

Pierce County Board of Commissioners
Called Meeting Agenda
Tuesday, September 27, 2022 7:15 PM

Commissioners in Attendance: Neal Bennett, Chairman
Harold Rozier, District 1
Randy Dixon, District 3
David Lowman, District 4

Commissioner Not in Attendance Mike Streat, District 2

Staff in Attendance: Franklin Rozier, County Attorney
Jason Rubenbauer, County Manager/Clerk
Lana Blankenship, Human Resources Gen.

1. Call to Order— Chairmen Bennett Called the regular meeting to order at 6:00 PM.
2. Invocation and Pledge of Allegiance – Commissioner David Lowman provided an Invocation and Commissioner Harold Rozier led the Pledge of Allegiance.
3. Approval of the Agenda

Commissioner Randy Dixon made a motion to approve the agenda as presented. Commissioner Harold Rozier seconded the motion. There was no discussion. All Commissioners voted aye. Motion was unanimously approved.

4. Request to remove the proposed Resolution for the creation of the Pierce County Parks and Recreation Board from the table.

Commissioner Randy Dixon made a motion to remove the proposed Resolution of the Pierce County Parks and Recreation Board from the table. David Lowman seconded the motion. All commissioners voted aye. Item was removed from the table.

STATE OF GEORGIA

COUNTY OF PIERCE

ORDINANCE NO. 2022.09.27.01

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF PIERCE COUNTY, GEORGIA TO CREATE A RECREATION BOARD, TO ESTABLISH AND EFFECTIVE DATE AND FOR OTHER LAWFUL PURPOSES.

WHEREAS, the Constitution of the State of Georgia, approved by the voters of the State in November of 1982, and effective July 1, 1983, provides in Article IX, Section II, Paragraph I

thereof, that the governing authority of the county may adopt clearly reasonable ordinances, resolutions, and regulations; and

WHEREAS, the governing authority of Pierce County, Georgia is the Pierce County Board of Commissioners; and

WHEREAS, the Pierce County Board of Commissioners finds that it is in the public interest to amend the Pierce County Code of Ordinances to provide for a recreation board; and

WHEREAS, the Pierce County Board of Commissioners desires to exercise its authority in adopting this Ordinance; and

NOW, THEREFORE, it is hereby ordained by the governing authority of Pierce County, Georgia that the Code of Pierce County, Georgia, be amended as follows:

SECTION 1

Article III--OTHER BOARDS, COMMISSIONS AND AUTHORITIES

Div. 3—PARKS AND RECREATION BOARD

There shall be in existence a recreational board to be known as the “Pierce County Parks and Recreation Board,” and such authority shall give all the rights and powers as set forth in Title 36, Article 5 of the Official Code of Georgia Annotated.

Sec. 3.1--Purpose

The purpose of the recreation board is to carry on a recreation program.

Sec. 3.2--Composition; appointment

The membership of the county recreation board shall consist of five (5) persons appointed by the by the Board of Commissioners. A general guideline regarding members of the board shall be one member from each commission district and one member at large. All members shall be selected without regard to race, sex, religion, or national origin.

Sec. 3.3--Terms

The Board shall be representative of the county and shall consist of five (5) voting members who shall be residents of Pierce County. The voting members shall serve terms of five (5) years; provided, however, that among the five members initially appointed one member shall serve for one (1) year, one member shall serve for two (2) years, one member shall serve for three (3) years, one member shall serve for four (4) years, and one member shall serve for five (5) years, so as to provide staggered five -year terms for all future board members. All members of the board shall be chosen by the board of commissioners. All appointments or reappointments will be made by the board of commissioners based upon recommendations by the community and existing Parks and Recreation Board members. Members may be reappointed, or new members appointed for a full five-year term.

Sec. 3.4--Compensation

All members of the parks and recreation board shall serve on a voluntary basis and without remuneration of any kind.

Sec. 3.5--Ex Officio members

The board of commissioners shall appoint a commissioner to serve as an ex officio member of the Parks and Recreation Board without a vote.

Sec 3.6--Reappointment; removal

Persons appointed to the Parks and Recreation Board may be reappointed by the Board of Commissioners on expiration of a term on the board. However, any appointee to the board may be removed as recommended by the Parks and Recreation Board and acted upon by the Board of Commissioners through a formal majority vote.

