

Miller County Recreation Board (MCRB)

Article I, Name

The name of the board is the Miller County Recreation Board (MCRB)

Article II, Purpose, Duties and Authority

A. The purpose of this board is to serve in an advisory role and assist the Miller County Board of Commissioners, the Recreation Director, and the Parks and Recreation Department in conducting a county-wide public recreation program; to assist the Recreation Director with actively planning the county recreational program needs; to participate in local, state and national recreation affairs; to educate the citizens of Miller County by dissemination among them of information concerning development and progress of the recreation department. Public communication is vital. Present ideas to the Recreation Director for new activities and how to improve the existing ones. Further the board should assist in finding coaches and group leaders, preparation of flyers, registration, and sponsors for youth activities. They also should present input from the community to the Parks and Recreation Department.

Article III. Definitions

Director means Miller County Recreation Director

Association means Youth Sports Association

Board means Miller County Recreation Board

Council means City of Colquitt City Council

Commissioners means the Miller County Board of Commissioners

County means Miller County

City means City of Colquitt

Department means the Miller County Recreation Department

Department property means any and all property both real and personal which is either owned or leased by Miller County and used for recreational activities of the Miller County Recreation Department

League means Youth Sports League

Recreation means Miller County Recreation Department

Youth Sports Association/Youth Sports League means a non-profit organization involved in the oversight, organization, or administration of a developmental youth sports program within Miller County and operating under the purview of the Miller County Recreation Department.

Article IV. Board Membership

A. The board shall consist of five (5) members nominated by the Recreation Director and approved by majority of the vote of the Board of Commissioners and the council of City of Colquitt.

B. The makeup of the board shall be three (3) members from the County and two (2) members from the City. The board shall continue to exist unless terminated by the Board and Council. The board shall operate under the umbrella of the Parks and Recreation Department. The Recreation Tax approved under OCGA § 36-64-15 by referendum will remain intact until a new referendum is passed to remove the Recreation tax.

C. The term of appointment shall be two (2) years, staggered so as ½ of the members are appointed each year. At the inception, three (3) members shall be appointed for one (1) year each and three (3) members shall be appointed for two (2) years each.

D. A member of the Board may resign his or her position by written notice delivered to the Director, who shall immediately notify the Commissioners and Council by providing a copy of said resignation notice. Resignations shall be effective immediately upon receipt by the Director. It is preferable that proposed appointees have a substantial record of involvement in recreation activities and/or knowledge of the activities of the Department. It is also preferable that the proposed appointees have a children or grandchildren participating in the Departments activities. However, such qualifications are not a requirement for appointment to the Board but merely directive in nature.

E. Reappointments shall be unrestricted and at the discretion of the Commissioners and Council based on the recommendations of the Director. If a Board member up for reappointment does not have a child/grandchild participating in the Department activities, then the Commissioners and Council can elect not to reappoint the Board member and appoint someone in his/her place that has a child/grandchild participating.

Article V. Officers

A. The Board shall elect, from its membership, a Chairman and Vice Chairman and other officers as may be desired, including but not limited to, a Secretary and Treasurer. The Secretary shall be appointed by the Board from its membership, or may be a member of the County, and may be reappointed by the Board for succeeding terms by way of vote. Officers shall be elected annually and shall serve for a term of one year, or until their successor is elected. Any and all officers thus elected may serve for consecutive years, if re-elected.

B. Duties and Responsibilities

1. The Chairman shall:

- (a) be the presiding officer and communicate directly with the Director
- (b) appoint standing committees as necessary to carry out the responsibilities of the Board.
- (c) be an advising member of the Board.

2. The Vice-Chairman shall perform the duties of the Chairman in the absence of the Chairman.

3. The Secretary shall:

- (a) keep a record of minutes of the meetings of the Board,
- (b) have custody of its books and records, which shall be housed at the office of the Director,
- (c) take roll call before each meeting noting excused or unexcused absences,
- (d) give notices to members of meetings, and
- (e) attend to such other duties as may be assigned by the Board.

