

# **MISSOULA PARKS AND RECREATION PARK BOARD BYLAWS**

## **ARTICLE I**

### **Mission and Vision of the City of Missoula and Missoula Parks and Recreation**

#### **Section 1: Mission**

1. City of Missoula Mission: Reflecting the needs and values of our citizens, the City of Missoula commits to enhancing opportunities and quality of life through effective delivery of City services and fiscal stewardship while maintaining and creating a harmonious natural and built environment.
2. City of Missoula Parks and Recreation: Missoula Parks and Recreation is essential to the quality and way of life for individuals, families, community, and the environment. Our guiding mission is to enhance the quality of life in our community by:
  - a. Promoting health and wellness
  - b. Stimulating, supporting, and encouraging community and economic development.
  - c. Protecting the environment.
  - d. Educating and enriching the citizens of our community.
  - e. Ensuring that all people feel safe, welcome and valued in Parks and Recreation facilities and programs.

#### **Section 2: Vision**

1. City of Missoula Vision: We are an inclusive city where all people can celebrate meaningful, purposeful and fulfilling lives through the confluence of unparalleled recreational, cultural, and entrepreneurial opportunities.

## **ARTICLE II**

### **Purpose**

The Parks Board (Board) will advise the Parks and Recreation Department Staff, the Mayor, and the City Council, by providing oversight to Department operations, making recommendations on park development, long-term planning initiatives, and land management for City of Missoula Park and Recreation needs, developing policies, advising on recreation programs, and other opportunities that advance Missoula Parks and Recreation mission.

To Achieve this purpose the Board will:

- Make rules for the use by the public of parks as well as open spaces, greenways, trails, the urban forest, programs and services, placed under the care and control of the City Parks and Recreation Board.
- Make rules necessary or convenient to protect and promote the growth of trees and plants in parks, streets, avenues, alleys, boulevards, and public places under the care and control of the board and for the protection of all birds inhabiting, frequenting, or nesting in the parks, streets, avenues, boulevards, and public places.

The work of this Board is multifaceted and fluid as a recognition and understanding of the evolution parks, recreation, open space, and trails in the City of Missoula. As such, it will be important to ensure the Board is transparent and adaptable.

## ARTICLE III

### Definitions

1. Board: Missoula Parks and Recreation Board, a governing board, delegated authority by the Missoula City Council
2. Council: the Missoula City Council
3. Community members: anyone who works, resides, and/or recreates in the greater Missoula area
4. Dedicated Parks and Recreation Staff: Employees within the City of Missoula who report to the Parks and Recreation Director or Mayor and deliver services, manage, supervise, advise or create policies about parks, recreation, open spaces, trails, greenways, right of ways, public trees, recreation programs, and related services as a part of their job description
5. Mayor: the Missoula Mayor
6. Partners in Parks: An identified idea or concept involving the Missoula Parks and Recreation and an individual, a for-profit or non-profit organization, and/or other governmental entities, outlining the request for combined resources to develop facilities, programs, and/or amenities for the City of Missoula and its citizens. Friends of Missoula Parks (FMP), a Missoula-based 501c3, partner exists specifically to promote adopted plans and strategies related to parks, recreation, conservation lands, and forestry in the community of Missoula and the surrounding area.

**Working definitions** provide a basic understanding of terms used within the City of Missoula Parks and Recreation. These definitions give a frame of reference to aid in productive discourse. While working definitions may not capture the concept's nuances and complexities, they may be updated with new information to reflect a refined shared understanding of the term.

