

## **ORDINANCE NO. 2009-120**

### **AN ORDINANCE PROVIDING TO ESTABLISH AN ADVISORY PARKS AND RECREATION COMMISSION AND THE AUTHORITY THEREOF**

WHEREAS, the Mayor and the Board of Aldermen believe that it is in the best interest of the City of Petal for there to be a body of appointed citizens to devote their time and efforts on behalf of the City of Petal and to the park and recreation amenities offered to the citizens; and

WHEREAS, the Mayor and the Board of Aldermen consider that the representation for the City of Petal can best be expressed by a diversified group that fully represents whenever possible all the wards in the City; and

WHEREAS, it is necessary for the Mayor and Board of Aldermen to have sufficient oversight to ensure the harmonious and efficient operation for all of the functions and employees of the City of Petal; now

**THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF  
ALDERMEN OF THE CITY OF PETAL, MISSISSIPPI, AS FOLLOWS:**

#### Section I. Definitions:

(a) Advisory Parks and Recreation Commission (hereafter referred to as the Commission) is an advisory body that is created by the powers vested in the Board of Aldermen as the governing authority of the City of Petal that oversees and advises the Board of Aldermen as to the budget revenues and expenditures, operations, programs, and short and long term planning for the park and recreation activities and facilities for the city.

(b) Governing authority is the Board of Aldermen for the City of Petal, Mississippi.

(c) The City is the City of Petal, Mississippi.

#### Section II. Purpose

To provide for an oversight and advisory body that will efficiently and effectively manage and guide the development of the park and recreation amenities that are offered to the citizens and residents of the City of Petal in cooperation and in conjunction with the other departments and functions of the City of Petal.

#### Section III. Appointments

Appointments of the Commission members shall be made by the Board of Aldermen and shall be whenever possible representative of each of the four (4) wards within the City. Each alderman shall nominate one (1) member each for approval by the Board of Aldermen. In addition, the Mayor shall nominate one member for the approval of the Board of Alderman to serve as Chairperson of the Commission. The Chairperson will vote only in the event of a tie vote by the other members. Any member appointed must be a

current resident and qualified elector of the City at the appointment and during incumbency. To be appointed to the Commission, a person must have been a resident of the City for one (1) year prior to appointment.

In the event an Alderman fails to successfully nominate and have appointed a new Commission member within sixty (60) days after a vacancy occurs, then the Board of Alderman shall nominate qualified applicants and appoint a member to the Commission within thirty (30) days.

#### Section IV. Terms

The terms of office of the new commissioners, authorized to be elected hereunder shall be: Ward 1 Commissioner, one (1) for one (1) year, with expiration of term on September 30, 2010; Ward 2 Commissioner, one (1) for one (1) year, with expiration of term on September 30, 2010; Ward 3 Commissioner, one (1) for one (1) year, with expiration of term on September 30, 2010; Ward 4 Commissioner, one (1) for two (2) years with expiration of term on September 30, 2011; At-Large Commissioner, one (1) for two (2) years with expiration of term on September 30, 2011; Chairperson, one (1) for two (2) years with expiration of term on September 30, 2011; and thereafter the term of each Commissioner shall be for two years.

#### Section V. Removal of Members

Any member of the Commission who is absent from four (4) of the regular meetings of the Commission in any year (July 1-June 30), for any reason other than illness, shall automatically vacate his/her seat on the Commission. The governing authority shall have the power to remove any member of the Commission for inefficiency or incompetency, or for any other cause.

#### Section VI. Vacancies

Vacancies shall be filled within sixty (60) days from the date of the occurrence of the vacancy.

#### Section VII. Powers and Duties

The Commissioners shall have the authority to adopt bylaws for the holding and conducting of their meetings. All meetings shall be noticed on the City's website and open to the public, and shall not be scheduled to occur at the same time as any regularly scheduled Board of Aldermen or Planning Commission meeting.

The Commissioners are authorized to make such recommendations to the Board of Aldermen regarding such other regulations as they may deem necessary for the safe, economic, and efficient management of such parks, playgrounds and other recreational facilities, programs, and events, and for the providing of wholesome and healthful recreation to all citizens of the City of Petal. The commissioners are authorized to recommend such positions and expenditures as may be necessary to maintain the said parks, playgrounds and other recreational facilities, programs, and events efficiently, and effectively. They are authorized to recommend to the Board

of Aldermen such improvements and such maintenance as may be necessary for the safety and use of the facilities and grounds for the residents and guests of the City of Petal. They are also authorized to recommend to the Board of Aldermen revenue producing events and programs involving the recreational grounds and facilities of the City, and to participate in the planning, organization, and operation of such events and programs as authorized by the Board of Aldermen.

Nothing in this ordinance should be construed to grant the Commissioners power or authority to direct any action of the Director of the City Recreation Department, or its employees.

#### Section VIII. Reports

The Commission shall report annually, or periodically upon request of either the Board of Aldermen or the Commission, to the Mayor and the Board of Aldermen of the City all their doings, and shall make an annual recommendation as to the programs and park functions for the coming year. They may make any recommendations which they may have for the further development of such parks, playgrounds and other recreational facilities.

#### Section IX. Compensation

Members of the Park Commission shall serve without compensation.

#### Section X. Severability

(a) Severability. Should any section, clause, paragraph, provision, or part of this ordinance for any reason be held invalid or unconstitutional by any court or competent jurisdiction, this act shall not affect the validity of any other section, clause, paragraph, provision, or part of this ordinance.

All provisions of this ordinance shall be considered separate provisions, and completely severable from all other portions.

(b) Conflict. In any case where a provision of this ordinance is found to be in conflict with a provision of any other ordinance or code of the City of Petal, Mississippi, existing on the effective date of the ordinance, the provisions of this ordinance shall take precedence.

(c) Effective Date. This ordinance shall be in full force and effect thirty (30) days from and after its passage.

(d) Publicity. The City Clerk is instructed to publish this ordinance one time in the Hattiesburg American and the Petal News newspapers, and to obtain proof of publication thereof. The City Clerk is also instructed to publish this ordinance on the City of Petal website.

#### Section XI. Adoption and Certification

The above and forgoing Ordinance, having been reduced to writing, the same was introduced and read and a vote was taken thereon, first section by section, and then on the Ordinance as a whole, with the following results:

Those present and voting on the passage, adoption, and approval of Section I through Section XI of the foregoing Ordinance:

David Clayton Voted: AYE  
Tony Ducker Voted: AYE  
Willie Hinton Voted: AYE  
James Runnels Voted: AYE  
Steve Stringer Voted: AYE

Those present and voting on the passage, adoption, and approval of the foregoing Ordinance as a whole:

David Clayton Voted: AYE  
Tony Ducker Voted: AYE  
Willie Hinton Voted: AYE  
James Runnels Voted: AYE  
Steve Stringer Voted: AYE

WHEREUPON the foregoing Ordinance be and the same is hereby passed, adopted , and approved on this the 1<sup>ST</sup> day of September, A.D., 2009 at the Regular Meeting of the Mayor and the Board of Aldermen of the City of Petal, Mississippi.

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Hal Marx, Mayor

(SEAL)

ATTEST:

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Melissa Martin, City Clerk