



To: Mayor & City Council

From: Jon Thatcher, City Attorney

Date: November 30, 2022

Agenda Item & Caption: Consider approval of an Ordinance amending the Code of Ordinances of the City of Fate, Chapter 22 – Parks and Recreation, by amending Section 22-22, “Removal from office,” amending the attendance policy and procedures for the Parks and Recreation Board.

Action Requested: Discussion and Staff Direction

Overview and Background:

On September 29, 2022, during the City Council meeting, the Council discussed the various attendance policies of several Boards and Commissions for the City. Following the discussion, staff was directed to align the policies as much as possible taking into account the most recent update made to the City of Fate Municipal Development District.

Changes to the policies for the Zoning Board of Adjustment and the Planning and Zoning Commission are being accomplished through the UDO update currently ongoing. The proposed ordinance to be considered only addresses changes needed for the Parks and Recreation Board. However, it mirrors the language being proposed in the UDO update for the ZBA and the P&Z.

Current language:

Parks and Recreation Board

Section 22-22, “Removal from office”

The city council may, upon the affirmative vote of a majority of the entire city council, remove any member(s) of the parks and recreation board with or without cause. Any member who fails to attend three consecutive meetings without being excused by the city council will be deemed to have resigned from the board.

Proposed language:

Members shall serve at the will and pleasure of the City Council. Any member of the Parks and Recreation Board may be removed by majority vote of the City Council. The Parks and Recreation Board may request that the City Council remove members who fail to attend three consecutive meetings without excuse. Excuse requests shall be submitted in writing to the Chair or his designee no later than seven days prior to a meeting. The requests shall be forwarded to the Parks and Recreation Board for review and any recommendations to the City Council regarding the Board’s membership shall be by majority vote of the Parks and Recreation Board.

ORDINANCE NO. O-2022- _____

AN ORDINANCE OF THE CITY OF FATE, TEXAS, AMENDING CHAPTER 22, “PARKS AND RECREATION,” OF THE CITY OF FATE CODE OF ORDINANCES BY AMENDING SECTION 22-22, “REMOVAL FROM OFFICE,” AMENDING THE ATTENDANCE POLICY AND REMOVAL PROCEDURES FOR THE PARKS AND RECREATION BOARD; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Fate, Texas (the “City”) is a home-rule municipality under the laws of the State of Texas and the City’s home-rule charter and is permitted to adopt ordinances to protect the health, safety and general welfare of the residents of the City of Fate; and

WHEREAS, the City Council for the City of Fate (“City Council”) now desires to update the attendance policy and removal procedures for its Parks and Recreation Board.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FATE, TEXAS, THAT:

Section 1. All of the above premises are found to be true and correct factual and legislative determinations of the City of Fate and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

Section 2. From and after the effective date of this Ordinance, Chapter 22 “Parks and Recreation,” of the City of Fate Code of Ordinances is hereby amended by amending Section 22-22, “Removal from Office,” to read in its entirety as follows:

Sec. 22-22. Removal from office.

Members shall serve at the will and pleasure of the City Council. Any member of the Parks and Recreation Board may be removed by majority vote of the City Council. The Parks and Recreation Board may request that the City Council remove members who fail to attend three consecutive meetings without excuse. Excuse requests shall be submitted in writing to the Chair or his designee no later than seven days prior to a meeting. The requests shall be forwarded to the Parks and Recreation Board for review and any recommendations to the City Council regarding the Board’s membership shall be by majority vote of the Parks and Recreation Board.

Section 3. That Chapter 22, Parks and Recreation, of the City of Fate Code of Ordinances, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

Section 4. That if any section, article, paragraph, sentence, clause, phrase or word in this Ordinance, or its application to any person or circumstances is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect, for any reason, the validity of

the remaining portions of Chapter 22, Parks and Recreation, of the City of Fate Code of Ordinances, and the remaining portions shall remain in full force and effect.

Section 5. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Fate, Texas, on this the _____ day of _____, 2022.

David Billings, Mayor

ATTEST:

Victoria Raduechel, TRMC, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Jon Thatcher, City Attorney