1. Leadership refers to the ability to lead and inspire others while embodying inclusive practices that encourage participation, challenge the status quo, and foster a culture of respect and empowerment.
2. Open Space refers to lands that include Conservation Lands, Agriculture Lands, Scenic Viewsheds, Urban Parklands, and Trails. Characteristics of these types of open space may include Lands that are in primarily a natural state and contain few or no structures; and/or they contain significant natural or built historic, cultural, or aesthetic, and recreational features that warrant protection.
3. Conservation Lands refers to lands that are managed as natural areas, such as riparian corridors along creeks and rivers, wetlands, grasslands, open or wooded hillsides.
4. Recreation refers to an activity that takes place during one's discretionary time, has intrinsic value to the individual, and does not harm oneself, others, or the environment. Recreation commonly refreshes, recreates and renews your health and spirits by enjoyment and relaxation. A diversion, exercise, or other resource affording relaxation and enjoyment.

## ARTICLE IV

### Authority, General Powers, and Duties

#### Section 1: Authority

The City of Missoula established the Parks and Recreation Board on September 26, 1960, through Ordinance 925 in accordance with its authority granted by Montana law in what is now codified as Montana Code Annotated (MCA) § 7-1-201 and MCA § 7-16-4201 *et seq.* These statutes govern the Board's authority, powers, and duties, along with City of Missoula Code (MMC), Title 2, Chapter 2.28, as

amended from time to time.

## **Section 2: General Powers and Duties**

The Board shall have such powers, hold such public meetings with public record minutes and perform such duties as are provided by the laws of the state and any other powers or duties not inconsistent therewith granted to it by the provisions of this code or other ordinance of the city. The Board shall have powers as stated in the Purpose of the Board and has authority over outlined Purpose. Elected officials may override decisions or recommendations of the Board.

## **Section 3: Specific Powers and Duties**

1. Pursuant to MCA § 7-16-4222 and subject to the limitations in Section 4 below, the Board may exercise the following powers and duties for any park or open space matter that has not been specifically addressed by state statute, city ordinance, resolution or the applicable portion of the city budget:

- a. to make all rules for the use by the public of parks as well as open spaces, greenways and trails placed under the care and control of the Board,
- b. to make all rules necessary or convenient to protect and promote the growth of trees and plants in parks, streets, avenues, alleys, boulevards, and public places under the care and control of the board and for the protection of all birds inhabiting, frequenting, or nesting in the parks, streets, avenues, boulevards, and public places; and
- c. to provide penalties for the violation of the rules that do not involve municipal court fines or imprisonment.

2. The Board shall serve as a governing board for any appeals by a property owner adjacent to any city boulevard tree for which the city parks and recreation department intends to remove the tree or trim more than half of the tree branches. Notice to adjacent property owners and any appeal shall be pursuant to the city tree ordinance.

3. The Board in making the rules for use of parks, open spaces, greenways and trails creates policies and rules necessary to maximize the benefits of parks and recreation and use of public funds.

4. The Board recommends regulations and funding to support public parks, open spaces, greenways, trails, trees, programs and services

5. The Board reviews requests for easements affecting public parkland and recommends denial or terms and conditions to City Council. If easement requests are brought before the Board for review, the Board must timely act on them. This review process does not authorize the Board to veto requests, nor does it remove the option for Council to make a time sensitive decision after consultation with the Department.

6. The Board shall review and approve art, interpretive signage, tributes, dedications and other installations that are in addition to park place names, rules, or regulations.

7. The Board may review and approve the application of the park enterprise funds for specific qualifying projects or programs as long as the total amount already approved by Council each fiscal year is honored and per the City's policies for procurement and expenditure.

8. The Board considers and approves conceptual master plans for neighborhood parks, place and facility names and makes recommendations to Council for community and regional parks and facilities within the current jurisdiction of City of Missoula Parks and Recreation.

9. The Board promotes and oversees the Partners in Parks programs and projects, including donor site

recognition, user-based park fee enterprise fund applications.

10. The Board oversees the dedication program and policies including plaques, benches, Fort Missoula Leaf a Legacy Program, trees, and related including associated signage and language.

11. The Board must implement plans adopted by the City Council.

12. The Board may create, or dissolve, subcommittees and working groups, or processes, to advise the Board on specific lands, plans, initiatives, projects or programs.