Sec. 3.7--Resignations

Resignations from the Parks and Recreation Board shall be tendered in writing to the Board of Commissioners, with a copy thereof to the chairperson of the Parks and Recreation Board.

Sec. 3.8--Vacancies

The absence from three consecutive regular meetings by any member of the Parks and Recreation Board, without due cause, shall constitute a vacancy on the Parks and Recreation Board.

Sec. 3.9--Filling vacancies

Vacancies shall be filled pursuant to O.C.G.A § 36-64-5.

Sec. 3.10--General responsibilities

The Parks and Recreation Board shall formulate, implement, operate, administer, and maintain such recreation programs to the best interest of all county citizens, expending such sums as are appropriated for its purposes by the county governing body.

Sec. 3.11--Bylaws; rules of conduct; agreements

- a) *By-laws*. The recreation board shall draft by-laws, which shall include its duties and its powers and jurisdiction, and present them to the Board of Commissioners for approval (within six months from the date of this article). The by-laws, once approved by the Board of Commissioners, may be amended from time to time by recommendation of the recreation board to the Board of Commissioners, whose decision shall be final. The by-laws shall include, but not be restricted to, the following subjects, which are not all-inclusive and may be added to by the Parks and Recreation Board:
 - 1) Duties, powers, and jurisdiction of the Parks and Recreation Board.
 - 2) Rules and regulations and rules of conduct for players, parents, fans, coaches, managers, referees, umpires.

- 3) Agreements for sport parent/guardian code of ethics and for community youth sports associations and youth sports leagues setting out rules for use of facilities, concession stands, etc.
 - 4) Procedures related to criminal charges, complaints and violations of the by-laws, the rules of conduct for players, parents, fans and others, the rules and regulations and conduct for league officials, the sport parent/guardian code of ethics, and the youth sports association and youth sports league agreement.
- b) *Rules of conduct; agreements.* The Parks and Recreation Board shall draft rules and regulations and conduct agreements for league officials, for players, parents, fans, and others, for sport parents and guardians, and for community youth sports associations and youth sports leagues, all of which shall be presented to the Board of Commissioners for approval (withing six months from the date of this article). Once approved by the Board of Commissioners, amendments may be made from time to time by recommendation of the Parks and Recreation Board to the Board of Commissioners, whose decision shall be final.
- 1) *Rules of conduct for players, parents, fans, and others.* This document shall set out guidelines for conduct during any recreation activity or while on recreation property, which shall be posted at appropriate locations on recreation playing fields and in recreation facilities.
 - 2) *Rules and regulations and conduct for league officials.* This document shall set out guidelines for league officials (coaches, managers, referees, umpires, and others) regarding conduct at any recreation activity, while on recreation property or in a recreation facility. Said document is to be signed by each league official, and failure to do so will result in the individual not being permitted to officiate at any recreation activity.
 - 3) *Sport parent/guardian code of ethics agreement.* This document shall set out the concept of sportsmanship, trustworthiness, respect, responsibility, fairness, caring and good citizenship. Said document is to be executed by each sport parent/guardian, and failure to do so will result in their child(ren) not being permitted to participate in recreation activities.
 - 4) *Youth sports association and youth sports league agreement.* This document shall set out the use of recreation facilities to include concessions and the provision by the association or league of information related to the association or league. Said document is to be executed by the president of each association or league, and failure to do so will result in disqualification to participate in any recreation activity.

Sec. 3.12--Expansion of facilities

The Parks and Recreation Board, subject to the approval and direction of the Board of Commissioners, shall provide for expansion of facilities open to all citizens of the county.

Sec. 3.13--Statutory powers; duties

The Parks and Recreation Board shall be vested, except as restricted herein, with all powers and duties as granted under O.C.G.A. 36-64-3, as it now exists, or as it may hereafter be amended.

Sec. 3.14--Budget

The Parks and Recreation Board and Director shall, each year, timely submit to the governing body of the county a budget for the administration, operation and maintenance of the recreation program and showing expected expenditures in each of the recreation areas.

Sec. 3.15--Fees, charges

The Parks and Recreation Board are empowered to establish, revise, and collect fees and rentals for the use of recreation areas and to impose and set requirements governing such use. Accurate records of such fees shall be always maintained and open to inspection by the county governing bodies. Anticipated fees shall be accounted for in the annual budget.

