

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF AUSTIN, MINNESOTA REPLACING
SECTIONS 11.01, 11.02, and 11.03 OF THE CITY CHARTER
PERTAINING TO THE ORGANIZATION AND STRUCTURE OF THE
PARK, RECREATION AND FORESTRY BOARD**

WHEREAS, the Charter Commission of the City of Austin has recommended by unanimous vote the Amendment to the City Charter of the City of Austin described herein by Ordinance as provided in Minnesota Statutes § 410.12, subd. 7; and

WHEREAS, the Park, Recreation and Forestry Board of the City of Austin reviewed the recommended Amendment to the City Charter of the City of Austin described herein and approved it and joined in the recommendation the City Council approve the same; and

WHEREAS, said the City Council has held a public hearing on the recommended Amendment to the City Charter of the City of Austin described herein as required by said statute; and

WHEREAS, the Council has considered the recommended Amendment to the City Charter of the City of Austin and has determined by unanimous vote that said Amendment serves the interests of the citizens of Austin; and

THE COUNCIL now does ordain:

Sections 11.01, 11.02, and 11.03 of the City Charter for the City of Austin, Minnesota are repealed in their entirety and replaced with the following:

SECTION 11.01 - Park board established.

There shall be a Park, Recreation, and Forestry Board. Subject to oversight and budget allotments by the city council, said Board shall have management and control of all the parks, parkways, and recreational facilities owned and operated by the City. Consistent with the budget and allocations by the city council, said Board shall direct all expenditures from the funds allotted by the City for the maintenance and improvements of the parks, parkways, and recreational facilities, and shall have power to provide, either directly or by lease of privileges, such conveniences, accommodations, and entertainments as such board may deem proper for the use, enjoyment, or recreation of visitors to such parks, parkways, and recreational facilities. Consistent with the budget approved by the city council, said Board shall have authority to authorize the purchase of all articles and materials for, and have all work and labor performed upon, said parks, parkways, and recreational facilities.

Consistent with the budget approved by the city council, said Board shall have authority to direct and regulate the planting, trimming, pruning and care of shade or ornamental trees, shrubbery, and grass or other vegetation in any and all of the public parks and street rights-of-way in the city, and to cause the removal of unnecessary or objectionable trees and shrubbery from such parks and street rights-of-way, and to see that the weeds upon the public parks and street rights-of-way are kept out, and that said plantings and vegetation are otherwise cared for and beautified.

Said Board shall have authority to prune trees and cut any and all shade trees now growing, or which may be hereafter planted and growing along and in front of any public or private property outside the sidewalk line within said city. No trees shall be trimmed within said city by any other person than the owner of the property on which they front, except by the authority and under the direction of said Board; and said Board shall have exclusive authority to determine as to the necessity of trimming or removing any trees.

Said Board shall have the power, and it shall be their duty, to devise and adopt a system of public parks, parkways, and recreational facilities for the use of the citizens of the City of Austin, taking under their control all public parks, parkways, and recreational facilities which now exist or may hereafter be acquired by the City for such purposes, and designating such other lands and grounds and facilities as desirable to be used and appropriated for such purposes.

It shall be the duty of said Board on or before the 1st day of August of each year to prepare and furnish to the city council an estimated budget in writing of the amount it deems necessary to be expended during the ensuing calendar year for the operation, maintenance and extension of the park system and recreational facilities of the City. Such budget shall itemize operation and maintenance costs and estimated needed capital expenditures and personnel as are required by the city council to finalize and adopt a budget for said Board for the ensuing year. The city council shall have the authority to add or subtract items from the recommended budget during its budgeting process and, when finalized, a budget, including approved capital expenditures and personnel, shall be adopted by resolution of the city council. The amount so budgeted shall be set aside to be used and directed by said Board for the purposes described in the budget. The city council may appropriate such further sum or sums during each year as it may consider necessary and proper, and when so appropriated, such additional sums shall be set aside for the purposes described in the appropriation.

In order to facilitate future planning and budgeting, said Board shall report at least annually to the city council recommended land acquisitions, facility improvements, and capital expenditures needed to fulfill the goals of said Board and/or the city council. It shall also report the status of its accomplishments in attaining the goals of the previous year's budget.

SECTION 11.02 – Park Board Members, Composition and Duties.

