

**POLICY AND GUIDELINES
FOR ESTABLISHMENT AND OPERATION
OF RECREATION COUNCILS**

FREDERICK COUNTY, MARYLAND

ADOPTED

February 8, 2021

**PREPARED and SUBMITTED BY
DIVISION OF PARKS AND RECREATION**

Frederick County, Maryland

355 Montevue Lane, Ste 100

FREDERICK, MD 21702

301-600-2936

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GUIDELINES FOR ESTABLISHMENT AND OPERATION
OF RECREATION COUNCILS

INTRODUCTION

These guidelines have been established by Frederick County, Maryland to aid interested volunteer community groups in the provision of locally sponsored recreation programs through the formation of Recreation Councils. The Recreation Councils are individual, and independent legal entities, separate from each other and from Frederick County. They are recognized as such by the Internal Revenue Service. There is no legal relationship between Frederick County, Maryland and the Recreation Councils, other than Frederick County's effort to cooperate with the Recreation Councils, in the provision of recreational services, by the Recreation Councils. The Association of Recreation Councils of Frederick County is the parent organization through which all Recreation Councils are subordinate. Recreation Councils must operate in correlation with the Association of Recreation Council's policies and guidelines.

PURPOSE

To provide direction for the Frederick County, Maryland, Division of Parks and Recreation, (hereafter referred to as Parks & Recreation), the Parks & Recreation Commission (hereafter referred to as Commission), and Frederick County, Maryland residents in the establishment and operation of recreation council programs in Frederick County, Maryland (hereafter referred to as County or Frederick County.)

POLICY

It is the policy of Frederick County, to advance opportunities for wholesome recreation programs and activities designed to promote the general health and welfare of county residents.

Furthermore, it is the policy of Frederick County, Maryland to encourage voluntary and other community organizations, as well as commercial enterprises to provide those programs and activities using best practices, as coordinated by Parks and Recreation.

To carry out this policy, Frederick County, Maryland endorses the creation of County supported volunteer community recreation councils, subject to the provisions of the guidelines listed herein.

Frederick County, Maryland has no legal or other formal relationship with the Recreation Councils. The staff members of Parks and Recreation are the individuals through whom Frederick County, Maryland effects its cooperation with the Recreation Councils.

In an effort to assist the Recreation Councils, the County has provided sample language for a Constitution and By-Laws. This language has been approved by the Internal Revenue Service as meeting the requirements of 26 U.S.C. Section 501 concerning the tax-exempt status of certain organizations.

In order for a Recreation Council to remain in good standing and continue to be considered a recreation council in good standing with the County, it must adhere to the guidelines listed herein. *Refer to section "Recreation Council Responsibilities"*.

DEFINITIONS

Recreation Council: A group composed of interested community citizens, some of whom may represent community organizations concerned with recreation and who are organized as a Council to coordinate, develop, and operate recreational programs within the community and their designated service area. A Recreation Council is not a part of Frederick County government but rather is an independent organization. Hereafter a Recreation Council may be referred to simply as a "Council".

Association of Recreation Councils: The parent organization to which each Recreation Council is connected. The Association is comprised of subordinate Recreation Councils. Subordinate Recreation Councils are required to adhere to the policies and procedures of the Association.

Parks & Recreation Commission: The Frederick County Parks and Recreation Commission (sometimes referred to as "FCPRC" or simply "Commission") consists of eight members appointed by the Frederick County Executive and confirmed by the Frederick County Council. In addition, present, as part of the Commission, is one member from the Board of Education and one member from the County Council. One of the purposes of FCPRC is to make recommendations to the county and the Division of Parks and Recreation regarding recreation programming for the county.

Frederick County Division of Parks and Recreation: A Division of Frederick County Government that maintains park assets and operates recreation programs and facilities. The Division of Parks and Recreation is committed to the highest level of care for our natural and historic resources while making the park facilities and the recreational programs available to all. Hereafter the Division of Parks and Recreation shall be referred to as "Parks and Recreation".