4. The Treasurer shall:

- (a) keep a record of all revenues, expenditures, bank balances, and other information pertinent to the finances of the Board.
- (b) prepare or cause to be prepared and shall present to the Board a monthly financial statement of all revenues collected, expenditures made, and bank balances,
- (c) shall be an advising member of the Board.

Article VI, Staffing and Care of Property

The Director will be responsible for the Department personnel. Recommendations can be made by the board and taken under advisement by the Director. The Director shall be subject to daily oversight of the Commissioners and shall provide to the Commissioners and Council a monthly report in the form and substance as directed by the Commissioners and Council.

It is the purpose of the Director and Board to secure a suitable Recreational Park in Colquitt, Miller County. It is herewith stipulated that the care of said properties to be secured shall be vested in the Director and Board. It is the responsibility of the Commissioners to see that said property is insured according to State Laws and adheres to State Park requirements.

Article VII, Organizational Procedures

- A. Regular meetings of the Board shall be held the first (1) Monday of each month at 5:30 P.M. at the Miller County Government Complex.
- B. Special called meetings of the Board may be held at any time at the call of the Board Chairman, or the Director, or by a majority of the members of the Board.
- C. All meetings are open to the public and must comply with the Georgia Open Meetings Law.
- D. All decision made by the Director and the Board, regardless of the matter shall be made public.
- E. The Director and/or Assistant Director shall attend all meetings of the Board.
- F. A quorum shall consist of three (3) members of the Board, and it shall be necessary that a quorum be present to conduct a meeting, discuss Recreation issues, hold a hearing, or take any action. A majority of those present shall be necessary to approve any action under consideration by the Board.
- G. Upon failure of any member to attend three (3) consecutive monthly meetings in calendar year, the Board may recommend to the Director to request the Commissioners or the Council to terminate that appointment and declare the position vacant, to be filled in a manner of regular appointment. This should take place only after another board member is nominated by the Director and appointed by either the Commissioners or Council. These bylaws may be repealed or amended, or new bylaws may be adopted by a majority vote of the Commissioners and Council.

Article VIII. Meeting Agenda

A. Unless otherwise determined by the Director, the order of business at regular meetings shall be determined by an agenda presented to members before the meeting begins. Any change in the presented agenda will require a motion to amend that must be passed by majority of the Board. Changes in order of business or dispensing with any item may be made by request and approval of the Director. The posting of the agenda for regular, called, and emergency meetings of the Board shall comply with the Georgia Open Meetings Act.

B. Individuals who wish to be placed on the regular meeting agenda may do so by contacting the Director at least seven (7) days prior to the regular meeting and must give the Director the subject to be discussed. If the subject is a complaint or violation, then the procedures in this document shall be followed. Individuals who wish to speak during the meeting about a topic on the agenda may sign up thirty (30) minutes immediately preceding the meeting.

C. Individuals will be recognized for a maximum of ten (10) minutes to present their subject, and no subject other than the stated subject on the agenda will be allowed. Unused time may not be given up to any other individual wishing to speak.

Article IX. Meeting Minutes

Meeting minutes shall be recorded, and such records shall be open to public inspection once approved by the Board, but not later than immediately following its next regular meeting. Minutes shall include the names of the members present, a description of each motion or proposal, the names of the members making and seconding the motion or proposal, and a record of all votes to include, if not unanimous, the names of the persons voting for or against such motion or proposal. Meeting minutes shall be in accordance with the Georgia Open Meetings Act.

Article X. Rules of Procedure

The Board shall conduct all meetings and activities according to parliamentary law as stated in Robert's Rules of Order, Revised, unless otherwise specified. In addition, all meetings and actions taken during such meetings shall comply with the Georgia Open Meetings Act.

Article XI. Conflict of Interest

Any Board member who has a conflict of interest on any given issue shall announce the existence of conflict prior to discussion of the issue and shall refrain from discussing on that issue.