13. The Board may create or dissolve Advisory Committees to the Park Board, including purpose and bylaws to provide recommendations to enhance services or provide expertise necessary to a particular program area, facility type, or to achieve a particular city and park adopted plan or goal.

14. The Board applies a strategic approach per the City of Missoula Vision, Mission, Strategic Priorities, and lens (currently Climate & Resiliency, Equity and Access, and Attainable Housing) that promote the City of Missoula values.

#### **Section 4: Limitations of Powers**

The Board's power shall be limited by the requirement to comply with Local, State, and Federal laws, policies, and these bylaws.

In accordance with Section 2.28.020(D) of the Missoula Municipal Code (MMC), the Mayor and City Council retain authority granted to them by state law in the following areas:

1. To have all personnel decisions made by the Mayor pursuant to the policies and regulations governing other city personnel decisions.
2. To have all claims allowed or disallowed pursuant to contract and claim procedures established by the governing body of the City.
3. To have all warrants signed by the city clerk and countersigned by the Mayor.
4. To determine the city fees for park or facilities use, admissions, programs or services.
5. To determine the city parks department budget and any individual program funding; and
6. Any city management policies with respect to use and management of parks, open space and trails specifically addressed by city ordinance or resolution. The Board may provide timely advice and recommendations to the mayor and city council concerning subsections 4, 5 and 6 or any other matters related to city parks. (Ordinance (Ord.) 3010, 1996; Ord. 2868 §2, 1993; prior code §2-38).

\* For statutory provisions on the board of park commissioners, see MCA § 7-16-4201 et seq.

## **ARTICLE V**

### **Membership, Organization, and Board Makeup**

#### **Section 1: Members**

Board members are Community members dedicated to cultivating an inclusive culture in the City of Missoula that values diverse experiences, perspectives, and intersecting social identities in all aspects of parks, recreation, open space, trails, greenways, right of ways, trees and other programmatic services. Members operate in and/or around City of Missoula and possess a wide range of demographics, socioeconomic status, geographic, backgrounds, and expertise (personal/professional/first-person/cultural/etc.). Members are volunteers and serve without compensation. In addition, an individual member must meet the criteria set forth by MMC2.28, Ord 3640 "park board eligibility and qualifications":

#### **Section 2: Organization, Board Appointments, and Terms**

The Board consists of seven (7) regular members, and two (2) alternate members, appointed by the Mayor

and confirmed by the City Council. The term of office of each Board member and Alternate Member shall be three years, their terms commencing May 1st of the year of which they are appointed.

1. The Board shall choose a board chairperson and vice chair. Their terms will last one year. The Board chairperson and vice chair duties are in Section 5 of this Article.
2. The Board shall constitute a city board exercising authority and empowerment as provided in Title 2 Chapter 2.28 and Montana state law.
3. The Board shall designate one of its members to serve on any established advisory committee. Should the Board create additional advisory committees, the Board will designate one member to serve on each of the committees.
4. The Board shall designate a Tree Board made up of at least three members of the Park Board.
5. Before entering upon the discharge of duties, each Board member shall take and subscribe the oath provided by the laws of the state for city officials, which oath shall be administered by and filed in the office of the city clerk.
6. Alternate Board members shall fulfill the role of an absentee board member, are appointed by the Mayor and confirmed by City Council. Alternates shall adhere to all requirements of a regular board members as outlined in the By-laws. Alternate members are expected to attend meetings and remain current. The purpose of the Alternate membership is to ensure each meeting has a quorum to conduct business and enhance equity in board make up. Alternates may be appointed to a regular board member position without an additional application process if a vacancy becomes available during their term.
7. Alternate members may vote only in the absence of a regular member. The alternates must be designated as alternate #1 and alternate #2. If both alternate members are present at the meeting and there is the need for only one alternate to participate in a vote, alternate #1 will be the first alternate to assume voting status. If two alternates are required alternate #2 will assume voting status. Alternate member #2 may also vote whenever alternate #1 is not available and the vote of an alternate is needed. When called upon, alternates will assume all of the rights and responsibilities of regular members.
8. The City Council President may choose to appoint a member of Council to the Parks and Recreation Board as a non-voting liaison to the Board.

