



AN ORDINANCE BY THE MAYOR AND COUNCIL OF THE CITY OF ALPHARETTA, GEORGIA AMENDING Article III OF Chapter 2 AND ARTICLE II OF CHAPTER 32 OF THE CODE OF THE CITY OF ALPHARETTA TO REPLACE THE CURRENT RECREATION COMMISSION WITH A RECREATION BOARD

**WHEREAS**, O.C.G.A. § 36-35-3(a) provides that the governing authority of each municipal corporation shall have power to adopt clearly reasonable ordinances, resolutions and regulations relating to its property, affairs, and local government for which no provision has been made by general law and which are not inconsistent with the Constitution or any charter provision applicable thereto; and

**WHEREAS**, on October 27, 1980, the City Council for the City of Alpharetta ("City Council") approved a resolution and adopted an ordinance establishing a recreation commission pursuant to O.C.G.A. § 36-64-1 et seq. which provides for the power to maintain and operate parks, as well as other duties outlined in the Georgia code; and

**WHEREAS**, Alpharetta's Recreation, Parks and Cultural Services Department ("Parks and Recreation") operates and manages city-owned parks, recreation programs, special events, and other activities in the parks; and

**WHEREAS**, the current recreation commission operates as an advisory board to City Council and Parks and Recreation and City Council's intent is for that role to continue, but to update the ordinance to accurately reflect those duties and responsibilities in a new recreation board; and

**WHEREAS**, the City Council provided notice on the amendment contained herein; and

**NOW THEREFORE**, the City Council of Alpharetta, Georgia, hereby ordains changes to its Code of Ordinances as follows:

**Section 1:** Section 2-110 of Article III, Chapter 2, is amended by replacing the definition of city boards with the following:

*City boards* means those boards and commissions of the city not established pursuant to a specific state-enabling act. City boards and commissions presently include the planning commission, the board of zoning appeals, the recreation board, board of ethics, natural resources commission, historic preservation commission, cultural arts commission, code enforcement board, and the design review board.

**Section 2:** Section 2-110 of Article III, Chapter 2, is amended by replacing the definition of state-enabled boards with the following:

*State-enabled board* means those boards and commissions within the city that are established pursuant to state-enabling acts containing mandatory provisions relative to the number of members, the method of appointment, the terms and certain minimum qualifications. The state-enabled board is ~~the recreation commission,~~ the development authority ~~and the downtown development authority.~~

**Section 3:** Article II of Chapter 32, is amended and replaced in its entirety with the text attached hereto as Exhibit A.

**Section 4:** It is the express intent of the Mayor and City Council that this Ordinance be consistent with both federal and state law. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

**Section 5:** All other ordinances shall continue in full force and effect and shall remain unaffected, except where such ordinance, or part thereof, conflicts herewith, in which case such ordinance, or part thereof, is hereby repealed.

**Section 6:** This Ordinance shall become effective immediately following date of adoption.

[SIGNATURES ON FOLLOWING PAGE]


SO ORDAINED this 28<sup>th</sup> day of April 2025.

CITY OF ALPHARETTA

By: \_\_\_\_\_


  
Jim Gilvin, Mayor

COUNCIL MEMBERS

  
\_\_\_\_\_  
Mayor Pro Tem Dan Merkel

  
\_\_\_\_\_  
Council Member Donald F. Mitchell

  
\_\_\_\_\_  
Council Member Brian Will

  
\_\_\_\_\_  
Council Member Douglas J. DeRito

  
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Council Member John Hipes

  
\_\_\_\_\_  
Council Member Fergal M. Brady



After

Lauren Shapiro

Lauren Shapiro, City Clerk

Approved as to form and legal sufficiency:

Molly Esswein

Molly Esswein, City Attorney

## **EXHIBIT A**

### ***ARTICLE II. RECREATION BOARD***

#### **Sec. 32-29. Created.**

A recreation board is hereby created in an advisory capacity to the Alpharetta City Council in matters of policy and administration of city-owned parks, recreation programs, special events, and other activities as managed by Alpharetta's Recreation, Parks and Cultural Services Department. Nothing in this Article shall limit the city council's independent legislative discretion to modify this Article at any time.

#### **Sec. 32-30. Number of members and compensation.**

Notwithstanding the provisions in Sec. 2-111 regarding city boards, the recreation board shall consist of nine (9) residents of the City of Alpharetta. At its discretion, the city council may enact a resolution to compensate members a nominal amount, which may be periodically adjusted, for board members' time and to defray expenses.

#### **Sec. 32-31. Terms of office; filling vacancies.**

- (a) The initial members of the recreation board shall consist of the members of the former recreation commission.
- (b) Notwithstanding the provisions in Sec. 2-111, the mayor shall appoint three members to the recreation board, and each councilmember shall appoint one member to the recreation board.
- (c) The terms of office for recreation board members shall be served concurrently with and at the pleasure of the mayor or councilmember making the appointment.

#### **Sec. 32-32. Organization and bylaws.**

- (a) At the first meeting of each calendar year, the recreation board members shall meet and organize by electing a chair and other necessary officers to serve for that calendar year.
- (b) All meetings of the board shall be open to the public, with a record maintained of its proceedings, pursuant to Georgia's Open Meetings Act, O.C.G.A. § 50-14-1 et seq. Five (5) members of the board shall constitute a quorum and an affirmative vote of a majority of members present is required for the adoption of any motions.
- (c) The recreation board shall have the power to draft bylaws or other rules and procedures to govern the conduct of business by the board. Pursuant to Sec. 2-114, bylaws shall be approved by the city council.
- (d) Records of the recreation board shall be maintained and are subject to Georgia's Open Records Act, O.C.G.A. 50-18-70 et seq.

**Sec. 32-33. Duties and Responsibilities**

- (a) The recreation board shall act in an advisory capacity to the city council on matters of policy and administration of city-owned parks, recreation programs, special events, and other activities as managed by Alpharetta's Recreation, Parks and Cultural Services Department.
- (b) The recreation board may investigate or analyze matters related to parks and recreation as referred to the board by city council or the Director for the Recreation, Parks and Cultural Services Department. Whether to refer matters to the recreation board is discretionary.
- (c) The recreation board is authorized to receive public input for changes or improvements to current parks, recreation, or cultural activities within the City of Alpharetta.
- (d) The recreation board may submit recommendations to the city council on policies, rules and regulations, ordinances, and other matters under the purview of the board. Such recommendations may be solicited by the city council, staff, or made upon the board's own initiative. Whether to solicit recommendations from the recreation board is discretionary and neither the city council nor staff are obligated to act upon any recommendations provided by the board.

**Sec. 32-34-32-40. Reserved**