

## Town of Wayne

### Ladd Recreation Center Program Ordinance

#### A) Program and Purpose

This Ordinance is enacted pursuant to the Home Rule powers of the Town of Wayne, Maine, as provided in Article VIII, Part Second, Section 1 of the Maine Constitution and 30-A 9 M.R.S. § 3001.

The Ladd Recreation Center (“LRC”) is a collection of buildings and land owned by the Town of Wayne (“Town”) that was donated to the Town by the Helen F. Ladd charitable Foundation to be used for a playground and recreation center for Town residents and especially for the children and young people of the Town. The Ladd Recreation Center Programs (“the LRC Programs”) means and refers to the organized youth programs and activities conducted in the LRC to honor and fulfil the purposes for which the LRC was donated to the Town. This ordinance defines and governs the structure and operation of the LRC Programs through a partnership between the Town and an independent Board of Directors.

#### B) Organization and Management

##### 1) Ladd Recreation Center Board of Directors

###### a) Objectives/Composition/Member Qualifications/Responsibilities

The LRC Programs shall be overseen by a nine (9) member Board of Directors (the “LRC Board” or “Board”) whose objective is to make policy for the LRC Programs, to oversee the content and quality of the LRC Programs, and to recommend to the Select Board operating budgets as well as maintenance and capital improvement plans for the LRC facilities. The LRC Board shall consist of seven (7) members of the Wayne community and two (2) members of the Ladd family. Community Board members shall serve for staggered three-year terms. At the Board’s December meeting each year, the LRC Board shall elect individuals to the terms that expire at the end of the following March. To qualify for election to the Board, community members must be Wayne residents with a demonstrated interest in the development and enrichment of Wayne’s youth. They should possess skills, backgrounds, and knowledge that will promote a diversity of perspectives in the Board’s operations and assist the Board in fulfilling its objectives.

It shall be the duty of Board members to attend all meetings of the Board unless excused, take an active part in the direction of the Board's activities and to act in whatever capacity they may be appointed to serve. In the event of any Board member's resignation or their inability to serve or absence without acceptable reasons for three consecutive meetings, the remaining Board members shall elect a new member to finish the former member's unexpired term. All members shall serve without remuneration.

b) **Meetings**

The LRC Board shall meet once each month during the year, on a date and time convenient to the current Board. A majority of elected members shall constitute a quorum at any meeting of the Board. Members may participate in Board meetings by telephonic or other electronic means. All actions taken by the Board shall require an affirmative vote of a majority of members present. The Town Manager shall be invited to attend and participate in all Board meetings and shall be provided with meeting agendas and minutes.

c) **Officers/Elections/Duties**

Board officers shall be elected by nominations from the Board members. The November meeting of each year shall serve as the organizational meeting, at which officers shall be elected for a one-year term commencing the following March. The approving vote of a majority of those members present shall constitute an election. Elected officers shall include a Chairperson and a Secretary. The Chairperson, or, in their absence, an alternate agreed upon by the attending Board members, shall preside at all meetings of the Board, represent the Board at public affairs, supervise the Director, and maintain the dignity and efficiency of the Board in all possible ways. The Secretary, in coordination with the Director, shall share all official communications with the Board, keep a written record of the proceedings of the Board and write correspondence as directed. The Secretary shall provide the Director, for purposes of filing, all meeting minutes, important letters and replies.

d) **By-Laws**

The LRC Board may adopt and maintain a set of by-laws governing the Board's operations, provided the terms of such by-laws are not inconsistent with those of this ordinance.

2) **Personnel**

The LRC Programs shall be implemented by a program Director and supporting staff. The Director and staff shall be employees of the Town of Wayne and subject to all

applicable personnel policies and benefits. The Director shall be subject to the dual supervision of the Town Manager and the LRC Board Chairperson.

**a) Director/Responsibilities**

The Director, at the direction of the LRC Board, shall develop and implement the specific recreational, enrichment, and community service programs offered at the LRC. The Director shall determine the staffing requirements and operating funds necessary to implement such programs and incorporate these requirements into an annual operating budget presented to the LRC Board for approval and subsequent submission to the Town Manager and Select Board for their consideration.

The Director shall be responsible for the hiring and daily supervision of all support staff positions approved by the Board and funded by the approved operating budget.

The Director's duties shall include the implementation of authorized programs and services, the identification and oversight of routine maintenance needs of the LRC building and the coordination of other Town and private uses of the LRC facilities.

In the performance of all responsibilities, the Director shall ensure compliance with relevant Town policies and applicable laws.

The Director shall maintain accurate records of all operating income and expenses associated with LRC Programs, prepare a monthly financial report for presentation to the LRC Board, and ensure that the LRC Programs are operating in accordance with the authorized operating budget. On a frequency specified by the Town Treasurer, the Director shall submit to the Treasurer accurate warrants for the payment of LRC Program operating expenses, including all requested supporting information. The Director shall also present to the Town Treasurer all income received by the Director for LRC Programs, including but not limited to program fees, service fees, rental fees, and charitable contributions. Although the Director shall maintain financial records to assist the LRC Board in its oversight of LRC Program operations and budget preparation, the official financial records will be those maintained by the Town Treasurer. On at least a quarterly basis, the Director shall reconcile financial records with the Treasurer to ensure consistent accounting and bookkeeping.

