

# CITY OF DULUTH

## PARKS AND RECREATION COMMISSION



### DULUTH PARKS

*Fun Places, Great Spaces!*

### BYLAWS and POLICIES\*

\* (Passed by the Parks and Recreation Commission November 18, 2009)



**CITY OF DULUTH**  
**PARKS AND RECREATION COMMISSION**

**BYLAWS**

**ARTICLE I**

**NAME**

This organization shall be known as the **City of Duluth Parks and Recreation Commission**.

**ARTICLE II**

**PURPOSE**

The purpose of the Parks and Recreation Commission of the City of Duluth shall be:

1. To act as an advisory commission to Parks and Recreation , the Mayor, and to the City Council, and in that role make recommendations on such issues as:
  - a. The use of public land for recreation.
  - b. Facilities needs and uses (golf courses, city trails, etc).
2. To act as a liaison for the Parks and Recreation Division and the community on all issues of recreation for all ages.
3. To carry out such actions as necessary and feasible to accomplish the above.

### **ARTICLE III**

#### **MEMBERSHIP**

Shall be as set forth in Sec 2-44 of the Duluth City Code:

### **ARTICLE IV**

#### **OFFICERS**

Officers: The officers of the Commission shall be the President, Vice-President, and a Secretary. Officers shall be elected according to the manner prescribed in Section 2-46 of the Duluth City Code.

1. Terms of office:
  - a) All officers shall be elected at the annual election held during the regular January meeting, for a term of one (1) year.
  - b) All elected officers shall begin their terms with the new business of the February meeting.
2. Termination of office:
  - a) Upon a vacancy in the office of President, the Vice-President shall fill the unexpired term.
  - b) Upon a vacancy in the offices of Vice-President or Secretary, the Commission shall elect a member to fill the unexpired term.

### **ARTICLE V**

#### **DUTIES OF OFFICERS**

1. The President shall perform the usual duties pertaining to that office and shall act as Chair of the Commission. The President shall appoint members to committees as may become necessary.
2. The Vice-President shall act in the absence of the President.
3. The Secretary acts as corresponding and recording secretary and will chair meetings in the absence of both the President and Vice-President.
4. The minutes of the meeting shall be recorded.
5. Commissioners who represent Parks Planning Districts will be encouraged to make contact with the key persons who associate with the Parks and Recreation Division and identify themselves as their representative on the Parks and Recreation Commission.

### **ARTICLE VI**

#### **MEETINGS**

1. Regular Commission Meetings shall be held the 2<sup>nd</sup> Wednesday of the month. Dates may be changed by the President or by request of six (6) members.

2. Parks and Recreation Annual Planning Meeting will be scheduled by the committee chairs, sites to be determined.
3. Special Meetings may be called by the President or by the written request of at least six (6) members.
4. A quorum shall constitute a majority of the number of voting members actually appointed and serving at the time of the meeting. Vacant positions in the voting membership of the Commission shall not be considered when determining the number needed for a quorum.
5. Order of Business:
  - a) Call Meeting to Order
  - b) Roll Call
  - c) Approval of Minutes
  - d) Presentations / Speakers
  - e) Commission Committee Reports
  - f) Commissioner's Reports
  - g) New Business
  - h) Old Business
  - i) Manager's Comments
  - j) Public Comment
  - k) Adjournment
6. All meetings of Parks and Recreation Commission and its regular committee meetings must be advertised for the public to attend in accordance with the Minnesota Open Meeting Law and key items on the agenda will be mentioned.
7. The Executive Committee will meet with the Manager of Parks and Recreation at least two weeks prior to the next regularly scheduled meeting of the Commission to determine its agenda. It is understood that other matters may occur, necessitating their inclusion at the next meeting.
8. In April of each year, a public meeting will be advertised seeking input of priorities for programs and/or capital improvements.
9. The Commission may have at least four (4) meetings at various locations. Times and places will be established as determined to be appropriate.
10. There will be time on each Regular Park & Recreation Commission agenda set aside for public comment. Persons wishing to address an item on the agenda will be given an opportunity to do so at the time the item is considered. Persons addressing the Commission will be given three (3) minutes to do so.

