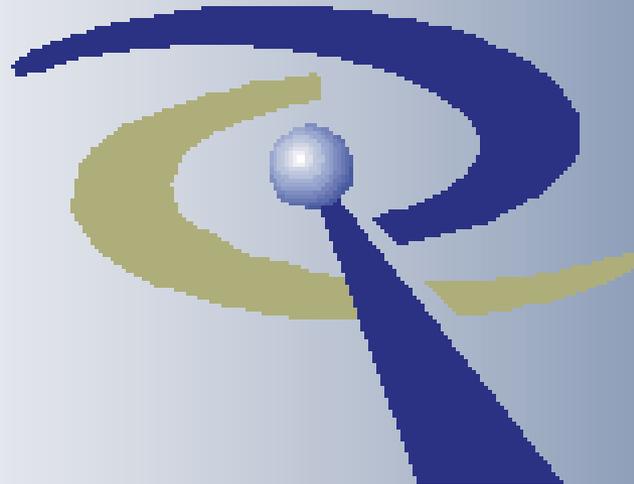


Statutory Authority and Practical Discussions About Recreation Commissions



Creation of Recreation System

- 1. By petition of at least 5% of the qualified voters of the city or school district.**
 - a) Requesting a city recreation system**
 - b) Requesting a school district recreation system**
 - c) Requesting a joint city-school district recreation system**

Creation of Recreation System (con't)

- 2. If petition to city or school district is sufficient, the city or school district shall submit the question to a vote. Election called according to general bond law and cost paid by city or school district.**
- 3. If joint petition, the clerk of the city or school district shall set a day not less than 5 days nor more than 10 days for a joint meeting of the governing bodies. If petition is sufficient, the proposition shall be submitted to the qualified voters of the city or school district, whichever has the greater assessed valuation. Cost paid by city and school district, equally.**

Creation of Recreation System (con't)

- 4. By joint resolution of any city or school district to establish a joint recreation system. The proposal shall be submitted to the voters of the entity with the greater assessed valuations. Cost of election paid by city and school district equally.**
- 5. Upon approval, the city, school district or both shall provide for the establishment, maintenance and conduct of the recreation system as they deem advisable and practicable and shall appoint a recreation commission.**

Recreation Commissions

- 1. Five members for a term of four years.**
- 2. If independent recreation commission, the governing body of the city or school district shall appoint four members to the recreation commission. The fifth member shall be appointed by the four appointed members.**
- 3. If a joint recreation commission, the city shall appoint two residents of the city and the school district shall appoint two residents of the school district. The four members appointed by the city and school district shall appoint the fifth member to the commission.**

Recreation Commissions (con't.)

- 4. Appointments shall be for staggered terms. If independent commission's, the first appointee will serve for 4 years and reduced one year for each following appointee. If a joint commission, the appointee of the school district shall serve a one-year term and the other a four-year term. The appointees of the city shall serve a two-year term and the other, a three-year term. The additional appointed member shall serve a four-year term.**
- 5. After the initial appointment, the term shall be four years.**
- 6. No statutory authority for term limits. May be addressed by individual commission's by-laws.**

Recreation Commissions (con't.)

- 7. Upon a vacancy, a successor shall be selected in the same manner and for the unexpired term of the member vacating the commission.**
- 8. Any member may be removed by the appointing entity for cause.**
- 9. Commissioners are empowered to administer in all respects the business and affairs of the recreation system.**
- 10. The treasurer of the city or school district shall be the ex-officio treasurer of the recreation commission.**
- 11. Members of the commission and the ex-officio treasurer shall serve without compensation.**

Annual Budget

- 1. Recreation Commission shall prepare an annual budget and certify the budget to the taxing entity not later than August 1 of each year.**
- 2. Prior to certification, the commission shall meet for the purpose of answering questions and hearing objections about the proposed budget.**
- 3. The commission shall give 10 days notice of the time and place of the meeting by publication. Public hearing (meeting) shall be held not less than 10 days prior to August 1.**

Annual Budget (con't.)

- 4. The budget shall be approved and certified to the taxing entity.**
- 5. The school district or the city shall levy a tax sufficient to raise the amount required by the budget.**
- 6. A copy of the commission budget shall be filed with the clerk of the taxing entity and with the county clerk of the home county.**
- 7. The tax levied shall not be in excess of the maximum levy set by the city or school district by current resolution.**

Annual Budget (con't.)

