

TITLE 2**BOARDS AND COMMISSIONS, ETC.****CHAPTER**

1. BOARDS AND COMMITTEES.
2. RECREATION BOARD.
3. UTILITIES GRANT PROGRAM AND BOARD OF DIRECTORS.

CHAPTER 1**BOARDS AND COMMITTEES****SECTION**

- 2-101. Manner of appointment.
- 2-102. Powers of board.
- 2-103. Attendance.
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2-101. Manner of appointment. The members of the boards and committees shall be appointed as designated by the appropriate ordinance, act or statute that created said committee. (1988 Code, § 1-1201)

2-102. Powers of board. All boards or committees created in regard to the City of Dayton shall have such powers as are conferred upon them by the instrument that created them or as may be additionally conferred upon them by the city council, if authorized. (1988 Code, § 1-1202)

2-103. Attendance. The various members of the boards and committees shall make every effort to attend all meetings so as to fulfill the duties required of them as members of said boards or committees, and any member missing three (3) consecutive meetings shall be removed from said board or committee as provided hereafter. (1988 Code, § 1-1203)

2-104. Filling vacancies. Vacancies shall be filled by the same manner which the member of the board or committee is appointed and any vacancy shall be communicated to the council as soon as possible or in a time as set forth hereafter. (1988 Code, § 1-1204)

2-105. Removal of members of boards or committees. (1) Any member of a board or committee may be removed as provided by § 1-14 of the Dayton City Charter.

(2) If a member of a board or committee misses three (3) consecutive meetings then the chairman or next succeeding official of said board or committee shall certify said fact to the city council within five (5) days from said meeting stating the name of the person, his/her position and the dates missed and said official shall at the same time notify the member who has missed three (3) consecutive meetings that his/her position is vacant and will be filled at the next meeting of the city council to be held as soon as possible but not earlier than fifteen (15) days from the date of the notice. The official removed may appear before the city council at said meeting and show cause, if any, why he/she should not be removed. The removed official shall be provided with the time and place of said meeting unless it is a regular meeting which falls after the fifteen (15) days of said notice and if so, the removed official shall appear at said regular meeting, otherwise, his removal shall be final.

(3) Failure of the removed official to appear at the designated meeting shall confirm his/her removal from said board or committee and should the removed official appear then the city council shall determine if he/she has presented sufficient evidence to justify his/her absence and so inform said official.

(4) Upon the official certifying the member as missing the required number of meetings the said member cannot sit on the board or committee until he/she is reappointed to said board or committee.

(5) If a member is removed then a successor shall be appointed as soon as possible according to the act, ordinance or statute that created said position. (1988 Code, § 1-1205)

CHAPTER 2

RECREATION BOARD¹

SECTION

- 2-201. Creation of recreation board.
- 2-202. Powers of board.
- 2-203. Finances.
- 2-204. Limitation on creating debts.
- 2-205. Recreation director.

2-201. Creation of recreation board. (1) Pursuant to the provisions of Tennessee Code Annotated, § 12-24-101 et seq., there is hereby created a recreation board for the City of Dayton, consisting of five (5) persons, four (4) of whom shall be citizens and residents of the City of Dayton and one (1) of which may be a citizen and resident of Rhea County, Tennessee. The members of the recreation board shall serve for terms of five (5) years, or until their successors are appointed, except that the members of the board first appointed shall be appointed for such terms that the term of one (1) member shall expire annually thereafter.

(2) Any vacancy on the recreation board occurring otherwise, than by expiration of a term, shall be filled by the mayor only for the unexpired term of the person.

(3) The recreation board shall designate the person serving on said board who shall act as chairman thereof.

(4) Members of the board shall be appointed by the mayor and if at all possible be representatives of business and each sport that is to be supervised by the recreation board.

(5) Members of such board shall serve without pay.

(6) The members of the recreation board shall be subject to removal as set forth in § 2-105 of the Dayton Municipal Code. (1988 Code, § 1-201, as replaced by Ord. #550, July 2011)

2-202. Powers of board. (1) The recreation board shall have the power to, except as set forth herein, provide, establish, supervise, conduct and maintain a recreation system and facilities and to acquire by gift, purchase, condemnation of lease lands and buildings for such purposes.

(2) The recreation board is empowered to make, alter, amend or repeal rules and regulations for the protection, regulation and control of parks,

¹Municipal code reference

Enumeration of miscellaneous offenses prohibited in recreational areas: title 11, chapter 13.

preserves, parkways, playgrounds, recreation centers, and other property under their control. No rules and regulations adopted shall be contrary to, or inconsistent with, the laws of the State of Tennessee or the ordinances of the City of Dayton.