The Director shall identify specific capital improvements recommended for the LRC facilities, including the LRC building, other structures, grounds, systems, appliances, and recreational equipment. The Director shall present the recommended capital improvements to the LRC Board for its consideration and incorporation in the annual budget request submitted to the Town Manager. Any emergency repair or maintenance needs identified by the Director as requiring immediate remediation shall

be promptly brought to the attention of the Town Manager and LRC Board chairperson for resolution.

The Director shall prepare an annual report on the LRC Programs for LRC Board approval and submission to the Town Manager for inclusion in the Town of Wayne's Annual Report.

**b) Director/Hiring/Evaluation/Termination**

When a vacancy in the Director position arises, the recruitment, interviewing, evaluation and selection of a suitable replacement candidate shall be jointly conducted by the Town Manager and a subcommittee of the LRC Board designated by the LRC Board Chairperson.

On an annual basis, the Town Manager and the LRC Board shall jointly conduct a performance evaluation of the Director and recommend an associated salary adjustment in accordance with applicable Town of Wayne personnel policies.

If the Director's performance does not warrant continued employment, or other good cause exists, the Town Manager, in consultation with the LRC Board Chair, shall terminate the Director's employment in accordance with the applicable terms of Town of Wayne personnel policies and the Director's employment agreement.

**C) LRC Program Budget and Funding**

LRC Programs are funded primarily through contributions from the Helen and George Ladd Charitable Corporation. This income is supplemented by grants, fees assessed for specific programs and services, facility rental fees, other charitable contributions and Town of Wayne appropriations funded through property taxes.

Routine operating and maintenance expenses for the LRC building and grounds, including costs for utilities, repair and maintenance, groundskeeping, snow removal and property and general liability insurance, shall be incorporated into the Town's budget appropriations for comparable costs and expenses associated with other Town properties. These expenses will not be considered as LRC Program expenses or included in the LRC Program budget. Although such facility expenses shall not be considered LRC Program expenses, the Director shall assist the Town Manager in developing budget estimates for these costs and the LRC Board shall make recommendations to the Town Manager for major facility repairs and capital improvements.

Costs and expenses that directly arise from the operation of LRC Programs shall be budgeted as LRC Program costs and expenses. Examples include but are not limited to: (i) personnel expenses (wages, health insurance, retirement contributions and other employee benefits, payroll taxes, workers' compensation and related

insurance, training and other employment costs and overhead for the Director and all LRC Program support staff); (ii) supplies and equipment used in delivering LRC Program services; (iii) program provider fees; (iv) transportation for LRC Programs; (v) purchasing, installing, maintaining and repairing fixtures and accessories that are only necessary because of the LRC Programs; (vi) extra custodial work and trash removal required for LRC Programs; and (vii) any additional or supplemental insurance required due to LRC Program operations. This list is not exhaustive but is intended to illustrate types of costs incurred because of LRC Program activities that would not otherwise be incurred for general operation and maintenance of the LRC building and grounds.

1) **Establishment of LRC Program Reserve Account**

The 2025 Wayne Town Meeting passed Article 25 of the Town Meeting Warrant establishing the Ladd Recreation Center Programs Reserve as a non-lapsing reserve account for the purposes of supporting LRC Programs and capital improvements to the Ladd Recreation Center and to provide the Select Board with continuing authority to spend from the account for those purposes without further vote of the town meeting, with such authority to remain in force from year to year until rescinded by the town meeting. Fund balances for this account will carry forward at the end of each fiscal year and remain available for LRC Programs in subsequent years. Cash donations, program and service fees and unconditional grants may be accepted by the Select Board to supplement this account.

A portion of the LRC Program Reserve Account may be maintained in a separate interest-bearing bank account whose primary purpose shall be to fund long-term capital improvements to the LRC facilities. In accordance with the terms of the Warrant Article 25 language above, the Select Board may access funds in this account for the limited purposes described. Expenditures from this account for major capital improvements to the LRC building and grounds shall be jointly decided upon by the LRC Board and the Select Board.

2) **Annual Budget Appropriation**

Prior to March 1 of each year, the LRC Director shall provide the Town Manager with information necessary to request an appropriation in the annual Town budget for LRC Programs. The annual budget request, authorized by the LRC Board, shall specify for the following fiscal year: (i) the projected LRC Program operating expenses, (ii) a detailed projection of expected cash contributions, program fees and other revenue by source, and (ii) the residual amount requested to be funded through property taxes or appropriation from the LRC Program Reserve Account.

3) **Spending Limitation**

At no time shall any cost or financial obligation for LRC Programs be incurred that exceeds the uncommitted balance available in the LRC Program appropriation, together with funds available in the LRC Program Reserve Account.

4) **Non-Cash Gifts**

The Select Board shall have authority to accept gifts of non-cash donations in support of LRC Programs, provided: (i) any such non-cash gift is made without conditions imposed upon the Town, and (ii) the value of such gift is less than \$5,000.

D) Severability.

If any section of this Ordinance is declared to be invalid by a court of competent jurisdiction, such decision shall not invalidate any other section of this ordinance.

E) Amendment of Ordinance.

This Ordinance may be amended from time to time by a majority vote of the municipal legislative body at any regular or special Town Meeting called for that purpose. Any proposed amendments shall be made available to the public in advance of the meeting in accordance with applicable laws and Town procedures.

F) Effective Date.

This Ordinance is effective immediately upon enactment by the municipal legislative body and shall remain in effect unless and until it is amended or repealed.