

TITLE 2

BOARDS AND COMMISSIONS, ETC.

CHAPTER

1. GENERAL.
2. BOARD OF PARKS AND RECREATION.
3. AMERICANS WITH DISABILITIES BOARD.
4. GOLF COURSE COMMISSION.

CHAPTER 1

GENERAL

SECTION

2-101. Appointing members to various board and commissions.

2-101. Appointing members to various board and commissions.

(1) No person shall henceforth be appointed to any board or commission of the City of Hendersonville while serving on another board or commission of the City of Hendersonville unless the dual service is required by state law.

(2) The board of mayor and aldermen shall be notified in writing by the mayor at least three regular meetings prior to the expiration of the term of any member of any board or commission appointed by the board of mayor and aldermen. Each city alderman shall then inform the mayor in writing of their nominations at least one day before the agenda is mailed for the second regular meeting. The mayor will then provide each alderman with a list of nominations along with the agenda for the second regular meeting. The expired appointment positions shall not be placed on this agenda, but will be placed on the third regular agenda so the aldermen will have at least two weeks to consider nominations. Should no nomination be presented at the time of the third meeting following notification of an opening, the opening may be filled without regard to ward representation restrictions. In this event, nominations may be made a part of the record of this third meeting or at the next regular meeting and the nomination process shall be deemed to be at a stage of 'second meeting' as described above. Election to a board/commission may then occur at the next regular meeting following nomination. Positions filled by this 'non-ward' method shall be noted on official membership lists by showing 'Alt to Ward X' following the normal ward designation on such lists. This will allow normal ward presentation to be re-established at the end of such terms without compromising any other balance.

(3) Henceforth the board of mayor and aldermen shall make all nominations and all appointments to the following boards, to wit:

- (a) Hendersonville Airport Authority.
- (b) Building Board of Adjustments and Appeals.
- (c) Hendersonville Industrial Development Board.
- (d) Hendersonville Board of Parks and Recreation.
- (e) Hendersonville Beer Board.
- (f) Hendersonville Arts Council.
- (g) Hendersonville CATV Committee.
- (h) Beautiful Hendersonville, Inc.

- (i) Hendersonville Representatives to the Sumner County Resource Authority.
- (j) Golf Course Committee.
- (k) Hendersonville Disability Board.
- (l) Municipal Board of Zoning Appeals.
- (m) Regional Board of Zoning Appeals.
- (4) The board of mayor and aldermen may, by resolution, appoint one of its members to sit as an ex-officio, but non-voting, representative to any board or commission created by the board of mayor and aldermen.

(5) Ward membership. All boards or agencies covered by this chapter shall include at least one (1), but not more than two (2) members from each ward of the city. In cases where current membership does not meet this criteria, the following shall occur:

- (a) Where current members reside outside the city, their terms shall expire immediately upon appointment of successors; and
- (b) Where more than the permissible number of members reside in the same ward, the imbalance shall be corrected, if possible, by mutual agreement between or among the affected members as to which member or members surrender membership, or, if necessary, by lottery.

Vacancies resulting from implementation of this section shall be filled for the remainder of the applicable terms.

(6) Election of members. Election by the board of mayor and aldermen to boards or agencies governed by this chapter shall be by roll call vote. Election shall require the votes of a majority of those casting ballots. In the event there are more than two (2) candidates, with no candidate receiving a majority vote, a runoff election by roll call vote shall be held between the two (2) candidates receiving the most votes.

(7) Grounds for removal. Failure to attend three (3) of any seven (7) consecutive regular meetings without a satisfactory explanation shall be grounds for removal of members of boards and agencies appointed pursuant to this chapter, with said removal being at the discretion of the board of mayor and aldermen.

(8) No nominations or appointments may be made during the time period beginning thirty (30) days prior to a municipal election and ending the day following the induction of aldermen subsequent to the election unless necessary for the board or commission to have a quorum.

(9) If any ward appointee moves from his ward, he shall be considered to have resigned the appointment as of the date of the move.

Appointees shall be responsible for providing a current address to the city recorder. Failure to notify the city recorder of an address change shall be grounds for removal.

It shall be the responsibility of all committee staff advisers to make sure all appointees are aware of the provisions of this chapter. (Ord. #1982-38, Jan. 1983, as amended by Ord. #1985-8, May 1985, Ord. #1986-4, March 1986, Ord. #1987-20, April 1987, Ord. #1987-37, June 1987, Ord. #1988-67, July 1988, Ord. #1992-1, Jan. 1992, Ord. #1992-38, Dec. 1992, and Ord. #1994-5, Jan. 1994, Ord. #1994-39, Nov. 1994, modified)

CHAPTER 2

BOARD OF PARKS AND RECREATION

SECTION

- 2-201. Created; qualifications; term and selection of members.
- 2-202. Powers and duties of board.
- 2-203. Powers and duties of director of parks and recreation.
- 2-204. Board administration.