(a) Such rules and regulations shall be enforced by local law enforcement officials.

(b) Rules and regulations shall not take effect until ten (10) days after their adoption by the board, after their publication once a week for two (2) weeks in at least one (1) paper circulating in the county and after a copy thereof has been posted near each gate or principal entrance to the public ground to which they apply. All rules, after being so adopted and after notice is given, shall be subject to enforcement by a fine of not more than fifty (\$50.00) dollars for each violation to be levied against any person found guilty of violating such rules and regulations.

(c) Copies of rules and regulations subject to such enforcement shall be available for public inspection or review at the Dayton Municipal Building.

(d) The recreation board shall be empowered, upon approval by the city commission, to establish a fee for any activity or for the display of any sign, billboard or advertisement device used in any of the areas in which the recreation board has authority.

(3) The responsibility and authority for designating any and all such recreation areas to be so utilized by the recreation board shall be and remain in the city council and the recreation board shall accordingly be without any authorities as to such matters.

(4) Employment and termination of personnel shall be controlled by the City of Dayton charter and not the recreation board. (1988 Code, § 1-202)

2-203. Finances. (1) The recreation board may accept any grant or devise of real estate or any gift or bequest of money or other personal property or any donation to be applied, principal or income, for either temporary or permanent use for playgrounds for recreation purposes, but if the acceptance thereof for such purpose will subject the municipality to additional expenses for improvement, maintenance or renewal, the acceptance of any grant or devise of real estate shall be subject to the approval of the Dayton city council. Money received for such purposes, unless otherwise provided by the terms of the gift or bequest, shall be deposited with the city recorder to the account of the recreation board or any account designated by the city recorder for the use of the recreation board, and the same shall be withdrawn and paid out in the same manner as money appropriated by the city for recreational purposes.

(2) All money or property so received by gift or bequest for recreational purposes shall be devoted exclusively to such purposes, and shall not be expended or in any manner appropriated by the City of Dayton for any other purpose. (1988 Code, § 1-203)

2-204. Limitation on creating debts. The recreation board shall be without any power or authority to incur any indebtedness. (1988 Code, § 1-204)

2-205. Recreation director. (1) There is hereby created the position of recreation director and said person shall be appointed as set forth in the Dayton city charter and serve at the will and pleasure thereof.

(2) The recreation director shall not be a member of the recreation board, but is a ex officio member without authority to vote.

(3) The appointment of the recreation director as a member of the recreation board shall in no way create a employment contract for said period of time but the recreation director shall be an "at will" employee of the City of Dayton. (1988 Code, § 1-205)

CHAPTER 3

UTILITIES GRANT PROGRAM AND BOARD OF DIRECTORS

SECTION

- 2-301. Creation and purpose of the Dayton Utilities Grant Program.
- 2-302. Funding.
- 2-303. Board of directors.
- 2-304. Qualifications of board membership.
- 2-305. Selection of board of directors.
- 2-306. Compensation of directors.
- 2-307. Meetings of the board of directors.
- 2-308. Removal of member of board.
- 2-309. Officers of the Dayton Utilities Grant Program.
- 2-310. Election of officers and terms of office.
- 2-311. Duties of officers.
- 2-312. Policies, rules and regulations.
- 2-313. Disbursement of funds.
- 2-314. Accumulation of funds.
- 2-315. Investment of funds.
- 2-316. Accounting system and reports.
- 2-317. Limitation of contributions.
- 2-318. Borrowing funds.
- 2-319. Amount of expenditures.
- 2-320. By-laws.

2-301. Creation and purpose of the Dayton Utilities Grant Program. Pursuant to Tennessee Code Annotated, § 7-34-115, et seq., and § 7-28-304, et seq., there is hereby created a Dayton Utilities Grant Program and Board of Directors for the purpose of the accumulation and disbursement of funds for charitable purposes, pursuant to Tennessee Code Annotated, § 7-34-115 and § 7-82-304, in the service area of the City of Dayton Utilities. This shall be accomplished by disbursement of funds for charitable purposes as defined in Tennessee Code Annotated, § 7-34-115 and § 7-82-304 to provide relief to the poor or underprivileged, to advance education or science, to address community deterioration, to provide community assistance, to assist in economic development, to provide for the erection of public buildings, monuments or works, to assist in historic preservation, or to promote social welfare through nonprofit or governmental organizations designed to accomplish any of the foregoing purposes. (Ord. #441, Jan. 2004)

2-302. Funding. Money to be accumulated and disbursed by the Dayton Utilities Grant Program shall come from donations of utility customers of the City of Dayton, Tennessee. The funds from the utilities customers of the City

of Dayton, Tennessee will be collected in accordance with rules and regulations adopted by the City Council for the City of Dayton, Tennessee and in accordance with state and federal laws and regulations, specifically Tennessee Code Annotated, § 7-34-115 and § 7-82-304. (Ord. #441, Jan. 2004)

2-303. Board of directors. 1. The initial Board of Directors of the Dayton Utilities Grant Program shall be composed of the five (5) members of the City Council for the City of Dayton, or their designees. Additionally, the City Council for the City of Dayton may appoint up to a maximum of four (4) additional board of directors at large from the Dayton Utilities service area, subject to the requirements in § 2-304, for a maximum total of nine (9) board of directors.