### **Section 3: Attendance**

It is critical that all members of the Board fully engage and participate in carrying out the Board's responsibilities. Members and alternates must be available and willing to attend meetings of the full Board and to serve on sub-committees reviewing specific issues. A quorum of the board constitutes the majority of the appointed members and is required for a vote to be taken on any action item. The board has adopted a policy regarding attendance of Board members. Board Members will attend all regularly scheduled meetings. If a member is unable to attend, they will notify the Board's Clerk (administrative support), Chair, and Parks Director, at least 48 hours prior to the scheduled meeting if possible.

#### **Board Attendance Un-Notified Absences:**

If a member has a) two un-notified absences in a calendar year; b) three notified absences in a row or c) misses one third of the total number of regular board meetings in a twelve-month period, whether notifications are made or not, this will be deemed an attendance concern. A Board member who has

secured one of the alternate board members and advised the Chair, Clerk, and Director, before the meeting is not considered an unnotified absence.

If a Board member's attendance concern exists, the Board Chair will contact the member to discuss the concern. The Chair may request the member render a letter or resignation to the Mayor within the next two weeks. It is the responsibility of the Chair to report attendance concerns to the Mayor and if warranted include a recommendation from the Board that the Mayor accept the boards' recommendation and take action to appoint a replacement.

#### **Section 4: Ethics and Conflicts of Interest**

1. A member who may have a professional, financial, or personal interest in an item under consideration by the Board shall declare the potential conflict of interest. The Board shall determine whether a conflict exists, and the determination shall be entered into meeting minutes. If it is determined that a conflict exists, the member shall not participate in the vote taken on the item.
2. No member may disclose or use information acquired in the course of Board duties to further personal interest, accept a gift of substantial value or a substantial economic benefit tantamount to a gift, or acquire an interest in any business or undertaking which they have reason to believe may directly and substantially benefit from official action taken by the Board.
3. Failure to comply with or fully disclose as required by this Article may be grounds for removal from the Board for cause as per Section 3 of this Article.

#### **Section 5: Chair/Vice-Chair/Advisory Committee Liaisons**

1. The Board shall elect a Chair and Vice Chair from its members annually May. The Chair and Vice Chair shall continue to serve until replaced by election of the Board. Terms are one year each and without term limits.
2. The duties of the Chair are:
  - a. Presiding over the meeting of the Board;
  - b. Call special meetings of the Board within the limits of state law and City Ordinance;
  - c. Set the agenda with the Parks Director and change the order of business if time restraints call for it;
  - d. Vote on any matter that may come before the Board for consideration when a tie occurs;
  - e. Assign members of the Board to standing committees with the advice and consent of the Board;
  - f. Rule on procedures when no direct rule has been adopted by the Board. In doing so, the Chair shall be guided by Robert's Rules of Order; and
  - g. Ensure decorum is followed during meetings by the Board members and public attendees.
3. The duties of the Vice-Chair are to act in the absence of the Chair at any meetings and all duties of the Chair shall temporarily fall upon the Vice-Chair

## **ARTICLE VI**

### **Regular and Special Meetings**

#### **Section 1: Regular Meetings**

The Board shall hold regular meetings once a month at a time and location set by the Board. Notice of time, place, and agenda will be published on the City of Missoula website.

