

ORDINANCE 20-016

AN ORDINANCE OF THE CITY OF KILLEEN AMENDING CHAPTER 19, PARKS AND RECREATION, OF THE CODE OF ORDINANCES, TO DISSOLVE THE TREE ADVISORY BOARD AND CREATE A RECREATION SERVICES ADVISORY BOARD ; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Killeen, Texas is a home-rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and,

WHEREAS, the dissolution of the Tree Care ordinance provisions would be better administered by removing it in its entirety from Chapter 19 Parks and Recreation, and replacing it with the Recreation Services Advisory Board.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KILLEEN:

SECTION I. That Chapter 19, Article III of the Code of Ordinances of the City of Killeen is hereby amended to read as follows:

ARTICLE III. RECREATION SERVICES ADVISORY BOARD

Sec. 19-41. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning. Words not specifically defined shall have the meanings given in Webster's Ninth New Collegiate Dictionary, as revised.

Public trees shall mean any trees, shrubs, and all woody vegetation on city parks or city-owned property and rights-of-way.

Park trees shall mean any trees, shrubs, brushes and all woody vegetation in city parks, and in all areas owned by the city and to which the public has access.

Board Shall mean the Recreation Services Advisory Board.

Sec. 19-42. Establishment of a Recreation Services Advisory Board.

A. *Board Membership.* The city council hereby creates an advisory board known as the "Recreation Services Advisory Board", hereinafter referred to as the "board." The board shall consist of seven (7) members approved by the city council. Members of the board will serve without compensation.

B. *Term of office.* Each member shall serve terms that are staggered so the continuity among the board will be maintained. Position 1, 3, 5, 7 (odd numbered members) will serve an initial

one-year term, followed by subsequent two-year terms. Positions 2, 4, 6, (even numbered members) will serve a two-year term of service.

- C. *Meetings.* The board shall meet a minimum of four times each year. The Executive Director of Recreation Services or the chair of the board may schedule additional meetings as needed.
- D. *Officers.* The board shall elect a chairperson and a vice-chairperson from its own membership who shall serve for a one-year term.
- E. *Duties.* The duties of the board shall include:

The Board shall, when tasked by the City Council, act in an advisory capacity to the City Council with advice and recommendations on policies, rules, programs and regulations relating to the administration of the public park and recreation facilities. The Board shall provide advisory oversight of public playgrounds, athletic fields, walking trails, recreation centers/facilities, golf course, cemetery, trees and tree care and other facilities and activities on any of the properties owned or controlled by the City.

A Staff Liaison shall be assigned to the Board through the Executive Director of Recreation Services to assist the appointed Secretary on all business and to include any/all communication from the Recreation Services Department and the Board.

Sec. II. That all ordinances or resolutions or parts of ordinances or resolutions in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

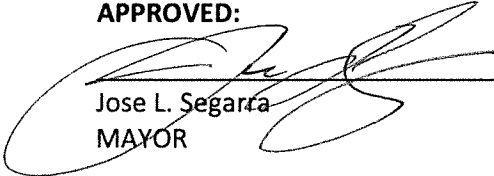
Sec. III. That should any section or part of any section, paragraph or clause of this ordinance be declared invalid or unconstitutional for any reason, it shall not invalidate or impair the validity, force or effect of any other section or sections or part of a section or paragraph of this ordinance.

Sec. IV. That the Code or Ordinances of the City of Killeen, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

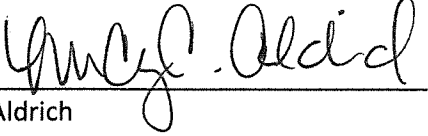
Sec. V. That this ordinance shall be effective after its passage.

