



Memo

To: Jon Holmes
From: Ken Reynolds
cc:
Date: June 23, 2021
Re: Park Board

Under Section 90.500, a City may establish a Park Board, through a vote of its citizens, that gives unique power to the Park Board such as control of its tax revenue and establishing its own bylaws, rules and regulations (90.500 to 90.570 RSMo).

Under that same statute (90.500 RSMo), it states “any tax authorized pursuant to the provisions of this section shall cease in case the voters of such incorporated city...shall so determine...” Based on the fact the citizens of Aurora rescinded the Park Tax, Sections 90.500 to 90.570 do not apply any longer. As a result, Section 77.590 would control the issues relating to the Park Board. This section gives the council the authority to enact ordinances, rules and regulations for maintaining the peace and good government and welfare of the City and its trade and commerce. Now saying all of this, I noticed our ordinance book and online ordinances still have the ordinances dealing with the Park Board authority under 90.500-90.570. This needs to be changed through the passage of the old ordinances dealing with the Park Board or a new ordinance dealing with the Park Board.

As a result of the above, Section 110.080 passed by the City Council, would control for appointments to the Park Board, which places that power with the Mayor to recommend to the council to fill any vacancy subject to approval by a majority of the council. Section 110.080 sets the requirements for the Chairpersons of a Board to notify the City Clerk of a vacancy which then triggers other duties of the Clerk to begin the process of the City to fill a vacancy. Once the Park Tax was rescinded, the Park Board power is limited to an advisory board, controlled by the council and the City budget under Section 77.105 RSMo.