



Park Board of Trustees of the City of Galveston

12/21/2022 - Minutes

I. Call Meeting To Order

The meeting was called to order at 9:00 a.m.

II. Pledge Of Allegiance

The pledge was recited by those present.

III. Roll Call And Declaration Of A Quorum

Roll was called and a quorum declared.

Trustees Present: Marty Fluke, Will Wright, Dave Jacoby, Michael Bouvier, Kimberly Gaido, Jason Hardcastle (9:07), Jeff Ossenkop, Spencer Priest and Jason Worthen.

IV. Conflict Of Interest Declarations

There were no conflicts declared.

V. Requests To Address The Board

Written comments were submitted by Charlotte O'Rourke.

VI. Executive Session

Marty Fluke announced that the meeting would not enter into executive session and that the discussion would be held in open meeting.

- A. Pursuant To Texas Government Code Section 551.071 - Consultation With Attorney On A Matter In Which The Duty Of The Attorney To The Governmental Body Under Texas Disciplinary Rules Of Professional Conduct Of The State Of Texas Clearly Conflicts With This Chapter - Legal Duties And Responsibilities Of The Park Board

VII. Action Item (S) Resulting From Executive Session

- A. Discuss And Consider Action For Any Executive Session Item Listed On The Meeting Agenda

Marty Fluke shared that with the recently passed ordinances by city council there is confusion over the roles and responsibilities of the Park Board and the trustees. He would like to discuss this and has asked Robert Booth to provide input on avenues for clarification. Robert Booth reviewed the recently passed ordinances and asked Bryson Frazier to provide information on the funding transfers of Hotel Occupancy Tax (HOT) required. Mr. Frazier reported that there is a discrepancy on some of the funding classification and he is working with Mike Loftin at the City to resolve. He gave an overview on the policy being used by the Park Board and why it was requested at the previous meeting to hire a 3rd party auditor to review the Park Board policies and procedures related to the HOT funds. Mr. Booth reviewed that the state statute does include items that seem

to indicate that the Park Board is a separate government entity such as the ability to hire its own legal counsel, to sue and be sued and to issue bonds. He reported on four ways the Park Board could proceed. The first would be to work with the City to come to an agreement on the roles and duties. The next item he discussed would be getting state legislation passed which would be difficult. Mr. Booth reported that another option would be to get an opinion from the Texas Attorney General. He shared that while this is not binding it is persuasive. The final option would be going to court to resolve. Marty Fluke stated that he will be asking for another special meeting to discuss these options and how the trustees wish to proceed.

VIII. Future Agenda Items

Will Wright asked for a general overview of the Open Meetings Act.

IX. Announcements

There were no announcements.

X. Adjournment

The meeting was adjourned at 9:49 a.m.

Schel Heydenburg
Board Reporter

Dave Jacoby
Board Secretary