PASSED AND APPROVED at a regular meeting of the city Council of the City of Killeen, Texas, this 14th day of April, 2020, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government code, §551.001 *et seq.*

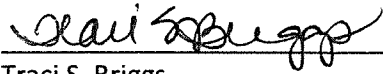
APPROVED:



Jose L. Segarra
MAYOR

ATTEST: 

Lucy C. Aldrich
CITY SECRETARY

APPROVED AS TO FORM:


Traci S. Briggs
CITY ATTORNEY



CITY COUNCIL MEMORANDUM FOR ORDINANCE

DATE: April 14, 2020
TO: Kent Cagle, City Manager
FROM: Joe Brown, Executive Director of Recreation Services
SUBJECT: Amending Chapter 19, Parks and Recreation, by dissolving the tree care advisory board and establishing a Recreation Services Advisory Board

BACKGROUND AND FINDINGS:

Currently, Recreation Services (RS) has no advisory board that serves in the capacity of a quality of life/parks and recreation advisory board. The Recreation Services Advisory Board's purpose shall be to review and recommend uses of parkland, city wide tree care, cemetery, and sports/recreation facilities and improvements in programs, activities, events, and facilities to meet current and future community needs for the City and its residents, including the Parks Master Plans, Park Bonds, and Park Capital Improvement Plans. The duties and responsibilities of the Recreation Services Advisory Board shall be, when tasked by the City Council, to act in an advisory capacity to the City Council with advice and recommendations on policies, rules, programs and regulations relating to the administration of the public park and recreation facilities. The Board shall provide advisory oversight of public playgrounds, athletic fields, walking trails, recreation centers/facilities, golf course, cemetery and other facilities and activities on any of the properties owned or controlled by the City where quality of life programs and functions occur. Staff has drafted bylaws to guide the Recreation Services Advisory Board in achieving its duties. A copy is attached for your reference.

It is recommended that the Board be composed of seven (7) members. There shall be one (1) member from each of the four (4) City Council Districts established by the City Charter, and three (3) at-large members. Members shall be appointed by the City Council pursuant to and in accordance with Chapter 2 of the City of Killeen Code of Ordinances.

Staggered terms of office for each member is recommended so that continuity among the board will be maintained. Position 1, 3, 5, 7 (odd numbered members) will serve an initial one-year term, followed by subsequent two-year terms. Positions 2, 4, 6, (even numbered members) will serve a two-year term of service. Going forward, all members will serve two-year terms.

Position 1: District 1
Position 2: District 2
Position 3: District 3
Position 4: District 4
Position 5: At Large
Position 6: At Large

Position 7: At Large

Section 19-42, which established the Tree Care Advisory Board, will be repealed. The Tree Care Advisory Board was created pursuant to the requirements related to obtaining and sustaining a Tree City USA designation, but the board has been inactive for roughly four (4) years. The Recreation Services Advisory Board will replace the Tree Care Advisory Board and will also fulfill the city's requirements for Tree City USA.

THE ALTERNATIVES CONSIDERED:

Option 1: Not approve the amendments to Chapter 19.

Option 2: Approve amendments to Chapter 19 by dissolving the Tree Care Advisory Board and creating a Recreations Services Advisory Board.

CONFORMITY TO CITY POLICY:

The Recreation Services Advisory Board abides by all language with Chapter 2, Article IV (Boards and Commissions) of the Code of Ordinances.

FINANCIAL IMPACT:

What is the amount of the expenditure in the current fiscal year? For future years?

N/A

Is this a one-time or recurring expenditure?

N/A

Is this expenditure budgeted?

N/A

If not, where will the money come from?

N/A

Is there a sufficient amount in the budgeted line-item for this expenditure?

N/A

RECOMMENDATION:

City Council to adopt the new ordinance and repeal Section 19-42 within established Chapter 19.

DEPARTMENTAL CLEARANCES:

Legal

**CITY OF KILLEEN
RECREATION SERVICES ADVISORY BOARD BYLAWS**

ARTICLE I. NAME AND PURPOSE

Section 1.1. Name. Recreation Services Advisory Board ("Board").

Section 1.2. Purpose. The purpose of the Board shall be to review and recommend acquisition and uses of parkland, tree care, cemetery, and sports/recreation facilities and improvements in programs, activities, events, and facilities to meet current and future community needs for the City and its residents, including the Parks Master Plans, Park Bonds, and Park Capital Improvement Plans.

