

**ORDINANCE NO. 17-018**

**AN ORDINANCE OF THE CITY OF GALVESTON, TEXAS AMENDING CHAPTER 26 “PARKS AND RECREATION,” SECTIONS 26-54 “AREAS UNDER CONTROL OF BOARD” OF THE CODE OF THE CITY OF GALVESTON 1982, AS AMENDED, TO DEFINE THE PHRASE “MANAGEMENT AND CONTROL” TO REQUIRE CITY COUNCIL APPROVAL OF ANY NEW CAPITAL IMPROVEMENTS AND/OR ANY MAINTENANCE OR REPAIR OF EXISTING STRUCTURES IF THE COST OF SUCH MAINTENANCE OR REPAIR EXCEEDS ONE HUNDRED TWENTY FIVE THOUSAND DOLLARS; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND PROVIDING FOR AN EFFECTIVE DATE.**

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**WHEREAS**, in a Special Election held May 14, 1963, a proposition was submitted to the voters of Galveston for the creation of a board designated as the “Park Board of Trustees for the purpose of acquiring, improving, equipping, maintaining, financing or operating parks as authorized by Chapter 306 of the Local Government Code; and

**WHEREAS**, on May 16, 1963, the City Council adopted Ordinance No. 63-23 declaring the results of the election and authorizing the creation of the Park Board of Trustees of the City of Galveston (hereinafter referred to as the “Park Board of Trustees”) codified in the Code of the City of Galveston Section 26-47; and

**WHEREAS**, Chapter 306 grants additional powers to a home-rule municipality that has a population of less than 80,000 and borders the Gulf of Mexico (a “coastal municipality”); and

**WHEREAS**, Local Government Code 306.032(b) authorizes the coastal municipality or a park board created under Chapter 306 to lease land, buildings, or other facilities on terms the municipality or the board considers appropriate; and

**WHEREAS**, the City qualifies as a coastal municipality under Chapter 306; and

**WHEREAS**, the City has placed certain properties under the management and control of the Park Board of Trustees, but desires to further define the scope of that Board’s authority over such properties; and

**WHEREAS**, the City Council of the City of Galveston deems it in the public interest to exercise final control and authority over improvements contemplated by the Park Board of Trustees involving City property placed under its management and control.

**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.** Subsection 26-54 “Areas under control of board” of Chapter 26 “Parks and Recreation” of **The Code of the City of Galveston 1982, as amended**, is hereby amended to add Section 26-54 (c) (2) and (3) as follows:

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

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

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2) 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

3) authorize the park board of trustees to undertake any maintenance or repair of existing structures if the cost of such maintenance or repair exceeds \$125,000 without the prior approval of Council.

**SECTION 3.** 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 4.** All ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

**SECTION 5.** In accordance with the provisions 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 description caption only.

**SECTION 6.** 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:

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DONALD S. GLYWASKY  
CITY ATTORNEY

I, Janelle Williams, Secretary of the City of 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 the \_\_\_\_\_ day of \_\_\_\_\_, 2017, 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 \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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Secretary for the City Council  
of the City of Galveston