

# BY-LAWS OF MARSHALL PARKS & RECREATION BOARD

## SECTION 1: ESTABLISHMENT

The above-named Board was established by Resolution of the City Commission of Marshall, Texas on April 25, 1974, for the purpose of assisting the City staff and promoting usage and development of the City of Marshall Parks & Recreation Programs and facilities.

## SECTION 2: RESPONSIBILITIES

The Board is directed to serve without pay, and the Board shall serve as an advisory oversight committee to the City staff in establishing plans or policies concerning the following areas of operations:

**Promote Usage** - develop a plan, including specific goals and objectives, for promoting the usage of the Parks & Recreation Services; these plans and goals to be reviewed on an annual basis.

In addition to its responsibilities as set forth above, the board shall serve as the final step of appeal for any and all disputes and/or disciplinary matters arising out of or relating to events or activities utilizing City Parks and/or recreational facilities which do not otherwise fall within the jurisdiction or supervision of other tribunals, law enforcement agencies, courts, boards, or administrative or judicial bodies.

## SECTION 3: BOARD OPERATION

The Board shall operate in full compliance with the requirements of all state and local laws, including open meetings, conflicts of interest, and open records. Failure to willfully comply with such laws may result in immediate dismissal from the Board and automatic disqualification for any future City board appointment. The Board shall operate strictly as an advisory committee to the City staff, as outlined in Section 2 of these By-laws, and will cooperate with the City Manager and all staff employees of the City with regard to all activities before the Board.

## SECTION 4: GRIEVANCES/APPEALS PROCEDURE

**Step 1** - As a condition of appeal to this board, the appealing party (s) must have engaged in good faith efforts to resolve and amicably settle all matters in dispute, and only after such efforts have been exhausted will the board's jurisdiction to hear such appeal be invoked. Documentation of these good-faith efforts must be written and must have been filed within twenty-one (21) days of when the person prosecuting the appeal knew or should have known of the incident giving rise to the appeal. If an acceptable resolution to the matter has not been established within fourteen (14) days a formal complaint may be filed in writing with the Parks and Recreation Director.

**Step 2** - The written complaint or request for action will be forwarded to the Chairperson of this Board within five days of receipt. Within fourteen (14) calendar days, after receipt by the chairperson of this board, a meeting will be scheduled to consider the matter of appeal.

A written response to the formal complaint may be filed with the board at any time

prior to the date of hearing, and shall be served upon the appealing party(s). A minimum seven (7) days notice of the scheduled meeting will be given to all parties involved. All facts will be reviewed by the Board in the matter pending. The Chairperson will publish, in writing, its findings and recommendations and deliver same to the Parks and Recreation Director, within five (5) days of the Board meeting. The Parks and Recreation Director will serve on the parties to the appeal the decision of the board within five (5) days of receipt.

Any board member having a conflict of interest or a potential conflict of interest will recuse himself from participating in such appeal.

#### **SECTION 5: MEETING OF BOARD**

- a. The Board shall meet a minimum of once every month at a place and time designated by the Chairperson and agreed upon by a simple majority of the Board.
- b. Special Meetings may be called by the Chairperson upon agreement of a simple majority of the Board.
- c. During the regular meeting of the Board in November, recommendations shall be made to fill regular vacancies on the Board. These recommendations shall be presented to the City Council during its regular meeting in December by the Parks & Recreation Director or his designee. Recommendations for filling vacancies due to unexpired terms may be made anytime throughout the year.
- d. The regular meeting in January of each year shall serve as the annual meeting of the Board, at which time elections of officers for the current year shall be held and new officers will immediately take their positions.
- e. Board members are expected to attend all meetings of the Board. Failure by a board member to attend three (3) consecutive meetings or fifty percent (50%) of the board meetings on an annual basis, without justifiable reason (s), as approved by a quorum vote of the Board, will result in automatic recommendation to the City Council for dismissal from the Board. A member dismissed for attendance reasons will not be eligible for any future City board appointments.
- f. Quorum - a quorum, consisting of a majority of the sitting Board, shall be required to transact business of the Board. No votes shall be held by the Board members not present. Phone votes or votes by proxy will not be allowed.
- g. Roberts Rules of Order shall govern all meetings of the Board, unless specifically addressed otherwise within these By-Laws.
- h. Notice for all meetings of the Board shall be required in accordance with all local and state laws as they pertain to open meetings.
- i. Agenda for meetings of the Board shall be held in strict accordance with all state open meetings law.
- j. True and accurate minutes of each meeting shall be kept in accordance with open meetings law and open records.