Sec. 3.16--Reports to Board of Commissioners

The Parks and Recreation Board shall periodically report to the Pierce County Board of Commissioners in the county the condition of the respective lands and capital improvements thereof, and shall immediately notify such bodies of any damage thereto or condition requiring repair and make recommendations concerning such condition and/or required repairs.

Sec. 3.17--Amendments

The bylaws of the Parks and Recreation Board may be amended with a simple majority vote of a quorum of the membership at any meeting, provided notification of the bylaws change has been given to the membership at the meeting prior to the meeting at which the bylaws amendment is voted on. This approved amendment is a recommendation to the Board of Commissioners for adoption.

SECTION 2

The sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared illegal or invalid by the valid judgement or decree of any court of competent jurisdiction, such illegality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance.

SECTION 3

All ordinances and parts of ordinances in conflict herewith are expressly repealed.

SECTION 4

It is the intention of the governing body, and it is hereby ordained, that the provisions of this ordinance shall become effective and be made a part of the Code of Ordinances of Pierce County, Georgia and the sections of this ordinance may be renumbered to accomplish such intention.

SECTION 5

This ordinance shall be effective upon its adoption by the Board of Commissioners.

Adopted this 27th day of September, 2022 by the affirmative vote of a majority of the commissioners present at an official meeting of the Pierce County Board of Commissioners.

PIERCE COUNTY BOARD OF COMMISSIONERS

ATTEST:

BY:

Jason Rubenbauer
Pierce County Manager/Clerk

Neal Bennett
Chairman, Board of Commissioners

5. Discussion and request for action pertaining to Ordinance 2022.09.27.01 to create a Recreation Board, to establish an effective date and for other lawful purposes.

Chairman Bennett introduced the revised proposal dated September 2, 2022, for the proposed resolution for the creation of the Pierce County Parks & Recreation Board. Mr. Johnny Thigpen had presented a revised proposal dated September 21, 2022. Chairman Bennett asked Mr. Thigpen if he would like to discuss his revisions to the proposal.

Mr. Thigpen explained some of the changes he had requested. It was requested to remove the wording “for cause” in the removal of a board member by the County Manager as recommended in previous conversations with the County Attorney. The Board, County Attorney, and Mr. Thigpen were all in agreement. After board discussion, Chairman Bennett asked County Attorney Franklin Rozier his opinion of the changes in the revised proposal from Mr. Thigpen dated September 21, 2022. Franklin Rozier stated that the changes were applicable to the proposal. Franklin also added he was against the formation of a Parks and Recreation Board.

Upon Commissioner Harold Rozier calling for the question, Chairman Bennett asked for a motion for the revised resolution presented by Mr. Thigpen, dated September 21, 2022. Commissioner Randy Dixon made a motion to approve the Resolution of the Pierce County Parks and Recreation Board. Commissioner David Lowman seconded the motion. All other Commissioners voted Aye. Motion was unanimously approved.

6. Discussion and Request for action pertaining to a request from the Road Superintendent to order replacement signage for an amount not to exceed \$8,970.22 from the General Fund.

Commissioner Randy Dixon made a motion to approve the purchase of road signs not to exceed \$8,970.22. Commissioner David Lowman seconded the motion. All Commissioners voted aye. Motion was unanimously approved.

7. Discussion and Request for action to purchase two (2) 2023 Ford F-150 Crew Cab 4 x 4 Pickup trucks to improve the Road Department fleet for an amount not to exceed \$93,770 from the 2020 SPLOST Fund.

Commissioner David Lowman discussed the current truck fleet of the Road department. He presented the mileage of the current fleet, and all were over 100,000 + miles. Commissioner David Lowman requested to approve the amount of \$93,770 to purchase new trucks with the option to get other quotes.

Commissioner Randy Dixon made a motion to approve the purchase of new trucks out of the 2020 SPLOST Fund. Commissioner Harold Rozier seconded the motion. All Commissioners voted aye. Motion was unanimously approved.

8. Adjourn—Chairman Bennett adjourned the meeting at 7:35 PM.

Neal Bennett

Harold Rozier

Mike Streat

Randy Dixon

David Lowman