

MEETING DATE
May 22, 2017
Subject: Amendments to the Parks and Recreation Advisory Board Bylaws and Constitution



AGENDA REPORT

AGENDA
Section: Decisions
Item #: 2

Department/Office: City Manager

**Requested Action or Motion:** Move to approve the revised Parks and Recreation Advisory Board Constitution and Bylaws as attached.

**Summary Explanation & Background:**

At the March 1, and May 3, 2017 meetings of the Parks and Recreation Advisory Board, the Board discussed various changes to the By-laws and Constitution. There was consensus on several issues. Based upon that consensus, staff has prepared amendments to the documents for your review. The Board voted 6-0 to recommend approval of the revised bylaws and constitution as presented.

**I. By-laws**

As a regular attendant at Board and Commission meetings over the last several months, it was noticed that certain boards were experiencing issues with the agenda format and content. This has led to some level of confusion and caused the meetings to run less efficiently than optimal. Based upon this circumstance, an evaluation of the all board and commission by-laws and constitutions was conducted. Based upon this evaluation, it was determined that the agenda format and content within the by-laws was inconsistent with the agenda format currently being used within all boards.

Unfortunately, the agenda format contained within the bylaws does not lend itself to typical items contained within the PRAB agenda. In order to provide for a consistent meeting format, The Parks and Recreation Advisory Board is requested to amend the by-laws of the board to change the sequence and list of items on the meeting agenda to be similar to other city boards and to make it more functional for board and public use. This will also assist in the transition to the new agenda software to provide consistency for the staff preparing the agendas.

At the May 17th, 2017 meeting, the Parks and Recreation Advisory Board Recommended the following changes.

The existing By-Laws read as follows:

**ARTICLE VII  
PROCEDURE**

**SECTION A. Meeting Format and Order of Business**

The order of business at regular meetings shall be as follows:

- A. Call to Order
- B. Pledge of Allegiance
- C. Roll Call
- D. Reading or Disposition of Minutes of Previous Meeting
- E. Public Hearings
- F. Decisions
- H. Recommendations
- I. Staff Presentations or work sessions
- J. Adjournment

“Any other Business the Board Deems Advisable” shall be time period open to discussion and announcements by members of the Board, City staff, and, the Boards Legal Counsel.

The recommended changes to the Meeting Format and Order of Business are as follows:

## **ARTICLE VII PROCEDURE**

### **SECTION A. Meeting Format and Order of Business**

The order of business at regular meetings shall be as follows:

- I. Call to Order/Roll Call
- II. Pledge of Allegiance
- III. Reading or Disposition of Minutes of Previous Meeting
- IV. Public Period
- V. Old Business
- VI. New Business
- VII. Any Other Business the Board Deems Advisable\*
- VIII. Adjournment

\* “Any other Business the Board Deems Advisable” shall be time period open to discussion and announcements by members of the Board

Under this format, the items of regular business that reoccur on the agenda such as staff reports, follow up items, etc., would appear under old business.

The Lakes Advisory Board, Transportation Advisory Board and Planning and Zoning Commission are also amending their bylaws to adopt a consistent agenda format.

Additionally, it was brought to the Board's attention that under Article VI, Section B. Rules of Procedure, the Board has adopted Roberts Rules of Order. However the Board only very loosely follows these procedures. Based upon this circumstance, the Board requested that this be amended to eliminate reference to Roberts Rules of Order and include language that would indicate that the Board would follow general parliamentary procedure as determined by the Chairman.

Lastly, an additional amendment was approved. Under Article V, Section A, the time of the meetings is specifically stated as 7:30 P.M. It is recommended to strike that time and insert language to allow the Board flexibility to change the time of the meeting based upon the schedule of the board members.

## **II. Constitution**

At the October meeting of the PRAB, there was a brief discussion of the Constitution and the fact that some of the language is outdated. Due to the fact that other Boards and commissions are reviewing their Constitutions, it is an appropriate time to review the PRAB Constitution. In October an issue was discussed regarding the Board's involvement in the development process in terms of fees and park dedications.

