

**CITY OF NEW BUFFALO
BERRIEN COUNTY, MICHIGAN**

ORDINANCE NO. 264

AN ORDINANCE TO REPEAL ARTICLE XIII OF CHAPTER 2 OF THE CITY OF NEW BUFFALO CODE OF ORDINANCES, AND TO AMEND ARTICLE I OF CHAPTER 7, AND ARTICLE II OF CHAPTER 14 IN ORDER TO DISESTABLISH THE PARKS AND HARBOR COMMISSION AND RECREATE THE PARK AND RECREATION BOARD AND HARBOR COMMISSION AS SEPARATE BOARDS

THE CITY OF NEW BUFFALO ORDAINS:

Section 1. Repeal. Article XIII, “Park and Harbor Commission,” of Chapter 2, “Administration,” is hereby repealed in its entirety.

Section 2. Amendment. Article I, “Park and Harbor Commission,” of Chapter 7, “Harbor,” is hereby amended in its entirety to read as follows:

**ARTICLE I
Harbor Commission**

Section 7-1. Commission created.

There is hereby recreated a Harbor Commission for the City.

Section 7-2. Composition; appointments; filling vacancies.

- A. Composition. The Harbor Commission shall consist of five members, who shall be resident electors of the City. The following individuals are ineligible to serve as members: City Council members, the City Manager, Department of Public Works Director, or any other elected official and/or employee of the City.
- B. Appointments. Appointments made to the Harbor Commission shall provide for staggered terms of office. Appointments to fill expired positions on such commission shall be for a period of three years, and shall be made by the Mayor with the consent of the majority of the City Council at the regular organizational meeting of the City Council following the regular City election.
- C. Alternate members. The Mayor with the consent of the majority of the City Council may appoint up to two alternate members, who shall have the same membership requirements as regular Harbor Commission members. Alternate members have voice and vote on the Harbor Commission in the event a regular Harbor Commission member is absent. At the time of appointment as alternate members, the City Council shall designate one alternate to serve first in the event of an absence during a meeting, with the other alternate member serving if the first alternate member is unavailable, or in the event of a second absence during a meeting.
- D. Filling vacancies. Appointments to fill vacancies on the Harbor Commission shall be for a period of time equivalent to the unexpired term of that office. Appointments to fill such vacancies shall be made by the Mayor with the consent of the majority of the City Council, but shall be made within 60 days of the date such vacancy occurs.

Section 7-3. Compensation of members.

The members of the Harbor Commission shall serve without compensation and shall not be considered employees of the City.

Section 7-4. Organization; officers; quorum.

The members of the Harbor Commission shall within 20 days after their appointment in the first instance, and thereafter annually within 20 days following the regular organizational meeting of the City Council following the regular City election, organize and elect one of their members chairperson, one of their members vice chairperson, and one of their members or another person not serving on the Commission as secretary. The Harbor Commission may select other such officers as it may deem advisable and expedient. A majority of the Harbor Commission shall constitute a quorum for the transaction of business.

Section 7-5. Meetings; rules of procedure.

The Harbor Commission shall establish by general rule the time and place for holding all regular and special meetings of such board and the manner of giving notice thereof. The Harbor Commission is also authorized to establish by general rule procedures for the transaction of its business.

Section 7-6. Removal of members.

The City Council shall have power and authority to remove any member of the Harbor Commission for malfeasance, misfeasance, misconduct, or neglect of duty after having given such member notice and an opportunity to be heard.

Section 7-7. Powers and duties; policies, rules, and regulations concerning harbor.

The Harbor Commission shall study and make recommendations to the City Council concerning policies, rules, regulations, and ordinances dealing with the management, government, maintenance, operation, and use of the harbor, waterways, channels, municipal docks, or other navigational facilities which are under the control of the City. The reasonableness and necessity of any such policies, rules, regulations, or ordinances shall be determined by the City Council after a review thereof. All such policies, rules, regulations, and ordinances, after adoption and publications by the City Council, shall be enforced by the appropriate City officials in like manner as any other provision of this chapter or other ordinance of the City.

Section 7-8. Budget.

The Harbor Commission shall annually submit to the City Manager, at a date of the City Manager's choosing, a proposed budget showing in detail the amount of money which, according to the judgment of the Harbor Commission, may be necessary for harbor purposes, and the supervision, maintenance and operation thereof during the fiscal year, which fiscal year shall correspond to that of the City. The proposed budget submitted and recommended by the Harbor Commission may be increased, modified, or adopted by the City Council in its sole discretion, as the City Council may deem advisable and expedient.

