

ORDINANCE NUMBER 406

AN ORDINANCE PERTAINING TO THE COMBINATION OF THE CITY OF BENNINGTON'S PARK SYSTEM AND RECREATION SYSTEM AND THE ESTABLISHMENT OF A SINGLE CITY PARK AND RECREATION DEPARTMENT AND CREATING A PARK AND RECREATION ADVISORY BOARD.

WHEREAS, the Governing Body of the City of Bennington ("City") has previously established a recreation system pursuant to K.S.A. 12-1922, et seq., which is governed by a recreation commission consisting of five (5) members.

WHEREAS, K.S.A. 12-1929 authorizes the City to combine the operation and administration of its park system and its recreation system into a single city park and recreation department, following publication of a notice of its intention to combine the two systems and establish a single department, subject to the potential for an election upon the filing of a petition signed by at least 5% of the qualified voters of the City.

WHEREAS, the Governing Body has determined that the public interest is best served by the termination of the City's current recreation system and the combination of the City park system with the recreation system into a single city park and recreation department.

WHEREAS, a notice of intention to combine the systems was duly prepared and published and there being no protest filed to the combining of the systems and creation of a City parks and recreation department, the Governing Body of the City by this ordinance hereby combines the city park system with the recreation system and establishes a single city park and recreation department; **SO NOW THEREFORE**,

SO NOW THEREFORE, BE IT ORDAINED by the Governing Body of the City of Bennington, Kansas:

Section 1. Combination of systems; officers and employees. Pursuant to K.S.A. 12-1929, the Governing Body hereby combines the operation and administration of its park system and its recreation system and establishes a combined park and recreation department. The mayor, with the consent of the council, may appoint a director of the park and recreation department, and such other officers and employees as may be necessary for the proper operation of the department, in the same manner provided for other officers and employees of the City.

Section 2. Transfer of Property. All property of the recreation system as of the effective date of this ordinance shall become the property and responsibility of the City of Bennington, Kansas. Upon the effective date of this ordinance, the current operating fund of or budgeted for the two systems shall be transferred to the credit of the combined park and recreation department but shall be maintained in two individual funds which shall be used for the purpose for which levied.

Section 3. Amendment to Chapter XII, Article 2. Chapter XII, Article 2 of the Bennington City Code is amended to read as follows:

ARTICLE 2

Sec. 12-201. Created. There is hereby created a park and recreation advisory board. The board shall consist of five members to be appointed by the governing body of the city.

Sec. 12-202. Terms. The initial board shall consist of the members of the recreation commission as of the effective date of this article. Members of the recreation commission who become members of the park and recreation advisory board shall serve for the term for which they were appointed to the said recreation commission and upon the expiration of any term of any member, appointment shall be made to fill such position for a term of four years. Whenever a person is appointed to fill a position on the board that has become vacant because of a resignation, termination or other vacation, such appointment shall only be for the unexpired portion of the said term.

Sec. 12-203. Bylaws. The park and recreation advisory board shall as its first order of business establish bylaws which deal with the election of officers for the board and establish guidelines for meetings as well as the frequency of those meetings and such other matters as the board may deem necessary. The adoption of said bylaws shall be subject to the approval of the governing body.

Sec. 12-204. Referral of major proposals to board. The governing body shall refer all major proposals and propositions for the construction, reconstruction and improvement of public parks and recreation facilities including the acquisition of land for park purposes, the acquisition of major recreational equipment and facilities and the institution of new programs in the recreational system to the park and recreation advisory board.

Sec. 12-205. Reports and recommendations. The park and recreation advisory board shall make reports and recommendations to the governing body on all matters referred to it and such further recommendations as deemed advisable. Such report shall be made within a time fixed by the governing body at the time the proposal or proposition is submitted to the board and no action shall be taken thereafter by the governing body upon any such proposal or proposition until the reports and recommendations thereon have been received from the board. The governing body of the city shall take action upon the reports and recommendations received from the advisory board within 30 days after the receipt, however, the governing body may extend the time as it shall deem necessary to give the matter further attention before action is taken.

Section 4. Repealer. Existing Chapter XII, Article 2 of the Bennington City Code, including Sections 12-201, 12-202, 12-203, and 12-204, is repealed.

Section 5. Effective. This ordinance shall be in full force and effect from and after its adoption and publication once in the official city newspaper by the following summary:

Ordinance No. 406 Summary

On April 22, 2019, the City Council passed Ordinance No. 406. The Ordinance combines the operation and administration of the City of Bennington park system and the City of Bennington recreation system and establishes a combined park and recreation department and provides for the creation of a park and recreation advisory board. A complete copy of the Ordinance can be found at www.cityofbennington.com or in the office of the City Clerk, 121 N. Nelson, Bennington, Kansas 67422, free of charge. This summary is certified by the City's legal counsel.

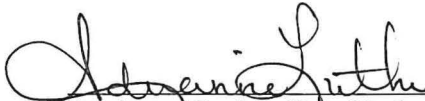
Adopted by the City Council and signed by the Mayor this 22nd day of April, 2019.



Ward Stockamp, Mayor

[SEAL]

ATTEST:



Adrienne Luthi, City Clerk

Certification of Publication Summary:

Aaron O. Martin, Legal Counsel