

CITY OF JEANNETTE

RECREATION BOARD ORDINANCE

ORDINANCE NO. 02

AN ORDINANCE ESTABLISHING A RECREATION BOARD FOR THE CITY OF JEANNETTE.

WHEREAS, the Third Class City Code, 11 Pa.C.S.A. § 13702, affords the City of Jeannette with the power and authority to “equip, operate, supervise and maintain a recreation place[s];” and

WHEREAS, the Third Class City Code, 11 Pa.C.S.A. § 13705, affords the City of Jeannette with the power to “establish in the city a recreation board;” and

WHEREAS, the Third Class City Code, 11 Pa.C.S.A. § 12406, affords the City of Jeannette with the power to “create any city office, public board, bureau or commission, which it may deem necessary for the good of government and interests of the city, and, with regard to an office or membership on a board, bureau or commission, unless otherwise provided by this part, council may make appointments and regulate and prescribe the terms, duties and compensation;” and

WHEREAS, the Third Class City Code, 11 Pa.C.S.A. § 13705, also affords the City of Jeannette with the power to delegate certain powers to a recreation board; and

WHEREAS, the Third Class City Code, 11 Pa.C.S.A. § 12435, affords the City of Jeannette with the power “to enact, make, adopt, modify, repeal and enforce, in accordance with this part, ordinances, resolutions, rules and regulations not inconsistent with or restrained by the Constitution of Pennsylvania and laws of this Commonwealth that are either of the following: (1) Expedient or necessary for the proper management, care and control of the city and its finances and the maintenance of the peace, good government, safety and welfare of the city and its trade, commerce and manufactures; (2) Necessary to the exercise of the powers and authority of local self-government in municipal affairs;” and

WHEREAS, it is the desire of the City Council of the City of Jeannette to establish a recreation board to assist City Council and the City of Jeannette in advancing recreation, recreational places, and recreational events within the City of Jeannette.

BE IT ENACTED AND ORDAINED by the City Council of the City of Jeannette, Westmoreland County, Commonwealth of Pennsylvania, and it is hereby enacted and ordained as follows:

Section 1. Creation of Recreation Board.

The City Council of the City of Jeannette hereby exercises its power and authority pursuant to 11 Pa.C.S.A. § 13705 and creates a recreation board, which shall be called and identified as the

“Recreation Board of the City of Jeannette.” The Recreation Board shall be an agency and sub-unit of the City of Jeannette under the direction and supervision of the City Council of the City of Jeannette and the Director of Recreation. The Recreation Board shall be governed by all ordinances, resolutions, regulations, rules, policies, and procedures of the City of Jeannette and applicable law.

Section 2. Composition of Recreation Board.

(a) The Recreation Board shall consist of seven (7) persons all of whom shall be voting members. All members shall be appointed by the Mayor with the approval of City Council. To qualify for a voting member position, a person must (i) be eighteen (18) years of age or older, (ii) be a resident of the City of Jeannette during his or her term of office; and (iii) not hold any other office or employment deemed incompatible by law. The Recreation Board may also include such other non-voting members appointed by the Mayor with the approval of City Council. To qualify for a non-voting member position, a person must not hold any other office or employment deemed incompatible by law.

(b) All persons appointed as voting members shall serve staggered terms of four (4) years, such that each respective term shall begin on December 8th and shall end of December 7th four (4) years later. In order to create such staggered terms, the initial voting members shall be appointed for the following initial terms:

- (i) Two (2) persons appointed as voting members shall be appointed for terms to begin on December 8, 2022, and ending on December 7, 2023;
- (ii) Two (2) persons appointed as voting members shall be appointed for terms to begin on December 8, 2022, and ending on December 7, 2024;
- (iii) Two (2) persons appointed as voting members shall be appointed for terms to begin on December 8, 2022, and ending on December 7, 2025; and
- (iv) One (1) person appointed as a voting member shall be appointed for a term to begin on December 8, 2022, and ending on December 7, 2026.

(c) All persons appointed as voting members shall continue to hold office until the appointment of his or her successor.

(d) All persons appointed as non-voting members shall serve for terms of two (2) years, such that each respective term shall begin on the date of appointment and shall end on such date two (2) years later.

(e) All persons appointed as voting members or non-voting members may be subject to and required to complete such background and clearance checks as may be required by the Child Protective Services Law, as may be amended, or any related or similar law.

(f) The appointment of a person to fill any vacancy on the Recreation Board, other than by expiration of term, shall be for the remainder of the unexpired term, and shall be filled in the same manner as the original appointment.

(g) All persons appointed as voting members or non-voting members shall be eligible for reappointment, without limitation, except as may be provided herein or by applicable law.

(h) All members and officers of the Recreation Board shall serve without pay or other compensation and shall not be entitled to any healthcare or retirement benefits or benefits program of the City of Jeannette.

(i) Any voting member or non-voting member shall be subject to removal by the Mayor and City Council, upon notice and hearing, for (i) failure to attend at least four (4) consecutive regular meetings for which notice had been given, (ii) a violation of any City ordinance, resolution, regulation, rule, policy, and procedure of the City of Jeannette or any bylaw, rule, or regulation of the Recreation Board; or (iii) the commission or conviction of any criminal conduct, action, or offense constituting a misdemeanor or felony. All appointments to the Recreation Board are expressly subject to and conditioned upon acceptable of the above removal provisions.

