



MEMORANDUM

To: Mayor and City Council

From: Brad Reid, Director of Parks and Recreation

Date: April 22, 2014

Reference: Consider approval of a Resolution approving the Bylaws and Restated Certificate of Formation with New Amendments for the Coppell Recreation Development Corporation; and authorizing the Mayor to sign.

2030: Community Wellness and Enrichment Strategy
Sustainable City Government Strategy

Introduction:

Voter approval of the reauthorization of the ½ cent sales tax has caused the need to amend the bylaws and the Certificate of Formation of the CRDC, allowing for the development of additional project definitions as allowed in the ballot language. Additionally, there have been a few modifications to the bylaws which update them to the current status of what the City Council has approved during past considerations. Certain of the considerations that have previously been approved by City Council have not yet been codified and staff wants to ensure that these items are recognized and included in the bylaws.

Analysis:

The reauthorization of the ½ cent sales tax in November 2013 was based on very specific language as determined by the City Council. This language changed and expanded the projects that are allowed to be funded by the Coppell Recreation Development Corporation. The ballot language has been included in the recommended amendments to the CRDC bylaws.

There are a few recommended changes to the bylaws that relate to updating them to bring them into compliance with the direction that City Council has given over the years, but have yet to be codified. The first of these changes instructs that when a board member chooses to abstain from a vote without a declared conflict of interest, the abstention shall be recorded in the affirmative. The second update clarifies the attendance of the board members, aligning the CRDC bylaws with those of the other boards. Thirdly, board members are instructed as to the process for declaring apparent

conflict of interest on items coming before the board. Lastly, board members are made aware that the City of Coppell will consider expenditures from CRDC funds similarly to those in any other fund with respect to state procurement laws, stipulating the authorities of the board, the City Manager and the City Council.

At their regular meeting of April 7, 2014, the Coppell Recreation Development Corporation considered the bylaws as suggested by the city attorney's office. The CRDC approved the bylaws with one exception, that being the recommendation that an abstention from voting should not be considered an affirmative vote; conversely, an abstention should not be recorded as a vote in favor or against the item under consideration. The attorney's office and the Parks and Recreation Department do not agree with this CRDC added change to the recommended bylaws.

At this same meeting of April 7, 2014, the Coppell Recreation Development Corporation considered the Restated Certificate of Formation with New Amendments as suggested by the bond attorney's office. The CRDC approved the item with one exception; that being the recommendation to add the word "permitted" to the sentence comprising Article IV, PURPOSES. The sentence will read as follows, including the CRDC recommendation: "The 'permitted' purpose or purposes for which the Corporation is organized and may issue bonds is for any purpose authorized by Section 4B, Article 5190.6, Vernon's Revised Civil Statutes, as amended, the Development Corporation Act of 1979,...

Legal Review:

The attached reconstituted Bylaws, and the Restated Certificate of Formation with New Amendments were created by the city attorney's office and/or the Bond Counsel.

Fiscal Impact:

There is no direct fiscal impact due to this agenda item.

Recommendation:

The Parks and Recreation Department recommends approval of this item.