

STATE OF SOUTH CAROLINA    )  
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COUNTY OF DORCHESTER    )       ORDINANCE NUMBER 11-03

AN ORDINANCE TO CREATE THE DORCHESTER COUNTY  
PARKS AND RECREATION COMMISSION

WHEREAS, Dorchester County is empowered to adopt ordinances as may appear to be necessary and proper for the security, general welfare and convenience of the county and for preserving health, peace, order and good government.

NOW, THEREFORE, BE IT ORDAINED by the Dorchester County Council, duly assembled,

SECTION I. *Creation.* There is hereby created a Commission to be known as the Dorchester County Parks and Recreation Commission, which shall have the structure, organization, composition, purposes, powers, duties, and functions established herein below.

SECTION II. *Structure, Organization, and Composition of Commission.*

- A. The Dorchester County Parks and Recreation Commission shall consist of five (5) members appointed by Dorchester County Council and shall serve for a term of two (2) years from the date of appointment. One member shall be a resident of Park District 1 as that district is defined in the Dorchester County Parks and Recreation Master Plan. One member shall be a resident of Park District 2 as that district is defined in the Dorchester County Parks and Recreation Master Plan. One member shall be a resident of Park District 3 as that district is defined in the Dorchester County Parks and Recreation Master Plan. One member shall be a resident of Park District 4 as that district is defined in the Dorchester County Parks and Recreation Master Plan. The 5<sup>th</sup> member shall be the Chairman of the Public Safety, Health and Human Services Committee of Dorchester County Council. Persons seeking to be appointed to the Dorchester County Parks and Recreation Commission shall make application for membership on a form prescribed by the Dorchester County Administrator, said applications to be submitted to Dorchester County Council for appointment to the Commission.
  
- B. Officers of the Commission shall consist of a Chairman, Vice Chairman, Secretary-Treasurer, and such other officers as may be elected by a majority vote of the Commission. The officers of the Commission shall be elected by the Commission each year for terms of office that shall commence on January 1 of the following year. Officers shall serve terms of one (1) year and shall continue in office until their successors are elected and qualify.

- C. The members of the Commission, including officers, shall serve without pay but may be reimbursed for travel and other incidental expenses incurred in connection with the Commission's responsibilities; however, such reimbursement shall be subject to compliance with ordinances, policies and procedures established by the Dorchester County Council governing the reimbursement of expenses for county boards, agencies and commissions.

SECTION III. *Parliamentary Procedure; Minutes.* The Commission shall conduct all meetings in accordance with Roberts Rules of Order, the laws of the State of South Carolina, and the Dorchester County Ordinances.

The Commission shall maintain records and minutes of its proceedings and meetings.

SECTION IV. *Meetings; Attendance.* The Commission shall meet at intervals appropriate to the requirements of the Commission but no less than quarterly. The chairman or a majority of the members of the Commission may call a special meeting of the Commission at any time. A member of the Commission who shall be absent for 50% or more of the meetings of the Commission during any twelve-month period shall be deemed to have forfeited their membership and shall be removed without further action by the Commission or the County Council.

SECTION V. *Ex-Officio Members.* There shall be three (3) ex-officio members of the Commission who shall serve for a term of two (2) years from the date of appointment. The Superintendent of Dorchester County School District 2 shall appoint one ex-officio member, and the Superintendent of Dorchester County School District 4 shall appoint one ex-officio member. The 3<sup>rd</sup> ex-officio member shall be the Executive Director of the Summerville YMCA, or his designee. The Commission may also elect other ex-officio members by majority vote for a term of one (1) year. Ex-officio members of the Commission may participate in discussions of policy or other matters of importance to the Commission but shall not be permitted to vote on any matter coming before the Commission. Ex-officio members of the Commission shall not be counted in determining the existence of a quorum at any meeting of the Commission.

SECTION VI. *Purposes and Objectives.* The purpose and objectives of the Dorchester County Parks and Recreation Commission shall be as follows:

- A. To make recommendations to Dorchester County Council for the implementation of the Parks and Recreation Master Plan;
- B. To promote parks and recreation activities within Dorchester County;
- C. To make recommendations to Dorchester County Council for the expenditure of funds received by virtue of the Referendum conducted on November 2, 2010 authorizing the issuance of the \$5 Million

General Obligation Bonds for the recreation and parks purposes set forth in the Referendum; and

- D. Expenditure of such other monies as appropriated by Dorchester County Council for parks and recreation purposes.