## **SECTION 6: BOARD MEMBERS**

- a. The Board shall consist of seven (7) members of which a minimum of five (5) must be full-time residents of the City of Marshall. The City Council will attempt, in its appointments to the Board, to pattern membership to the population demographics of the City of Marshall.
- b. Members shall be appointed by the City Council for a four (4) year staggered term. The term of each member shall not exceed two (2) consecutive full terms, and a member must have remained off of the board for one (1) full term before the member can be reappointed.
- c. Vacancies on the Board shall be filled by the City Council for an expired term of a member, in the same manner and for the same terms of membership of the original appointment.
- d. Members may be removed from the Board, at any time, by majority vote of the City Council. The Board may recommend to the City Council removal from office of a member upon a five (5) member vote of the seven (7) member board.

## **SECTION 7: OFFICERS**

- a. Officers of the Board shall consist of a Chairperson, Vice-Chairperson, and Secretary.
- b. Terms of the officers shall begin immediately upon vote of a quorum of the Board during its first regular meeting in January. Terms of elected officers shall be one (1) year.
- c. No officer shall serve more than two (2) consecutive one (1) year terms in the same appointed position, although officers will be allowed to serve an additional one (1) year term after a one (1) year absence as an officer.
- d. The Chairperson shall preside over meetings of the Board and shall serve as an Ex-officio member of all committees designated by the Board. The Chairperson shall serve as chief spokesperson for the Board in all matters of the Board outside its meetings.
- e. The Vice-Chairperson shall perform duties as delegated by the Chairperson and shall exercise the powers of the Chairperson in the event of absence or inability of the Chairperson to serve or preside over meetings of the Board.
- f. The Secretary shall keep a certified copy of minutes of all actions during meeting of the Board. A copy of all minutes of the Board shall be forwarded monthly to the City Manager, Assistant City Manager, City Secretary, and Parks & Recreation Director. The Secretary shall be responsible for posting all required notices of meetings of the Board as prescribed by local and state law and shall keep an accurate copy of all such notices. Notices of meeting must also be forwarded to all Board members and Ex-officio officers no less than seven (7) days prior to a regular scheduled meeting. A written seventy-two (72) hour notice will be posted in accordance with local and state laws. The Board shall not be allowed to hold any bank accounts in its name or the name of any board member. Any and all funds of the Board will be immediately recorded and forwarded to the City of Marshall for accounting

purposes. Failure to properly account for the fiscal records or failure to abide by fiscal guidelines as prescribed by the City will result in automatic dismissal from the position of Secretary and possible disqualification for any future City board appointments.

**SECTION 8:**

**FUND RAISING**

The Board is allowed to seek funds through grants from clubs, agencies, individuals, etc. and fund-raising events. All funds received shall be forwarded to the City and will be subject to budgeting review and approval of the City Manager or their designee.

**SECTION 9:**

**COMMITTEE**

The Chairperson may appoint standing committees as it deems necessary to report to the Board in those areas of responsibility of the Board. Along with the Chairperson, who serves as an Ex-Officio member of all committees, no more than one additional Board member shall serve on a particular committee at any one time. The Board should specifically look outside its membership and into the local community for committee members. It shall require a quorum vote of the Board to approve a committee and designate a Committee Chairperson.

**SECTION 10:**

**ADOPTION**

These by-laws may be amended from time to time or repealed by the action of a five (5) member vote of the seven (7) member Board, provide that any and all amendments to these by-laws will not become official until they have been approved by a majority vote of the City Council.

**SECTION 11:**

**DISSOLUTION**

In the event the Parks & Recreation Board ceases to function or ceases to function effectively in accordance with these By-Laws, in the opinion of the City Council, the City Council may by majority vote to dissolve this or any board it had previously created.

**SECTION 12:**

**ADOPTION**

These revised By-laws were adopted by the City Council of the City of Marshall, Texas on **November 14, 2024** and became effective immediately.