Section 3. Amendment. Article II, "Park and Harbor Commission," of Chapter 14, "Parks and Recreation," is hereby amended in its entirety to read as follows:

**Article II
Park and Recreation Board**

Section 14-21. Created.

There is hereby recreated a Park and Recreation Board for the City.

Section 14-22. Composition; appointment and terms of members; filling vacancies.

- A. Composition. The Park and Recreation Board shall consist of five members, who shall be resident electors of the City. The following individuals are ineligible to serve as members: City Council members, the City Manager, Department of Public Works Director, or any other elected official and/or employee of the City.
- B. Appointments. Appointments made to the Park and Recreation Board shall provide for staggered terms of office. Appointments to fill expired positions on such board shall be for a period of three years, and shall be made by the Mayor with the consent of the majority of the City Council at the regular organizational meeting of the City Council following the regular City election.
- C. Alternate members. The Mayor with the consent of the majority of the City Council may appoint one alternate member, who shall have the same membership requirements as regular Park and Recreation Board members. The alternate member has voice and vote on the Park and Recreation Board in the event a regular Park and Recreation Board member is absent.
- D. Filling vacancies. Appointments to fill vacancies on the Park and Recreation Board shall be for a period of time equivalent to the unexpired term of that office. Appointments to fill such vacancies shall be made by the Mayor with the consent of the majority of the City Council, but shall be made within 60 days of the date such vacancy occurs.

Section 14-23. Compensation of members; members not to be employees of City.

Members of the Park and Recreation Board shall serve without compensation and shall not be considered employees of the City.

Section 14-24. Organization; officers; quorum.

The members of the Park and Recreation Board shall within 20 days after their appointment in the first instance, and thereafter annually within 20 days following the regular organizational meeting of the City Council following the regular City election, organize and elect one of their members chairperson, one of their members vice-chairperson, and one of their members secretary. The Board may elect such other officers as it may deem advisable and expedient. A majority of the Board shall constitute a quorum for the transaction of business.

Section 14-25. Meetings; rules of procedure.

The Park and Recreation Board shall establish by general rule the time and place for holding all regular and special meetings of such board and the manner of giving notice thereof. The Board is also authorized to establish by general rule procedures for the transaction of its business.

Section 14-26. Removal of members.

The City Council shall have the power and authority to remove any member of the Park and Recreation Board for malfeasance, misfeasance, misconduct, or neglect of duty after having given such member notice and an opportunity to be heard.

Section 14-27. Powers and duties: policies, rules and regulations concerning City parks, playgrounds and recreation areas.

The Park and Recreation Board shall study and formulate policies as to the maintenance, control, and regulation of all City parks, recreational areas, and playgrounds. It shall also make recommendations to the City Council as to ways of improving, planning, and developing outdoor and indoor recreational, educational, and social facilities and programs for the community. The reasonableness and necessity of any such policy, rule, or regulations appertaining to any City park, recreational area, playground, recreation program, or construction shall be determined by the City Council after a review of the recommendation of the Park and Recreation Board.

Section 14-28. Gifts, appropriations and bequests.

The Park and Recreation Board is hereby empowered and authorized to solicit, receive, and acquire gifts, appropriations, bequests, donations, or endowments of money, funds, or property from any person, which shall be immediately turned over to the City Council and shall be used for the creation, improvement, maintenance, and operations of the City parks and recreation programs.

Section 14-29. Budget.

The Park and Recreation Board shall annually submit to the City Manager, at a date of the City Manager’s choosing, a proposed budget showing in detail the amount of money which, according to the judgment of the Board, may be necessary for park and recreation purposes, and the supervision, maintenance, and operation thereof during the ensuing fiscal year, which fiscal year shall correspond to that of the City. The proposed budget submitted and recommended by the Park and Recreation Board may be increased, modified, or adopted by the City Council in its sole discretion, as the City Council may deem advisable and expedient.

Section 4. Disestablishment of Predecessor Board. The board currently known as the Park and Harbor Commission is hereby disestablished.

Section 5. Publication and Effective Date. The City Clerk shall cause this ordinance to be published in a newspaper of general circulation in the City, and the ordinance shall be effective 20 days after its enactment or upon publication, whichever is later.

YEAS: Price, Robertson, Lijewski, Flanagan, Humphrey

NAYS: None

ABSTAIN: None

ABSENT: None

ORDINANCE DECLARED ADOPTED.

CERTIFICATION

This is a true and complete copy of Ordinance No. 264 adopted at a regular meeting of the New Buffalo City Council held on February 20, 2024.

John Humphrey, Mayor

Amy Fidler, Clerk

Adopted: 02/20/24

Published:02/29/24

Effective: 03/19/24

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