Article XII. Duties and Enforcement

A. The duties of the Board shall include, but not be limited to, the following:

1. To help the Director initiate, plan, organize, implement, and coordinate public recreation programs and activities for Miller County.
2. To help the Director initiate, plan, design and recommend a system of parks, facilities and other spaces which will be necessary to accommodate the public's need and demand for recreation activities.
3. To help the Director monitor and evaluate the effectiveness of recreation programs.
4. To advise and recommend to the Director ways and means by which recreation programs may be improved or strengthened.
5. To help the Director develop new programs and activities as public need may dictate; to develop a system of fees and charges for use of outdoor recreation facilities for participation in recreation programs; and
6. Other duties and responsibilities as may be directed by the Commissioners and Council.

7. To evaluate programs and activities from year to year with the evaluation method to be determined by the Department.
8. To file a full annual report with the Commissioners and Council relative to program accomplishments for the preceding fiscal year.
9. To review requests to use Department property, facilities, equipment, and services and make recommendations to the Commissioners.
10. To enforce community boundaries, waivers and/or releases.

B. Enforcement.

The primary responsibility for the enforcement of these By-Laws shall be vested in the Director with approval of the Commissioners and Council.

Article XIII. Rules of Conduct of Players, Parents, Fans and Others during games and meetings

There shall be General Rules of Conduct for Players, Parents, Fans & Others setting out guidelines for conduct during any Recreation activity or while on Recreation property, which shall be posted at appropriate locations on Recreation playing fields. Said rules, once approved by the Commissioners and Council, may be amended from time to time by recommendation of Board to the Commissioners and Council, whose decision shall be final. The General Rules of Conduct is attached hereto as Appendix A.

Article XIV. Rules and Regulations Conduct for League

There shall be an agreement with League Officials (coach, manager or other sport official or referee or umpire) regarding Rules & Regulations and Conduct. The appropriate referee or umpire association president shall execute said agreement on behalf of its referees or umpires who provide services for compensation to the Department. The failure of any coach, manager, or other sport official, or of the appropriate referee or umpire association president to execute the agreement will result in disqualification from participation in Department activities in any manner. Said agreement, once approved by Commissioners and Council, may be amended from time to time by recommendation of the Board to the Commissioners and Council, whose decision shall be final. Agreement is attached hereto as Appendix B.

Article XV Sport Parent/Guardian Code of Ethics Agreement

There shall be an agreement with each sport parent/guardian regarding the concept of sportsmanship, trustworthiness, respect, responsibility, fairness, caring, and good citizenship. The failure of any sport parent/guardian to execute the agreement will result in their child/children not being allowed to participate in Department activities in any manner. Said agreement, once approved by the Commissioners and Council, may be amended from time to time by recommendation of the Board to the Commissioners and Council, whose decision shall be final. Agreement is attached hereto as Appendix C.

Article XVI Youth Sports Association/Youth Sports League Agreement

There shall be an agreement with each Youth Sports Association or Youth Sports League to include, but not be limited to, the use of Department facilities; the provision by the Association or League of evidence of non-profit status, board members information, and coaches' information on an annual basis, and of financial statements and by-laws upon request; and concessions and the use thereof. The failure of any Association or League to execute the agreement will result in disqualification from participation in Recreation Department activities in any manner. Said agreement, once approved by the of Commissioners and Council may be amended from time to time by recommendation of the Board to the f Commissioners and Council, whose decision shall be final. Agreement is attached hereto as Appendix D.

Article XVII Compliant and Violation Procedures. Penalties, Hearings

Violations of these By Laws, the General Rules of Conduct for Players, Parents, Fans and Others, the Rules & Regulations and Conduct for League Officials, the Code of Ethics for Sport Parent/Guardian, and/or the Youth Sports Association & Youth Sports League Agreement shall be handled according to this section.