## **ARTICLE VII**

### **AMENDMENTS**

These rules and procedures may be amended by a vote of a majority of the Commission. Notice of the proposed amendments shall be distributed to all members at least ten (10) days prior to the meeting at which they are to be voted upon.

## **ARTICLE VIII**

### **PARLIAMENTARY AUTHORITY**

Procedures not otherwise defined shall be governed by Robert's Rules of Order, Revised.

## **ARTICLE IX**

### **COMMITTEES**

The committees of this commission may include the following: Executive and Nominating, and others as determined by the Commission.

## **ARTICLE X**

### **COMMITTEE STRUCTURE**

1. The Executive Committee shall consist of the President, Vice-President, and Secretary. The Executive Committee:
  - a) May authorize additional Ad-Hoc Committees for the purpose of controlling and directing studies.
  - b) Will establish an Annual Report Committee to produce an Annual Report as stated in Section 2-46 of the Duluth City Code.
2. All other committees:
  - a) Membership shall be determined by Commission members volunteering or appointments made by the President.
  - b) Committee members shall elect a chair.
  - c) Non-commission committee members may be recruited to serve on committees as non-voting members.



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## **POLICIES**

### **SECTION I**

#### **DELEGATIONS/REPRESENTATIVES**

Representation of groups must be from duly recognized members of that organization with the power to speak for that group. Persons who fail to have the power to act on behalf of a group will and must be treated as an individual member.

### **SECTION II**

#### **REQUESTS**

It is recommended that requests for action by the Parks and Recreation Commission be received in writing at the Parks and Recreation Division office a minimum of three (3) weeks prior to the next regularly scheduled meeting to allow the Commission time to review the request. Requests that are received later than this deadline will be put on the agenda for the following meeting, unless at the discretion of the Manager of Parks and Recreation or President of the Parks and Recreation Commission, it is deemed advisable and appropriate to be included in the upcoming meeting. The request should include:

1. name of the organization/address/contact person's phone number

2. principal persons (officers)
3. purpose of the organization
  
4. brief history of the organization
  
5. specific request of the Commission
  - a) rationale
  - b) history of the project
  - c) time line of the project/and how the organization will provide budget
  - d) user group/s
  - e) other possible resources besides the Commission
  - f) other information as deemed appropriate
  - g) a copy of the organization's minutes containing the request for action by the Parks and Recreation Commission
  - h) If action (a vote) is required of a Parks and Recreation Commission meeting, informational materials must be presented to the Commissioners a minimum of seven (7) calendar days prior to the meeting date the action is requested. If sufficient time is not given, action will be taken at the next scheduled meeting.

### **SECTION III**

#### **REPORTS**

1. Organizations associated with Parks and Recreation shall include the Division on mailing lists of minutes/reports for distribution to the Commission.
2. The agenda should be distributed to Commission members at least one (1) week in advance of the next meeting. Minutes of the prior meeting may be included.
3. Minutes of a meeting should include only those items that were actually discussed at that meeting. Updates on individual items, whether or not they were discussed, should be properly added as an addendum or informational follow-up. Minutes must reflect the actual meeting.
4. The annual report of the Parks and Recreation Commission will be filed in conjunction with the Division report.
5. Agendas for upcoming meetings should be sent out to Commission members and be posted publicly at the Division of Parks and Recreation.

### **SECTION IV**

#### **COMMISSION ACTION**

1. The Parks and Recreation Commission can make recommendations on developments requiring dedication of property for public space.
2. The Parks and Recreation Commission can make recommendations on the special projects within the City that pertain to parks and/or recreation, but do not fall under the immediate control of the Division.

## **SECTION V**

### **EXECUTIVE COMMITTEE ACTION**

1. The Executive Committee will include: President, Vice-President and Secretary.
2. The Executive Committee will meet with the Manager of Parks and Recreation prior to the regular monthly meeting to establish the agenda.
3. The Executive Committee will act as the personnel committee, recruiting interested citizens to apply through the Mayor's Office for consideration for appointment and City Council approval.

