



CITY OF BROWN CITY

A Progressive Industrial and Agricultural Community

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City Treasurer:
Tiffanie Bissett

City Manager:
Clint Holmes

Police Lieutenant:
Emily Medaugh

DPW Foreman:
Phil Bartle

Administrative
Assistant:
David Van Cura

City Assessor:
David McArthur

MEMORANDUM

To: Mayor and City Council

From: City Manager

Date: December 28, 2020

The Brown City Community Park Association, Incorporated (BCCPA) was established in 1967 “to construct and operate a park and recreational facility for the residents of the City of Brown City and surrounding area.” The BCCPA included the following clubs, organizations, and corporations in the Brown City Area: Brown City Women’s Club, Cameo Club, Maple Valley Township, Brown City Council, Flynn Township, Brown City School Board, Community Concerns Committee, Rotary Club, VFW, Burnside Township and the Travco Corporation.

The Articles of Incorporation for the BCCPA require the clubs, organizations or corporations to bi-annually appoint representatives that “will elect the board of directors which will operate the corporation.” Also to elect “five at large members.” Additionally, “The incorporators and the clubs, organizations, and corporations which they represent will obtain and make donations, conduct fundraising programs, and make donations unto the corporation.” Many of the incorporators are no longer in existence or do not participate. Neither the election of Directors nor the provision of funds has happened since at least the 1980’s. Instead, the BCCPA Board of Directors has informally morphed into a Park Board which does not meet the corporate continuity requirements or funding responsibilities.

The BCCPA granted a 30-year lease agreement to the City of Brown City in 1976, which was renewed in 2006 and will continue until 2036. Paragraph 2 of the Agreement says: “The “BCCPA”, through its Board of Directors, will act as an advisory board to the “CITY” during the term of this lease for the purposes of assisting in raising funds, improving the park, proposing a budget for the operation of the park and other issues related to the operation and maintenance of the park.” Paragraph 8 states: “The “CITY” may, if it wishes, set up a Park Committee which may oversee the operation and maintenance of the park facility on behalf of the “CITY”.” The closing paragraph of the Agreement adds in part: “The “CITY” may operate and maintain the park facility through its elected representatives in accordance with this Agreement or may set up and use a substitute advisory board to assist it in the operation and maintenance of such facility.”

The Brown City Charter, adopted by the electorate in 1998, states: “Section 7.05. Park Board. The City Council shall provide by ordinance for the appointment of a board to advise the Council and City Manager on the operations of a park under the control of the City. The park shall be operated in a manner which shall encourage neighboring communities and their inhabitants to contribute to the upkeep of the park and participate in the benefits of the park in accordance with the intent of the donors of the park land.” No ordinance to create a “Park Board” has been adopted by the City Council.

The BCCPA was required to “obtain and make donations, conduct fundraising programs, and make donations unto the corporation” but this has not happened since at least 1985 when the voters approved a millage “in order to provide funds for the operation, maintenance, and improvement of the City Park in the City of Brown City.” The same millage was renewed in 2005 and will continue until 2026. Since the Park is funded by a millage and not by the BCCPA, the City Council is responsible for the budgeting and appropriation of these tax dollars.

Therefore, there are certain issues that must be resolved:

1. In order to comply with the BCCPA Articles of Incorporation, the founding clubs, organizations, and corporations must appoint representatives to meet and elect a Board of Directors. Who is responsible for doing this will need to be identified.
2. The City Council, as required by the Charter and allowed by the Lease Agreement, should adopt an ordinance establishing a formal organization to manage, operate and maintain the Park. A name for this organization could include: Brown City Park Advisory Commission, or Board, or Committee or whatever the City Council would wish to select as a name. This ordinance should include a mechanism for fiscal accountability and formal coordination with the City Council.

Recommend that the current informal Park Board revert back to being the BCCPA Board of Directors and begin the process to meet the incorporation requirements. Also that the BCCPA Board of Directors, as required by the Articles of Incorporation, establish a procedure to formally report to the City Council concerning “assisting in raising funds, improving the park, proposing a budget for the operation of the park and other issues related to the operation and maintenance of the park.”

Further that the City Council adopt an ordinance to formally establish an organization to manage, operate and maintain the Park, establish membership and succession, and adopt a reporting mechanism for accountability to the City Council.