

RESOLUTION NO. 2021-08

A RESOLUTION TO AMEND THE RESOLUTION CREATING THE BANKS COUNTY PARKS AND RECREATION ADVISORY BOARD SEC. 2-217 through SEC. 2-222; TO CREATE THE ADVISORY BOARD; TO PROVIDE FOR MEMBERS; TO PROVIDE FOR OPERATIONS; TO PROVIDE THAT MEMBERS SERVE WITHOUT COMPENSATION; TO PROVIDE FOR THE DUTIES OF THE BOARD; TO PROVIDE FOR DEALING WITH ABSENCES; TO PROVIDE FOR SEPARATE AND DIVISIBLE PARTS; TO REPEAL CONFLICTING ORDINANCES AND RESOLUTIONS, TO PROVIDE FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

WHEREAS, Banks County, Georgia, is a body corporate and politic; and

WHEREAS, The Banks County, Georgia government has "Departments"; and

WHEREAS, One of the Departments of the Banks County, Georgia government is the Parks and Recreation Department; and

WHEREAS, Previously, the Banks County Parks and Recreation Department had an Advisory Board, which has ceased to function or carry out its duties; and

WHEREAS, the Board of Commissioners of Banks County, Georgia, (the "Board" or the "Commissioners") is interested in having citizens of Banks County, Georgia, serve on an Advisory Board to provide information, comments and recommendations to the Board on the operations, equipment and programs of the of the Banks County Parks and Recreation Department;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Banks County, Georgia, and it is hereby resolved by the authority of same that the Code of Banks County, Georgia is amended as follows:

1.

Section 2-217 Entitled "Created" is hereby deleted in its entirety and there is substituted in lieu thereof the following:

Section 2-217. "Created".

There is hereby created an Advisory Board for the Banks County Parks and Recreation Department to be known as the Advisory Board of the Banks County Parks and Recreation Department (the "Advisory Board").

2.

Section 2-218 Entitled "Members" is hereby deleted in its entirety and there is substituted in lieu thereof the following:

Section 2-218. "Members".

The Advisory Board shall consist of seven (7) members who shall be residents of Banks County, Georgia; and appointed by the Commissioners. Initially the terms of the Advisory Board shall be as follows: (i) three years for three members from July 1, 2021; (ii) two years for two members from July 1, 2021; and (iii) one year for two members from July 1, 2021.

After the initial terms of the members, the Commissioners shall select the successor members to the Advisory Board and each member so selected shall serve a term of three (3) years ("Regular Term"). Each member of the Advisory Board shall be eligible for reappointment by the Commissioners but they can only serve two Regular Terms. Each member of the Advisory Board shall continue to serve until a successor is appointed by the Commissioners. If a vacancy occurs on the Advisory Board, the Commissioners, as soon as practicable, shall select a successor to serve the remaining term (the "Interim Term") of the vacated member. Each year of a Regular Term shall begin on July 1 and end on June 30, notwithstanding the fact that a member may be appointed to a Regular Term on the Advisory Board on a date other than July 1 and an existing member shall serve until the member's successor is appointed.

3.

Sec. 2-219. Entitled "Same-Advisory board elect". is hereby deleted in its entirety and there is substituted in lieu thereof the following:

Sec. 2-219. "Advisory Board".

(A) The Advisory Board shall elect one of its members as chairperson and another member as vice chairperson and it shall also elect a secretary. A majority of the members of the Advisory Board shall constitute a quorum necessary for the transaction of business, and a majority vote of those present at any meeting (no absentee voting or voting by proxy) at which there is a quorum shall be sufficient to do and perform any action permitted by this resolution. No vacancy in membership on the Advisory Board shall impair the right of the quorum to transact any and all business as aforesaid. The Advisory Board shall adopt the rules and regulations for its governance, provided, however, such rules and regulations shall not conflict with the provisions of this resolution. The Advisory Board shall continue in existence until terminated or abolished by resolution of the commissioners.

(B) Officers shall be elected annually, and shall serve for the term of one year, or until their successors are elected and qualified. Any or all officers thus elected may serve consecutive years, if re-elected. All officers shall be re-elected by majority vote after proper nomination and second. In case of a tie, the vote will be postponed until the next meeting with a majority vote.

(C) Chairperson shall be responsible for:

(i) Developing an agenda for each meeting with input from county staff, Advisory Board members and the public. At minimum each meeting shall contain the following items: Call to Order, Approval of Minutes, Departmental Updates, Other Business, Public Comments and Adjournment.

(ii) Providing the meeting agenda to the Board of Commissioners ("BOC") by the second Tuesday prior to the meeting.

(iii) Facilitating each Advisory Board meeting in a fair and open manner, showing no partiality to any Advisory Board member, county staff or public participants.

(iv) Conducting annual elections of Advisory Board officers and representatives during the June meeting.

(v) Presenting all Advisory Board recommendations to the BOC.

(D) Vice-Chairperson shall be responsible for:

(i) In the absence of the Chairperson, shall perform all the duties of the Chairperson.