Article II Section B Item #1 of the PRAB constitution states the following:

***The board, after conferring with the City Manager on budget and staffing needs, may make recommendations to the City Council on these matters.***

It is clear that the PRAB is consulted on the capital portion of the budget and those recommendations are incorporated into the budget document and forwarded to the City Council. However, operations and staffing needs are typically left to the management team and City Manager, who possess the expertise, professional training and observation of day to day activities to make these recommendations.

Article II, Section B item # 3 of the PRAB constitution states the following:

***Any and all land dedication or fees resulting from subdivision developments shall be subjected to review and comment prior to the first Planning and Zoning Commission public hearing on the preliminary subdivision review. If no comments are received by this date, it shall be presumed that the Parks and Recreation Advisory Board does not wish to comment.***

It is fairly apparent that the intent of this item is to comment on the fees that developers are subject to pay for constructing new residential developments in Maitland.

The word "subdivision" was probably inserted in this document and was appropriate at the time given the fact that single-family developments were likely about the only type of residential development

taking place in Maitland at the time that this language was added. Land within the City is now about “built out” and there will not likely be any additional single-family large scale subdivisions constructed within the City limits because large tracts of vacant land suitable for this type of development do not exist. Redevelopment projects, many of which will likely involve multi-family units, will likely be the primary new residential type that will be constructed in the future.

Based upon this situation the section was amended to eliminate the word subdivision to include all development.

The phrase “any and all land dedication or fees...” may be too broad. PRAB may indeed want to know about any projects that involve land dedication but the board likely does not want to be notified of every instance that a developer is required to pay standard fees.

To explain this further it may be helpful to revisit the concept of park impact fees. When any individual or group desires to build a single house or a large residential development that person or group is required to pay a park impact fee. This impact fee helps to recoup fees for the “impact” that each new residential unit will have on the park system of Maitland now or in the future (i.e. there may be overcrowding on the playgrounds requiring more to be constructed, we may be required to build more parking spaces in parks, we may need to acquire land and build more ballfields, etc.). The current adopted park impact fee required for each new single or multi-family unit in the city is \$2,151 per dwelling unit. This money is deposited in the Parks Trust fund to expand the parks system through acquisition of or improvements to parks.

PRAB likely does not want to be notified each time that a developer has agreed to pay the standard park impact fees of \$2151 for every new single or multi family unit constructed. PRAB may instead wish to only be apprised of instances when there is any deviation from this norm such as the occasion when instead of paying the City park impact fees, a developer may choose to request that those fees be used to construct a public park on their development site. Use of the phrase “any and all” suggests that every park fee is reviewed by PRAB. Staff feels that this is not the intent of this overall item.

The direction received from the Board was to focus on land dedication for park purposes. Based upon this direction, this section was modified to reflect that change. This section has also been modified to eliminate fee reviews.

The term “with” which is the third to last word in this paragraph is likely a Scribner’s error and should instead be “wish.” This can be amended at the same time that the other changes are implemented.

Additionally, a section was added to ensure that the Board would recommend changes to the Parks and Recreation user fee structure.

#### Article III. Section C. Filling Vacancies

This section requires the City Council to act to fill a vacant position within 30 days. For various

reasons, this is not always possible. In this case more discretionary language is appropriate. This section has been revised to reflect that.

**Article IV Section B. Meetings**

This section addresses the minimum number of meetings (6) that the Board must have each year. It is staff's opinion that this is unnecessary for two reasons. First, it is unlikely that this will be an issue in the future as it has not been an issue in the past. Secondly, if, for some unforeseen circumstance, the Board failed to meet six times, there is no penalty for this inaction. For that reason, more discretionary language has been included.

This section also states that if a special meeting is called, each member is entitled to have two days notice to be "delivered to their residence". As we have moved into the current era of electronic communication, it is recommended that this language be struck.

Lastly, the Board is referred to as a Commission in this paragraph. This has been amended.

**Article V11. Section A. Fees**

There seems to be no reason to retain this section as no fees have been established nor have they been required so this section has been eliminated.

**Fiscal Impact:**

N/A

Exhibits: PRAB Bylaws 2017 update (DOC)  
PRAB Constitution 2017 update (DOC)

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Commission/Board:

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Reviewed by City Attorney

Yes  N/A