

**LINCOLN CHARTER TOWNSHIP
PARKS COMMISSION
SPECIAL MEETING**

10
Tuesday, September 6, 2005

A special meeting of the Lincoln Charter Township Parks Commission was called by Chairman Todd Gardner for the purpose of reviewing bylaws, charter, and business operations. Notice was posted August 22, 2005.

The meeting was called to order by Chairman Gardner on September 6, 2005 at 8:50 a.m. at the Municipal Building, 2055 W. John Beers Road, Stevensville.

BOARD MEMBERS PRESENT: Todd Gardner, Kim Risk, Bill Tucker, Rich Knapp, Rick Knight, and John Hoskins. **ABSENT:** Mike Lucker.

Bylaws: The bylaws were last amended in 1973 and need updating. Our official name should read "Lincoln Charter Township Parks and Recreation Commission". Discussed adding Treasurer as an officer of the commission along with Chairman, Vice-Chairman, and Secretary and time period officers may serve. Discussed changing fiscal year from early March-late March to January-December and adding an Article of Finance. Tucker offered to obtain the book "Robert's Rules of Order" and work on updating the bylaws. Other commission members should look over and submit recommendations for changes.

Parks Commission Governing Acts/Legal Standing: The Parks Commission is recognized as an official township recreation board according to Public Act 157. (See attachment A.) According to Public Act 156, we are authorized to operate systems of public recreation and playgrounds with cities, villages, counties, townships and school districts independently or cooperatively. (See attachments B & C.) We could combine with Stevensville or Baroda or Lakeshore Schools to operate a park, appropriate money, and issue bonds.

We need to refer to ourselves as a Commission, not a Board. A board is more of an advisory group that goes before the township for approval of decisions. Our parks commission is only obligated to have budget approval by the township board of trustees. Once the budget is approved, the commission may operate without further approval of the township board.

Group looked at three legal opinions by Michigan attorney generals – noted these opinions have not been challenged by the State Supreme Court, but are rather interpretations of the law.

- Opinion No. 5892, May 7, 1981, by Attorney General Frank J. Kelly (See attachment D.) Summary: Park lands are under the management and control of the township park commission; A township board does not have authority to interfere with park lands; A township parks commission does not have authority to initiate a millage vote. Discussed fire station and municipal building built on park lands and leasing park land bordering Interstate 94 for a cell tower or billboard.
- Opinion No. 5670, March 18, 1980, by Attorney General Frank J. Kelly (See attachment E.) Summary: Parks budget shall not exceed 1.5 mill; Township board shall approve the budget based on it being "reasonable and necessary"; Expenditures from the township parks fund shall be on vouchers signed by park commissioners. Current parks budget is 5% of 1.5 mill. Commission requesting names of all funds and balances that

pertain to park funding. Discussed need to offer township board ideas and solutions for properly funding parks.

- Opinion No. 7039, December 9, 1999, by Attorney General Jennifer M. Granholm (See attachment F.) Summary: A voter-established township park commission may not be dissolved by a township board.

Lawful and Unlawful Expenditures: Reviewed Township Parks and Places of Recreation Act 157 and Michigan government expenditures information. (See attachments G & H.) Parks commission can legally pay only for specific services rendered; contributions to churches, veterans, and non-profit organizations are prohibited. We have authority to enter into contracts and set up separate capital funds within our budget.

Discussed need for advisory boards with representatives of each recreational league. The boards would be part of the decision-making process concerning lease agreements, fees, etc. Expenditures for any improvements must be documented by the leagues.

Other Concerns: Bylaws do not contain any restrictions regarding holding board positions with community organizations. However, commission recognized that voting on financial issues could result in a conflict of interest. Recommended a Code of Ethics for commission members to follow as a guideline.

The meeting was adjourned at 12:25 p.m.

Kimberly Risk
Kimberly Risk, Secretary