1. The regular meetings of the Board shall be held monthly and shall be conducted generally following Robert's Rules of Order.
2. All Board meetings are open to the public. Meetings may be cancelled or rescheduled by the Chair or by a majority vote of the Board. If a regular meeting is to be cancelled or rescheduled, notice shall be given pursuant to Montana law governing open public meetings (Title 2, Chapter 3 of the Montana Code Annotated)
3. Board meetings are hybrid/virtual and are recorded pursuant to the City of Missoula Public Meetings requirements and guidelines and follow Montana law governing open public meetings (Title 2, Chapter 3 of the Montana Code Annotated).
4. Agendas are created jointly by the Chair and Parks Director. Minutes are taken using the City's current available system by a support staff. Agendas and minutes of all Board meetings will be posted on the City of Missoula website.
5. The public may address the Board during the scheduled meetings. The Chair may prescribe on a case-by-case basis procedures for public comment as necessary to maintain order. All public comment on agenda and non-agenda items will typically be limited to the three (3) minute rule.
6. Individuals or groups may petition the Board for review for specific action. This request will be presented to the Board Chair and Clerk no later than 14 days preceding the scheduled meeting.
7. For the Board to conduct any official business, a quorum, which is more than half of the board, must be present.
8. If a quorum is present, the Board will make decisions based on a majority vote of those present unless otherwise noted. Each member is entitled to one (1) vote.
9. All meetings will be documented with minutes and will include the final vote on all actions. Minutes must be submitted and filed with the City Clerk office within 30 days of Board approval. Minutes will be made available to the public in a timely manner.
10. All records, including reports, correspondence, and finances, are public records according to Montana Law and must be made available for inspection and copying by members of the public. A reasonable fee may be charged for copies.

#### **Section 2: Special Meetings**

The Board may call special meetings of the Board or any sub-committee of the Board. The Special meetings must abide by the same rules and procedures as regular Board meetings.

## **ARTICLE VII**

### **Communications**

#### **Section 1: Personal Communications of Members**

Any individual member shall not sign written communication to others using the Board name unless approved by the Board.

## **Section 2: Informal Communications**

Board members should refrain from discussing topics before the Parks Boards, either in person or electronically, when a quorum is present. Board members should refrain from discussing matters where the Board serves in an adjudicative role (appeals, etc.) outside of board meetings.

## **ARTICLE VIII**

### **City Policies**

Board Members agree to comply with Missoula City policies and procedures, including fiscal and personnel policies. However, Board membership and compliance with these policies does not make the member an employee or employed by the City or an agent of the City in any way.

## **ARTICLE IX**

### **Staff**

Dedicated Park Staff assigned to the Board are not Board employees but are available to provide support and expertise in City matters.

General support staff will be responsible for:

1. Receiving requests from Board members for agenda items before the next meeting and corresponding with the Chair to develop an agenda for the next meeting, as needed.
2. Publishing public notices, as required by City, before the next meeting and posting notices in online community calendars and the City website.
3. Meeting set up and support, which includes preparing the meeting space, ensuring a note taker and meeting leaders are present, assisting with flow and timekeeping during meetings, providing technical assistance as necessary and emailing the link to the next agenda and attachments to Board before the meeting.
4. General support includes active participation in the workings of the Board, receiving and distributing appropriate information emails to members, assisting in seeking resources for Board's work, assisting the Board in connecting with other boards, committees, community groups, and elected officials, and assisting subcommittees as needed.

## **ARTICLE X**

### **Legal Assistance**

The City Attorney's Offices may be available to provide legal assistance to the Board upon request by the Board, subject to the availability of legal staff resources.

## **ARTICLE XI**

### **Bylaws – Review and Amending**

The Board shall review their by-laws biannually in even numbered years.

1. Bylaws shall reflect the most recent City Mission, Vision, and Strategic Goals. (See Article I and Article IV)
2. Amendments to by-laws require a super majority vote of the Board (5 of 7 members).
  - a. Amendments to Article II - Purpose; Article IV - Authority, General Powers and Duties; Article V - Membership, Organization, and Board Makeup Sections 1 and 2; require Council concurrence.
  - b. The remaining Articles must meet current MMC and MCA and any changes must be approved by Clerk and City Attorney.