- 8. If the recreation commission needs to increase the levy authorization, the commission shall request the governing body of the taxing entity to approve an increase in the levy authorization. (Suspended limits are 1 mill increase per year and maximum levy of 4 mills.)**
- 9. If the levy increase is approved, a resolution must be published once each week for two consecutive weeks in the official newspaper. The published amount of the levy will be available unless a petition signed by 5% of the qualified voters of the taxing district is filed within 30 days of the last publication. If a sufficient petition is filed, the increase is not available until it is submitted to a vote at the expense of the commission.**

Annual Budget (con't.)

- 10. Recreation Commission levy is not a levy of the school district or city.**
- 11. After 3 years of operation, a petition may also be filed by 5% of the qualified electors to terminate the recreation commission.**
- 12. If terminated, the property and money shall become the property of the taxing entity. All real estate shall be transferred to the taxing entity.**

Powers of the Recreation Commission

- **Every commission shall have the power to:**
 1. **Adopt rules and regulations for operations.**
 2. **Operate the system on any property under the control of the commission and on any other property with consent of the owner.**
 3. **Accept any gift or donation.**
 4. **Accept and use funds from any state or federal source.**

Powers of the Recreation Commission (con't.)

- 5. Purchase insurance. Also added authority to levy an additional tax to pay for liability insurance and medical payment of purchased as part of the liability policy. Any levy for this purpose and employee benefits cannot exceed 1 mill unless approved by the taxing entity (suspended limit).**
- 6. Sue and be sued.**
- 7. Execute contracts.**
- 8. Enter into leases for personal or real property for a term not to exceed 10 years. Any lease is subject to approval by the governing body of the taxing entity.**

Powers of the Recreation Commission (con't.)

- 9. Employ a superintendent of recreation and other employees as may be necessary.**
- 10. Create an employee benefit fund to pay employee benefits other than salary, wages and other direct payments. Employee benefits include social security, workers' compensation, unemployment compensation, health insurance and retirement benefits. Limits on the levy are the same as noted in paragraph 5, above (suspended limit).**

Powers of the Recreation Commission (con't.)

- 11. Acquire personal property by purchase, bequest, gift or other donation and acquire real estate by devise, gift or other donation. Upon sale of any recreation commission property, the proceeds shall be used for recreation purposes.**
- 12. Make improvements for recreation system purposes.**
- 13. Perform any other acts necessary to carry out the provisions of this act.**

Attorney General Opinions

A.G. 2000-4 Two Cities

- **A joint recreation system may not be established by a school district and more than one city. The electors of a city may compel a city to create a recreation system independently or with a school district. A school district may not force a city to participate in creating or operating a recreation system. A school district can create an independent recreation program and a city within the district may continue to operate an independent recreation program. The city property is not excluded from the school district taxing unit. (Note: K.S.A. 2002 Supp. 12-1922a will change the impact of this opinion when an independent city is made a part of the school district as a result of school district consolidation.)**

Attorney General Opinions (con't.)

A.G. 96-70 Dissolution of a Recreation Commission

- **After 3 years of operation, Kansas law allows a vote on dissolution of the recreation commission provided a petition signed by 5% of the qualified voters seeks such a revocation.**
- **If approved, the property of the recreation commission will pass to the taxing entity.**

Attorney General Opinions (con't.)

A.G. 95-112 Kansas Open Meeting Law

- **The question was whether notice requirements of the Kansas Open Meeting law applied to recreation commissions. KOMA applies to “all legislative and administrative bodies of the state and political and taxing subdivisions.” K.S.A. 75-4318(a).**
- **Notice of meetings is required when requested. The request is a continuing request.**

Attorney General Opinions (con't.)

A.G. 94-48 Removal From Office

- **A recreation commission member may be removed for any cause, which would justify removal of an appointive officer of a city or school district. The power to remove implies the power to investigate. The right to remove rests with the appointing group.**
- **In addition, an individual member of the commission may not unilaterally exercise powers of the commission.**

Attorney General Opinions (con't.)

A.G. 93-12 Lease of Property to a School District

- **A recreation commission may enter into a lease agreement with a school district to allow the school district to use baseball and softball fields owned by the recreation commission. The terms of the lease cannot exceed 10 years and is subject to approval by the taxing entity.**