

# **HARRIS COUNTY RECREATION BOARD BY-LAWS**

## **ARTICLE I. NAME**

The name of this organization shall be the Harris County Recreation Board.

## **ARTICLE II. PURPOSE**

The purpose of the Harris County Recreation Board is to assist the Harris County Board of Commissioners, the Recreation Director, and the Recreation Department in providing, establishing, maintaining, and conducting a county-wide public recreation program; to actively plan or present and facilitate county recreational program needs; to participate actively in local, state and national recreation affairs; to educate the citizens of Harris County by dissemination among them of information concerning development and progress of the recreation department. Public communication is vital.

## **ARTICLE III. DEFINITIONS**

*Assistant Director* means Harris County Assistant Recreation Director

*Association* means Youth Sports Association

*Board* means Harris County Recreation Board

*Commissioners* means the Harris County Board of Commissioners

*County* means Harris County

*Department* means the Harris County Recreation Department

*Department property* means any and all property both real and personal which is either owned or leased by Harris County and used for recreational activities of the Harris County Recreation Department

*Director* means Harris County Recreation Director

*League* means Youth Sports League

*Recreation* means Harris County Recreation Department

*Youth Sports Association/Youth Sports League* means a non-profit organization involved in the oversight, organization or administration of a developmental youth sports program within Harris County and operating under the purview of the Harris County Recreation Department.

## **ARTICLE IV. BOARD MEMBERSHIP**

A. **Composition.** The Board shall be representative of the county and shall consist of eight (8) members who shall be residents of Harris County and who shall serve without compensation. The members shall serve for staggered terms of three years. Three (3) members of the board shall be chosen by the board of commissioners, and one (1) member shall be chosen by each of the five (5) community youth sports recreation associations. In addition, one (1) county commissioner shall serve as an ex-officio non-voting member, and one (1) member of the Harris County Board of Education shall serve as an ex-officio non-voting member and be the liaison for the Board of Education. All appointments or reappointments will be made by the board of commissioners based upon recommendation by the appropriate community youth sports recreation association or the Board of Education, as applicable. Members may be reappointed or new members appointed for a full three-year term.

B. **Resignation.** A member of the Board may resign his or her position by written notice delivered to the Director, who shall immediately notify the Board of Commissioners by providing a copy of said resignation notice. Resignations shall be effective immediately upon receipt by the

Director. The appropriate community youth sports recreation association or the Board of Education, as applicable, shall recommend a citizen to complete the term of vacated positions.

- C. Qualifications. It is preferable that proposed appointees have a substantial record of involvement in recreation activities and/or knowledge of the activities governed by the Board. However, such qualifications are not a requirement for appointment to the Board but merely directive in nature.
- D. Term of Office of Board Members. The term of office of members of the Board shall be for three (3) years. Members whose terms have expired shall continue to serve as members until their successors have been appointed by the Board of Commissioners.
- E. Reappointment. Reappointments shall be unrestricted and at the discretion of the Board of Commissioners and based on the recommendations by the appropriate community youth sports recreation youth association or the Board of Education, as applicable.

## **ARTICLE V. OFFICERS**

- A. Election of Officers. The Board shall elect, from its membership, a Chairman and Vice-Chairman and other officers as may be desired, including but not limited to, a Secretary and Treasurer. The Secretary shall be appointed by the Board from its membership, or may be a member of the County, and may be reappointed by the Board for succeeding terms by way of vote. Officers shall be elected annually and shall serve for a term of one year, or until their successor is elected. Any and all officers thus elected may serve for consecutive years, if re-elected.
- B. Duties and Responsibilities
  - 1. The Chairman shall:
    - (a) be the presiding officer and conduct all meetings of the Board.
    - (b) appoint standing committees as necessary to carry out the responsibilities of the Board.
    - (c) be a voting member of the Board, only in the event of a tie vote.
  - 2. The Vice-Chairman shall perform the duties of the Chairman in the absence of the Chairman.
  - 3. The Secretary shall:
    - (a) keep a record of minutes of the meetings of the Board,
    - (b) have custody of its books and records, which shall be housed at the office of the Director,
    - (c) take roll call before each meeting noting excused or unexcused absences,
    - (d) give notices to members of meetings, and
    - (e) attend to such other duties as may be assigned by the Board.
  - 4. The Treasurer shall:
    - (a) keep a record of all revenues, expenditures, bank balances, and other information pertinent to the finances of the Board,
    - (b) receive all monies for the Recreation Board and deposit same in such depositories as the Board may direct,
    - (c) pay all charges and bills approved by the Recreation Board for payment (note that all checks require two (2) signatures, one of which shall be the Treasurer),
    - (d) prepare or cause to be prepared and shall present to the Board a monthly financial statement of all revenues collected, expenditures made, and bank balances,
    - (e) shall be a voting member of the Board.