(E) Secretary shall be responsible for:

(i) Shall keep a true and permanent record of the minutes of all meetings of the Advisory Board.

(ii) Record the attendance of Advisory Board members.

(iii) Email or turn in hard copy recorded minutes to the Park and Recreation Director at the conclusion of each Advisory Board meeting.

(iv) Email recorded minutes no later than the Monday after the Advisory Board meeting to the County Clerk for distribution to BOC.

(F) Park and Recreation Director shall be responsible for:

(i) shall keep a record of minutes of the meetings of the Advisory Board recording all official action of the Advisory Board, and have custody of its records which shall be housed at the office of the Park and Recreation Director.

(G) ALL Advisory Board Members shall be responsible for:

(i) Attendance at designated meetings.

(ii) Informally communicating important Advisory Board proposals to the citizens of Banks County for purposes of discussion and feedback.

(iii) Harmoniously working with other Advisory Board members.

(iv) Devoting the time and thought necessary to carry out the duties of the Advisory Board.

(v) Recognizing that each member serves in an advisory capacity only and has no authority to make policy.

(vi) Members are obligated to keep problems and business of a controversial nature in strict confidence.

(vii) Supporting final decisions of the Advisory Board. When the Advisory Board votes on any decisions of policy it is considered to be thinking of the group and should be accepted by everyone regardless of their vote.

(viii) Always be abreast of new developments in the field of recreation.

(ix) Should, when designated to do so, be willing to represent and speak at official occasions.

4.

Sec. 2-220. Entitled "Compensation" is hereby deleted in its entirety and there is substituted in lieu thereof the following:

Sec. 2-220. "Compensation".

The members of the advisory board shall serve without compensation. The members of the advisory board may be reimbursed for actual expenses incurred in the performance of their duties, if the expenses are approved by the commissioners prior to being incurred.

5.

Sec. 2-221. Entitled "Duties" is hereby deleted in its entirety and there is substituted in lieu thereof the following:

Sec. 2-221. "Duties".

The advisory board shall study and review the existing policies and programs of the county parks and recreation department and make recommendations to the commissioners on needed changes to the existing policies and programs, if any. After review and study the Advisory Board shall make recommendations on new programs for the county parks and recreation department and the need for additional equipment or for the replacement of existing equipment being used in the recreation program. In addition, the Advisory Board shall study and make recommendations to the commissioners on any question referred to them by the commissioners concerning the parks and recreation program in the county. Each recommendation shall have been voted on by the Advisory

Board and the numerical vote of the Advisory Board on the recommendation shall be included in the report to the commissioners. The Advisory Board does not have the power or authority to enter into contracts or other agreements or to bind or obligate the county. The sole purpose of the Advisory Board is to study and make recommendations to the commissioners concerning the parks and recreation program in the county.

6.

Sec. 2-222. Entitled "Unexcused absences" is hereby deleted in its entirety and there is substituted in lieu thereof the following:

Sec. 2-222. "Absences".

The absence of an Advisory Board member from three consecutive meetings of the Advisory Board during any calendar year shall result in notification by the secretary to the Advisory Board chairperson and the absent Advisory Board member as a reminder of the attendance requirements. The secretary shall also notify the chairperson of the Board of Commissioners of the absences and the chairperson shall have the authority to determine if the absence result in a vacated position. Once the seat on the Advisory Board is deemed vacated, the chairperson of the Board of Commissioners of Banks County shall submit the vacancy to the Board of Commissioners for appropriate action (appointment of a new member to the Advisory Board).

7.

All Resolutions, or Ordinances, or parts thereof, in conflict with the terms of this Resolution are hereby repealed, but it is hereby provided that any resolution, ordinance or law, which may be applicable hereto and aid in carrying out and making effective the intent, purpose and provisions hereof, which shall be liberally construed to be in favor of Banks County, is hereby adopted as part hereof.

8.

If any paragraph, sub-paragraph, sentence, clause, phrase, or any portion of this Resolution shall be declared invalid or unconstitutional by any court of competent jurisdiction or if the provisions of any part of this Resolution as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Resolution not so held to be invalid. It is hereby declared to be the intent of the Board of Commissioners to provide for separable and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

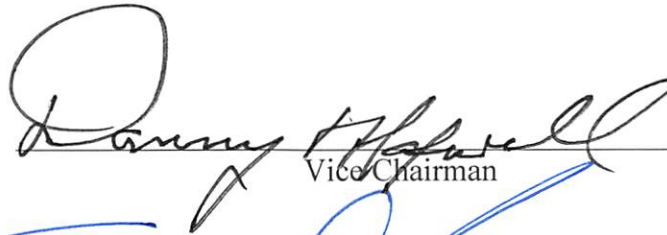
9.

This Resolution is hereby adopted this _____ day of _____, 2021, and shall be codified as a part of the Code of Banks County, Georgia, to become effective upon the _____ day of _____, 2021, the public health, safety and general welfare demanding it.

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BANKS COUNTY BOARD OF COMMISSIONERS


Chairman


Vice Chairman


Commissioner


Commissioner


Commissioner

ATTEST:


County Clerk

(SEAL)

