

ORDINANCE NUMBER 2258

AN ORDINANCE TO AMEND ORDINANCE NUMBER 597 TO CREATE AND ESTABLISH A PARK & RECREATION BOARD OF THE CITY OF VESTAVIA HILLS, ALABAMA; TO PRESCRIBE ITS POWERS AND DUTIES; TO FIX THE NUMBER OF MEMBERS OF SAID BOARD, THEIR TERMS OF OFFICE & THE MANNER OF SELECTING SAME.

WITNESSETH THESE RECITALS:

WHEREAS, Title 11-86-1, et seq., Code of Alabama, 1975, authorizes a municipality in Alabama to create a park and recreation board; and

WHEREAS, Title 11-86-5, Code of Alabama, 1975, provides that a municipal governing body may acquire lands, buildings and facilities for recreational purposes by means of purchase, lease, loan, gift or condemnation procedure and shall have power to accept financial and other aid and grants for recreational purposes from any public or private agency; and

WHEREAS, Title 11-47-19, Code of Alabama, 1975, provides that the City Council may establish, lay out and improve public grounds, parks and boulevards and regulate the same and may provide music and other exhibitions for the amusement of the inhabitants; and

WHEREAS, Title 11-47-211, Code of Alabama, 1975, authorizes a municipality in Alabama to acquire or lease lands, buildings, facilities and improvements suitable for public parks, playgrounds, athletic and other recreational uses; and

WHEREAS, Title 11-47-210.1, Code of Alabama, 1975, provides that all municipalities in Alabama have the power to acquire, operate, manage and control parks, playgrounds and other recreational and athletic facilities; and

WHEREAS, on December 7, 1981, the City Council of the City of Vestavia Hills, Alabama approved and adopted Ordinance Number 597 to create a Park and Recreation Board of the City of Vestavia Hills, Alabama; to prescribe its powers and duties; to fix the number of members of said board, their terms of office and the manner of selecting the same; and

WHEREAS, the City Council now wishes to amend Ordinance Number 597 pursuant to the authority of the five statutes cited above.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VESTAVIA HILLS, ALABAMA THAT ORDINANCE NUMBER 597 BE AMENDED SO THAT AS AMENDED SAID ORDINANCE NUMBER 597 SHALL READ IN ITS ENTIRETY IN WORDS AND FIGURES AS FOLLOWS:

SECTION ONE: CREATION: That a Park and Recreation Board of the City of Vestavia Hills, Alabama, a municipal corporation, (hereinafter referred to as “the Board”), be and the same is hereby created and established as an agency or Board of the City of Vestavia Hills, Alabama, pursuant to the provisions of Title 11-86-1, *Code of Alabama, 1975*. Ordinance Number 319 previously enacted on October 20, 1975, and Ordinance Number 590, previously enacted on August 17, 1981, are hereby repealed so that the same shall be null and void.

SECTION TWO: COMPOSITION AND TERM OF OFFICE: The Board shall consist of seven (7) members, namely, the Mayor of the City of Vestavia Hills, Alabama, as an ex officio member; one (1) member of the City Council appointed by the City Council as an ex officio member; and five (5) other residents of Vestavia Hills, who have recognized interest in recreational activities and who shall be selected and appointed by the City Council. The Mayor shall serve as an ex officio member of the Board concurrently with the term of Office of the Mayor of Vestavia Hills. The member of the City Council shall serve as an ex officio member of the Board at the pleasure of the City Council. These seven (7) members shall constitute the voting membership of the Park & Recreation Board of the City of Vestavia Hills, Alabama.

The term of each appointed member shall be five (5) years or until his or her successor takes office, except that the respective terms of the five members first appointed shall be one, two, three, four, and five years. There shall also be one non-voting representative from each of the following leagues: football, baseball, soccer, girls’ basketball, boys’ basketball, lacrosse, softball, wrestling, cheerleading and swimming teams, and any other league that may be formed and requested to sit with the Board only after approval of the Park Board.

These representatives shall be appointed by each respective league to sit in and join in discussions with the Board, but they shall not have any voting power. Each said representative shall be appointed by his or her respective leagues to serve as said non-voting representative for a term of one (1) year.

SECTION THREE: VACANCIES: As the terms of voting members expire, their successors shall be selected for terms of five (5) years each. Vacancies in unexpired terms shall be filled in the same manner as original appointments are made.

At the first regular December meeting of the City Council in each calendar year, successors shall be elected as members of the Board whose terms of office expire at the end of said year, such members to serve five years or until their successors are elected and qualified, and shall enter upon their duties at the first meeting of the Board in the following month of January. In the event of death or resignation of any member of the

Board prior to the expiration of his or her term of appointment, the City Council shall proceed forthwith to elect a successor who shall serve out the unexpired term.