2. The term of office for any board of director that is also a member of the City Council for the City of Dayton, or a councilman's designee, shall be for that city councilman's term of office. The term of office for any board of director at large that is appointed by the City Council for the City of Dayton within the Dayton Utility service area shall be for a period of two (2) years.

3. A board of director appointed at large from the Dayton Utility service area may serve two (2) successive terms and thereafter may be re-appointed to the board after the lapse of a period of two (2) years. (Ord. #441, Jan. 2004)

2-304. Qualifications of board membership. A board member shall be at least twenty-one (21) years of age, a resident of the City of Dayton Utilities Service Area for a period of at least six (6) months preceding the appointment, and of good moral character. The board member must receive utility services from the Dayton Utilities and must live in the Dayton Utilities Service Area. Any questions concerning residency shall use those principles for determination of residence as set forth in Tennessee Code Annotated, § 2-2-122. (Ord. #441, Jan. 2004)

2-305. Selection of board of directors. The initial board of directors shall consist of the City Council for the City of Dayton, or their designees, and any appointments made by the city council in accordance with the terms of § 2-303 and § 2-304. Thereafter, when vacancies for the at large board of directors within the Dayton Utilities Service Area are to be filled or when terms expire, persons shall be named to their respective vacancies on the said board of directors by a vote of the City Council for the City of Dayton, Tennessee. The Board of Directors of the Dayton Utilities Grant Program may make recommendations to the City Council for the City of Dayton, Tennessee for nominees for the at large board of directors within the Dayton Utilities Service Area. (Ord. #441, Jan. 2004)

2-306. Compensation of directors. No director shall receive compensation for serving on the Board of Directors of the Dayton Utilities Grant Program. (Ord. #441, Jan. 2004)

2-307. Meetings of the board of directors. All meetings shall be conducted in accordance with the by-laws for the Dayton Utilities Grant Program.

1. Regular meeting. The board of directors shall meet every two (2) months (e.g., January, March, May, July, September, November) at a place designated by the board. The board of directors may meet at such other times as they may deem at their discretion to be necessary.

2. Special meeting. Special meetings of the board of directors may be called by the chairperson or by any two (2) directors and it shall thereupon be the duty of the secretary to cause a notice of such meeting to be given as hereafter provided. The chairperson or directors calling such meeting shall fix the date, time and place.

3. Notice of directors meeting. Written notice of the date, time and place of regular and special meetings of the board of directors shall be delivered to members of the board not less than one (1) business day prior hereto, either personally, by mail, or at the direction of the secretary, and upon default in that duty by the secretary, then by the chairperson or the directors calling for such meeting. (Ord. #441, Jan. 2004)

2-308. Removal of member of board. The term of office for those directors who also serve on the Dayton City Council, or the designees of the city council, shall expire upon the expiration of their respective terms of office.

Any at large member of the board of directors within the Dayton Utilities Service Area shall automatically cease to be a member of said board if any such member misses three (3) successive unexcused "regular" meetings as outlined in the by-laws for the Dayton Utilities Grant Program. (Ord. #441, Jan. 2004)

2-309. Officers of the Dayton Utilities Grant Program. The officers of the Dayton Utilities Grant Program shall be a chairperson, a vice-chairperson, a secretary and a treasurer, and such other officers as may be determined by the board from time to time. The above officers shall constitute the Executive Committee of the Dayton Utilities Grant Program. The offices of secretary and treasurer may be held by the same person. (Ord. #441, Jan. 2004)

2-310. Election of officers and terms of office. 1. The officers shall be elected by oral vote as determined by the board of directors at the initial and subsequent annual meetings of the board of directors, which shall be held in May of each year unless, otherwise, designated by the board.

2. The terms of office shall be for one (1) year. However, nothing shall prevent an officer from being re-elected to consecutive terms of office. (Ord. #441, Jan. 2004)

2-311. Duties of officers. 1. Chairperson. The chairperson shall be the principal executive officer and, unless otherwise determined by the board of directors, shall preside at all meetings and in general perform all duties incidental to the office of the chairperson and such other duties as may be prescribed by the board of directors from time to time.

