

**STATE OF INDIANA
BEFORE THE BOARD OF KOSCIUSKO COUNTY
COMMISSIONERS**

ORDINANCE NO. 22-05-10-___

**ORDINANCE ESTABLISHING THE KOSCIUSKO COUNTY DEPARTEMENT
OF PARKS AND RECREATION**

WHEREAS:

1. The Board of Commissioners (“Board”) of Kosciusko County, Indiana ("County"), is the executive body of County government pursuant to the provisions of I.C. 36-2-2-2 and the legislative body of County government pursuant to the provisions of I.C. 36-1-2-9.
2. As of January 1, 2020, I.C. 36-10-3 *et seq* authorizes a county executive to adopt an ordinance creating a new county department of parks and recreation (“DPR”) if one does not already exist in the subject county.
3. Having a DPR established under Indiana law is one of the two requirements to qualify for Land and Water Conservation Fund Grants in Indiana. The second requirement is a current, IDNR-approved 5-year parks and recreation master plan on file with the Division of Outdoor Recreation. Other grants and accreditations can also require a DPR for qualification and funding.
4. Parks are important to establishing and maintaining the quality of life in a community, increasing the health of families and youth, and contributing to the economic and environmental well-being of a county.
5. Quality parks can improve the local tax base and increase property values. Studies have shown that private property values increase the value of privately owned land the closer such land is to parks. This increase in private property value due to the proximity to parks increases property tax revenues and improves local economies.
6. Quality parks and recreation are cited as one of the top three reasons that business cite in relocation decisions in a number of U.S. studies.
7. Quality parks and recreation programs can generate revenue directly from fees and charges, but more importantly, provide significant indirect revenues to local and regional economies from sports tournaments and special events such as arts, music, and holiday festivals. Economic activity from hospitality expenditures, tourism, fuel, recreational equipment sales, and many other private sector businesses contribute sustained value to local economies.
8. Quality parks and recreation programs and services contribute to the health of children, youth, adults, and seniors.
9. Quality parks and recreation services are often cited as one of the most important factors in surveys of how livable communities are.
10. Indiana law allows a DPR to be run by a volunteer citizen board without salaries.
11. A DPR can legally act as the public fundraising arm of the parks and recreation system.

NOW, THEREFORE, THE FOLLOWING IS HEREBY ORDAINED BY THE BOARD:

1. Pursuant to I.C. 36-10-3-3.1(d), A DPR is hereby created and established for the County and shall be called the Kosciusko County Department of Parks and Recreation (“KCDPR”).
2. In accord with I.C. 36-10-3 *et seq*, the KCDPR shall consist of a park and recreation citizen board (“KCDPR Board”) and may consist of a superintendent and other personnel that the KCDPR Board determines subject to this Ordinance.
3. Members of the KCDPR Board, the superintendent, and other personnel shall be volunteers and no person of the KCDPR shall be offered or paid a salary, wage, fee, or other compensation unless and upon submission of a request to the County Wage Committee and written and specific approval from the County Commissioners and the County Council.
4. Composition of the KCDPR Board:
 - 4.1. In accord with I.C. 36-10-3-4.2, the KCDPR Board shall be composed of the following:
 - 4.1.1. Two members appointed by the County Commissioners as the executive of the County. The members must be affiliated with different political parties.
 - 4.1.2. Two members appointed by the County Council as fiscal body of the County. The members must be affiliated with different political parties.
 - 4.1.3. One member appointed by the County Auditor.
 - 4.2. Also pursuant to I.C. 36-10-3-4.2, all members of the KCDPR Board shall have the same rights, including the right to vote. A vacancy in the seat of a member of the KCDPR Board shall be filled by the appointing authority. A municipal executive, a member of a county fiscal body, a member of the county executive, or a member of the municipal fiscal body may not serve on a KCDPR Board.
 - 4.3. Pursuant to I.C. 36-3-10-5(b)(3)-(5), initial appointments to a KCDPR Board are as follows:
 - 4.3.1. The County Commissioners appointments are for two (2) and four (4) year terms, respectively.
 - 4.3.2. The County Council’s appointments are for two (2) and four (4) year terms, respectively.
 - 4.3.3. The County Auditor's appointment is for a one (1) year term.
 - 4.4. As a term expires for a member on the KCDPR Board, each new appointment is for a four (4) year term. All terms expire on the first Monday in January, but a member continues in office until the member's successor is appointed.
 - 4.5. An appointing authority shall make initial appointments within ninety (90) days after the creation of the KCDPR.
 - 4.6. If an appointment for any new term is not made by the first Monday in April, the incumbent shall serve another term.
 - 4.7. If a vacancy on the board occurs, the appointing authority shall appoint a person to serve for the remainder of the unexpired term.

5. The KCDPR Board shall operate and have the powers and duties provided pursuant to I.C. 36-10-3 *et seq* (as amended from time to time); provided, however, that the KCDPR Board shall not exercise any power stated in I.C. 36-10-3-11 or I.C. 36-10-3-18 (as amended from time to time) without written and specific approval from the County Commissioners. The KCDPR Board shall be represented by the county attorney for legal matters.
6. The KCDPR Board shall prepare and submit an annual budget in the same manner as other departments of County government as prescribed by the State Board of Accounts.
7. The County Auditor shall serve as the secretary of the KCDPR Board.
8. All other County ordinances, resolutions or parts thereof in conflict with the provisions and intent of this ordinance are hereby repealed.
9. In the event of a conflict between any provision of this ordinance and any provision of the Indiana Code, this ordinance shall control unless the subject provision of this ordinance is specifically prohibited by the Indiana Code.
10. This ordinance shall be in full force and effect upon and after its passage and approval according to the laws of the State of Indiana.

[Signature page follows]

So passed and adopted by the Board of Commissioners of Kosciusko County, Indiana, this 10th day of May, 2022.

ATTEST:

BOARD OF COMMISSIONERS,
KOSCIUSKO COUNTY, INDIANA

Michelle Puckett, Auditor

Cary Groninger, President

Bradford Jackson, Member

Robert M. Conley, Member