

ARTICLE III. - PARK BOARD OF TRUSTEES^[3]

Sec. 26-47. - Created.

Pursuant to the provisions of V.A.C.S., Section 306.011, Local Government Code, as amended, and as authorized at the election held in the city on the fourteenth day of May, 1963, there is hereby created and established a board designated as "Park Board of Trustees of the City of Galveston."

(Code 1960, § 15-15; Ord. No. 89-80, § 2, 6-22-89)

State Law reference— Authority of city to create board, V.T.C.A., Local Government Code § 306.011 et seq.

Sec. 26-48. - Membership.

- (a) The park board of trustees shall be composed of nine (9) members appointed by the city council, one (1) of whom shall be a member of said city council. Such trustees shall serve for staggered terms of two (2) years from the date of their appointment and any vacancy shall be filled by appointment by the city council for the unexpired term only. The appointments for the members whose terms expire on September 1, 1989, shall be made on July 1, 1989, and the appointments for the members whose terms expire on September 1, 1990, shall be made on July 1, 1990. The terms of the members of the board of trustees are hereby reduced to conform to this section. Provided, however, that the expiration date of the terms of existing members of the board of trustees may not be set on a date that would require the city council to reduce their terms by more than sixty (60) days. Provided further, that to comply with the law, the effective dates of the terms of appointments of those members who have more than sixty (60) days remaining on their term on the July 1 appointment date shall be July 3 of each respective appointment year. Thereafter successor members shall be appointed on July 1 of each year to become effective on July 1 of each year so as to maintain the foregoing staggered terms of office.
- (b) A member of the city council shall serve as ex officio member of said board. If any ex officio member hereafter appointed shall cease to be a member of the city council during the term as a member of the board, he shall also cease to be a member of such board, and the city council shall appoint another of its members as ex officio member of said board to serve for the unexpired term.

(Code 1960, §§ 15-16, 15-17; Ord. No. 84-122, § 15, 12-13-84; Ord. No. 88-23, § 14, 3-24-88; Ord. No. 89-80, § 3, 6-22-89)

State Law reference— Similar provisions, Vernon's Ann. Civ. St. art. 6081g-1, § 3.

Sec. 26-49. - Oath; bond.

Within fifteen (15) days after his appointment, each member of said board shall qualify by taking the official oath and by filing a good and sufficient bond with the city secretary, payable to the city in the sum of twenty-five hundred dollars (\$2,500.00). Such bond shall be conditioned upon the faithful performance of the duties of such trustee, including the proper handling of all moneys that may come into his hands in his capacity as a member of the beach park board of trustees, the cost of such bond to be paid by the board.

(Code 1960, § 15-19)

State Law reference— Similar provisions, Vernon's Ann. Civ. St. art. 6081g-1, § 4.

Sec. 26-50. - Officers.

The park board of trustees shall elect from its members, a chairman, a vice chairman, a secretary and a treasurer. The office of secretary and treasurer may be held by the same person.

(Code 1960, § 15-20)

State Law reference— Similar provisions, Vernon's Ann. Civ. St. art. 6081g-1, § 5.

Sec. 26-51. - Meetings and handling of funds.

The park board of trustees shall hold regular meetings at times to be fixed by the board and may hold special meetings at such other times as business or necessity may require, which special meetings may be called by the chairman or any three (3) members of the board. The park board of trustees shall follow applicable municipal budgeting procedures as set forth in Chapter 102 of the Texas Local Government Code.

(Ord. No. 98-61, § 2, 7-23-98)

State Law reference— Similar provisions, Vernon's Ann. Civ. St. art. 6081g-1, § 5.

Sec. 26-52. - Records; inspection; contracts; annual audit.

The park board of trustees shall keep a true and full record of all of its meetings and proceedings and preserve its minutes, contracts, accounts and all other records in a fireproof vault or safe. All such records shall be the property of the board and shall be subject to inspection by the council at all reasonable times. The board may contract with the council to have the city keep and maintain its records. An annual audit by independent auditors selected by the board shall be made of all financial transactions and records of the board.

State Law reference— Similar provisions, Vernon's Ann. Civ. St. art. 6081g-1, § 6.

Sec. 26-53. - Duties.

The park board of trustees hereby created and established shall have the powers and shall perform the functions and duties prescribed by V.T.C.A., Local Government Code §§ 306.031 and 306.032.

(Code 1960, § 15-20; Ord. No. 17-005, § 2, 1-26-17)

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:

(1) *Stewart Beach*. A recreational and amusement park known and designated as "Stewart Beach", located in the city on East Beach and, bounded on the north by the county Seawall right-of-way, on the south by the line of ordinary high tide of the Gulf of Mexico, on the east by the eastern boundary of the Michael Menard Grant and an extension thereof southerly into the waters of the Gulf of Mexico, and on the west by the fence on the eastern boundary of the children's playground established by Galveston County on Block No. 66 (being that property conveyed to the City of Galveston by the Galveston City Company by general warranty deed dated July 31, 1940).

