

Chapter 134 DEPARTMENT OF PARKS, RECREATION AND CONSERVATION

Sec. 134.01. Department established; Commissioner and Board of Parks, Recreation and Conservation.

There shall be a Department of Parks, Recreation and Conservation in which there shall be a Commissioner of Parks, Recreation and Conservation and a Parks, Recreation and Conservation Board. The commissioner shall be the head of the department but shall not exercise supervisory authority over the board. The commissioner shall be appointed by the County Executive with the approval of the board, the selection so made to be subject to the approval of the County Board. The commissioner shall be a person with training and experience in the administration of parks, recreation and conservation programs and shall have such other qualifications as the County Executive and the board shall deem necessary.

(Added as § 50-a by the Laws of 1961, Ch. 679)

Cross reference(s)—Department of Parks, Recreation and Conservation, Ch. 249; use of county-owned property, Ch. 712; use of parks, parkways and residential facilities, Ch. 765; Playland Commission Act, Ch. 895; rules and regulations of Playland Commission, Ch. 897.

Sec. 134.11. Definitions.

As used in this article, unless another meaning is clearly indicated by the text:

1. The term "park" or "parks" shall mean and include all public parks, parkways, boulevards, beaches, water rights, playgrounds, athletic fields, recreation centers, open spaces, and areas publicly owned and acquired for the conservation of natural resources, including all buildings, structures, equipment and appurtenances, also entrances and approaches thereto, and streets, roads, docks and bridges between, to, in, through or connecting such park or parks and parts thereof, and such other rights and appurtenances as the department shall utilize for its purposes, whether the same be now or hereafter owned or acquired in fee or otherwise by the county, or under the care and control of the county by lease, or otherwise, for park purposes, with the exception of Playland Park.
2. The term "commissioner" shall mean the Commissioner of Parks, Recreation and Conservation.
3. The term "board" shall mean the Parks, Recreation and Conservation Board.
4. The term "department" shall mean the Department of Parks, Recreation and Conservation.

(Added as § 50-b by the Laws of 1961, Ch. 679)

Sec. 134.21. Membership of Parks, Recreation and Conservation Board.

1. The board shall consist of 10 members who shall be residents of the county, to be appointed by the County Executive with the approval of the County Board. The Commissioner of Public Works and Transportation and the Commissioner of Planning shall be ex officio members of such board but shall have no vote. One member of the board shall be an incumbent County Legislator, selected by the County Executive, upon recommendation of the Chairman of the County Board and with approval of the County Board, who shall serve as an ex officio member of such board, with the right to vote. The 10 members shall be selected with a

view to their demonstrated interest in parks, recreation or the conservation of natural resources and, to the extent possible, shall be persons of diverse backgrounds from different communities in the county.

2. The terms of the appointed members of the board shall be three years, each to expire at the end of a calendar year, except that, of those first appointed, three shall be appointed to serve for one year, three for two years and three for three years, with their successors to be appointed for three-year terms, as aforesaid. No member may serve more than three consecutive terms or nine years consecutively, whichever is longer, but shall be eligible for reappointment after the lapse of at least one year from the expiration of his last term.
3. Any vacancy shall be filled for the unexpired term in the same manner in which the original appointment was made. The members of the board shall serve as such without compensation but shall be entitled to receive their actual disbursements and expenses in performing the duties of their office. The board shall elect from its own members a chairman and a vice chairman for a term of two years and may from time to time name such other officers as it deems necessary, except that the first chairman shall be appointed by the County Executive.

(Added as § 50-c by the Laws of 1961, Ch. 679; amended by L.L. No. 19-1993; L.L. No. 19-2010, § 5)

Sec. 134.31. Powers and duties of the department.

Except as otherwise provided by this act, the commissioner shall have and exercise all the powers and perform all the duties heretofore vested in or imposed upon the Westchester County Park Commission and the County Recreation Commission, consistent with such laws, controls, procedures and general rules and regulations as are applicable to other county departments.

(Added as § 50-d by the Laws of 1961, Ch. 679)

Sec. 134.41. Powers and duties of the commissioner.

The commissioner shall have and exercise subject to the provisions of section 131.51 hereof, all the administrative powers necessary for the operation of the department, including those powers vested in a County Recreation Commission by the provisions of the General Municipal Law, not inconsistent with this act, as well as such other powers and duties as are provided by applicable law in relation to the administration of the department, and as required by the County Executive and the County Board. He shall render an annual report of the department's activities to the County Executive and to the County Board. The commissioner shall appoint a deputy commissioner who shall act for the commissioner in the case of his absence or inability to perform his duties.

(Added as § 50-e by the Laws of 1961, Ch. 679)

Sec. 134.51. Powers and duties of the board.

The board shall have the following powers and duties:

1. To recommend specifications and qualifications which shall be met by prospective nominees for the position of commissioner and to approve the appointment of the commissioner by the County Executive prior to its submission to the County Board;
2. To formulate and make recommendations upon basic policy with respect to the parks, recreation and conservation programs of the county, including tree preservation as set forth in Chapter 765 of the Laws of Westchester County;

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3. To develop and recommend long-range plans for park and open space acquisition and facilities development in conjunction with the commissioner, with the assistance of the Commissioner of Planning and the Planning Board;
 4. To approve a capital projects plan which shall be submitted to it by the commissioner annually and which, if so approved, shall be submitted to the Budget Director, the County Planning Department and the Capital Projects Committee in accordance with the provisions of this act;
 5. To approve all matters having to do with the regulation, use, fees, and charges with respect to parks and recreation facilities, which matters shall be referred to the board by the commissioner and shall become effective only upon its approval;
 6. To make recommendations upon any proposed sale of park lands, as herein defined;
 7. In accordance with the provisions of this act, the commissioner shall submit to the board his estimates of receipts and proposed expenditures in connection with the preparation of the annual county budget, prior to submission of such estimates to the Budget Director, and shall set a time for a conference with the board on such estimates which may be the date for a stated monthly meeting. The commissioner shall take into consideration but shall not be bound by the recommendations of the board as to such estimates. The board may submit to the Budget Director any recommendations which the commissioner declines to accept;
 8. The board shall meet once each month on a stated date to be selected by the board, and may hold such other meetings as the board may from time to time determine. Six members shall constitute a quorum. Wherever approval by the board is required, a majority of the whole board shall be required. Any member of the board absent for any three consecutive stated or adjourned meetings shall automatically forfeit his or her appointment unless renominated by the County Executive and reconfirmed by the County Board for the unexpired term.

(Added as § 50-f by Laws of 1961, Ch. 679; amended by L.L. No. 18-1993; L.L. No. 19-1993)

Sec. 134.61. Westchester County Park and Recreation Commissions abolished; transfer of functions, powers and duties.

1. The Westchester County Park Commission and the County Recreation Commission, as heretofore established, are hereby abolished.
2. All functions and powers possessed by and all obligations and duties of the Westchester County Park Commission are hereby transferred and assigned to, assumed by and do devolve upon the Department of Parks, Recreation and Conservation, with the exception of such functions, powers, obligations and duties as are transferred and assigned to other county departments, boards, officers or agencies by this chapter or any other provision of the County Charter or Administrative Code or local or general law applicable thereto.
3. All functions and powers possessed by and all obligations and duties of the County Recreation Commission are hereby transferred and assigned to, assumed by and do devolve upon the Department of Parks, Recreation and Conservation.

(Added as § 50-g by the Laws of 1961, Ch. 679)