SECTION FOUR: COMPENSATION: Members of the Vestavia Hills Park & Recreation Board shall serve without compensation. In the event it is necessary for a more efficient performance of their duties for any member or committee of members, to make trips in connection with Board business, the Board shall be authorized to reimburse said member or members for actual traveling and living expenses incurred. However, said member or members must give fourteen (14) days advance written notice to the Board prior to any trip stating the following:

- A. Date of trip
- B. Length of trip
- C. Purpose of trip
- D. Anticipated cost of said trip
- E. Itinerary of trip
- F. Destination

Reimbursement of said actual living and travel expenses shall be made only after approval of said trip by the Board after receipt of said written notice and prior to said trip and upon presentation of fully detailed and itemized vouchers and receipts.

SECTION FIVE: OPERATION: The Board shall elect from its membership, a President, Vice President and Secretary and such other Officers as it deems necessary to serve at its pleasure. The Board shall adopt rules and regulations covering the procedures of the Board and the use of lands, buildings, equipment and other facilities under its jurisdiction.

SECTION SIX: POWERS AND DUTIES: The Board shall be responsible for the direction, supervision and promotion of such recreational programs as will contribute to the general welfare of the residents of the county or municipality. The Board shall have control over all lands, buildings, equipment and other facilities assigned for recreational purposes to the Board by the municipal governing body or purchased or leased by it from funds provided by the municipal governing body; provided, however, that such control is subject to Title 11-47-19, Title 11-47-211, Title 11-47-210.1, *Code of Alabama, 1975*, being the four statutes cited in the premises above. The Board shall cooperate with other local agencies and state and federal agencies for the purpose of maintaining and improving recreational services and facilities for the municipality, including specifically, but not limited to, the City Council of the City of Vestavia Hills, Alabama. The Board shall have power to accept financial and other aid and grants from any public and private agency.

Without limiting the generality of the foregoing, the Board shall have power to manage and control all park and recreational property owned by or under the control of the City by purchase or gift, land, money, securities, building, books, sporting equipment or other property, real or personal, for park and recreational uses and purposes; to transfer

in the name of the City, any equipment, books or other personal property, or any lease upon land for which it may have negotiated, to provide for the erection and rental of gymnasiums, swimming pools, community houses, playgrounds, rifle or pistol ranges, and other special types of recreational buildings and facilities, and to maintain the same; to provide its own By-Laws, rules and regulations for its own governance of its officials and employees, and for the governance of the buildings and recreational facilities under its supervision and control.

Vacancies in the position of Director of Parks & Recreation shall be filled in the following manner:

- (1) Upon request of the Mayor, the Jefferson County Personnel Board, pursuant to the laws of the State of Alabama shall submit a list of the most qualified candidates.
- (2) The Mayor shall assemble a search committee comprised of: the Mayor, the President of the Parks and Recreation Board or a member as appointed by the President of the Parks and Recreation Board; and the current ex officio member of the City Council. This committee shall individually interview the candidates for the position.
- (3) The Mayor, as Appointing Authority of the City, shall recommend a candidate to fill the position to the City Council.
- (4) The City Council shall appoint a Director.

SECTION SEVEN: BUDGET AND FINANCIAL MATTERS: The Board shall adopt, at its regular meeting in the month of June of each year, a detailed budget of estimated expenditures for the next following year, which shall be transmitted to the Mayor to follow the current budgetary procedures. The Mayor shall present the requests as he recommends to the City Council. Upon receipt of such estimated budget, the City Council shall appropriate and set aside, for the use of the Board, for the maintenance of the Park and Recreation system of the City, funds in an amount equal to all or such part of said estimated budget as may be available or deemed proper by the City Council.

The amount of the appropriation made from time to time by the City Council for the support and maintenance of the park and recreation system, shall be held by the Financial Director of the City as a special fund for such purposes, and it shall be paid out by the Finance Director on requisitions or warrants drawn by the Director of Parks and Recreation.

Requisitions and Vouchers for payment shall be directed to the City's financial office pursuant to the City's current standard operating procedures.

SECTION EIGHT: ALL PREVIOUS ORDINANCES REPEALED: That Ordinance Number 319 and Ordinance Number 590 are hereby repealed.

SECTION NINE: SEVERABILITY: The provisions of this ordinance are hereby declared severable. If provision or portion of this ordinance is for any reason held to be invalid, such provision or portion shall be deemed a separate and independent provision and such holding shall not affect the validity and remainder thereof.

SECTION TEN: EFFECTIVE DATE: The provisions of this Ordinance Number 2258 shall become effective immediately upon the passage and approval thereof by the City Council of the City of Vestavia Hills, Alabama, and the publication and/or posting thereof as required by Alabama law.

APPROVED AND ADOPTED, this the 27th day of May, 2009.

David Carrington
Council President

ATTESTED BY:

Rebecca Leavings
City Clerk

APPROVED BY:

Alberto C. Zaragoza, Jr.
Mayor

CERTIFICATION:

I, Rebecca Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance Number 2258 is a true and correct copy of such Ordinance that was duly adopted by the City Council of the City of Vestavia Hills on the _____ day of _____, _____, as same appears in the official records of said City.

Posted at Vestavia Hills Municipal Center, Vestavia Hills Library, and Vestavia Hills Recreational Center this the _____ day of _____, 2009.

Rebecca Leavings
City Clerk