## **ARTICLE VI. MEETINGS, QUORUM, REMOVAL FROM BOARD, APPEALS**

### **A. Meetings**

1. Regular meetings of the Board shall be held the last Wednesday of each month, except November and December, at 7:00 p.m. at a designated place.
2. Special called meetings of the Board may be held at any time at the call of the Board Chairman, of the Director, or by a majority of the voting members of the Board.
3. All meetings are open to the public and must comply with the Georgia Open Meetings Law.
4. All votes taken by the Board, regardless of the matter for which a vote is necessary, shall be made in public by a show of hands. Votes may not be taken or made by secret ballot.
5. The Director and/or Assistant Director shall attend all meetings of the Recreation Board, but shall not vote on any matter.

- B. **Quorum.** A quorum shall consist of five (5) voting members of the Board, and it shall be necessary that a quorum be present to conduct a meeting, discuss Recreation issues, hold a hearing, or take any action or vote. A majority of those present and voting shall be necessary to approve any action under consideration by the Board.

### **C. Removal From Board**

1. Absence from three (3) consecutive scheduled meetings by any member of the Recreation Board without due and acceptable excuse shall constitute a vacancy on the Board. The Director shall be notified of such vacancies and shall relay same to the Board of Commissioners.
2. The Board of Commissioners may, with or without cause, and with or without notice or a hearing thereon, remove any member of the Board.
3. Conduct unbecoming a member as determined by the Board:
4. Violations of the Rules and Regulations adopted by the Board and approved by the Board of Commissioners.
5. Procedure for Removal:
  - (a) In all cases of removal of a board member by the Board, such fact shall be noted in the minutes of the Board and the minutes shall reflect the effective date of the removal and said reasons.
  - (b) In all cases of removal by the Board, the member under review shall have the right to a hearing. Should the member request a hearing, it shall be held during the next scheduled regular meeting of the Recreation Board. During the hearing, which is open to the public, the Board may hear testimony and hear evidence necessary to make a determination. The member has the right to be represented by counsel during the hearing at their own expense. Following such hearing, the Recreation Board shall render its decision by taking a vote (in public) by a show of hands, and the member shall be notified by written notice within five (5) business days of the hearing. The Board shall notify the Board of Commissioners of its decision to remove a Board member and the provide the reasons thereof.
6. Once the Board has made its decision, the member will be given written notice of the Board's decision, to include the date by which the decision is effective, by certified mail - return receipt requested within five (5) days of the Board's decision

### **D. Appeals**

1. The member has the right to appeal the decision of the Recreation Board to the Board of Commissioners. Such appeal must be in writing and received at the office of the Board of Commissioners within fourteen (14) days following receipt of the notice of the decision from

the Recreation Board. The Board of Commissioners, at its discretion, may conduct a hearing regarding the appeal within 45 days of the date of the filing of the appeal. The member shall be notified in writing by the County Clerk as to the date, time and place of the Public Hearing. All hearings conducted by the Board of Commissioners are open to the public as provided for in the Georgia Open Meetings Law. The member shall have the right to be represented by counsel at the expense of the member.

2. Following the hearing, the Board of Commissioners shall render its decision, and the member will be notified in writing within 14 days following the hearing. The decision of the Board of Commissioners shall be final.

#### **ARTICLE VII. MEETING AGENDA**

- A. Unless otherwise determined by the Chairman, the order of business at regular meetings shall be determined by an agenda presented to members before the meeting begins. Any change in the presented agenda will require a motion to amend that must be passed by majority of the voting members. Changes in order of business or dispensing with any item may be made by request and approval of the Board. The posting of the agenda for regular, called, and emergency meetings of the Board shall comply with the Georgia Open Meetings Act.
- B. Individuals who wish to be placed on the regular meeting agenda may do so by contacting the Director at least seven (7) days prior to the regular meeting, and must give the Director the subject to be discussed. If the subject is a complaint or violation, then the procedures in this document shall be followed. Individuals who wish to speak during the meeting about a topic on the agenda may sign up thirty (30) minutes immediately preceding the meeting.
- C. Individuals will be recognized for a maximum of five (5) minutes to present their subject, and no subject other than the stated subject on the agenda will be allowed. Unused time may not be given up to any other individual wishing to speak.