## **SECTION VI**

### **MEETINGS**

1. All meetings of the Parks and Recreation Commission and its committees shall be open to the public.
2. Public forums should be held on issues that pertain to specific programs or facilities of the Parks and Recreation Division when public input is needed or sought.
3. It is recommended that an orientation be held for new members at a time and in a manner deemed appropriate by commission leadership.

## **SECTION VII**

### **GENERAL**

1. Members of the Parks and Recreation Commission are under the President of the Commission and will be utilized through that channel whenever possible. This does not preclude Commission members from acting on their own as a duly appointed representative of the Parks and Recreation Commission.
2. The President of the Commission should be made aware of all committee meetings to be held. These should be on record in the office of the Parks and Recreation Division.
3. A calendar should be prepared annually showing tentative dates and places for Commission and E-Board meetings.

## **SECTION VIII**

**adopted 12/6/07**

### **COMMUNICATION WITH PARKS & RECREATION DIVISION & COMMISSION**

Staff: Parks Division person assigned to the commission

1. Any requests for additions/changes to the meeting agenda that occur before the E-Board meeting should be directed to the president and copied to the Division Manager.
2. Any requests for additions/changes to the meeting agenda that occur after the E-Board meeting, should be directed to the staff person and the Division Manager.



3. All email or paper mail announcements for Commission meetings (including agendas, minutes, handouts, etc) are handled by the staff person.
4. All email or paper mail announcements for committee meetings should be directed to the staff person. They will send out the information, as well as agendas and minutes (if available) to all the appropriate people. Remember, all meetings must have a 3-day advance notice (example - if the meeting is on Friday, it must be posted on Tuesday).
5. Committees no longer have an assigned Parks staff person. It is the committee chairperson's responsibility to inform the staff person of meeting dates and request a room reservation; to develop the agenda; and to arrange for minutes to be taken. If the committee has special need (like a public hearing or a grant application), please let the Division Manager know. They will assign a staff person to assist the committee for the short-term project.
6. All media press releases about meetings are handled by the Public Information Coordinator.

## **SECTION IX**

### **SMALL GRANTS PROGRAM CITY COUNCIL RESOLUTION**

08-054 3R

COMMITTEE OF THE WHOLE

RESOLUTION REQUESTING THE EXISTING PARKS AND RECREATION SMALL GRANT PROGRAM BE FUNDED AND ASKING THE ADMINISTRATION TO REVISE CURRENT GUIDELINES TO BE APPROVED BY COUNCIL.

BY PRESIDENT REINERT:

RECITALS:

- (a) Budget cuts have forced drastic reductions in youth and adult programming offered at community centers throughout Duluth by the city parks and recreation department;
- (b) The city desires programming offered at community centers throughout Duluth to continue;
- (c) The mayor has asked citizens and community club groups to partner with the city to offer youth and adult programming targeted for their neighborhoods;
- (d) A grant program, which is currently unfunded, has been available to community clubs through the parks and recreation department;
- (e) The Duluth City Council desires to fund the existing grant program to assist community clubs that wish to manage community centers and offer youth and adult services.

NOW, THEREFORE, BE IT RESOLVED, that the city of Duluth is hereby requested to fund the existing parks and recreation small grant program from some portion of city asset sales as they become available.

BE IT FURTHER RESOLVED, that the city council hereby asks that city administration revise the current small grant program guidelines to provide that grants be made to community clubs for programming needs (e.g. hiring summer interns, reimbursing program expenses, purchasing supplies and reimbursing program tuition) and not the purchase of

assets, said guidelines to be submitted to the city council for approval.

COUNCIL REQUEST/ATTY RR/JC:cm 8/19/2008

STATEMENT OF PURPOSE: This resolution requests that the existing parks and recreation small grant program be funded to assist community clubs in continuing youth and adult programming at community centers in Duluth and asks the administration to revise the current guidelines for approval by the council. The intent of the program is to provide grants for programming, such as hiring summer interns, reimbursing programming expenses, purchasing supplies and reimbursing program tuition.