(2)

Beaches adjacent to Galveston County Beach Pocket Parks. The following property adjacent to the properties commonly known as county beach pocket parks (being the county beach pocket parks placed under the management of the park board by separate agreement between the county commissioners and park board):

- a. Beachfront property between the westernmost boundary of Dellanara Park and the easternmost boundary of Galveston County Pocket Park Number One;
 - b. Beachfront property not to exceed five hundred (500) feet east and west of Galveston County Beach Park Two; and,
 - c. Beachfront property not to exceed five hundred (500) feet east and west of Galveston County Pocket Park Three.
 - d. All beachfront property located directly in front of residential subdivisions within these boundaries shall be excluded from the park board's management and control.
- (3) *Reserved.*
- (4) *Pelican Island Park.* Beginning at Point "3" (also known as Point "H") on Pelican Island Harbor Line as approved by J.M. Wainwright, Assistant Secretary of War, under date of September 24, 1921; thence along and with said harbor line on a bearing of S17°35'38"W a distance of 2200 feet; thence N61°00'W a distance of 800 feet; thence N17°35'38"E a distance of 285.00 feet; thence N72°24'22"W a distance of 346.00 feet; thence N14°58'09"E a distance of 610.00 feet; thence S72°24'22"E a distance of 374.00 feet; thence N17°35'38"E a distance of 1305.64 feet; thence S61°00'E a distance of 800 feet to the point of beginning and containing 44.642 acres, more or less.
- (5) *R.A. Apffel Park.* The following property known as R.A. Apffel Park:
- a. All of that property, comprising 390.629 acres, more or less, more particularly described in Deed to City of Galveston from the United States of America, dates April 9, 1975, recorded in the Deed Records of Galveston County in Book 2567 at page 606 et seq.
 - b.

All of that property, comprising 64.5 acres, more or less, described in Deed to City of Galveston from the United States of America, dated April 15, 1976, recorded in the Deed Records of Galveston County, Texas, in Book 2687 at page 11 et seq.

- c. Reserved.
- d. The area commonly known as the East End Lagoon;
- e. All of that property, commonly referred to as the former Coast Guard LORAN station, and consisting of roughly two hundred forty and seventy-five hundredths (240.75) acres, including perpetual easements, described in the quitclaim deed dated July 22, 2005 from the United States of America to the city on file with the county clerk of the County of Galveston and identified as instrument GAC 2005056034.

(6) *West End Park.* All of that property, comprising 16.29 acres, more or less, described in that certain deed dated April 5, 1978, from Charter Land and Housing Corporation to the City of Galveston, recorded in Book 2965, page 476, of the Deed Records of Galveston County, Texas, and the right-of-way of 7-Mile Road lying south of FM 3005, same being situated between, adjacent to and contiguous with Blocks 421 and 422 in Section 1, T&L Survey.

(7) *Reserved.*

(8) *Reclaimed submerged lands, 10th Street to 61st Street.* All of those submerged lands that are reclaimed by the Beach Renourishment Project during fiscal 1994-95 between 10th Street and 61st Street.

(9) *61st Street to 69th Street.* All of the beachfront property west of 61st Street to 69th Street. Such property shall remain public beach.

(10) The parcel of land legally described as "a 2.76 acre tract out of part of Block 66, part of Block 65, part of 6th Street, part of Avenue L and part of 7th street in the City and County of Galveston, Texas".

(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 not be construed to:

(1)

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.

- (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 one hundred twenty-five thousand dollars (\$125,000.00) without the prior approval of council.

(Code 1960, §§ 15-22, 15-23; Ord. No. 78-32, § 1, 4-13-78; Ord. No. 85-40, § 1, 6-13-85; Ord. No. 86-44, § 1, 9-11-86; Ord. No. 89-6, § 3, 1-12-89; Ord. No. 90-31, § 2, 5-3-90; Ord. No. 93-54, § 2, 5-28-93; Ord. No. 93-100, § 2, 10-14-93; Ord. No. 93-114, § 2, 12-9-93; Ord. No. 94-63, § 2, 10-13-94; Ord. No. 94-74, § 2, 11-17-94; Ord. No. 98-4, § 2, 1-28-98; Ord. No. 04-080, § 2, 8-26-04; Ord. No. 05-088, § 2, 12-22-05; Ord. No. 16-041, § 2, 5-26-16; Ord. No. 17-005, § 3, 1-26-17; Ord. No. 17-018, § 2, 2-23-17; Ord. No. 17-052, § 3, 8-10-17)

Editor's note— Ord. No. 04-080, § 2, adopted August 26, 2004, enacted provisions intended for use as subsection (a)(5). Inasmuch as there are already provisions so designated, and at the discretion of the editor, said provisions have been redesignated as subsection (a)(10).