

Mission of Parks and Recreation Advisory Committee



Purpose of PRAC

➤ Per City Ordinance 2-72:

“The Parks and Recreation Advisory Committee shall advise the City Council as to all public parks and the buildings therein, public outdoor recreation areas and centers, and any other grounds placed under its purview by the City Manager.”

Advisory Committee

- PRAC is an advisory committee.
- An advisory is one that does not control or supervise public business or policy.
- Role of PRAC is to provide recommendations to City Council through the authorized method.
- Recommendations should be limited to public parks and the buildings therein, public outdoor recreation areas and centers, and any other grounds placed under PRAC's purview by the City Manager.

Role of Committee Members

- PRAC consists of 11 committee members who may vote on items included on the agenda at a meeting.
- Two officers – Chair and Vice-Chair (who serves in Chair’s absence).
- Regular meetings on second Wednesday of the month.
- Special meetings may be called by Chair, Vice-Chair (in Chair’s absence) or two committee members when needed between regular meetings.
- Chair will work with staff liaison to place items on the agenda.
 - Other members wishing to place items on the agenda will need to provide to Chair at least 2 weeks before meeting.
- Committee members may discuss items relevant to the PRAC with City Councilmembers or staff, but such communication is not to be considered a recommendation from PRAC, even if communicated by Chair.

Method of Providing Recommendations

- PRAC passes a resolution making the recommendation at a duly called meeting.
- Staff liaison reviews the resolution with the Parks and Rec Department staff and prepares a response.
- PRAC reviews staff response at subsequent meeting.
 - PRAC may amend resolution based on staff response or
 - PRAC may reaffirm resolution as originally approved.
- Submit either amended resolution (if applicable) or original resolution and staff's response to City Secretary to be forwarded to City Council for review.
- Council may place recommendation on future Council agenda in accordance with its policies.

Open Meetings Act Refresher



General Rule - Meetings

- Every regular, special, or called meeting of a governmental body shall be open to the public, except as provided by the Texas Open Meetings Act.
- **While the Texas Open Meetings Act does not apply to advisory committees, Council policy requires this committee to comply with the Open Meetings Act**

Definition of “Meeting”

- Meeting is a gathering of a **quorum** of the governmental body and a discussion about the public business between the members or with a third party
 - Gathering at a social function, regional/state/local convention or workshop, ceremonial event, or press conference is not a meeting **if**:
 - No formal action **and**
 - Any discussion of public business is merely incidental to the organized event
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Examples of Meetings

- Quorum appears at regular meeting of the Board.
- Quorum meets at a social function related to board business and discusses public business.
- Quorum attends a meeting of another entity and discusses public business.
- Quorum meets with City Staff outside regular meeting.
- **Electronic communications** between a quorum – ex: email to at least a quorum, group texts, or Facebook.

Required Notice for Items at Meetings

- At least 72 hours written notice of the:
 - Time & Date of Meeting
 - Place
 - Subjects to be considered
- Public comment must be allowed and may discuss items not on agenda, but Board cannot discuss or deliberate item brought up during public comment

Quorum

- Quorum – majority of committee (6) – required to convene meeting and conduct business
- If no quorum is present, gathering does not violate OMA (exception – circumvention or walking quorum)
- If quorum is lost, business may not be conducted

Meetings must be Open

- Located in Texas
- Accessible to Public
- Accessible to persons with disabilities
- Governmental body may not vote in an open session by secret written ballot.
- Governmental body may not take action by circulated letter without a meeting.
- All action must be in open session.

Treatment of Email by OMA

- A “deliberation” is a verbal exchange during a meeting between a quorum of a governmental body, or between a quorum of a governmental body and another person.
- AG has stated that deliberation need not be oral. Meeting can be by written letter, email, memo, etc.
- Dangers:
 - Reply all to e-mails – Councilmembers have been prosecuted for replying to all in emails
 - Facebook, Twitter - Befriending other members

Walking Quorum

Walking Quorum occurs when a board member:

(1) knowingly engages in at least one communication among a series of communications that each occur outside of a meeting authorized by this chapter and that concern an issue within the jurisdiction of the governmental body in which the members engaging in the individual communications constitute fewer than a quorum of members but the members engaging in the series of communications constitute a quorum of members; and

(2) knew at the time the member engaged in the communication that the series of communications:

(A) involved or would involve a quorum; and

(B) would constitute a deliberation once a quorum participated.

Tex. Gov't Code Ann. § 551.143

Best Practices

- Staff should bcc instead of cc'ing all Board Members in e-mails, to avoid accidental reply-to-all
- No Public Business on Facebook or Twitter
- Do not follow or friend other Board members on social media
- No quorum present at meetings of other entities
- No discussion of public business at social functions, especially if other Board members are present
- No independent conversations regarding Board business that might constitute a walking quorum.
- Always err on the side of caution.