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Chapter No. 954
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SENATE BILL NO. 3031

Originated in Senate *D. Welch* Secretary

SENATE BILL NO. 3031

AN ACT TO AUTHORIZE MEMBERS OF THE RECREATION COMMISSION OF THE CITY OF YAZOO CITY AND YAZOO COUNTY, MISSISSIPPI, TO BE PAID A PER DIEM FOR EACH DAY OR PORTION THEREOF SPENT IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Chapter 943, Local and Private Laws of 1979, as amended by Chapter 857, Local and Private Laws of 1981, is amended as follows:

Section 1. For the purpose of this act, the following words shall have the meaning ascribed herein unless the context shall otherwise require:

(a) "Governing authorities" shall mean the Mayor and Board of Aldermen of the City of Yazoo City, Mississippi.

(b) "Board" shall mean the Board of Supervisors of Yazoo County, Mississippi.

(c) "Commission" shall mean the recreation commission authorized by Section 2 of this act.

(d) "Commissioners" shall mean the recreation commissioners authorized by Section 2 of this act.

Section 2. The Mayor and Board of Aldermen of the City of Yazoo City and the Board of Supervisors of Yazoo County, Mississippi, are hereby authorized and empowered, in their discretion, to create a recreation commission composed of not less than twelve (12) members, who shall be known as "recreation commissioners," to manage and control all of the parks, playgrounds, buildings and other recreational facilities in the City of Yazoo City and Yazoo County, Mississippi, and to

establish, implement and maintain recreation programs of any and all kinds, types and description whatever. The governing authorities shall appoint five (5) members of the commission who shall be qualified electors of the municipality and who shall not hold any other municipal office of honor or profit. The board shall appoint five (5) members of the commission, who shall be qualified electors of Yazoo County, Mississippi, and who shall not hold any other county office of honor or profit. The municipal and county school boards shall appoint one (1) commissioner each, who shall be qualified electors of Yazoo City and/or of Yazoo County and who shall not hold any other city or county office of honor or profit. The initial term of office of the commissioners shall be as follows: two (2) commissioners shall be appointed for one (1) year; five (5) commissioners shall be appointed for two (2) years and five (5) commissioners shall be appointed for three (3) years. Thereafter, the term of each commissioner shall be for three (3) years. The governing authorities and the board shall have the power to remove any commissioner that it appointed from the commission for inefficiency, incompetence or for any other cause. Commission members may be paid a per diem for each day or portion thereof spent in the performance of their official duties in an amount not to exceed Fifty Dollars (\$50.00) per month.

Section 3. (1) The governing authorities and the board, acting jointly, shall have the authority to budget, appropriate and pay annually to the commission such funds as may be deemed necessary to properly operate and maintain recreational facilities and recreation programs. The contribution by the governing authorities and the board shall be by each body on an annual basis. The governing authority of said municipality is hereby authorized to levy and collect not to exceed four (4) mills annually and the board of supervisors of said county is hereby authorized to levy and collect not to exceed two (2) mills annually for the purpose of constructing, supporting and

maintaining parks and playgrounds and for recreational purposes. The funds so collected by said taxes shall be used for no purpose except as provided in this act. Funds for improvements shall be allocated to the commission as local budgets, federal grants, donations and matching development funds permit.

(2) The commission shall be authorized and empowered to make application for grants of any type for which it is eligible and to use the proceeds derived therefrom for purposes authorized by this act.

Section 4. The commissioners shall elect one (1) of their members to serve as treasurer of the commission, and he shall give bond in such amount as the governing authorities and board shall require. Such bond shall be payable to the City of Yazoo City and Yazoo County, Mississippi. The governing authorities and board shall have the right to require a fidelity bond upon such other recreation personnel as they deem necessary. The treasurer shall be one of the required signatures on all commission checks.

Section 5. The commission shall have the following additional powers and duties:

(a) To make such bylaws for the holding and conducting of their meetings and such other regulations as they may deem necessary for the safe, economic and efficient management of parks, playgrounds and recreation facilities and for the providing of wholesome and healthful recreation to all citizens;

(b) To elect such other officers and appoint such employees as may be necessary to perform administrative duties, as well as employees to maintain the parks, playgrounds and recreation facilities;

(c) To employ a park superintendent or manager who shall have actual charge of the parks, playgrounds and recreation facilities and of the enforcement and execution of all rules and regulations and the direction of all programs and festivities and the operation of all devices for recreation installed therein.

All appointments or selection of all employees shall be made only with the concurrence of the governing authorities and board;

(d) To fix the salary or wage of all employees only with concurrence of both bodies, to solely establish employee benefit programs and plans and to solely direct them in the discharge of their duties;

(e) To discharge employees when found inefficient or for other good cause;

(f) To establish rates and collect proceeds therefrom for use of the recreation facilities and for the use of any other amusement device that may be installed in said playground, as well as the leasing of concessions or privileges for the sale of cold drinks, confections, popcorn, peanuts or other such articles, or the commission, in its discretion, may operate such concession business;

(g) To make a detailed statement, including a copy of the commission's annual audit, covering the entire management and operation of the parks, playgrounds and recreation facilities and future development of such parks, playgrounds and recreation facilities. This detailed statement must reflect the city-county recreation master plan. The development of the master plan is a responsibility of the commission and shall be contracted with capable recreation planning professionals through the proposed budget of the commission. Every five (5) years the commission shall contract an update of the Yazoo City-Yazoo County recreation plan;

(h) To report at least quarterly to the governing authorities and board all their actions, programs and transactions of any kind whatsoever, and shall make a complete statement of the financial condition of the commission at the end of each quarter;

(i) To insure all property against loss by fire and tornado and to carry public liability and property damage or other miscellaneous insurance, as the commission, in its discretion, may

deem proper, and to pay premiums therefor out of the funds appropriated by the said governing authorities and board or out of the revenues derived from the operation of such parks, playgrounds and recreation facilities;

(j) To purchase all supplies, equipment and personal property for said parks, playgrounds and recreation facilities in the manner now provided by law regarding purchasing requirements upon the governing authorities and board. The commissioners shall advertise for competitive bids in the purchase of its supplies, equipment and personal property, in the manner and in the form as may be required of the governing authorities and board, and they shall make and keep full and proper books and records of all purchases and shall submit them in their quarterly and annual reports to the governing authorities and board; and

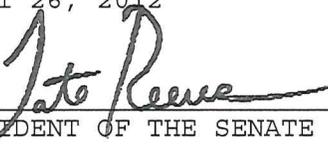
(k) To exercise full jurisdiction, which is hereby conferred, of all funds coming into its possession either by appropriation of the governing authorities and board or by gift or by revenue derived from the operation of said parks, playgrounds and recreation facilities, and to make all contracts in relation to the same.

Section 6. The commission shall devote all monies derived by appropriation from the governing authorities, by gift, by revenue or from any other source, for the payment of all maintenance and operating expenses, the purchase of parks and playground equipment and the repair and replacement thereof, and for the extension of recreation facilities for the wholesome and healthful recreation of all citizens of the City of Yazoo City and Yazoo County, Mississippi.

Section 7. This act shall take effect and be in force from and after its passage.

SECTION 2. This act shall take effect and be in force from and after its passage.

PASSED BY THE SENATE
April 26, 2012



PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES
April 28, 2012



SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR



GOVERNOR
5/18/12 9:20pm