

#C-1-A

TOWN OF HAMPDEN  
LURA HOIT MEMORIAL POOL FACILITY  
ORDINANCE

ADOPTED 05/02/94

EFFECTIVE 06/01/94

**DRAFT**

4/7/94

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## LURA HOIT MEMORIAL POOL ORDINANCE

Enactment: Pursuant to the provisions of the charter of the Town of Hampden, Article II, Section 212, and Article III, Section 302, THE TOWN OF HAMPDEN HEREBY ORDAINS that there is established a public Pool Facility, to be known as the Lura Hoit Memorial Pool, to be organized, administered and governed in accordance with the following provisions:

### SECTION I - ESTABLISHMENT

The Lura Hoit Memorial Pool Facility is established as a department of the town, and shall be administered consistent with its role as such.

### SECTION II - ORGANIZATION AND ADMINISTRATION

#### Section 2.1 - Pool Director

- a. Position - There is hereby authorized and established the position of Pool Director. This position shall be included in the Personnel Classification and Compensation Plan for the Town of Hampden.
- b. Appointment - The Pool Director shall be appointed by the Town Manager in consultation with the Board of Trustees, subject to confirmation by the Town Council and consistent with the personnel rules and Town Charter.
- c. Duties - The Pool Director shall have the responsibility for the daily operation and management of the Pool Facility as a department of the Town and consistent with the personnel rules of the Town and the Town Charter. The Pool Director shall make a periodic report to the town Manager at such frequency as directed as to the business of the Pool Facility for the period since the last report. The Pool Facility shall be operated and managed subject to the directives of the town manager and consistent with the policies and rules and regulations promulgated by the Board of Trustees.

#### Section 2.2 - Board of Trustees

- a. Appointment: Term - The Board of Trustees of the Pool Facility shall consist of nine (9) persons, appointed by the Town Council. The trustees shall serve staggered three (3) year terms, except that the members of the first board shall be appointed to the following terms: four members shall serve one year terms; three members shall serve two year terms; and

two members shall serve three year terms.

- b. Duties; Function - The Board of Trustees shall have the responsibility for establishing Pool policies, recommending the expenditures of Pool funds and, consistent with the town position of the Pool Facility as a town department, shall otherwise assume responsibility for operation and administration of the Pool. The Board of Trustees shall have the power to adopt such reasonable rules and regulations for the management and administration of the Pool as it deems appropriate, including the power to establish fines and penalties for violation of said rules and regulations. The Board shall adopt its own by-laws and at an annual meeting shall elect a chairman, vice-chairman, secretary and treasurer. The Board may also create an executive committee, consisting of three members of the Board of Trustees, one of which shall be chairman, to which certain of the responsibilities of the Board may be delegated. Such rules or regulations for management and administration of the Pool Facility as the Board adopts shall be promptly reported to the Town Manager.

The Town Manager and Town Mayor are members ex-officio of the Board of Trustees, and in the event the Board chooses to create an executive committee, the Town Manager shall be an ex-officio member of said committee. The Board of Trustees shall also make recommendations to the Town Manager as to nominations for membership to the board.

The Board of Trustees shall have the authority to name various persons to the Board of Trustees as honorary members of the Board as it deems appropriate, but only by a majority vote of the membership of the entire Board. Honorary trustees may participate in meetings of the full Board of Trustees but may not vote and shall have no authority as to the administration of the Pool which is hereby granted to the Board of Trustees.

At least once a year, or at the request of the Town Manager, the Board of Trustees shall file a report with the Town Council containing an itemized budget statement of the previous year's expenditures and the expenses anticipated for the coming year, together with such other information as the Town Council or the Town Manager may require.

The Board of Trustees may also accept gifts and donations to the Pool Facility either in trust or outright, and may act as trustee of any donations or gifts in trust. In the event the Board accepts any gifts or donations in trust it shall at all times be consistent with the terms of the trust or gift. The responsibility of the Board for gifts or donations in trust may not be delegated to a lesser committee of the Board.

To that end, the Board is authorized to establish a legal entity, such as a non-profit corporation, for the purpose of accepting, managing, and expending any gifts or donations for benefit of the pool.

SECTION III - VALIDITY, REPEALER AND EFFECTIVE DATE

Section 3.1 - Validity; Conflict of Laws; Effective Date

- a. Validity - Should any section or provisions of this ordinance be declared by a court of competent jurisdiction to be invalid, such determination of invalidity shall not invalidate or affect any other section or provision of this ordinance, and to that end the provisions of this ordinance are declared to be severable.
- b. Repealer - All ordinances, resolutions, orders and votes of the Town of Hampden, by whatever governing body enacted, and which relate to the creation of a public Pool Facility in the Town of Hampden, are hereby repealed to the extent they are inconsistent with this ordinance.
- c. Effective Date - The effective date of this ordinance shall be thirty (30) days after adoption by the Town Council.

Introduced by Councilor David Plouman at the regular Council meeting on April 18, 1994.

Published in the Bangor Daily News on April 23, 1994.

Adopted by the Town Council at the regular Council meeting on May 2, 1994.

Effective June 1, 1994 (thirty days after adoption.