The Park, Recreation, and Forestry Board shall consist of seven persons, each of whom shall be a citizen, qualified voter of said city, and be appointed by the mayor, with the consent of the city council. All members shall serve without compensation. Each member appointed shall serve a term of four years, with said terms being staggered such that no more than two members' terms shall end in the same year. Five of the members of said Board shall be from among the qualified citizens of Austin. In addition thereto, the mayor with the consent of the city council, shall appoint for the term of one year only, one member of the city council. In addition thereto, the mayor shall, with the consent of the city council, appoint to said board for the term of one year only, one member qualified as above from the board of education of Independent School District 492. A vacancy by resignation or otherwise of a board member from his or her office on the board of education or city council shall at once terminate that member's appointment on the park and recreation board.

A majority of said Board shall constitute a quorum. They shall hold monthly meetings and annually elect a president and secretary from among their number and may make bylaws and regulations for their government not inconsistent with the provisions of this charter.

Any member of said Board may be removed from office for cause by the city council on its own initiative or upon a petition of 10 or more residents of the city. The mayor shall refer any such removal to the Council for hearing and the member of the Board to be removed shall be provided notice at least 10 days prior to the hearing.

Any member of said Board who fails to attend the meetings of said Board for three successive months, after having been duly notified of said meetings and without reasons satisfactory to the Board or without leave of absence obtained from the Board, may be, by said Board, declared, and thereupon shall become, vacant. Notice of any such vacancy shall be promptly communicated to the mayor.

All vacancies by resignation or otherwise shall be filled by the mayor, with the consent of the city council, for the remainder of the unexpired term.

All contracts, engagements, acts and doings of said Board within the scope of their duty and authority shall be obligatory upon and in law binding as if done by the city council of said city.

All actions taken by said Board pursuant to this chapter shall be subject to Section 14.06 of the City Charter.

Said board shall not expend or incur indebtedness in any one year chargeable to its purposes in excess of the sums appropriated and set apart to said

Board for that year for the purposes stated in said appropriation. The president of said Board shall audit all bills and expenditures before they shall be allowed by the city council or the City Finance Director/Treasurer. The president shall not approve such expenditure unless there is sufficient money appropriated to pay such bills and accounts.

Each member of said Board shall, before entering upon the discharge of his or her duties file an oath of office with the city recorder of the City of Austin. The secretary of said Board shall be the custodian of, and shall collect and receive all moneys and funds belonging to said Board from whatever source received and shall be responsible for the safekeeping and disbursement thereof. Said Board shall work directly with the City Finance Director/Treasurer in reporting, accounting, and keeping records of the financial transactions carried on by the Board or under the Board's oversight. Said funds shall at all times belong to the City and shall be put to only such purposes as allowed by law.

SECTION 11.03 – Parks, Parkways, and Recreational Facilities.

The City may from time to time acquire lands for parks and parkways, within or without the corporate limits, in the manner provided in this Charter. Lands may be so acquired in the name of the City by gift, devise, purchase or condemnation, and, upon obtaining title thereto, said Board may assume possession thereof. Any gifts made hereunder shall be made to the City and accepted by the City Council consistent with Minnesota Statutes.

When said Board shall deem it to be in the public interest that any tract or tracts, parcel or parcels of land should be condemned for use of the City for any public park, parkway, or recreational facility, or the extension thereof, whether within or without the limits of the City, and shall so determine by resolution duly adopted by said Board, said Resolution shall be presented to the common council. The common council shall thereupon have power to acquire all necessary lands for park purposes, either by purchase or condemnation as it deems to be in the public interests. In case it shall be deemed necessary to take private property for any of the purposes herein stated, the common council may condemn such property as provided by law.

Section 11.04 – Parks Personnel.

The management, hiring, firing, promotion, demotion, and the compensation of all employees employed by the City and allocated to said Board for park, recreation, or forestry purposes shall be overseen and determined by the City Administrator consistent with such policies related thereto as may be from time to time established by the city council.

Section 11.05 – POLICE CONTROL OF PARKS; ADOPTION OF RULES.

The power and jurisdiction of the Park, Recreation, and Forestry Board shall not extend to the police control within the parks or parkways, except that the said Board shall have authority to adopt any rules affecting the quiet, ordinary and suitable use and enjoyment of said grounds by the people of the City of Austin, and the police control over said grounds shall be and remain where it is, or where it may be otherwise vested by the charter.

Passed by a vote of yeas and nays this _____ day of _____, 2025.

YEAS

NAYS

APPROVED:

Stephen M. King, Mayor

ATTEST:

Tom Dankert, City Recorder

This ordinance was introduced on October ____, 2025; approved on _____, 2025; was published in the Austin Daily Herald on _____, 2025, and becomes effective _____, 2025.