2-201. Created; qualifications; term and selection of members. There is hereby created and established a Board of Parks and Recreation of the City of Hendersonville, sometimes herein called "the Board". The Board shall consist of nine (9) members, who shall be residents of the City of Hendersonville, and who shall serve without compensation. One (1) of the members of the board shall be a local school principal or a full-time faculty member recommended by a local school principal. Two (2) members of the board are to be appointed by the mayor, to serve at the pleasure of the mayor, without regard to the ward of their residence. The other six (6) members of the board, who shall hold no other public office with the City of Hendersonville, shall be comprised of one (1) member from each ward of the city. Except for the two members to be appointed by the mayor, all members shall be appointed in accordance with title 2, chapter 1, as amended, and all nine (9) members shall serve terms of three (3) years each. Any vacancy in membership shall be filled for the remainder of the unexpired term. (Ord. #1991-69, Dec. 1991, as amended by Ord. #1992-40, Dec. 1992)

2-202. Powers and duties of board. The board shall have the following powers and duties:

(1) It shall formulate the policies and plans to be followed in the administration and development of the park and recreation system; however, such policies and plans shall be subject to the approval of the board of mayor and aldermen. The board shall promulgate such rules and regulations as may be appropriate with respect to the administration of the department of parks and recreation, subject to the approval of the board of mayor and aldermen.

(2) It shall review and make recommendations concerning the annual budget request as compiled by the director of parks and recreation and the mayor.

(3) It shall make recommendations to the board of mayor and aldermen concerning:

(a) The sale of any lands owned by the City of Hendersonville for park or recreation purposes and no longer needed for such purposes;

(b) The acquisition by condemnation or other means of any additional lands needed for park or recreation purposes; and

(c) The acceptance of any gift of lands, facilities or equipment offered for park or recreation purposes and useful for such purposes.

In the acquisition or disposition of land, and on the construction of improvements upon such land, the board shall cooperate closely with the Hendersonville Planning Commission, whose recommendations shall be sought and carefully considered by the board.

(4) It shall have the authority to establish the fees and charges, if any. Any fees and charges realized will be deposited in the General Fund of the City of Hendersonville. It shall make recommendations with respect to the operations of concessions, subject to the review and written approval of the mayor. (Ord. #1991-69, Dec. 1991)

2-203. Powers and duties of director of parks and recreation. There is hereby created a Department of Parks and Recreation, and the director shall be the chief administrative officer in charge of the management of public parks, playgrounds, and other recreational areas and facilities and shall prepare a comprehensive recreation program for approval by the board. The director shall be appointed by the mayor, subject to the approval of the board of mayor and aldermen. He shall recommend rules and regulations to the board for its consideration, administer the department of parks and recreation, and perform such other duties as may be assigned to him by the mayor. (Ord. #1991-69, Dec. 1991)

2-204. Board administration. The Board of Parks and Recreation of the City of Hendersonville shall elect a chairman, a vice-chairman, and a secretary, who will be chosen annually, for a term of one (1) year. The time and place of the meetings of the board will be designated by the chairman. The board may adopt by-laws, subject to the approval of the board of mayor and aldermen. (Ord. #1991-69, Dec. 1991)

CHAPTER 3

AMERICANS WITH DISABILITIES BOARD

SECTION

2-301. Created; membership; terms of members.

2-302. Powers.

2-303. Complaints.

2-301. Created; membership; terms of members. (1) There is hereby created and established the Americans with Disabilities Board. This board shall consist of five (5) members who shall be residents of the City of Hendersonville at the time of their appointment. This board may review and advise the city of its transition plans compliance with facility specifications outlined in the Americans with Disabilities Act. The board will advise the city of any potential problem areas that may inhibit individuals with disability from enjoying city sponsored activities.

The Grievance Committee will function as a committee subordinate to the Americans with Disabilities Board. The Grievance Committee will hear grievances brought to the attention of the Americans with Disabilities Board. The city attorney shall be the legal advisor to the Grievance Committee.

(2) Of the five (5) americans with disabilities board members appointed, at least one member shall be disabled, at least one member should be a licensed health care provider, and at least one member should be experienced in construction.

The Grievance Committee will consist of three (3) members appointed by the mayor and approved by the board of mayor and aldermen. One will be the chairperson of the Americans with Disabilities Board. Members of the Grievance Committee shall be residents of the City of Hendersonville at the time of their appointments. Of the three members appointed, two (2) shall be disabled and not members of the Americans with Disabilities Board.

(3) Members of this board shall be appointed by the mayor and approved by the board of mayor and aldermen. Appointments shall be made on a city-wide basis. A staff advisor will be appointed by the mayor. This staff advisor shall serve as the Americans with Disabilities Act Coordinator for the city.

(4) Each member shall be appointed for a term of three (3) years and shall serve until his successor is appointed.

(5) The members of the board shall within thirty (30) days after three of its members have been appointed and confirmed by the board of mayor and aldermen, organize itself by the election of one of its members as chairperson, another of its members as vice-chairperson, and another as the secretary.