See Ordinance Chapter 19-42

Section 1.3 Duties and Responsibilities. The Board shall, when tasked by the City Council, act in an advisory capacity to the City Council with advice and recommendations on policies, rules, programs and regulations relating to the administration of the public park and recreation facilities. The Board shall provide advisory oversight of public playgrounds, athletic fields, walking trails, recreation centers/facilities, golf courses, cemetery and other facilities and activities on any of the properties owned or controlled by the City.

ARTICLE II. MEMBERSHIP

Section 2.1. Number of Members. The Board shall be composed of seven (7) Members. There shall be one (1) member from each of the four (4) City Council districts established by the City Charter, and three (3) at-large members.

Section 2.2. Eligibility. Each Member shall reside in the corporate limits of the City of Killeen or its extraterritorial jurisdiction.

Section 2.3. Appointment of Board Members. Members of the Board shall be appointed by the City Council pursuant to and in accordance with Chapter 2 of the City of Killeen Code of Ordinances.

Section 2.4. Terms of Office. Terms of office for each Member shall be terms that are staggered so that continuity among the board will be maintained. Position 1, 3, 5, 7 (odd numbered members) will serve an initial one-year term, followed by subsequent two-year terms. Positions 2, 4, 6, (even numbered members) will serve a two-year term of service.

Section 2.5. Vacancies. Vacancies that occur during a term shall be filled as soon as reasonably possible and in the same manner as an appointment in accordance with Chapter 2 of the City of Killeen Code of Ordinances.

Section 2.6. Compensation and Expenditure of Funds. Members serve without compensation. The Board and its Members have no authority to expend funds or to incur or make an obligation

on behalf of the City unless authorized and approved by the City Council.

Section 2.7. Compliance with City Policy. Members will comply with City Ordinances, and all Rules and Policies applicable to the Board and the Members, including but not limited to Section 3-20 of the City of Killeen Governing Standards and Expectations and Chapter 2, Article IV, Boards and Commissions of the City Ordinance.

Section 2.8. Removal. Any Member may be removed from their position on the Board for any reason, or for no reason, by a majority vote of the City Council.

ARTICLE III. BOARD OFFICERS

Section 3.1. Officers. The Board shall elect a chairperson and vice-chairperson from its own membership who shall serve for a one-year term. Officers must receive a majority vote of the members. The term of office shall begin the day of the election.

Section 3.2. Terms of Office for Board Officers. Board Officers serve for a term of one year. In the event of vacancy in the office of Chair, the Vice-Chair shall serve as Chair until the board appoints a replacement Chair. Vacancies in the other offices shall be elected by majority vote of the Members at the next regularly scheduled meeting, or as soon as reasonably practical for the unexpired term. If possible, a Board Officer shall continue to serve until the vacancy is filled.

Section 3.3. Duties.

The Chair presides at Board meetings and shall generally manage the business of the Board. The Chair shall perform the duties delegated to the Chair by the Board or by the City Council.

The Vice-Chair shall perform the duties delegated to the Vice-Chair by the Board. The Vice-Chair presides at Board meetings in the Chair's absence. The Vice-Chair shall perform the duties of the Chair in the Chair's absence or disability.

The Secretary shall perform the following duties:

1. Take minutes of the meetings.
2. Maintain attendance records.
3. Submit all original board records to the City Secretary.
4. Maintain a copy of board records.
5. Perform duties as assigned by the Chair or by majority vote of the Board.

A Staff Liaison shall be assigned to the Board through the Executive Director of Recreation Services to assist the appointed Secretary on all business and to include any/all communication from the Recreation Services Department and the Board.

ARTICLE IV. MEETINGS

Section 4.1. Time and Date of Regular Meeting. The Board shall meet six times annually, every two months on the same week of the month, the same day of the week, at the same time, and at the same place. The regular date, time and place of the Board meeting will be decided by the Members at the first meeting of the Board after the annual appointment process.

