

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

- Role of PRAC is to provide recommendations to City Council.
- Recommendations are focused on
 - public parks and the buildings in those parks, and
 - public outdoor recreation areas and centers.

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 (or Vice-Chair in Chair's absence) or two committee members when needed between regular meetings.

Role of Committee Members

- Chair works 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 in their role as a private citizen, but such communication is not to be considered a recommendation from PRAC nor communicated by that member as a recommendation on behalf of PRAC.

Recommendations to Council

- PRAC passes a resolution making the recommendation by majority vote at a duly called meeting.
- Staff liaison reviews the resolution with the PARD 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.

Recommendations to Council

- 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.

- TXOAG offers an online training video.

“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.

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.

Examples of Meetings

- **Electronic communications** between a quorum

For example:

email to at least a quorum
group texts
Facebook

Required Notice for Meetings

- At least 72 hours *written* notice of the:
 - Time and date of the meeting
 - Place the meeting will be held
 - Subjects to be considered

- Public comment ***must be allowed*** and may discuss items not on agenda, but the Committee cannot discuss or deliberate any item brought up during public comment.

Quorum

- Quorum for this Committee is 6 members.
- This majority is required to convene a meeting and to conduct business.
- If no quorum is present, this does not violate the OMA (exception – circumvention or walking quorum).

“Walking quorum” occurs when there is a series of meetings or discussions outside of a posted meeting that effectively constitute a quorum, even though a quorum is not physically present at one time in one place.

- If quorum is lost, business may not be conducted.

Walking Quorum:

Tex. Gov't Code Ann. § 551.143

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.

How to avoid a walking quorum?

Stay aware of with whom you have discussed committee business.

Remember that social media is also subject to walking quorum considerations.

Keep quorum discussion and decision making entirely within posted meetings

Meetings must be Open

- Located in Texas, accessible to the public, and accessible to persons with disabilities.
- May not vote in an open session by secret written ballot.
- May not take any action by a circulated letter without a meeting.
- All action must be in open session.

Email and the 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 verbal: the meeting can be by written letter, email, memo, etc.
- Dangers:
 - Reply-all to emails – Councilmembers have been prosecuted for using “reply all” in email exchanges.
 - Facebook, Twitter, social media - connecting with other members.

Best Practices

- Staff should bcc instead of cc'ing all Committee members in e-mails to avoid an accidental “reply-all.”
- No public business discussions on Facebook, Twitter (X), Truth Social, or *any* social media platform account.
- Do not follow or friend other Committee members on social media.

Best Practices

- No quorum present at meetings of other entities.
- No discussion of public business at social functions, *especially* if other Committee members are present.
- No independent conversations regarding Committee business that might constitute a walking quorum.
- Always err on the side of caution.

Ethics

- Committee members are bound by the City's ethics code, including decorum.

Establishes rules of conduct for city council members, **board members**, and employees; provides a process for receiving and adjudicating complaints; and requires periodic financial disclosures.

The rules of conduct form the basis for possible sanctions, and are therefore intended to clearly define proper conduct so that those who must comply may understand the rules and carry out their responsibilities consistently with the rules.

- Ethics code: Council Policies, Chapter 2, Article V