(6) The alderman serving as liaison to the city's board of adjustments and appeals shall also serve as the liaison representative of the board of mayor and aldermen to the city's Americans with Disabilities Board. It shall be incumbent upon the membership of this board and the Grievance Committee to become familiar with Title II of the Americans with Disabilities Act. (Ord. #1992-1, Jan. 1992, as amended by Ord. #1995-1, Jan. 1995)

2-302. Powers. The ADA board shall make recommendations to the board of mayor and aldermen on how they will establish rules or bylaws for hearing the complaints regarding access to city facilities, services, activities, and functions in the community.

The Grievance Committee should be directed to hear such complaints in public after adequate public notice and to make a written recommendation to the mayor within thirty (30) days of the meeting. Proceedings of the board should be recorded and maintained by the staff advisor. (Ord. #1992-1, Jan. 1992, as amended by Ord. #1995-1, Jan. 1995)

2-303. Complaints. No complaint shall be heard by the committee unless such complaint has been submitted in writing to the mayor for resolution. Only those complaints not satisfactorily resolved by the mayor within fourteen (14) calendar days shall then be directed to the board.

Upon notification and receipt of a complaint, the chairman shall establish a meeting of the Grievance Committee. This meeting shall be held no later than thirty (30) days after a complaint is received.

The committee shall render its finding(s) and recommendation(s) to the Americans with Disabilities Board within fourteen (14) calendar days of its meeting. Written notification shall be sent to the grievant and the mayor within seven (7) days.

If at this stage the situation cannot be satisfactorily resolved, the complaint shall be submitted to the board of mayor and aldermen. Upon receipt of such appeal, the board of mayor and aldermen shall hear the complaint at their next scheduled public meeting. A determination must be made by the board of mayor and aldermen within thirty (30) days.

The decision of the board of mayor and aldermen shall be the final decision at the municipal level. (Ord. #1992-1, Jan. 1992, as amended by Ord. #1995-1, Jan. 1995)

CHAPTER 4

GOLF COURSE COMMISSION

SECTION

- 2-401. Established; composition; vacancies.
- 2-402. Ex-officio members.
- 2-403. Compensation.
- 2-404. Duties and powers.
- 2-405. Meetings, selection of chairman, rules of order.
- 2-406. Financial management.
- 2-407. Annual operating plan.

2-401. Established; composition; vacancies. A Golf Commission (hereinafter "the commission") is hereby established for the purpose of monitoring and making recommendations with respect to Hendersonville's Country Hills Golf Course. The commission shall be composed of five (5) persons active in and knowledgeable of golfing activities who are residents of the City of Hendersonville. All members are to be appointed by the mayor with approval by the board of mayor and aldermen for two-year terms or until successors are appointed. Members of this commission may be reappointed as terms come to an end. Any vacancies that occur shall be filled for the balance of the term in the same manner as original appointments by the mayor and board of mayor and aldermen. (Ord. #1994-39, Nov. 1994)

2-402. Ex-officio members. There shall be two (2) non-voting members of the commission, the mayor and one aldermen. (Ord. #1994-39, Nov. 1994)

2-403. Compensation. All members of the commission shall serve as such without compensation. (Ord. #1994-39, Nov. 1994)

2-404. Duties and powers. The duties and powers of the commission shall be:

(1) Policies and regulations. To formulate for city management or agent a written set of operating policies, rules, and regulations which promote orderly and substantial use of the golf facilities, subject to the approval of the board of mayor and aldermen.

(2) Facilities. To supervise the construction, modification, operation, maintenance, and improvements to Country Hills Golf Course, with said activities to be properly coordinated with the Capital Projects Committee and Finance Committee of the board of mayor and aldermen.

(3) Rates and fees. To set rates and fees that are designed to meet the profit objectives necessary to retire construction debt, maintain and equip the course, and accumulate a reserve fund for emergency expenditures or planned improvements and expansions, if any, with all such activities being subject to the approval of the board of mayor and aldermen.

(4) Appeals. To hear complaints and suggestions from the public regarding the operational rules and regulations of the golf course, and to actively solicit citizen's comments for consideration. (Ord. #1994-39, Nov. 1994)

2-405. Meetings, selection of chairman, rules of order. The commission shall select its own chairman and secretary, and shall have regular monthly meetings. The commission may hold special meetings whenever its chairman, or a majority of its members, or the mayor call for a special

meeting, with a minimum of forty-eight (48) hours notice to all members. A quorum of its members is required to conduct business. Minutes evidencing the decisions and actions of the commission will be filed with the city recorder. (Ord. #1994-39, Nov. 1994)

2-406. Financial management. The Hendersonville Finance Director shall serve as chief financial officer of the Country Hills Golf Course Commission. This official shall be responsible for all financial affairs, accounting, auditing, supervision, and control of all monetary transactions. The finance director will present a monthly financial statement for review by the commission. (Ord. #1994-39, Nov. 1994)

2-407. Annual operating plan. The commission shall prepare an annual operating plan that includes projections of rounds played, cart rentals, and pro shop revenues with accompanying expenses. The operating plan shall include profit contributions to debt service, reserve fund, or general fund. Any short fall in cash shall also be projected that would require short term borrowing. Copies of the annual operating plan shall be submitted to the board of mayor and aldermen through the finance director by May 1 of each year to coincide with preparation of the city budget. (Ord. #1994-39, Nov. 1994)