SECTION VII. *Plan for Parks and Recreation Resources.*

- A. The Commission, in conjunction with and with the assistance of County staff, shall prepare and submit annually to the Dorchester County Council a plan for accomplishing the purposes and objectives set forth above, including its recommendations to Dorchester County Council for the acquisition of land by lease, purchase or otherwise. A financing strategy shall accompany each recommendation, with emphasis being placed upon minimizing the utilization of public monies and maximizing the utilization of other sources, such as grants, public donations, etc.
- B. The plan may provide various recommendations and approaches for the provision of recreation opportunities and the development of parks, including:
  - 1. Purchase of resources for public ownership;
  - 2. Purchase of resources for resale; to help support activities delineated in Section VI;
  - 3. Acceptance by donation of properties or resources;
  - 4. The negotiation of leases;
  - 5. Other plans, methods, or approaches for the identification, acquisition, purchase, lease, or development of lands and facilities for parks and recreation.
- C. The power of eminent domain shall not be exercised by the Council nor the Commission for the acquisition of any property recommended by the Commission.
- D. The Dorchester County Council may adopt the list of recommendations submitted by the Commission, in whole or in part, and may add to or delete additional items to the list submitted by the Commission. The list shall be reviewed and, if necessary, amended not less than annually by the Commission. No assets or revenues allocated or appropriated to the Dorchester County Parks and Recreation Commission Fund shall be

used to acquire, purchase, lease, identify, or develop property not included on the list approved by the County Council.

- E. In the process of developing its recommendations, the Commission shall have the authority to coordinate activities of volunteers, organizations, business and corporate entities and government agencies; encourage such planning activities and development as may be necessary or advisable; and, in conjunction with other agencies, entities or individuals, to identify, acquire, lease, maintain and develop recreational facilities and parks in Dorchester County.

SECTION VIII. *Dorchester County Parks and Recreation Commission Fund.*

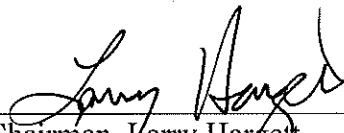
- A. The Dorchester County Parks and Recreation Commission Fund is hereby established as a separate and segregated fund for the purpose of funding projects and activities of the Dorchester County Parks and Recreation Commission approved by the Dorchester County Council. Such fund shall consist of all funds appropriated by the Dorchester County Council, all gifts of land, cash or other assets made to Dorchester County for the purposes and objectives stated herein, and all other grants or other public or private revenues or gifts, with interest thereon, for such purposes.
- B. The Dorchester County Council may make annual appropriations to the Fund, and all funds appropriated shall be used solely and exclusively for the purposes stated herein. Unexpended or unused assets and funds shall be maintained in the Dorchester County Parks and Recreation Commission Fund and used solely for the projects and activities identified and recommended by the Commission and approved by County Council. Fund balances not expended during any fiscal year shall be carried forward.
- C. All property or interests in property to be used by or for the Dorchester County Parks and Recreation Commission Fund shall be transferred to Dorchester County by the persons or entities owning title thereto, and all real property used, acquired or leased for Commission purposes shall be owned, purchased, leased, held, conveyed, or disposed of in the name of Dorchester County by the Dorchester County Council. All such property or interests in property shall be listed on a fixed asset ledger, which shall be maintained. Such ledger shall show the value of property or interests in property acquired in whole or in part, from funds allocated from the Dorchester County Parks and Recreation Commission Fund.

SECTION IX. Severability. If any section, subsection, or clause of this Ordinance shall be held by a court of competent jurisdiction to be unconstitutional or otherwise invalid,


such finding shall not affect the validity of the remaining sections, subsections, and clauses of this Ordinance.

SECTION X. Effective Date. This Ordinance shall be effective upon third and final reading.

Adopted this 7<sup>th</sup> day of February, 2011.

  
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Chairman, Larry Hargett  
Dorchester County Council

First Reading: 12/6/2011  
Second Reading: 1/4/2011  
Third Reading: 2/7/2011

ATTEST:   
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Sandy Lawley  
Clerk of Council

11 Ordinance Creating Parks and Rec Commission