REC'D AT 9.10.08 COMMISSION MEETING

## **SECTION X**

### **PRESENTATIONS TO COUNCIL**

1. The Park and Recreation Commission authorizes the Executive Board, in conjunction with the Park and Recreation Division Manager, to represent them in making presentations to the City Council, individual Councilors, and other persons and meetings relative to park issues. This will relate to issues discussed and/or acted on at a commission meeting.

## **SECTION XI**

### **COMMISSION COMMITTEE PROCESS**

1. First committee meeting:
  - Support staff will call a meeting of committee members and publicly announce the meeting.
  - A committee chair will be chosen - this person must be a commission member.
  - Future meeting dates and locations shall be determined; these shall be publicly announced.
2. The Committee Chair will be responsible for running the meeting, i.e. writing the agenda; keeping the meeting on track; encouraging participation from committee members and the public; keeping staff informed of meeting dates, times, and locations; and presenting committee updates at Parks Commission meetings.
3. Parks staff will be responsible for making arrangements for the first meeting; keeping the Public Information Coordinator informed of meeting dates, times, and locations (at least one week notice), so the meetings can be properly advertised; and provide technical and professional support to the process.
4. The committees will be responsible for researching their issue; having a sufficient number of meetings to discuss the issue allowing for input from committee members and the public; seeking people with appropriate expertise to speak to the committee; and determining recommendation(s) to be presented to the Parks Commission.

## **SECTION XII**

### **PARK NAMING PROCESS**

**adopted 4/11/01**

**Revised 3/31/10**

1. If a developer is platting land, he or she may place a name on the land being dedicated as a park as a part of the platting process.
2. If the city is condemning land for park purposes, we can attach a name to the park in the legal condemnation procedure. (See A-B-C-below.)
3. If someone donates land for a park, the grantor will frequently name the park as a condition of the gift.

**If unnamed by #1, #2, or #3 above, the following process shall be followed:**

- a) Individuals interested in naming the park make a recommendation to the Park Manager.
- b) Parks Division Manager brings the recommendation to the Parks Commission, who makes a recommendation to the council.
- c) The City Council accepts/denies the Parks Commission recommendation and then has the authority to name the park if such naming does not violate the conditions of a gift, plat, etc.

### **SECTION XIII**

**adopted 9/12/01**

#### **MARKETING PLAN FOR PUBLICIZING PARKS AND RECREATION COMMISSION MEETINGS**

A copy of the regular meeting schedule of the Commission will be kept on file at the Parks and Recreation Office, 12 E. 4th St. This information will be available to the public during regular office hours. The schedule will be advertised as a public notice once a year.

#### **At least one week prior to the next scheduled meeting:**

1. A finalized agenda will be provided to the Division's Public Information Coordinator.
2. A copy of the agenda will be posted in the reception area of Parks and Recreation Office.
3. Staff will distribute copies of the agenda to all Commission members and to anyone else who has requested a copy of the agenda.
4. A copy of the agenda will be sent to the City Clerk for distribution to City Council members.
5. The Public Information Coordinator will send a media advisory to all media along with a copy of the agenda.

#### **Changes in the meeting agenda:**

1. Revisions to the agenda must be made at least three (3) days prior to the meeting date. Commission members will be notified when a change in the agenda has occurred. The media will be sent a revised agenda.
2. Amended agendas will be available at meetings.

### **SECTION XIV**

**adopted 2/26/10**

**Revised 3/31/10**

## OPEN MEETING LAW

The purpose of the Open Meeting Law is to ensure that the public's business is conducted in public. Meetings of the Parks and Recreation Commission and any committee of the Parks and Recreation Commission are subject to the Open Meeting Law.