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COMPOSITION

It is suggested that organizations in the community interested in recreation programs appoint representatives to be a member of the Recreation Council. Civic groups, service clubs, athletic organizations, PTA's, churches, fire departments, etc. are examples of the kinds of organizations that would benefit from having representation on the Council. In addition, individuals interested in developing and leading community recreation activities should be included.

Recreational groups or associations, wishing to merge with an approved Recreation Council must submit a record of their "Articles of Dissolution" prior to any consideration of formal association with the Council. Further, the joining agency must merge all existing funds with that of the Council Treasury. The Council must approve and record in their minutes the merger of funds, and the interested agency during a scheduled meeting.

HOW TO ESTABLISH A RECREATION COUNCIL:

Interested individuals should contact the Frederick County Division of Parks and Recreation for detailed information and assistance in establishing a Recreation Council. No group will be accepted as a legitimate Recreation Council without the recommendation of the Parks and Recreation Commission and final approval of Frederick County, Maryland.

RECREATION COUNCIL RESPONSIBILITIES:

A. ADMINISTRATIVE

1. Establish a recurring monthly meeting schedule for the Council and operate all meetings according to Robert's Rules of Order. The Division shall be notified immediately of the meeting schedule and of any changes thereto. The Division will provide a liaison to attend the meetings, communicate county updates, and discuss recreation program best practices.
2. Adopt a Constitution and By-Laws to guide its operation.
3. Elect officers and establish committees.
4. A Recreation Council Representative must represent their subordinate council at two of the three Association of Recreation Councils Meetings held annually.

5. Provide activities for the geographical area that the Recreation Council will serve as coordinated and approved by Parks & Recreation. The service area must be approved by Parks and Recreation to avoid overlapping of and gaps between areas.
6. Maintain an up-to-date record of current Council volunteers and programs, at the time requested, to the Association of Councils. This should also be included in their annual financial report that is submitted to the Association of Councils each July.
7. Survey the recreation needs and resources of the community.
8. Raise funds, as needed, to provide and operate recreation activities.
9. Coordinate with, and compliment, various recreation organizations currently operating in the community.
10. Develop new programs and activities as indicated by community interests and facility/amenity availability. New program initiatives shall be reviewed by Parks and Recreation and Frederick County Risk Management prior to the Recreation Council proceeding. Recreation Councils should not seek to compete with other recreation providers serving in the same area.
11. Provide expendable supplies and equipment for its activities.
12. Establish a public relations program designed to inform the community of recreation activities available through their Council.
13. Be responsible and liable for the acts of each Recreation Council's own members, representatives, and agents as they relate to Recreation Council activities, functions and responsibilities.

B. FINANCIAL

1. Individual Councils have the authority, as a separate legal entity, to amend their Constitution and By-laws in accordance with their existing Constitution By-laws. Each Council is advised to seek independent legal guidance for any amendments to their Constitution and By-laws. Parks and Recreation must also review the proposed amendments prior to proceeding as prerequisite for reserving Parks and Recreation facilities/amenities. Approval, by Parks and Recreation, of a Council's By-laws and Constitution, or changes thereto, shall not constitute or be construed in any manner or way as to the Parks and Recreation's or Frederick County Government's representation or acceptance as to the sufficiency, adequacy or legality of the document.
2. Frederick County insurance provisions do not permit a community Recreation Council (Council) to become incorporated.
 - a. It is strongly suggested that any Recreation Council amending its Constitution or By-laws consult with its own private attorney and accountant to verify that such a change will not adversely affect the Council's legal or tax-exempt status.