#### **ARTICLE VIII. MEETING MINUTES**

Meeting minutes shall be recorded and such records shall be open to public inspection once approved by the Board, but not later than immediately following its next regular meeting. Minutes shall include the names of the members present, a description of each motion or proposal, the names of the members making and seconding the motion or proposal, and a record of all votes to include, if not unanimous, the names of the persons voting for or against such motion or proposal. Meeting minutes shall be in accordance with the Georgia Open Meetings Act.

#### **ARTICLE IX. RULES OF PROCEDURE**

The Board shall conduct all meetings and activities according to parliamentary law as stated in Robert's Rules of Order, Revised, unless otherwise specified. In addition, all meetings and actions taken during such meetings shall comply with the Georgia Open Meetings Act.

#### **ARTICLE X. CONFLICT OF INTEREST**

Any Board member who has a conflict of interest on any given issue shall announce the existence of conflict prior to discussion of the issue and shall refrain from discussing or voting on that issue.

#### **ARTICLE XI. DUTIES, POWERS & JURISDICTION, ENFORCEMENT**

- A. Duties. The duties of the Board shall include, but not be limited to, the following:
  1. To initiate, plan, organize, implement, and coordinate public recreation programs and activities for Harris County;

2. To initiate, plan, design and recommend a system of parks, facilities and other spaces which will be necessary to accommodate the public's need and demand for recreation activities;
3. To prepare and develop rules and regulations by which recreation programs may operate;
4. To monitor and evaluate the effectiveness of recreation programs;
5. To advise and recommend ways and means by which recreation programs may be improved or strengthened;
6. To develop new programs and activities as public need may dictate; to develop a system of fees and charges for use of outdoor recreation facilities for participation in recreation programs; and
7. Other duties and responsibilities as may be directed by the Harris County Board of Commissioners from time to time.

B. Powers and Jurisdiction. In order to perform the foregoing duties, the Board shall have the following authority:

1. To adjudicate complaints, disputes or other grievances from the public arising out of recreation activities and to conduct such review hearings per resolution.
2. To adopt by-laws and other rules of procedure to achieve its purpose and function, with final approval by the Board of Commissioners.
3. To establish rules governing participating in recreation programs and the consequences for failure to follow aforementioned rules.
4. To establish rules applicable to only auspices of the Recreation Department.
5. To establish rules governing the hours of operation and use of Harris County recreation facilities.
6. To establish and regulate player participation requirements, volunteer coach guidelines, volunteer coach qualifications, sport playing time schedule, other concerns that enhance the total recreation program, and assist in the establishment and regulation of team draft systems.
7. To evaluate programs and activities from year to year with the evaluation method to be determined by the recreation department.
8. To file a full annual report with the Board of Commissioners relative to program accomplishments for the preceding fiscal year.
9. To set and administer community boundaries.
10. To hear and act upon complaints given to them in written form by the Director or Assistant Director, using the procedure set forth in these By-Laws.
11. To review requests to use Department property, facilities, equipment and services and make recommendations to the Commissioners.
12. To enforce community boundaries, waivers and/or releases.

C. Enforcement. The primary responsibility for the enforcement of these By-Laws shall be vested in the Director with approval of the Board.

**ARTICLE XII. RULES OF CONDUCT OF PLAYERS, PARENTS, FANS & OTHERS DURING GAMES AND MEETINGS**

There shall be General Rules of Conduct for Players, Parents, Fans & Others setting out guidelines for conduct during any Recreation activity or while on Recreation property, which shall be posted at appropriate locations on Recreation playing fields. Said rules, 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 General Rules of Conduct is attached hereto as Appendix A.

**ARTICLE XIII. RULES & REGULATIONS CONDUCT FOR LEAGUE OFFICIALS**

There shall be an agreement with League Officials (coach, manager or other sport official or referee or umpire) regarding Rules & Regulations and Conduct. The appropriate referee or umpire association president shall execute said agreement on behalf of its referees or umpires who provide services for compensation to Recreation Department. The failure of any coach, manager or other sport official, or of the appropriate referee or umpire association president to execute the agreement will result in disqualification from participation in Recreation Department activities in any manner. Said agreement, 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. Agreement is attached hereto as Appendix B.

**ARTICLE XIV. SPORT PARENT/GUARDIAN CODE OF ETHICS AGREEMENT**

There shall be an agreement with each sport parent/guardian regarding the concept of sportsmanship, trustworthiness, respect, responsibility, fairness, caring, and good citizenship. The failure of any sport parent/guardian to execute the agreement will result in their child/children not being allowed to participate in Recreation Department activities in any manner. Said agreement, 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. Agreement is attached hereto as Appendix C.

