

BILL NO: 2021-3236

ORDINANCE NO: 2021-3236

AN ORDINANCE OF THE CITY OF AURORA, MISSOURI, AMENDING TITLE I "GOVERNMENT CODE" CHAPTER 150 "BOARDS, COMMISSIONS, AUTHORITIES AND COMMITTEES", ARTICLE I, "PARK BOARD"

WHEREAS, the City of Aurora, Missouri (the "City"), is a city of the third class and political subdivision of the State of Missouri, duly created, organized and existing under and by virtue of the constitution and laws of the State of Missouri; and

WHEREAS, on August 4, 2015 the voters of the City of Aurora approved a Park/Stormwater tax under the authority of RSMo 644.033 for the provision of Park and Stormwater activities, construction and the elimination of Park Property Tax under the authority of RSMo 90.500 to 90.570; and

WHEREAS, under RSMo 90.500 to 90.570, all regulations regarding the Park Board including number of Board Members, Terms of Office, Appointment, Vacancies and Compensation, Organization and Powers, Annual Reporting, and Private Donations are set forth through this statute and the municipalities are bound to adhere to these regulations set forth in state statute; and

WHEREAS, with the repeal of the Park Property Tax as authorized under RSMo 90.500 to 90.570, the Park Board as established and the rules and regulations governing the Park Board are no longer lawful; and

WHEREAS, the Aurora City Council has determined that a park board is necessary to serve in an advisory capacity to the City Council regarding the development, maintenance, and programs of the Aurora Parks and Recreation Department.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AURORA, MISSOURI, AS FOLLOWS:

Section One. The City Council hereby amends Title I: "Government Code" Chapter 150: "Boards, Commissions, Authorities and Committees", Article I, "Park Board" and replacing it with the following recommended language to read as follows:

(Proposed verbiage is highlighted in yellow)

Section 150.010 Creation and Establishment of a City Park Board

There is created and established an advisory board to be known as the "Aurora Park Board" for the City of Aurora.

~~Section 150.010 Park Board — Appointment.~~

~~The City has decided to establish and maintain public parks under Sections 90.500 to 90.570, RSMo. The Mayor of the City shall, with the approval of the City Council, proceed to appoint a Board of nine (9) Directors for said Board, chosen from the citizens at large with reference to their fitness for such office, and no member of the Municipal Government shall be a member of the Board.~~

Section 150.020 Members

The Aurora Park Board shall be composed of six members, appointed by the Mayor with the approval of the City Council. The Park Board shall consist of six at large members, four of which must reside within the city. Members that reside outside of the City are required to be employed or own a business within the City to be a Park Board member.

~~Section 150.020 Term of Office.~~

~~The Park Board of Directors shall hold office, one-third (1/3) for one (1) year, one-third (1/3) for two (2) years and one-third (1/3) for three (3) years from the first of June following their appointment, and at their first regular meeting shall cast lots for their respective terms. Annually thereafter, the Mayor shall, before the first of June of each year, appoint as before three (3) Directors who shall hold office for three (3) years and until their successors are appointed. The Mayor may, by and with the consent of the City Council, remove any Director for misconduct or neglect of duty.~~

Section 150.030 Ex-Officio Members

The following serve on the Park Board as ex-officio, nonvoting members whose presence does not count towards meeting quorum:

1. One (1) member of the Aurora City Council.
2. The City Manager or his/her designee.
3. The Superintendent of the Parks and Recreation Department or his/her designee.

~~Section 150.030 Vacancies — Compensation.~~

~~Vacancies in the Park Board of Directors occasioned by removal, resignation or otherwise shall be reported to the City Council and be filled in a like manner as original appointments. No Director shall receive compensation as such.~~

Section 150.040 Compensation

Members of the Board shall serve without compensation.

~~Section 150.040 Organization — Powers.~~

~~A. The Park Board of Directors shall, immediately after its appointment, meet and~~

organize by the election of (1) one of its number President, and by the election of such other officers as it may deem necessary. The Board shall make and adopt such bylaws, rules and regulations for their guidance and for the government of the parks as may be expedient, not inconsistent with State law.

B. The Board shall have the exclusive control of the expenditures of all money collected to the credit of the Park Fund and of the supervision, improvement, care and custody of the parks. All monies received for such parks shall be deposited in the Treasury of the City to the credit of the Park Fund and shall be kept separate and apart from the other monies of the City and drawn upon by the proper officers of the City upon the properly authenticated vouchers of the Park Board.