3. Each Council's required filing status with the IRS as a "Recreation Council" may depend on how much money the Council receives in a year from program registrations, donations, fundraisers, etc. Each Council should obtain independent financial, tax and accounting advice from a qualified individual.
 - a. Every organization exempt from Federal Income Tax under a 501 non-profit declaration must file annually using Form 990 or 990EZ *EXCEPT FOR* an organization having gross receipts that normally do not exceed \$50,000, unless the Council generates revenue through gambling. Each Council should contact their accountant, one experienced in non-profit filing to ascertain exactly what they should file with the Internal Revenue Service and the extent of their tax liability, if any.
 - b. The Council will be solely responsible for providing each person or contractor as well as the IRS a 1099 form if appropriate. If a Council pays a contractor more than \$600 to provide a service over the course of a year, the Council must file a 1099 form. This is a simple form, which is available from most accounting offices or the IRS website.
4. Provide a monthly financial statement and minutes from all meetings to the County liaison at every scheduled meeting.
5. Require that all checks drawn on any bank account opened in the name of a Recreation Council require two signatures, preferably the President and Treasurer. The County reserves the right to request an audit, at any time, of a Recreation Council's financial transactions.

C. LIABILITY & INSURANCE INFORMATION/REQUIREMENTS

1. Be responsible for managing the liability and risks that reside outside the protection of the general liability policy provided by the County.
 - a. Frederick County strongly recommends the individual Recreation Councils speak with a commercial insurance agent to discuss their activities in order to understand the exposures and liability of their Council. Activities that operate outside of the State of Maryland boundaries (i.e. – practices, tournaments, games, league play, etc.) will require insurance coverage that is separate from, and supplementary to, the coverage provided by the County.
 - b. The following coverage is not provided by the County:
 - Directors & Officers Liability
 - Crime
 - Sexual Abuse & Molestation
 - Drone/Aircraft Liability

- Participants Coverage
 - Vehicle Liability
 - Property & Mobile Equipment Coverage
 - Firework Liability
 - Excess/Umbrella Liability
2. Secure additional insurance coverage and certificates for all activities/programs/events that leave the State of Maryland.
 3. Ensure all Rec Council Officers/Board Members, and general volunteers are trained and compliant with the policies and procedures of the Recreation Council and the Association of Councils.
 4. Regularly review and adjust programs to address safety and liability concerns.
 5. Notify Frederick County Risk Management and the Division of any proposed new programs (see Section A 10) or significant personnel changes to the Council.
 6. Fully document all accidents and injuries and promptly report them to Parks and Recreation.
 - a. As a prerequisite to using Frederick County Division of Parks & Recreation facilities, Recreation Councils must comply with Section C. Frederick County Division of Parks & Recreation may request documentation evidencing compliance. Additionally, each Recreation Council will provide Frederick County Division of Parks & Recreation with a copy of the Recreation Council's liability insurance in such terms and coverage as Frederick County Division of Parks & Recreation deems acceptable.
 7. Individuals who are formal members of Recreation Councils, including Board Members and vetted volunteers, are included under the general liability insurance policy provided by the County. Insurance coverage is subject to change annually during the County's normal renewal process.
 8. County insurance provisions do not permit a Recreation Council to become incorporated.
 9. Frederick County, Maryland maintains a commercial general liability policy specifically for the Recreation Councils of Frederick County, Maryland. The policy responds to third party liability claims for bodily injury or property damage to others resulting from negligent acts by members, participants, and volunteers of the Recreation Councils of Frederick County. The maintenance of this

policy is subject to annual review and determination by the County Risk Management Director and County Attorney.

10. The Board of Education of Frederick County, Maryland is an additional insured on the County's Recreation Council policy because the Recreation Councils often use facilities owned by the Board of Education.
11. Use of trampolines, hot air balloons, rock climbing, scuba diving, spelunking, and fireworks are not permitted. Other high-risk activities must be discussed with the County Risk Management Director in advance.
12. Moon bounces require specific authorization by the County Risk Management Department.
13. The general liability policy provided by the County does not include directors and officers liability coverage, crime coverage, sexual abuse/molestation coverage, participant liability coverage, auto liability, drone/aircraft liability, and property and equipment coverage. There is also no coverage for workers' compensation for the Recreation Councils if they have employees. The County does not agree to take on these risks for the Recreation Councils.
14. Only programs directly linked to the Recreation Council are provided coverage. The policy does not cover any other associations, leagues, or groups that may be affiliated with the Recreation Council.