2. Vice-chairperson. In the absence of the chairperson, or in the event of his inability or refusal to act, the vice-chairperson shall perform the duties of the chairperson, and when so acting, shall have all the powers of and be subject to all restrictions upon the chairperson. The vice-chairman shall also perform such other duties as from time to time may be assigned to him by the board of directors.

3. Secretary. The secretary shall be responsible for keeping the minutes of meetings of the board of directors and be responsible for seeing that all notices are duly given in accordance with these by-laws or as required by law; be custodian of the records and have general charge of the books; be responsible for the keeping on file at all times a complete copy of the by-laws and all amendments thereto; and, in general, perform all duties incidental to the office of the secretary and such other duties as from time to time may be assigned to him by the board of directors. The operational duties of the secretary may be assigned to another person by action of the board of directors.

4. Treasurer. The treasurer shall have charge and custody of and be responsible for all funds and securities of the trust; be responsible for the receipt of and the issuance of receipts for monies received from any source whatsoever, and for the deposit of all money in such bank or banks as shall be selected in accordance with the provisions of the by-laws; and in general perform all the duties incidental to the office of treasurer and such other duties as from time to time may be assigned to him by the board of directors. The operational duties of the treasurer may be assigned to another person by action of the board of directors. (Ord. #441, Jan. 2004)

2-312. Policies, rules and regulations. The board of directors shall have the power to recommend to the City of Dayton, Tennessee such rules and regulations, not inconsistent with state and federal laws, rules and regulations, or the By-laws for the Dayton Utilities Grant Program, as it may deem advisable for the management, administration and regulation of the business and affairs of the Dayton Utilities Grant Program. (Ord. #441, Jan. 2004)

2-313. Disbursement of funds. (1) The board of directors shall have the full and sole responsibility for the disbursement of all money of the Dayton Utilities Grant Program in accordance with the by-laws for the Dayton Utilities

Grant Program, the policies as adopted by the board of directors and approved by the city council for the City of Dayton, Tennessee and state and federal laws and regulations.

(2) A board of director with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the board of director's vote on the measure. In addition, the board of director may recuse himself from voting on the measure. The term "personal interest" shall have that meaning as set forth in § 2-202 of the Dayton Municipal Code.

(3) A board of director who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the city recorder. In addition, the board of director may, to the extent allowed by law, ordinance, by-laws or policy, recuse himself from the exercise of discretion in the matter.

(4) All board of directors shall comply with the City of Dayton Code of Ethics as set forth in chapter 2, Code of Ethics, title 1, General Administration, of the Dayton Municipal Code, as amended. (Ord. #441, Jan. 2004, as replaced by Ord. #523, Aug. 2009)

2-314. Accumulation of funds. The City of Dayton Utilities shall transfer funds collected by it for the benefit of the Dayton Utilities Grant Program on a regular basis, but in no event less than monthly. (Ord. #441, Jan. 2004)

2-315. Investment of funds. The board of directors shall be responsible for the funds entrusted to it and shall make investments of said funds in a manner which is reasonable and prudent and in keeping with the By-laws for the Dayton Utilities Grant Program and the policies of the Dayton Utilities Grant Program and the City Council for the City of Dayton, Tennessee as well as state and federal laws and regulations. (Ord. #441, Jan. 2004)

2-316. Accounting system and reports. The board of directors shall cause to be established and maintained a complete accounting system such that is in keeping with sound financial management and shall make reports to the City Council for the City of Dayton, Tennessee on the operation and expenditures of the Dayton Utilities Grant Program as may be necessary and prudent, but in no case less than annually. (Ord. #441, Jan. 2004)

2-317. Limitation of contributions. No money of the Dayton Utilities Grant Program shall be used:

1. To support any candidate for political office or any political purpose;
 2. Pay electric bills or charges; or
 3. Support governmental schools or schools receiving public funds.
- (Ord. #441, Jan. 2004)

2-318. Borrowing funds. The Dayton Utilities Grant Program shall not have the authority to borrow money. (Ord. #441, Jan. 2004)

2-319. Amount of expenditures. In keeping with the purpose of this Dayton Utilities Grant Program, the board of directors may make annual expenditures of not more than:

Two thousand five hundred dollars (\$2,500.00) to any group, organization, charity or like organization. (Ord. #441, Jan. 2004)

2-320. By-laws. There is hereby created and adopted by the By-laws for the Dayton Utilities Grant Program and all action and direction of the Dayton Utilities Grant Program must comply with said by-laws as well as state and federal laws and regulations. (Ord. #441, Jan. 2004)