

## CHAPTER 36

### RECREATION COMMISSION

**[HISTORY: Adopted 3-8-1966 Town Meeting Article No. 13; amended in its entirety 3-17-2007 Town Meeting Article No. 4. Subsequent amendments noted where applicable.]**

#### **GENERAL REFERENCES**

Board of Selectmen — See Ch. **7**.

Budget Committee — See Ch. **8**.

Capital Improvement Program Committee — See Ch. **10**

Planning Board — See Ch. **30**.

Parks — See Ch. **172**.

#### **§ 36-1 Establishment.**

Pursuant to RSA 35-B, the Town of Pembroke hereby establishes the Pembroke Recreation Commission which shall exercise the powers and duties in accordance with this chapter.

#### **§ 36-2 Objectives and purposes.**

A. The general purposes of the Pembroke Recreation Commission shall be to develop plans for recreation facilities and activities for the Town of Pembroke and to oversee and administer Town recreation facilities and programs as set forth in this chapter.

B. The Recreation Commission shall have the powers and duties vested in it by § **36-6**, with any powers not so delegated retained by the Board of Selectmen and Pembroke Town Meeting. In general, the Recreation Commission may expend money within the limits of appropriations therefore, [sic] enter contracts, and hire employees and engage volunteers in accordance with § **36-5**.

#### **§ 36-3 Membership and terms of office.**

A. The Recreation Commission shall consist of five regular voting members and two alternate members, appointed by the Board of Selectmen, for terms commencing on April 1 of each year. Whenever a regular member is absent or disqualifies himself or herself, the Chairperson shall designate an alternate, if

one is present, to act in the place of the absent or disqualified member. A Selectman shall be designated annually to serve as a voting member. A majority of the voting members shall constitute a quorum. Members shall at all times during their service be residents of the Town of Pembroke. **[Amended 7-6-2010 Board of Selectmen Meeting]**

B. The term for each member shall be three years. The initial terms of the appointed members shall be as follows:

- (1) Two regular members shall be appointed to one-year terms;
- (2) Two regular members shall be appointed to serve two-year terms;
- (3) One regular member shall be appointed to serve a three-year term;
- (4) One alternate member shall be appointed to serve a one-year term and one alternate member shall be appointed to serve a two-year term.
- (5) Thereafter all members shall be appointed to serve three-year terms, except vacancies shall be filled for the unexpired term.
- (6) The members of the Recreation Commission in existence on the effective date of the 2007 amendment to this chapter shall remain in office until April 1, 2007, at which time the members appointed by the Board of Selectmen pursuant to this section shall take office.

C. The Commission may recommend individuals for appointment to the Commission.

D. Members shall be sworn into office in the same manner as members of other Commissions.

E. Members shall serve without compensation but may be reimbursed for reasonable expenses incurred in performing their duties within the limits of appropriations therefore

**§ 36-4 Officers and meetings.**

A. The Commission shall adopt by-laws for the conduct of its business.

B. In April of each year, the Commission shall hold an organizational meeting at which it shall select from among its regular members a Chairperson, Vice-Chairperson, a Secretary, and such other officers as it determines necessary.

C. The Commission shall meet at least quarterly and shall conduct its meetings in accordance with RSA Chapter 91-A.

### § 36-5 Powers and duties.

Subject to the general direction and oversight of the Board of Selectmen and within the limits of appropriations by the Pembroke Town Meeting, and in accordance with all applicable laws, regulations and ordinances, the Commission has the powers and duties specified in this section.

A. Regulate the use of Memorial Field in accordance with Pembroke Town Code, Chapter **172**, Parks.

B. Advise the Board of Selectmen on all matters pertaining to recreation facilities and activities.

C. Develop a master plan for the use of current recreational facilities and for the development of facilities to meet future recreational needs of the Town. In doing so, the Commission may gather community opinions, needs and perceptions.

D. Cooperate with the Board of Selectmen, Capital Improvement Program Committee, Budget Committee, Planning Board and any other boards, commissions and committees in regard to recreational facilities and activities.