### 1. REGULAR MEETINGS

- a) Meetings of the Parks and Recreation and Recreation Commission (Commission) are subject to the Open Meeting Law, Minnesota Statutes Chapter 12D ( "Act") Any meeting of a committee of the Commission is subject to the Act. While serving on a public body that is subject to the Act, it is important to understand the requirements of the law. Violations of the law expose the violator to fines and removal from their position.
- b) Any meeting of a quorum of members generally constitutes a meeting subject to law. An exception is where a quorum of members has gathered at a social event. However, in the social event context, it is improper for the members to gather together and discuss public business.
- c) Generally, notice of meetings required by the Act, must be provided for all meetings of the Commission or a committee. The City staff will prepare the notice of meetings. A schedule of the regular meetings of the public body (Commission or committee) is kept on file at its primary office (Parks Division Headquarters and City Clerk's Office). If the public body decides to hold a regular meeting at a time or place different from the time or place stated in its schedule of regular meetings, it must follow the rules that apply to special meetings. A special meeting must be preceded by the posting of written notice of the date, time, place, and purpose of the meeting on the principal bulletin of the public body (Parks Division Headquarters and City Clerk's Office). The notice must be posted at least three days before the date of the meeting. Notice must also be mailed to each person who has filed a written request for notice of special meetings.
- d) At least one copy of any printed materials relating to the agenda items of the meeting which have been distributed to the members of the body either at or before the meeting must be available in the meeting room for inspection by the public while the body considers their subject.
- e) If materials contain data which is not public, that data may not be provided to the public. Any questions as to the classification of data should be reviewed with the City Attorney's office. Generally, the Commission is not dealing with data classified as other than public.
- f) Minutes must be taken at any meeting of the Commission or a committee and votes of the members must be recorded. These minutes must be open to the public during all normal business hours where records of the public body are kept.
- g) In the age of electronic communication, the issue of e-mails to all members of a public body has raised concerns. Members of public bodies should be cautious with the use of e-mail to all members at once, or through the use of forwarding mechanisms. Serial communications of less than a quorum for the purpose of avoiding public hearings or fashioning agreement on an issue may violate the Act. Similar concerns are raised with conference calls or serial calling. Matters to be discussed at the meeting should be debated at the meeting.

- h) It is the recommendation of the Office of the City Attorney, that Commission members avoid communicating with all other members via e-mail or phone and avoid the serial use of e-mail or telephone calls for the purpose of fashioning agreement outside of an open meeting.
- i) Any conference call to a quorum of Commission members discussing Commission business violates the Open Meeting Law.
- j) Any series of phone calls that reaches a quorum of Commission members and where Commission business is discussed violates the Open Meeting Law.
- k) The same applies to any quorum of a committee of the Commission.
- l) Again, the intent of the law is for the Commission to discuss the public's business in public.
- m) In addition to the Open Meeting Law, the By-laws, Article VI, PP. 6 require that all meetings must be advertised in accordance with the Open Meeting Law. Commission Policy Section VI, PP. 1 also requires that all meetings of the Commission and its committees shall be open to the public. Under Commission Policy Section VII, PP 2 a record of all committee meetings must be maintained by the Park and Recreation Department.
- n) The Executive Committee meeting provided in By-law, Article VI, PP. 7 and in Policy Section V is also subject to the Open Meeting Law, it needs to be noticed and held in a place open to the public. If that has not been the practice in the past, the past practice must be changed immediately.

## 2. SPECIAL MEETINGS

A meeting of either the Commission or a committee of the Commission that does not occur at the regular monthly meeting of the Commission is a special meeting. The law provides requirements for notice of such special meetings. They are as follows:

- a) The notice providing the date, time, place and purpose of the meeting must be posted on the principal bulletin Commission of the public body. The City also posts notice of such meetings in the Clerk's office.
- b) The notice must be posted three (3) days prior to the meeting. The agenda must also be distributed to all members.
- c) All persons who have filed a written request for notices of such meetings must be notified.
- d) One copy of the agenda for the meeting and all materials to be discussed (unless protected by the data practice law) must be available for the public in the meeting room.
- e) The place of the meeting must be open to the public, i.e. a committee meeting cannot be held in a private home (unless the homeowner opens their home to all members of the public wishing to attend the meeting).
- f) Any meeting where a quorum of the members is present and where Commission business is discussed is considered a meeting. (This excludes social occasions.)
- g) Any e-mails to a quorum of Commission members discussing Commission business violate the Open Meeting Law.
- h) Any series of forwarded e-mails that reaches a quorum of Commission members violates the Open Meeting Law.