Section 4.2. Agenda. Items may be placed on the agenda by the Chair, or at the request of any Member at a meeting during the items for future agenda items. The Member requesting the agenda item will be responsible for preparing an agenda item and for the initial presentation at the meeting. Items included on the agenda must be submitted to the Staff Liaison no later than one week before the Board meeting at which the agenda item will be considered. Agenda packets for regular meetings will be provided to the Members in advance of the scheduled Board meeting. Agenda packets will contain the posted agenda, agenda item cover sheets, and written minutes of the last meeting.

Section 4.3. Special Meetings. Special meetings may be called by the Chair or upon the request of three (3) Members.

Section 4.4. Quorum. A quorum shall consist of a majority of the Members then in office. A quorum is required for the Board to convene a meeting and to conduct business at a meeting. If a quorum isn't reached at a particular meeting, the remaining members of the Board may review the slated business for the meeting but shall not take any action.

Section 4.5. Call to Order. Board meetings will be called to order by the Chair or, if absent, by the Vice-Chair. In the absence of both the Chair and Vice-Chair, the meeting shall be called to order by the Secretary, and a temporary Chair shall be elected to preside over the meeting.

Section 4.6. Conduct of Meeting. Board meetings will be conducted in accordance with these Bylaws and the City of Killeen Governing Standards and Expectations.

Section 4.7. Voting. Each Member shall vote on all agenda items except on matters involving a conflict of interest, substantial financial interest or substantial economic interest under state law. In such instances the Member shall make the required disclosures and shall refrain from participating in both the discussion and vote on the matter. The Member may remain at the dais or leave the dais, at the Member's option, while the matter is being considered and voted on by the other Board Members. Unless otherwise provided by law, an agenda item must be approved by a majority of the Board Members present at the meeting.

Section 4.8. Minutes. A recording or written minutes shall be made of all open sessions of Board meetings. The Staff Liaison in conjunction with the elected secretary will be the custodians of all Board records and documents.

Section 4.9. Attendance. Members are required to attend Board meetings prepared to discuss the issues on the agenda. A Member shall notify the Chairman and the Staff Liaison if the Member is unable to attend a meeting. Excessive absenteeism will be subject to action under Council policy and may result in the Member being replaced on the Board. Excessive absenteeism means missing three (3) consecutive meetings or more than twenty-five (25) percent of the meetings in twelve-month period. If a Member is removed from the Board, that position

shall be considered vacant and a new Member shall be appointed to the Board in accordance with Section 2.5 above.

Section 4.10. Public Participation. The public is welcome and invited to attend Board meetings and to speak during the public comment section. Speakers shall be allowed a maximum of three minutes to speak, but may take up to six minutes if another individual who signs up to speak yields the time to the speaker. A person who disrupts the meeting may be asked to leave and be removed. The Board shall not use this section of the meeting to engage in dialogue, but rather to follow up with staff and/or add to a future agenda.

Section 4.11. Open Meetings. Public notice of Board meetings shall be provided in accordance with the provisions of the Texas Open Meetings Act. All Board meetings and deliberations shall be open to the public and shall be conducted in accordance with the provisions of the Texas Open Meetings Act.

ARTICLE V. REPORTS TO CITY COUNCIL

The Board shall meet with City Council, as requested, to determine how the Board may best serve and assist City Council. City Council shall hear reports from the Board at regularly scheduled Council meetings once per year.

ARTICLE VI. SUBCOMMITTEES

Section 6.1. Formation. When deemed necessary by a majority of the Board, Subcommittees may be formed for specific projects related to Board matters. Subcommittees comprised of non-Members may only be formed with the prior consent and confirmation of the City Council.

Section 6.2. Expenditure of Funds. No Subcommittee, or member of a Subcommittee, has the authority to expend funds or incur an obligation on behalf of the City or the Board. Subcommittee expenses may be reimbursed if authorized and approved in advance by the Board or by City Council.

ARTICLE VII. BYLAW AMENDMENTS

These Bylaws may be amended by majority vote of the Board Members at any regular meeting of the board.