

Parks and Lands Committee Ordinance – 2019-6 Town of Bell

The Town Board of the Town of Bell, Bayfield County, State of Wisconsin, being duly assembled at a regular Town Board meeting on November 12, 2019, does hereby ordain that the Ordinance No. 2019-6 Creating a Parks and Lands Committee is hereby created to read as follows:

Section (1) - Title. This ordinance is entitled the "Town of Bell Parks and Lands Committee Ordinance"

Section (2) - Purpose. The purpose of this ordinance is to establish a Town of Bell Parks and Lands Committee and set forth its organization, powers and duties, to further the management and wise use of Town Parks and Lands resources for the benefit of the Town.

Section (3) - Authority; Establishment. The Town Board of the Town of Bell, hereafter referred to as the Town, having been authorized by the Town meeting under sec. 60.10(2)(c), Wis. Stats., to exercise village powers, hereby exercises village powers under sec. 60.22(3), Wis. Stats., and establishes a 5 (five) member Parks and Lands Committee, hereafter referred to as the Committee

Section (4) - Membership. Subject to the approval of the Town Board, the Town Chairman shall appoint five (5) members to the Committee. Each member shall be a qualified elector of the Town of Bell. One member of the Committee shall be a Town Board member, who may be the Town Board Chairperson. Terms shall be for three (3) years except in making initial appointments. Two Members shall be appointed to Position 1 and 2 and will serve until the second regularly scheduled April meeting. Two Members shall be appointed for Positions 3,4 and shall serve until the third regularly scheduled April meeting. All subsequent appointments shall be for 3 years. One Town Board member will be appointed to fill position 5, The member who is a Town Board member shall serve for a term expiring with the Town Board members elective term.

Every effort shall be made to adequately represent the interests of the various stakeholders. Including representatives of commercial enterprises that conduct business within the Town of Bell.

Section (5) - Appointments. The Town Board Chairperson shall appoint the members of the Parks and Lands Committee. All appointments are subject to confirmation by the Town Board. No more than one Town Board member can serve on the Committee at any time. In a year in which any Town Board member is elected at the spring election, any appointment or designation by the Town Board Chairperson shall be made after the election and qualification of the Town Board members elected.

Section (6) - Organization, Officers. As soon as possible after the appointment and confirmation of the members of the Committee, they shall meet and organize by electing from among their members a president and a vice president. The Committee shall hold meetings at such times and places as it determines, but no less than 4 times per year, and may adopt such bylaws consistent with law as seem practicable for its government. The Committee shall give proper public notice of all meetings and all meetings are open to the public. The Committee shall maintain minutes of its meetings and all such minutes shall be open to public inspection.

Section (7) - Vacancies. A person who is appointed to the Committee shall serve until a successor has been appointed and qualified. The successor shall serve for the remainder of the term.

Section (8) - Compensation; Expenses. The members of the Committee shall serve without compensation. A stipend of \$40 per meeting shall be provided to reimburse reasonable costs and expenses, as allowed under Section 60.321, Wis. Stats. Additional travel and other Committee related may be reimbursed subject to approval of the Town Board. Members may refuse the stipend.

Section (9) - Experts & Staff. The Committee may employ a secretary, not a member of the Committee, and fix the secretary's salary, and may employ such other persons as it deems necessary for the proper performance of its functions and fix their duties and compensation. If someone other than a member of the Committee volunteers for an employment position, the Commission may consent to engage the person on a volunteer basis.

Section (10) – Parks and Lands Defined. The Committee shall produce a map that defines the lands, parks, campgrounds, forests, parking lots over which it has jurisdiction. Such map shall be reviewed and approved by the Town Board and, once approved, said map shall be and is hereby incorporated into this ordinance. The area identified on the approved map as the Parks and Lands shall be the Parks and Lands for all purposes of this ordinance.

Section (11) - Expenditures. The Town Board shall maintain a Parks and Lands and from time to time within its discretion make appropriations for this fund. Any funds paid out shall be done on orders signed by the President and Secretary of the Committee. Subsequent to this approval such orders, such as invoices shall be presented to the Town Clerk for payment. All such claims made by the Committee shall be entered in its minutes.