**ARTICLE XV. YOUTH SPORTS ASSOCIATION/YOUTH SPORTS LEAGUE AGREEMENT**

There shall be an agreement with each Youth Sports Association or Youth Sports League to include, but not be limited to, the use of Recreation Department facilities; the provision by the Association or League of evidence of non-profit status, board members information, and coaches information on an annual basis, and of financial statements and by-laws upon request; and concessions and the use thereof. The failure of any Association or League to execute the agreement will result in disqualification from participation in Recreation Department activities in any manner. Said agreement, 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. Agreement is attached hereto as Appendix D.

**ARTICLE XVI. COMPLAINT & VIOLATION PROCEDURES; PENALTIES; HEARING**

Violations of these By Laws, the General Rules of Conduct for Players, Parents, Fans and Others, the Rules & Regulations and Conduct for League Officials, the Code of Ethics for Sport Parent/Guardian, and/or the Youth Sports Association & Youth Sports League Agreement shall be handled according to this section.

**A. Complaint and Violation Procedures**

1. All complaints/violations involving managers, players, officials, umpires, referees, parents or spectators of Harris County youth sports and falling under the purview of these By Laws should be resolved in the most expeditious and equitable manner possible while ensuring compliance with the By Laws and shall adhere to the following escalation process:
  - a. If the complaint/violation is from within a single community, involving no other community, the matter goes before the local Association board first, then to the appropriate local League board, if necessary, and then to the Recreation Board, if necessary.
  - b. If the complaint/violation involves two (2) or more communities, the matter goes before the appropriate local League board for its decision, then to the Recreation Board, if necessary.

- c. If neither the local Association nor the appropriate local League are able to resolve the complaint/violation, the matter goes before the Recreation Board.
  - d. All complaints and resolutions thereof should be reported as expeditiously as possible to the Recreation Director, who reserves the right to intervene, amend and/or override any decision by an Association or League and to hand down disciplinary action in all matters of violation of rules of conduct at his discretion.
2. In the event the matter must go before the Recreation Board, the Recreation Director shall perform an investigation of the matter, and if the investigation reveals that probable cause exists that a violation has occurred, then the Director or his appointed designee may suspend said individual from the Department property and activities.
  3. It shall be the duty of the Director to keep and maintain or to cause to be kept or maintained, accurate records of citizen complaints and of the investigation and disposition of all said complaints.
  4. Upon completion of the investigation, the Director shall notify, the individual who is in violation of the Rules. Such notice shall meet the following requirements:
    - a. Notice shall be in writing, mailed by certified first class mail, return receipt requested, to the individual's last known address, or e-mailed with a confirmation of receipt.
    - b. Notice shall include a summary of the Director's investigations and shall set forth the penalty imposed for violating the Rules.
    - c. Notice shall be dated and shall advise the individual of their right to request an appeal hearing of the Director's determination within five (5) days after receipt of notice.
    - d. Notice shall state that if a hearing is not requested, the Director's determination will become effective on a date specified in the notice, which shall be after the last day on which the individual has a right to request a hearing.
    - e. Notice shall state that the hearing, if requested, shall be before the Board, and it shall include a form to request the hearing and provide instructions on mailing or delivering such request to the Director.
      - (1) If a hearing is requested, such hearing shall be held within 45 days of receipt of the request during a regular meeting of the Board, and the Director shall send written notice, as set out above, to the individual with no less than ten (10) days notice of the place, date and time of the hearing, and indicate that the individual has the right to be represented by counsel during the hearing at their own expense and that said hearing will be open to the public.
      - (2) If a hearing is not requested, the decision of the Director is final.
  5. Director is to immediately, or as soon as practical, advise Board, via e-mail or phone, of any issues, and/or decisions made in connection with such issues, for which the Director will be or has taken appropriate action.
    - a. This notification is not to be interpreted as a request to the Board for input or permission to take action, as there is a possibility that the decision of the Director may ultimately be appealed to the Board.

## B. Penalties

1. Penalties for violations of Rules may include immediate ejection from Recreation property and/or facility with (a) minimum penalty of a written reprimand; (b) suspension of seven (7) days plus the next scheduled game; (c) suspension for up to twelve (12) months from the day of infraction; (d) temporary or permanent restrictions from Recreation property, facilities and/or activities; and/or (e) will disqualify a team's participation in Recreation programs.