C. The Board shall have the power to purchase or otherwise secure ground to be used for parks, shall have the power to appoint a suitable person to take care of the parks and necessary assistants for such person and fix their compensation, and shall have the power to remove such appointees and shall in general carry out, in the spirit and intent of State law in regard to parks, those things deemed necessary to establish and maintain the park system.

Section 150.050 Term of office

The term of office for the members shall be three years except that the term of two of the members appointed to the first board shall be for two years and the term of four members of the first board shall be for three years. In the event that a vacancy shall occur during the term of any member, his or her successor shall be appointed for the unexpired portion of the respective term.

~~Section 150.050 Park Board — Annual Report.~~

~~The said Board of Directors shall make, on or before the second Monday in June, an annual report to the City Council stating the condition of their trust on the first day of May of that year, the various sums of money received from the Park Fund and other sources, and how much monies have been expended and for what purposes, with such other statistics, information and suggestions as they may deem of general interest. All such portions of such report as relate to the receipt and expenditure of money shall be verified by affidavit.~~

Section 150.060 Scope of Duties

The duties of the Aurora Park Board are:

1. Advise the City Council on matters relating to the acquisition of facilities for

promotion and development of parks, open space, and recreational opportunities within the City of Aurora; and

2. Advise the Aurora City Council on rules and regulations concerning parks, open space, and related facilities; and
3. Advise the Park Superintendent on matters relating to planning, development, and expansion of recreational areas; and
4. Make recommendation to the Park Superintendent and/or the Recreation Manager regarding programs and activities; and
5. Study, develop, and update comprehensive written plans for current and future park and open space development.
6. The Board shall provide an annual report to the City Council regarding the condition of the Parks, significant projects, programs, improvements, and recommendations for the Park system for the upcoming year.

~~Section 150.060 Public Park — Private Donations.~~

~~Any person desiring to make donations of money, personal property or real estate for the benefit of such park shall have a right to vest the title to the money or real estate so donated in the Board of Directors created under Sections 90.500 to 90.570, RSMo., to be held and controlled by such Board when accepted according to the terms of the deed, gift, devise or bequest of such property; and as to such property, the said Board shall be held and considered to be the special trustees.~~

Section 150.070 Operation and Voting

The board shall select its own officers (if any), and if not specifically addressed herein, make its own operational rules and regulations to govern its meetings, schedule its own meetings' dates and times for the convenience of its members and shall keep a record of its proceedings. All meeting dates and times shall be posted at City Hall. A majority of the members shall be a quorum for the transaction of business. An affirmative vote of the majority of the entire Park Board is required for approval of any motion put before the Board.

Section 150.080 Park Board Authority

- A. The park board of the city shall have the authority and discretion to:

1. Promulgate and develop proposed ordinances, rules and/or regulations that govern the general use of all city parks with consideration of public input for presentation to the city council for consideration and adoption by the city council;
2. Negotiate terms for lease agreements for city parks or other city park related improvements with current or new users, groups or clubs on the city council's behalf. When completed, the park board shall present each negotiated proposed lease agreement to the city council for approval and adoption by resolution of the city council;
3. Develop an annual budget request for consideration by the City Council outlining proposed annual projects to be undertaken by the Park Board for improvement or betterment of the Parks and related Facilities. The annual appropriation of funds for Park Board projects is based on the availability of funds each budget year and subsequent approval of the Aurora City Council.

B. All park ordinances, rules and regulations promulgated by the park board shall be considered for adoption by the city council upon recommendation by the park board pursuant to this section. All rules, regulations and/or ordinances adopted hereunder shall be posted in a public place at each park affected thereby or be available at the office of the city clerk.

Section 150.090 Removal

The Mayor, at the request of the majority of the Park Board and with the consent of the City Council, may remove any appointed member to the Park Board at any time for good and sufficient cause. Cause shall include, but not limited to, violations of the conflict-of-interest laws, any violation of any applicable law, regulation or policy, being in arrears to the City, neglect of duty, and failure to comply with the attendance policy.

Section 150.200 Attendance Policy

In accordance with Aurora City Code 110.090, it shall constitute cause to remove any individual from a board or commission if such individual has missed three (3) or more consecutive meetings.

Section Two: All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section Three: This ordinance shall be in full force and effect upon passage by the City Council.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR THIS 10TH DAY OF AUGUST, 2021.

APPROVED:

Jason Lewis, Mayor

ATTEST:

Kimberly Breedlove, City Clerk