D. PROGRAM/ACTIVITY MANAGEMENT

1. State Law requires that each Council make reasonable accommodations for all participants interested in participating in a program or activity. This includes developmentally or physically challenged individuals.
2. Follow local, state, and federal guidelines/laws or regulations in regards to their program operations. An example of this could be a summer camp program, which may be required to follow state (COMAR) regulations. Create and maintain health and safety plans specific to each council activity (i.e. – sports leagues, community activities and events)
 - a. Use a County approved accident/incident report for every incident or accident that occurs within their programs. Reports are to be submitted within 24 hours. Serious incidents should be called into the Frederick County Division of Parks & Recreation immediately. Councils are required to keep a copy of each report and immediately forward the original report and other related documents to the Frederick County Risk

Management Department through Parks & Recreation or utilize the online reporting system provided by Parks & Recreation.

3. Provide an Annual Report to the Parks and Recreation liaison at the end of each fiscal year. This report must include the following information for each fiscal year:
 - a. A listing of expenses and contractual payments, sources of revenue, and grants.
 - b. A listing of addresses of program locations and the dates used during the fiscal year.
 - c. A list containing the names of all volunteers, and each volunteers' full address, and email participated in the fiscal year's programs.
4. Use a Frederick County approved waiver, with no deletions, editions, or alterations, for all programs. Each program must have a waiver of liability associated with every participant. Individuals without a fully executed waiver shall not be permitted to participate in or with the program. These waivers must be kept on file for a minimum of 3 years. Sample waivers can be obtained from the Frederick County Division of Parks & Recreation.

E. WORKING WITH CONTRACTORS

1. When utilizing a contractor for services each Council is required to utilize the current standardized contract format, which can be obtained from the Parks and Recreation liaison, and to meet all insurance requirements set forth by the County Risk Manager.
2. Each contract must be appropriate and according to the purpose and mission of the Council as designated by the Council's constitution and by-laws.
3. Any Council pursuing a contractual relationship with an external individual, business, or agency should review state and local laws prior to proceeding.
4. Recreation Councils who utilize a Contractor to run a program must require the contractor to provide their own insurance and include a Certificate of Insurance **that names Frederick County, Maryland, the Association of Recreation Councils, and the individual Recreation Council as additional insured.** If the contractor hires employees, the contractor must also have workers' compensation coverage. Additionally, all employees of said contractor must have a background screening if providing care and custody of minors (*refer to document - "Background Screening Policy for the Association of Recreation Councils"*)
5. Frederick County will never provide insurance for a third party nor will it agree to provide insurance coverage for a Recreation Council under Frederick County's own insurance policies.

6. Contractors must acknowledge and follow the approved Background Screening Policy for volunteers. (*refer to "Background Screening Policy for the Association of Recreation Councils"*).

RESPONSIBILITY OF THE COUNTY

It will be the responsibility of Frederick County through Parks & Recreation to:

1. Provide technical assistance to community representatives when creating Recreation Councils and when implementing recreation activities
2. Provide a representative from Parks & Recreation to serve as a liaison whom attends regular and recurring council meetings.
3. Assist Councils in the preparation of community recreation surveys.
4. Provide samples or templates for planning for recreation programs (how to set-up, train staff, supervise, evaluate, etc.)
5. Coordinate scheduling for use of facilities under the control of Parks and Recreation in the following order:
 - a. Park/School Facilities
 - i. Frederick County Public Schools (FCPS) school activities
 - ii. Frederick County Division of Parks and Recreation activities
 - iii. Recreation Council activities (*for those in good standing*)
 - iv. Other
 - b. Parks
 1. Frederick County Division of Parks and Recreation activities
 2. Recreation Council activities (*for those in good standing*)
 3. Other
 4. Provide the opportunity for Council representation on community park master plan advisory committees.
6. Assign Councils a deadline for submitting their annual reports. Parks and Recreation will file for reference as needed.
7. Act as the channel of communications between the Recreation Council and Frederick County, on matters pertaining to Parks and Recreation.
8. Manage the website for the Association of Recreation Councils.

ORGANIZING A RECREATION COUNCIL – FIRST STEPS

Who takes the initiative in getting a Council under way?

This will vary from one community to another. Perhaps it is the program chairperson of the PTA, or the president of the citizen's association or an interested individual concerned with the need for expanded recreational opportunities. The important thing is for someone or some group to get the ball rolling and to see that all of the community's resources are brought in on the planning.

An open meeting should be set up with invitations sent to all organizations in the community who are concerned in any way with recreation. Invitations should also be extended to interested individuals. Be sure the meeting is well publicized.

The recreation council will want to know the current recreation situation so the first step the Council may want to take is to complete a Recreation Needs Survey in the community they will serve. A suggested outline for such a survey is attached.

The Council will wish to establish a regular meeting time or schedule that is appropriate for that Council and adopt a simple constitution and by-laws. Officers should be elected and committees established.

The Community Recreation Survey will help the Council determine the programs and activities that are needed.

The Council will need funds for community activities so it should determine what funds are needed and how these are to be raised. In addition, every Council Board will be required to adopt a budget each year.

All recreation programming is generally classified under the following categories:

- Arts and Crafts
- Dancing
- Dramatics
- Literary Activities
- Music
- Nature and Outing
- Historical
- Social Events
- Sports and Games

(Send completed survey to the Division of Parks and Recreation and keep a copy for council files.)

COMMUNITY RECREATION SURVEY

The following areas should be addressed when developing a survey:

1) Description of area to be served:

- a. Physical boundaries.
- b. Population
 - i. Ages; gender needs
 - ii. Individuals with special needs
- c. Trends-housing plans, which may affect population, road construction, etc.

2) Areas and facilities for Recreation Use:

- a. Types and approximate acreage of outdoor play areas.
 - i. Park
 - ii. School
- b. Type and description of indoor facilities.
 - i. Schools
 - ii. Community buildings
 - iii. Halls
 - iv. Churches, libraries, etc.
- c. Description of undeveloped land suitable for recreation use.

3) Programs conducted by agencies or organizations in community

- a. Public auspices:
 - i. Present programs conducted by the Division of Parks and Recreation.
 - ii. Programs conducted by Board of Education or Local Schools
- b. Private (or voluntary) auspices:
 - i. Boys Club
 - ii. YMCA
 - iii. Girl Scouts, Brownies

- iv. Camp Fire Girls, Bluebirds
- v. Cub Scouts and Boy Scouts
- vi. 4-H Club
- vii. Athletic Associations
- viii. Churches
- ix. Other

c. Extent of programs under private or public auspices

- i. Facilities used
- ii. Approximate number and age and gender served
- iii. Extent of program-hours of operation
- iv. Type of program conducted
- v. Leadership (professional or volunteer)

(Sample letter to be sent out to organizations relative to the organization of a recreation council.)

Dear _____:

In order to develop and expand recreation opportunities in, _____we are calling a meeting to organize a Recreation Council. We are inviting representatives of all organizations and groups, as well as interested individuals to attend this meeting. The meeting will be held:

Date _____

Time _____

Place _____

We believe that through community cooperation we can be more effective in meeting the leisure time needs of all our citizens.