A. Complaint and Violation Procedures

1. All complaints/violations involving managers, players, officials, umpires, referees, parents, or spectators of Miller County youth sports and falling under the purview of these By Laws should be resolved in the most expeditious and equitable manner possible while ensuring compliance with the By Laws and shall adhere to the following escalation process:

a. If the complaint/violation is from within a single community, involving no other community, the matter goes before the local Association board first, then to the appropriate local League board, if necessary, and then to the Board, if necessary.

b. If the complaint/violation involves two (2) or more communities, the matter goes before the appropriate local League board for its decision, then to the Board, if necessary. Page 6 of 9

c. If neither the local Association nor the appropriate local League are able to resolve the complaint/violation, the matter goes before the Board.

d. All complaints and resolutions thereof should be reported as expeditiously as possible to the Director, who reserves the right to intervene, amend and/or override any decision by an Association or League and to hand down disciplinary action in all matters of violation of rules of conduct at his discretion.

2. In the event the matter must go before the Board, the Director shall perform an investigation of the matter, and if the investigation reveals that probable cause exists that a violation has occurred, then the Director or his appointed designee may suspend said individual from the Department property and activities.

3. It shall be the duty of the Director to keep and maintain or to cause to be kept or maintained, accurate records of citizen complaints and of the investigation and disposition of all said complaints.

4. Upon completion of the investigation, the Director shall notify the individual who is in violation of the Rules. Such notice shall meet the following requirements:

a. Notice shall be in writing, mailed by certified first class mail, return receipt requested, to the individual's last known address, or e-mailed with a confirmation of receipt.

b. Notice shall include a summary of the Director's investigations and shall set forth the penalty imposed for violating the Rules.

c. Notice shall be dated and shall advise the individual of their right to request an appeal hearing of the Director's determination within five (5) days after receipt of notice.

d. Notice shall state that if a hearing is not requested, the Director's determination will become effective on a date specified in the notice, which shall be after the last day on which the individual has a right to request a hearing.

e. Notice shall state that the hearing, if requested, shall be before the Board, and it shall include a form to request the hearing and provide instructions on mailing or delivering such request to the Director.

(1) If a hearing is requested, such hearing shall be held within 45 days of receipt of the request during a regular meeting of the Board, and the Director shall send written notice, as set out above, to the individual with no less than ten (10) days' notice of the place, date and time of the hearing, and indicate that the individual has the right to be represented by counsel during the hearing at their own expense and that said hearing will be open to the public.

(2) If a hearing is not requested, the decision of the Director is final.

5. Director is to immediately, or as soon as practical, advise Board, via e-mail or phone, of any issues, and/or decisions made in connection with such issues, for which the Director will be or has taken appropriate action. This notification is not to be interpreted as a request to the Board for input or permission to take action, as there is a possibility that the decision of the Director may ultimately be appealed to the Board.

B. Penalties

1. Penalties for violations of Rules may include immediate ejection from Recreation property and/or facility with (a) minimum penalty of a written reprimand; (b) suspension of seven (7) days plus the next scheduled game; (c) suspension for up to twelve (12) months from the day of infraction; (d) temporary or permanent restrictions from Department property, facilities and/or activities; and/or (e) will disqualify a team's participation in Department programs. Page 7 of 9

2. Criminal charges may be initiated by the Director, in his discretion and with approval of the Board, through the proper law enforcement agencies. At such time that a case is made against an individual the Director may, in his discretion, impose a temporary restriction and banning from any Department activity, facility and/or property, which shall continue until such time as the case in question has been concluded by the proper law enforcement agency(ies).

3. Non-criminal charges will result in a probable cause investigation by the Director or his designee. At such time an individual is charged with a violation of the Rules or any County ordinance, where it is alleged that the offense in question occurred while the individual was in a Department facility or on Department property, the Director may, in his discretion, impose a temporary restriction and banning from any Department activity, facility and/or property, which shall continue until such time as the probable cause investigation is concluded.

a. If the individual is found to be innocent of the charges then all such temporary restrictions and banning shall be immediately lifted.

b. If the individual is found guilty of the charges, or enters a plea of guilty or nolo contendere, then the Director shall follow the guidelines set out in Section A4.

4. Any individual who violates the terms of his or her restriction and/or banning shall be precluded from participating in any Department activity and banned from Department facilities and property for a period up to one year from the date of the violation.

5. Upon the Director's determination that an individual has violated the Rules a second time, the Director may impose penalties which shall not be greater than twice the prescribed penalty for the first offense. Upon the Director's determination that an individual has violated the Rules three or more times, the Director may suspend said individual from Department activities and facilities indefinitely.