Section (12) – Contracts; competitive bidding; exceptions.

- A. Competitive Bidding Required. Except as otherwise provided in this section, all work to be let relative to the construction, repair or maintenance of the Parks and Lands and Parks and Lands equipment and facilities, and all purchases of equipment, supplies or materials relative to carrying out the purposes of the ordinance related to the Parks and Lands shall be by contract awarded to the lowest competent and reliable bidder in accordance with the laws of this state and applicable Town ordinances.
- B. The Committee is authorized to let contracts relative to construction, repair or maintenance of the Parks and Lands and facilities or the purchase of equipment, supplies or materials relative to carrying out the purposes of the statutes relating to the Parks and Lands. If the Committee determines that it is not equipped to handle the contracting formalities required under this section, it may by resolution defer to the Town Board and or Town Department all or part of its functions under this section.
- C. EXCEPTIONS TO COMPETITIVE BIDDING. Subsection (1) does not apply in any of the following cases, and work to be done or equipment, supplies or materials to be acquired may be contracted for or acquired without competitive bidding and in such manner as the Commission directs:
 - 1. The work to be done or equipment, supplies or materials to be acquired will cost less than \$1,500.
 - 2. The equipment supplies or materials to be acquired is a patented article or process or an article or process made by one party only.
 - 3. The work to be done or equipment, supplies or materials to be acquired involves an emergency repair as set forth in sub. (D).

D. EMERGENCY REPAIRS. Whenever repairs become necessary to any Parks and Lands facility which, in the judgment of the Committee, constitutes an emergency in that it interrupts the ordinary use and operation of such facility, the Committee may order such repairs to be made by some competent party without compliance with competitive bidding or the intervention of a formal contract. In all cases of such emergency repairs the Committee shall immediately report the circumstances thereof, including the agreed price or estimated costs of the repairs, to the Town Chairman and shall also immediately send a copy of such report to the Town Clerk. Whenever any party is liable, under a lease or otherwise, to reimburse the Town for repairs or cost of maintenance of such Parks and Lands facility, the Committee shall also send a copy of such report to the party so liable.

E. COMPETENCY AND RELIABILITY OF BIDDERS. Whenever any bidder for any work to be let by the Committee is, in the judgment of the Committee, incompetent or otherwise unreliable for the performance of the work for which the bidder bids, the Committee may accept the bid of the person who, in its judgment, is the lowest competent and reliable bidder for such work, stating its reasons therefor, or may reject all bids and relet request for bids. The Committee may permit a sum of money or a certified check payable to its order to be filed with any bid or proposal in such an amount as in its judgment will save the Town from any loss if the bidder fails to execute a contract pursuant to law, in case the bidder's bid is accepted and the contract awarded to the bidder.

F. OPTIONAL CONTRACT PROVISIONS. The Committee may insert in the specifications of the work reasonable and lawful conditions as to hours of labor and the residence and character of workers to be employed by the contractor and especially, so far as is practicable in the judgment of the Committee, such reasonable and lawful conditions as will tend to confine employment on such work, in whole or in part, to permanent and bona fide residents of this state. The Committee shall demand of such bidders and contractors that all contracts shall be let subject to chs. 102, 103 and 105, Wis. Stats., to the end that the Committee and the Town shall be held harmless. The Committee may reject any or all bids or parts thereof for any such work or supplies or materials.

G. CONFLICTS WITH FEDERAL REGULATIONS. Contracts for projects involving federal funds shall be let under such regulations and conditions as are prescribed by the federal agency controlling such funds, so far as such regulations and conditions conflict with this section.

Section (13) - Budget Requests. On October 1 of every year, the Committee shall file with the Town Treasurer, a budget request for the following year.

Section (14) - Revenues. All revenues received from the activities of the Committee shall be paid into the general fund of the Town. The Town Treasurer shall keep a separate record of all such receipts.

Section (15) - Limits on Obligations. The Committee shall not obligate itself or the Town for an amount greater than the balance in the Parks and Lands Fund defined in section 12a., above.