Section 3. Organization of the Recreation Board.

(a) The members of the Recreation Board shall elect a chair and secretary and select the other necessary officers to serve for a period of one year.

(b) The Recreation Board, with the approval of City Council, shall adopt bylaws, rules, and regulations for the conduct of all business within its jurisdiction. Such bylaws, rules, and regulations shall not conflict with any provisions of this ordinance or any other governing City ordinance, resolution, regulation, rule, policy, and procedure of the City of Jeannette and applicable law. In the instance where bylaws, rules, or regulations conflict, this ordinance and any other governing City ordinance, resolution, regulation, rule, policy, or procedure of the City of Jeannette or applicable law shall supersede such bylaws, rules, or regulations.

(c) A meeting of the Recreation Board shall be subject to the provisions of the Sunshine Act (65 Pa.C.S. Ch. 7 (relating to open meetings) and may be governed by Roberts Rules of Order.

(d) The Recreation Board may create one or more special advisory sub-committees for special purposes, programs, projects, and/or activities that the Recreation Board deems appropriate and may appoint to any such special advisory sub-committee such voting members and/or non-voting members of the Recreation Board as it deems appropriate, provided, however, that only persons who are residents of the City of Jeannette may serve as special advisory sub-committee members.

Section 4. Fiscal Matters.

(a) All assets and property of the Recreation Board shall be assets and property of the City of Jeannette and shall be subject to the rules, regulations, policies, procedures, and audits of the City of Jeannette, including, without limitation, requisition, payment, disbursement, and auditing procedures.

(b) The City Council of the City of Jeannette may appropriate funds for the programs, projects, and activities of the City and the Recreation Board. Appropriations may be expended for such costs and expenses approved and incurred for recreational programming, as may from time to time be required and as shall be within the limit of funds appropriated to the Recreation Board. All expenditures of the Recreation Board must be approved by the City Council. All invoices relating to Recreation Board expenditures, with supporting documentation, must be submitted to the Chief Fiscal Officer of the City of Jeannette.

(c) The Recreation Board may seek funding for specific programs, activities, and projects of the City and the Recreation Board with the approval of City Council. Such sources of funding may include, but are not limited to grants and other forms of in-kind financial assistance from county, state, and federal agencies and private foundations, businesses, and non-profits.

Section 5. Duties and Powers of the Recreation Board.

The duties and powers of the Recreation Board, as a body and as exercised through official and administrative action, shall be as follows:

(a) Assist with planning, implementation, and holding various recreational activities, projects, events, and functions within the City of Jeannette for the primary benefit of the residents of the City of Jeannette;

(b) Assist with the planning, implementation, and completion of City park and recreational property, equipment, and resource improvements and related projects;

(c) Monitor the usage, inventory, and conditions of City parks and other recreational properties, equipment, and resources;

(d) Make recommendations to City Council regarding recreational activities, projects, events, and functions and City parks and other recreational properties, equipment, and resources;

(e) Raise funds for recreational activities, projects, events, and functions and City parks and other recreational properties, equipment, and resources; and

(f) Such tasks, assignments, responsibilities, and duties as may be further assigned or delegated by City Council.

Section 6. Report to Mayor, City Council, and Others.

(a) The Recreation Board shall report to the Mayor and City Council at such times as may be requested by the Mayor and City Council, but not less than once a year. The Recreation Board shall also provide a copy of the minutes and reports of its meetings and proceedings to the City Clerk of the City of Jeannette within five (5) days of approval of such minutes and/or reports by the Recreation Board or within two (2) days of any request by City Council.

(b) When authorized by City Council, the Recreation Board may appoint a representative or liaison to represent the City and the Recreation Board before other bodies, including, without limitation, the Jeannette City School District and Westmoreland County. Any such representative or liaison shall have no power or authority to bind the City or Recreation Board in any manner without the express written authorization and approval of City Council.

Section 7. Severability.

If any provisions, sentence, clause, section, or part of this ordinance or application thereof to any person or circumstance is for any reason found to be unconstitutional, illegal or invalid by a court of competent jurisdiction, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this ordinance. It is hereby declared as the intent of the City Council of the City of Jeannette that this ordinance would have been adopted had such unconstitutional, illegal or invalid provision, sentence, clause, section, or part not been included herein.

Section 8. Repealer.

Any ordinance or part of any ordinance that conflicts with the provisions of this ordinance is hereby repealed to the extent of any such conflict on the effective date of this ordinance.

Section 9. Effective Date.

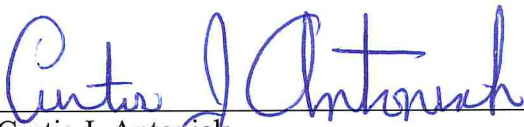
This ordinance shall become effective ten (10) days after enactment, provided, however, that the terms of office of the initial voting members shall be deemed to begin on December 8, 2022, the date of introduction for this ordinance.

ORDAINED AND ENACTED by the City Council of the City of Jeannette, Westmoreland County, Pennsylvania, this 12th day of January, 2023.

ATTEST:



CITY OF JEANNETTE


Curtis J. Antoniak,
Mayor and President of Council

By: 

Benjamin D. Walker, City Clerk