C. Hearing

1. Upon receiving a written request for an appeal hearing provided hereinabove, the Director shall set aside a date for the hearing, which shall be held during a regular Board meeting within 45 working days of receipt of the request. The individual shall be notified by certified mail - return receipt requested of the date, time, and place of the hearing. The individual shall be given not less than ten (10) working days' notice prior to the date of the hearing.

a. Such written notice shall be sent to the individual advising of the place, date, and time of the hearing, and indicate that the individual has the right to be represented by counsel during the hearing at their own expense, that the individual shall be afforded the opportunity to testify, present evidence, and cross examine any witness, and that said hearing will be open to the public.

b. During the hearing, the Board may hear such testimony and receive any evidence that it deems reasonably necessary to review the Director's action.

c. Upon the conclusion of the hearing the Board shall uphold, modify, or overrule the Director's determination by taking a vote (in public) by a show of hands, and said decision shall be effective at that point.

2. Once the Board has made its decision, the individual will be given written notice of the Board's decision, to include the date by which the decision is effective, by certified mail - return receipt requested within five (5) days of the Board's decision.

a. The notice shall also advise the individual that they may request an appeal hearing of the Board's decision to the Commissioners and Council, and that the appeal must be in writing and received at the office of the Commissioners within Page 8 of 9 fourteen (14) days following receipt of the notice of the decision from the Board. Should an appeal hearing be requested, the Commissioners, at its discretion, may conduct a hearing regarding the appeal within 45 days of the date of the filing of the appeal. The individual shall be notified in writing by the County Clerk as to the date, time, and place of the Public Hearing, which open to the public, and during which the individual has the right to be represented by counsel at their expense. Following the hearing, the Board of Commissioners shall render its decision, and the individual will be notified in writing within 14 days following the hearing. The decision of the Commissioners shall be final.

3. If no appeal hearing is requested, then the Board's decision is final.

Article XVIII. Amendments

A. Amendments. Amendments to these By-Laws must be submitted in writing to the Board at a regularly scheduled meeting. No action on the proposed amendment(s) can be made at that meeting but will take place during a future meeting.

B. Approval by Commissioners. Proposed amendments must be reviewed and approved by the Board of Commissioners prior to any action being taken by the Recreation Board.

Adoption

These By-Laws are adopted by a vote of _____ during a called meeting of the Miller County Board of Commissioners Board held on _____.

RULES CONCERNING SPRING CREEK PARK

1. No intoxicants such as alcohol or drugs of any kind nor smoking permitted. No fighting and No profanity.
2. The front 20-foot entrance to the paved access road ONLY open each day from 7:30AM to 10:00PM. Walk-in gates open at all times.
3. The Recreation Director along with the Board of Commissioners reserves the right to deny use of the park to any group or individuals who have abused or misused the area.
4. Admission may be charged (a fee to be such as to be discretionary) for tournaments, fairs, festivals, teaching clinics, a portion of such fees to be paid to the Recreation Department with exception of the Mayhaw Festival.
5. The Recreation Director and Board of Commissioners shall determine who shall have concession stand use and profits; a percentage of the proceeds to be paid to the Recreation Department with the exception of the Mayhaw Festival which benefits Spring Creek Park.
6. Items belonging to Spring Creek Park shall not be loaned to any group or organization at any time.
7. A proportionate share of the electricity shall be paid by groups such as fairs, festivals, revivals, tournaments and by any activity not sponsored by the Recreation Department.
8. The County carries a fire-liability policy on the park. Events such as the tournaments, fairs, festivals, and the Mayhaw Festival must carry supplementary policies.
9. Vehicles have access to the park through the 20-foot entrance gate to the paved access road on the east side of the park only. Vehicles must stay within the designated parking area of this access road. The other three (3) 20-foot gates are to be used by service vehicles and county vehicles only.
10. Any memorials must be approved by the Board of Commissioners as appropriate to Spring Creek Park and its needs. The Park should not resemble a cemetery.