

ORDINANCE NO. 23-029

AN ORDINANCE OF THE CITY OF GALVESTON, TEXAS, AMENDING THE CODE OF THE CITY OF GALVESTON, CHAPTER 26, "PARKS AND RECREATION", ARTICLE III. "PARK BOARD OF TRUSTEES", TO CLARIFY THE TERM "MANAGEMENT AND CONTROL" AS USED IN SECTION 26-54; TO CLARIFY OWNERSHIP OF SUBJECT PARKS THAT ARE OPERATED BY THE PARK BOARD, REMAIN WITH THE CITY; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to the Code of the City of Galveston, 1982 as amended, Chapter 26, "Parks and Recreation", Article III. "Park Board of Trustees", Section 26-54, "Areas under control of board", certain city owned parks and beaches are placed under the management and control of the Park Board of Trustees; and,

WHEREAS, the City Council of the City of Galveston wishes to accelerate the placement and improvements to City Parks and Beaches, particularly the area designated Stewart Beach, and which include demolition of the current pavilion and developing various amenities therein; and,

WHEREAS, it is deemed advisable to amend the City Code Section 26-54, to clarify the City's authority to make contemplated improvements in those parks under the control of the Park Board of Trustees but remain under ownership of the city; and,

WHEREAS, after public notice and hearing as required by law, the City Council finds that it is in the public's interest to amend Chapter 26, Article III. "Park Board of Trustees", Section 26-54, "Areas under control of board", as set out below.

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

SECTION 1. The findings and recitations set out in the preamble to this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

SECTION 2. Chapter 26, "Parks and Recreation", Article III. "Park Board of Trustees", Section 26-54, "Areas under control of board", is hereby amended to read and provide as follows:

Sec. 26-54. - Areas under control of board.

- (a) The following property owned, leased, or otherwise under the care, control and custody of the city are hereby placed under the management and control of the board created in this article:

- (b) The city council expressly reserves the right and authority to hereafter place other beach parks and facilities of said city under the management and control of board.

- (c) For purposes of this section, the term management and control shall mean that the Park Board will staff, maintain and operate the designated area.

(d) For purposes of this section, the term management and control shall not be construed to:

(1) Convey ownership or title of the designated area from the City to the Park Board;

- (2) Authorize the park board of trustees to enter into leases with third parties exceeding a period of three (3) years. Any lease for a period in excess of three (3) years including options to renew shall be submitted to city council for approval.
- (3) Authorize the park board of trustees to make any new capital improvements on the property placed under their management and control without the prior approval of council; or
- (4) Authorize the park board of trustees to undertake any maintenance or repair of existing structures if the cost of such maintenance or repair exceeds one hundred twenty-five thousand dollars (\$125,000.00) without the prior approval of council.

SECTION 3. The City Council of the City of Galveston hereby authorizes the City Manager and or their designee to submit the requested amendment to the Texas General Land Office for certification and to execute all necessary documents for the same.

SECTION 4. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance.

SECTION 5. All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

SECTION 6. All Ordinances of general and permanent nature, and amendments to such Ordinances, hereinafter adopted by the City Council, shall be drafted, so far as possible, as specific amendments of, or additions to, this Code. Amendments to this Code are intended for publication to the Galveston City Code. The Codifier is authorized pursuant to the Galveston City Code to make non-substantive changes to the Ordinance prior to publishing.

SECTION 7. In accordance with the provisions of Section 12 and 13 of Article II of The City Charter this Ordinance has been publicly available in the office of the City Secretary for not less than 72 hours prior to its adoption; that this Ordinance may be read and published by descriptive caption only.

SECTION 8. This Ordinance shall be and become effective from and after its adoption and publication in accordance with the provisions of The Charter of the City of Galveston.

APPROVED AS TO FORM:

DONALD S. GLYWASKY
CITY ATTORNEY

I, Janelle Williams, Secretary of the City Council of the City of Galveston, do hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the City Council of the City of Galveston at its Regular Meeting held on April 27, 2023, as the same appears in records of this office.

IN TESTIMONY WHEREOF, I subscribe my name hereto officially under the corporate seal of the City of Galveston this 1st day of May, 2023.

Secretary for the City Council
of the City of Galveston