2. Criminal charges may be initiated by the Director, in his discretion and with approval of the Board, through the proper law enforcement agencies. At such time that a case is made against an individual the Director may, in his discretion, impose a temporary restriction and banning from any Department activity, facility and/or property, which shall continue until such time as the case in question has been concluded by the proper law enforcement agency(ies).
3. Non-criminal charges will result in a probable cause investigation by the Director or his designee. At such time an individual is charged with a violation of the Rules or any County ordinance, where it is alleged that the offense in question occurred while the individual was in a Department facility or on Department property, the Director may, in his discretion, impose a temporary restriction and banning from any Department activity, facility and/or property, which shall continue until such time as the probable cause investigation is concluded.
  - a. If the individual is found to be innocent of the charges then all such temporary restrictions and banning shall be immediately lifted.
  - b. If the individual is found guilty of the charges, or enters a plea of guilty or nolo contendere, then the Director shall follow the guidelines set out in Section A4.
4. Any individual who violates the terms of his or her restriction and/or banning shall be precluded from participating in any Department activity and banned from Department facilities and property for a period up to one year from the date of the violation.
5. Upon the Director's determination that an individual has violated the Rules a second time, the Director may impose penalties which shall not be greater than twice the prescribed penalty for the first offense. Upon the Director's determination that an individual has violated the Rules three or more times, the Director may suspend said individual from Department activities and facilities indefinitely.

#### C. Hearing

1. Upon receiving a written request for an appeal hearing provided hereinabove, the Director shall set aside a date for the hearing, which shall be held during a regular Board meeting within 45 working days of receipt of the request. The individual shall be notified by certified mail - return receipt requested of the date, time and place of the hearing. The individual shall be given not less than ten (10) working days notice prior to the date of the hearing.
  - a. Such written notice shall be sent to the individual advising of the place, date and time of the hearing, and indicate that the individual has the right to be represented by counsel during the hearing at their own expense, that the individual shall be afforded the opportunity to testify, present evidence, and cross examine any witness, and that said hearing will be open to the public.
  - b. During the hearing, the Board may hear such testimony and receive any evidence that it deems reasonably necessary to review the Director's action.
  - c. Upon the conclusion of the hearing the Board shall uphold, modify, or overrule the Director's determination by taking a vote (in public) by a show of hands, and said decision shall be effective at that point.
2. Once the Board has made its decision, the individual will be given written notice of the Board's decision, to include the date by which the decision is effective, by certified mail - return receipt requested within five (5) days of the Board's decision.
  - a. The notice shall also advise the individual that they may request an appeal hearing of the Board's decision to the Harris County Board of Commissioners, and that the appeal must be in writing and received at the office of the Board of Commissioners within

fourteen (14) days following receipt of the notice of the decision from the Recreation Board. Should an appeal hearing be requested, the Board of Commissioners, at its discretion, may conduct a hearing regarding the appeal within 45 days of the date of the filing of the appeal. The individual shall be notified in writing by the County Clerk as to the date, time and place of the Public Hearing, which open to the public, and during which the individual have the right to be represented by counsel at their expense. Following the hearing, the Board of Commissioners shall render its decision, and the individual will be notified in writing within 14 days following the hearing. The decision of the Board of Commissioners shall be final.

3. If no appeal hearing is requested, then the Recreation Board's decision is final.

#### **ARTICLE XVII. AMENDMENTS**

- A. Amendments. Amendments to these By-Laws must be submitted in writing to the Recreation Board at a regularly scheduled meeting. No action on the proposed amendment(s) can be made at that meeting but will take place during a future meeting.
- B. Approval by Board of Commissioners. Proposed amendments must be reviewed and approved by the Board of Commissioners prior to any action being taken by the Recreation Board.

#### **ADOPTION**

These By-Laws are adopted by a vote of 5 to 0 during a called meeting of the Harris County Recreation Board held on November 28, 2012, and are effective following the adoption of same by the Harris County Board of Commissioners.

Harris County Recreation Board

/s/ Robert Grant, Chairman

Attest: /s/ Johnny Kuykendall

#### **CERTIFICATION OF ADOPTION BY BOARD OF COMMISSIONERS**

This is to certify that the above By-Laws and the attached Appendices A, B, C & D were approved and adopted by the Harris County Board of Commissioners by a vote of 4 to 1, during a regularly scheduled meeting held on December 18, 2012.

/s/ Nancy D. McMichael, County Clerk

December 18, 2012

(Seal)