

## **Local Law 3 of 2022**

### **Establishing Chapter 40 Recreation Commission of the Code of the Town of Rochester**

Presented by Supervisor Baden, Local Law 3-2022, Establishing Chapter 40 of the Code of the Town of Rochester as follows:

Be it enacted by the Town Board of the Town of Rochester as follows:

#### **Section 1.**

Pursuant to, and in accordance with, the provisions of the New York State Municipal Home Rule Law and the NYS General Municipal Law, Article 18, §808, the Town of Rochester Town Board adds a new chapter 40, Recreation Commission, of the Code of the Town of Rochester as follows.

#### **§ 40-1 Recreation Commission reestablished.**

There is hereby reestablished the Recreation Commission of the Town of Rochester in accordance with the provisions of § 243 of the General Municipal Law. To the extent there is any conflict between the provisions of this chapter and the provisions of § 243 of the General Municipal Law, it is the express intent of the Town Board that the provisions of this chapter shall supersede § 243 pursuant to the authority of § 10 of the Municipal Home Rule Law.

#### **§ 40-2 Membership; terms of office.**

The Commission shall consist of a minimum of five persons or a maximum of seven persons who are residents of the Town and who shall be appointed by the Town Board for seven-year terms. The term of each member of such Commission first appointed shall be such that the term of at least one Commissioner shall expire annually thereafter. A vacancy in any full term or any unexpired term, and a request for candidates to fill such vacancy, shall be publicly noticed by announcement. Said vacancy shall be filled promptly thereafter by the Town Board. No person who is a member of the Town Board, the Planning Board, or the Zoning Board of Appeals shall be eligible for membership to this Commission. The Recreation Director, or their designee, shall serve as a non-voting member of the Commission.

#### **§ 40-3 Terms of office of present members.**

The present members of the Recreation Commission as of the date of enactment of this chapter are continued in office for their full terms.

#### **§ 40-4 Compensation of members.**

Members of the Commission shall serve without compensation.

**§ 40-5 Operation.**

A Chairman and a Vice Chairman shall be appointed annually upon recommendation from among the members of the Commission by a majority vote of Town Board. The Commission shall adopt bylaws and keep a journal of its proceedings. A majority of the total membership shall constitute a quorum for the transaction of business. The Commission shall hold, at minimum, six (6) regularly scheduled meetings on alternating months and other duly noticed special meetings when necessary. All meetings of the Commission shall be noticed and open to the public as required by the Open Meetings Law.

**§ 40-6 Authority; responsibilities.**

The following authority and responsibilities are hereby delegated to the Recreation Commission:

- A. Adoption of rules and procedures for the conduct of all business within its jurisdiction.
- B. Management and maintenance of all Town-owned and Town-operated playgrounds, recreational centers and recreational facilities, together with the authority to improve or make additions to the same, subject to budget, financial and monetary approval by the Town Board.
- C. Surveys and studies to determine the impact of development on existing parkland and other recreational resources and facilities, and reports of its findings to, and consultation with, the Town Board.
- E. Employment of a Recreation Director, supervisors, and such other officers or employees as it deems proper, and fixing of their duties, supervision and authorities, provided that employee salaries, personnel policies and employment of the Recreation Director are subject to review and approval by the Town Board.
- F. Planning and development of a comprehensive recreation facilities plan and a comprehensive recreational programs plan for the Town of Rochester, subject to review and approval by the Town Board.
- G. Locating sources of private and governmental funding for recreation programs, and making applications therefor, provided that such applications are subject to review and approval by the Town Board.
- H. Acting as a liaison and clearinghouse with other public and private agencies and organizations on local, state, and federal levels relating to parks and recreation.
- I. Carrying out such other duties as may be assigned to it from time to time by the Town Board.

**§ 40-7 Reserved powers.**

The Town Board expressly reserves the following powers:

- A. The power to take any steps deemed necessary in connection with the finances of the Commission.
- B. Except as set forth hereinabove, the power to take any steps deemed necessary in connection with adherence to Town-wide personnel policies, collective bargaining agreements, and other general policies and laws relating to the hiring and discharge of employees.

C. Except as set forth hereinabove, the power of general regulation as authorized by the Town Law, the General Municipal Law, and the Municipal Home Rule Law.

**§ 40-8 Annual budget and report.**

The Recreation Commission shall prepare a proposed annual budget by September 15 of each year for the following year, which proposed annual budget shall be submitted to the Supervisor for review by the Supervisor and the Town Board in the preparation of the annual budget for the Town. The final budget for the Town adopted by the Town Board shall be binding on the Recreation Commission. The Commission shall also prepare an annual report by January 31 of each year which shall cover all matters handled by it during the previous year. Said annual report shall also be filed with the Town Clerk and be a public record.

**§ 40-9 Conflicts between Town agencies.**

In the event that any conflict occurs in the use of Town-owned property by the Commission and any other commission or any other unit of the local government of this Town (other than the Town Board), said conflict shall be resolved by the Town Board, after a duly noticed public hearing at which all members of the public may be heard on the issue, except where emergency conditions posing an immediate threat to public health or safety do not permit adequate time for such hearing.

**§ 40-10 Expenses charged against Town.**

All expenses incurred under this chapter coming within the annual appropriation therefor shall be a charge against the Town, payable from the current funds of such Town, but the Town Board may provide for the acquisition of lands or buildings for the purposes as set forth in this chapter, which shall be payable from the current funds or be financed, in whole or in part, pursuant to the Local Finance Law.

**Section 2. Severability**

If any part or provision of this local law is judged invalid by any court of competent jurisdiction, such judgment shall be confined in application to the part or provision directly on which judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Law or the application thereof to other persons or circumstances. The Town hereby declares that it would have enacted the remainder of this Law even without such part or provision or application.

**Section 3. Effective Date**

This local law shall become effective immediately upon the filing in the office of the New York Secretary of State pursuant to Section 27 of the Municipal Home Rule Law.

**History**

Presented:	Supervisor Baden	1/19/2022, 3/16/2022
Discussion:		3/16/2022
Amendments:		_____
SEQRA:		_____
Referrals:		N/A
Public Hearing:		_____
Vote:		_____