations promulgated by the Board.

Under the direction of the Board of Parks and Recreation, the Superintendent shall annually plan for the operation of the Department, administer the plan as approved by the Board, and supervise the general administration of the Department. The Superintendent must keep the records of the Department and preserve all papers and documents of the Department. The Superintendent may recommend persons for appointment as assistants and appoint the employees of the Department, subject to the approval of the Board, according to the standards and qualifications fixed by the Board and without regard to political affiliation. An annual report is to be prepared by the Superintendent and presented to the Park and Recreation Board. Additionally, the Superintendent is responsible for all other duties that the Board directs. [IC 36-10-3-14]

If the Board determines that the size of the Department's operation requires assistants for the Superintendent, the Board may appoint, upon the recommendation of the Superintendent, one (1) or more assistants. The Board shall determine their qualifications on a basis similar to that prescribed for the Superintendent. Assistants are directly responsible to the Superintendent and shall perform the duties specified by the Superintendent.

## FORMS AND OFFICIAL RECORDS

The State Board of Accounts is empowered to formulate, prescribe and install a uniform system of accounting and reporting in each county, pursuant to IC 5-11-1-2. Other laws have extended this power to cover many other forms and records used in counties.

Where a form is prescribed it must be used, without change, in all counties; however, authority is given the State Board of Accounts to approve alternate forms for a county where required to accommodate their use computerized accounting or where other conditions merit approval.

To obtain approval for use of an alternate form for a computerized office three copies thereof must be submitted to the State Board of Accounts with a letter of request. If the change directly affects another public office, the request should also be signed by the official in that office. Approval of an alternate form restricts its use to the county for which approved and does not extend its use to any other county.

Although the State Board of Accounts prescribes forms, copies of the forms must be purchased from a public printer.

The following forms and records have been prescribed by the State Board of Accounts for use of the County.

### Form No.

1	(1985)	Budget Estimate
352	(1987)	General Receipt
353	(1966)	General Warrant
354	(1966)	General Claim
356	(1967)	General Check
358	(1967)	Ledger of Receipts, Disbursements and Balances
359	(1967)	Ledger of Appropriations, Encumbrances, Disbursements and Balances

## SALARIES AND EXPENSES

The members of the Park and Recreation Board may receive a salary in an amount set by the County Council. The fiscal body may also appropriate and approve a per diem allowance to a member of a board for attending a meeting of the Board.

If the Board determines that members or employees should attend a conference dealing with park and recreation problems, the Board may authorize the payment of the actual expenses involved in attending the conference. However, the amount must be available as part of the Board's appropriation. [36-10-3-9]

## FUNDS

Upon request of the Board of Parks and Recreation, the County Council may establish, by ordinance, a special nonreverting capital fund for the purposes of acquiring land or making specific capital improvements. The fiscal body may include in the Board's annual budget an item and an appropriation for these specific purposes. Money placed in the nonreverting capital fund may not be withdrawn except for the purposes for which the fund was created, unless the fiscal body repeals the ordinance. [IC 36-10-3-20]

The County Council may establish by ordinance, upon the request of the Board, a special nonreverting operating fund for park purposes from which expenditures may be made as provided by the ordinance, either by appropriation by the Board or by the County Council.

Money from either special fund may be disbursed only on approved claims allowed and signed by the President and Secretary of the Board. [IC 36-10-3-22]

The Board may establish a cumulative building fund under IC 6-1.1-41 to provide money for building, remodeling, and repair of park and recreation facilities or purchase of land for park and recreation purposes. In addition to the requirements of IC 6-1.1-41, before a fund may be established, the proposed action must be approved by the County Council. To provide for the cumulative building fund, the County Council may levy a tax in compliance with IC 6-1.1-41 not to exceed one and sixty-seven hundredths cents (\$0.0167) on each one hundred dollars (\$100) of assessed valuation of taxable property within the county. The tax shall be collected and held in a special fund known as the County Park and Recreation Cumulative Building Fund. [IC 36-10-3-21]

## FEES

Park and recreation facilities and programs shall be made available to the public free of charge as far as possible. However, if it is necessary in order to provide a particular activity, the board may charge a reasonable fee.