E. Recommend policies, rules and regulations for adoption by the Board of Selectmen for the use of all recreation programs, parks, facilities and playgrounds.

F. Recommend to the Board of Selectmen fees or charges to be paid by residents and nonresidents for participation in recreational programs or use of parks and facilities.

G. Prepare an annual recreation operating budget and Capital Improvement Plan and submit the budget and plan to the Board of Selectmen and Capital Improvement Program Committee in accordance with established guidelines and timeframes.

H. Promote and coordinate use of recreation facilities and services with public schools, governmental agencies, for-profit and not-for-profit organizations and other appropriate entities.

I. Make recommendations concerning the acceptance of grants and donations for approval by the Board of Selectmen.

J. Adopt procedures approved by the Town Administrator regarding the handling of money by the Commission, employees, volunteers, contractors, or other individuals. **[Amended 6-7-2010 Board of Selectmen]**

K. Generally oversee the care and maintenance of Town parks and recreation facilities.

### **§ 36-6 Staff, volunteers, property and equipment, and contracts.**

The Commission's power to hire staff, engage volunteers, acquire or dispose of property and equipment, and enter contracts shall be exercised in accordance with this section. The Town of Pembroke requires all employees to provide to the Town a copy of their criminal background check prior to being employed or volunteering. Those individuals applying for a paid position will not be reimbursed for the cost of the background check but those that volunteer will be provided they submit to the Department Head a request for reimbursement.

A. Staff. Information submitted with the annual budgets submitted to the Selectmen shall contain the Commission's recommendations regarding staffing for Town recreation activities. The Commission may recommend appointment of a recreation director to the Board of Selectmen. Other staff may be hired by the Commission as set forth in the Town's annual budgets in accordance with the following:

(1) Any full-time permanent positions shall be hired only by the Board of Selectmen after review by the Commission.

(2) Within limits of annual appropriation, the Commission may hire limited, term, seasonal, part-time staff.

B. Volunteers. The Commission may utilize volunteers to assist in provision of recreational activities and services, but shall exercise reasonable care in selecting and monitoring volunteers to protect participants, facilities and Town assets.

C. Property and Equipment. The Commission may recommend the acceptance of real property, including land or buildings, but may not acquire such property without approval of the Board of Selectmen, if authorized, or the Town Meeting. The Commission, by donation or purchase within limits of appropriations, may acquire personal property, including equipment, appropriate for the conduct of recreational activities in the Town with a value of not more than \$1,000. For property with a greater value, the Commission shall obtain prior permission of the

Board of Selectmen, and the Selectmen shall hold a public hearing on donations if required by applicable law or ordinance.

D. Contracts. The Commission may enter contracts to facilitate the performance of its powers and duties under this Chapter. Any contract involving an expenditure in excess of \$1,000 or which has a duration longer than one year shall be approved in advance by the Board of Selectmen.

E. General Requirements. The Commission shall ensure that adequate background checks and other investigations are made before hiring any individuals, engaging any volunteers, or entering any contracts for services, particularly with regard to activities that may involve handling of funds or contact with children or other individuals. The Commission shall utilize requests for proposals, competitive bids when required or otherwise appropriate and other means to ensure that its expenditures are effective and efficient.

### **§ 36-7 Recreation revolving fund.**

The Recreation Revolving Fund established pursuant to RSA 35-B: 2, II, by vote of the 2003 Pembroke Town Meeting is continued in existence. Moneys received from or on behalf of participants as fees or charges for use of recreation facilities or participant in recreation activities shall be deposited in this fund and may accumulate from year to year. Moneys in the fund may be used to defray recreation expenses incurred in providing the services or operating and maintaining facilities associated with their receipt. The fund shall not be considered to be part of the Town's general unreserved fund balance. The Town Treasurer shall pay out the same only upon order of the Recreation Commission or Recreation Director, if one has been appointed. Moneys in this fund may be expended only for recreation purposes as stated in this section and no expenditure shall be made in any manner that may require the expenditure of, or create a liability upon, other Town funds which have not been appropriated for that purpose. The Commission and Director shall comply with all request of the Town Administrator in handling this fund.