We will greatly appreciate it if you will arrange to have a representative (or a representative and an alternate) from your organization at this meeting on

_____.

Please call or write to let us know if your group will be represented and whom the representative will be. A complete report of this organizational meeting will be made to each group/individual before the recreation council is formally organized.

Sincerely Yours,

Name

Phone Number

Email

Send one copy to the Frederick County Division of Parks and Recreation

Membership of Recreation Council

Name _____ Email _____

Address _____

Work Phone: _____ Home Phone: _____

List: (1) President; (2) Vice President; (3) Secretary; (4) Treasurer

1) _____

2) _____

3) _____

4) _____

Council Officers

Phone Number

Date: _____ President _____

Vice President _____

(Suggested Constitution for a Recreation Council)

Article I – Name

Section I – The name of this Recreation Council shall be

Article II – Purpose

Section I – The purpose of this Recreation Council shall be to

(To develop a well-rounded recreation program for all the people of the community; to effect proper coordination of all agencies and organizations in the community interested in recreation; to help finance, publicize and evaluate year-round programs of recreation for all age groups.)

Article III – Membership

Section I – The membership of this Recreation Council shall consist of

(One delegate, or one delegate and one alternate, or two delegated, from each organization in the community interested in recreation.)

(Any individual interested in recreation for the community.)

Article IV – Officers

Section I – The officers of the Recreation Council shall be a President, Vice-President, Secretary and Treasurer.

Section II – The officers shall be elected at the annual meeting of the Recreation Council from its membership and shall serve _____ year(s).

Section III – The duties of the officers shall be implied by their respective titles.

Section IV – Vacancies shall be filled by vote of the Executive Committee.

Article V – Quorum

Section I – A quorum shall consist of ___ members of the Recreation Council.

Article VI – Amendments

Section I – This constitution may be amended at any annual meeting of the Recreation Council by two-thirds vote of the delegates to the Council present, provided written notice of the proposed amendment shall have been presented to all Council members

not less than 15 days prior to the next annual meeting of the Council.

Constitution Signatures:

President:_____

Date:_____

Vice President:_____

Date:_____

Secretary:_____

Date:_____

Treasurer:_____

Date:_____

(Suggested By-Laws for a Recreation Council)

Article I – Meetings

Section I – A regular meeting of this Recreation Council shall be held _____ unless otherwise specified by the President.

Section II – Special meetings may be called by the President, provided 10 days' notice is given to Council members.

Section III – The regular meeting held in _____ shall be the Annual Meeting.

Article II – Committees

Section I – The President shall appoint the chairperson of the following standing committees: Finance, Sports, Teen Clubs, Publicity, and Playgrounds.

Section II – Such other standing committees authorized by the Council shall also be appointed by the President.

Article III – Business Meetings

Section I – The business transacted at a regular meeting of the Recreation Council shall follow the order established by Roberts Rules of Order.

By-Laws Signatures:

President: _____

Date: _____

Vice President: _____

Date: _____

Secretary: _____

Date: _____

Treasurer: _____

Date: _____

LEGAL REFERENCES

1. Annotated Code of Maryland: Local Government Article, Section 1-601 Definitions:
 - a. Parks and recreation unit. "Parks and recreation unit" means a governmental unit designated or created under § 1-604 of this subtitle to administer a program.
 - b. Program – "Program" means a program of public recreation and parks.

2. Annotated Code of Maryland: Local Government Article: Section 1- 604 – (Authority to establish program and parks and recreation unit.)

The ... county ... may:

 - 1) establish and maintain a program for the benefit of the residents of the county...; and
 - 2) Create or designate a parks and recreation unit to administer the program.

3. Annotated Code of Maryland: Local Government Article Section 1 -605 – (Designated parks and recreation units)
 - a. Authority. – A parks and recreation unit may:
 - i. maintain a park or recreational facility; and
 - ii. conduct recreation and park activities,
 - a. Volunteer groups – The parks and recreation unit may organize volunteer groups or councils to aid in the implementation of the program.