The County Council shall designate the fund or funds into which the County Treasurer shall deposit fees from golf courses, swimming pools, skating rinks, or other major facilities requiring major expenditures for management and maintenance. Money received from fees other than from major facilities or received from the sale of surplus property shall be deposited by the County Treasurer either in the special nonreverting operating fund or in the nonreverting capital fund, as directed by the Board. However, if neither fund has been established, money received from fees or from the sale of surplus property shall be deposited in the unit's general fund.

Money procured from fees or received from the sale of surplus property under IC 36-10-3-12 shall be deposited at least once each month with the County Treasurer. [IC 36-10-3-22]

## GIFTS

The Parks and Recreation Board may accept gifts, donations, and subsidies for park and recreation purposes. However, a gift or transfer of property to the Board may not be made without its approval. A gift or grant of money shall be deposited in a special nonreverting fund to be available for expenditure by the Board for purposes specified by the grantor. The County Auditor may draw warrants against the fund only upon vouchers signed by the President and Secretary of the Board.

## BONDS

If a Board decides to acquire land or proceed with a work of improvement for park and recreation purposes or both, the project may be finance by the issuance of bonds in accordance with IC 36-10-3. [IC 36-10-3-23, IC 36-10-3-24, and IC 36-10-3-25]

All proceeds from the sale of bonds shall be kept in a separate fund. The fund shall be used to pay for land and other property acquired and for the construction of a work under the resolution, including all costs and expenses incurred in connection with the project. The fund may not be used for any other purpose. Any surplus remaining from the proceeds of the bonds after all costs and expenses are paid shall be paid into and becomes a part of the Park District Bond Fund. [IC 36-10-3-26]

In order to raise money to pay all bonds issued under IC 36-10-3-24, the Board shall levy annually a special tax upon all of the real and personal property located in the district sufficient to pay the principal of the bonds as they mature, including accrued interest. The Board shall have the tax to be levied each year certified to the County Auditor for certification of tax levies. The tax shall be collected and enforced by the County Treasurer in the same manner as other taxes are collected and enforced.

As the tax is collected, it is accumulated and kept in a separate fund to be known as the Park District Bond Fund. The tax should be applied to the payment of the bonds and interest as they mature and may not be used for another purpose.

## DISPOSAL OF SURPLUS PERSONAL PROPERTY

The Board of Parks and Recreation may sell any personal property that the Board has declared to be surplus at a regular or special meeting and has declared to have an aggregate appraised value of five thousand dollars (\$5,000) or less. Whenever the Board decides to sell at a private sale, the Board must employ a qualified appraiser to determine a reasonable selling price for each kind of surplus item and must publish, in the manner provided in IC 5-3-1:

1. The fact that a private sale will be held;
2. The location of the sale;
3. The dates of the beginning and end of the sale;
4. The time of day during which the sale will take place;
5. The kinds of items to be sold at the sale; and
6. The price of each kind of item, which may not be less than the reasonable selling price determined by the qualified appraiser.

If the Board decides to sell at a public sale, the Board is to conduct the sale in the manner provided in IC 5-22-22. [IC 36-10-3-12]

**JOINT BOARD OF PARKS AND RECREATION**

Two (2) or more units of government may create a Joint Department of Parks and Recreation. The Boards of the units that desire to create a Joint Department must agree upon the use of facilities, personnel, the distribution and raising of financial support, and other matters. The agreement may provide:

1. For a Joint Board to supersede the separate Boards; or
2. That the separate Boards be maintained.

After agreement has been reached, the fiscal body of each unit must adopt an ordinance approving the terms of the agreement before the agreement becomes final. Amendments to an agreement may be made by adoption of an ordinance by the fiscal body of each unit. [IC 36-10-3-29]

A Joint Board shall be organized and shall function in the same manner as a separate Board. The Joint Board consists of all the members of the separate Boards. Two-thirds (2/3) of the members constitute a quorum, and official action must be authorized by two-thirds (2/3) of the members. The Joint Board has all of the powers and duties of a separate Board, including the authority to issue bonds of the Joint District. [IC 36-10-3-30]