Section (16) - Area of Authority. Subject to the laws of the state of Wisconsin and of the United states, the Committee shall have jurisdiction over the Parks and Lands described in section 11 above. The Committee has authority to make and expend funds for repairs. Improvements, including capital improvements, require approval of the Town Board.

Section (17) - Policy. The Committee shall have exclusive control over the day to day operation of the Parks and Lands facilities. The Town shall have exclusive control of the governmental aspects relating to public health, order and safety. All powers not expressly granted to the Committee in this ordinance are reserved for the Town.

Section (18) - Assistance from Town Departments. The Committee may make written requests to any officer or department of the Town for assistance in the performance of its duties and such officer or agency shall comply with such request if the requested assistance involves the type of work normally performed by such officer or agency and the assistance will not substantially affect the budget of such officer or agency. If such assistance requires coordination with any outside contractor or agency, the affected Town officer or department shall be party to any specification defining the scope and performance of the work to be done. If a difference arises between the officer or department and the Committee, the ruling of the Town Board with respect thereto shall be final.

Section (19) – Parks and Lands Operation. The Committee shall have the following Duties:

- A. Make necessary plans for Parks and Lands improvements
- B. Acquire land subject to approval of the Town
- C. Assign camping sites at public campgrounds.
- D. Maintain Parks and Lands facilities.
- E. Adopt rules to facilitate the exercise of its powers and duties under this subsection.
copies of such rules shall be made available to interested persons upon request.
- F. Operate Parks and Lands facilities such as: Siskiwit Boat Launch, campgrounds, pavilions, and playgrounds, etc.
- G. The Committee shall be guided by a policy designed to maintain the operation of Parks and Lands facilities in a continuous, peaceful and efficient manner and shall maintain its services so as to effectuate this policy and shall handle without discrimination, any valid and legitimate request for use.
- H. The Committee shall fix and regulate all fees and charges for use of the Parks and Lands facilities and for other services rendered. All such fees and charges are subject to the approval of the Town. Copies of the schedule of fees and charges shall be made available to interested persons upon request. Equal fees shall be charged for equal services
- I. The Committee shall maintain an adequate system of accounts with respect to its operations, which system of accounts shall be in conformity with the system used by the Town. The Committee shall maintain statistics with respect to the utilization and finances of the Parks and Lands facilities.
- J. The Commission may engage in activities designed to promote traffic and use of the public marina, boat launch, harbor shops, and all Harbor facilities.
- K. The Committee shall bring the Town's attention any matter or concern the Committee believes is in the public interest.

Section (20) - Violation of Committee Rules. Any person violating posted regulatory rules as prescribed by the Committee for the use of Parks and Lands facilities shall be subject to forfeiture of their campsite, pavilion, or other facility reservation and other fines and penalties determined and posted by the Town or the Committee. Such fines and penalties shall be approved by the Town before posting.

Section (21) - Annual Report. The Committee shall make a report annually to the Town, giving an account of its activities and an account of its revenues and expenditures in the preceding calendar year. Such report may contain such other matters as the Committee deems of interest, including such recommendations as it deems to be for the best interest of the Town and the Parks and Lands facilities and commercial interests.

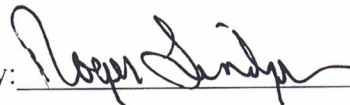
Section (22) – Savings Clause.

If any section, subsection, sentence, clause or phrase of this Ordinance is held for any reason or be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this ordinance. The Town of Bell hereby declares that it would have passed and adopted this ordinance and each section, subsection, sentence, clause or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

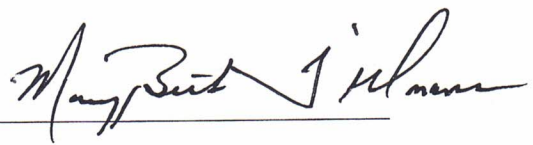
Section (23) – Effective Date.

Following passage by the Town of Bell Town Board, this ordinance shall take effect thirty (30) days after the date of posting as provided by sec. 60.80, Wis. Stats.

Adopted by the Town Board of Supervisors for the Town of Bell on the 12 day of November 2019.

By: 
Roger Lindgren, Chairperson

Date Published: 11/18/19

Attest: 
Mary Beth Tillmans, Clerk