

ORDINANCE NO. 041725-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA VERNIA, TEXAS, AMENDING THE CODE OF ORDINANCES, REPEALING ORDINANCE NO. 111424-03 CREATING THE LA VERNIA CITY PARKS & RECREATION COMMISSION, PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, per Sec. 51.001 of the Texas Local Government Code, titled *ORDINANCE, RULE, OR REGULATION NECESSARY TO CARRY OUT OTHER POWERS*, which states: *The governing body of a municipality may adopt, publish, amend, or repeal an ordinance, rule, or police regulation that: (1) is for the good government, peace, or order of the municipality or for the trade and commerce of the municipality; and (2) is necessary or proper for carrying out a power granted by law to the municipality or to an office or department of the municipality; and*

WHEREAS, the City Council of the City of La Vernia, Texas (hereinafter referred to as the "City") has requested that the Parks and Recreation Ordinance be repealed, as reflected in Exhibit A.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA VERNIA, TEXAS, THAT:

**Section 1.
Repealing**

The City of La Vernia's Ordinance No.111424-03 is hereby repealed reflected in the document attached hereto as **Exhibit "A"**.

**Section 2.
Severability**

If any section, subsection, paragraph, or sentence, clause, phrase, or word in this Ordinance, or application thereof, to any person or circumstance is held invalid such holding shall not affect the validity of the remaining portions of the same and the City Council hereby declares it would have passed such remaining portions despite such invalidity.

**Section 3
Cumulative**

This ordinance is cumulative of all other laws addressing land use regulations and any prohibitions and sanctions that may be imposed under other laws relating to the subjects covered hereunder.

**Section 4.
Effective Date**

This ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

PASSED, APPROVED, AND ADOPTED THIS 17th DAY OF APRIL 2025.

Martin Poore, Mayor
City of La Vernia

ATTEST:

Madison Farrow, City Secretary
City of La Vernia

APPROVED AS TO FORM:

City Attorney's Office
City of La Vernia

Exhibit A

Ordinance No. 111424-03

AN ORDINANCE OF THE CITY OF LA VERNIA, CREATING THE LA VERNIA CITY PARKS & RECREATION COMMISSION, PRESCRIBING THE DUTIES AND QUALIFICATIONS OF ITS MEMBERS AND THEIR TERM OF OFFICE, PROVIDING FOR THE APPOINTMENT OF ITS MEMBERS, THE METHOD OF FILLING VACANCIES, PROVIDING FOR ADOPTION OF RULES AND REGULATIONS AND BYLAWS, AND PROVIDING A SAVINGS CLAUSE.

WHEREAS, there is hereby created and established within the City of La Vernia, Texas, a Parks and Recreation Commission; and

WHEREAS, the City Council of the City of La Vernia desire to adopt procedures for the Parks and Recreation Commission, NOW THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA VERNIA, TEXAS:

Section 1. The facts and recitations set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2.

**Chapter 2 of the La Vernia Code of Ordinances-
ADMINISTRATION ARTICLE IV. - BOARDS AND COMMISSIONS is hereby amended to
include DIVISION 4. - PARKS AND RECREATION COMMISSION**

(a) Creation. There is hereby created a parks and recreation commission.

(b) Membership, appointment, terms of office and removal from office.

- (1) The commission shall consist of seven members who shall serve without compensation and shall be appointed by the City Council. Members shall be appointed from the La Vernia Little League, La Vernia Historical Association, City Extra Territorial Jurisdiction, and Greater La Vernia Chamber of Commerce with three positions for La Vernia residents. If a member of the commission ceases to qualify for position the city council shall appoint a new commission member to fill the remainder of the resigning member's term. Administrative officials of the City may be appointed as ex-officio, nonvoting members of the commission.
- (2) The members of the commission shall serve four-year staggered terms with even-numbered positions being appointed in January of even-numbered years and odd-numbered positions appointed in January of odd-numbered years. An appointment to fill a vacancy shall be the unexpired terms. A member serving to fill an unexpired term shall be eligible for reappointment to serve a full term.
- (3) Unless otherwise required by state law, all members serve at the pleasure of the City Council and may be removed at any time with or without cause.

(c) Power and duties of the commission

- (1) The Parks and Recreation Commission is tasked with the review, planning and providing recommendations of the development and improvement of the parks and recreational areas within the City of La Vernia.
- (2) May hear testimony and conduct public hearings as required.

- (3) Provide and/or coordinate volunteers to plan and implement city sponsored special events and activities such as LV Spirit of Christmas Tree Lighting.
- (4) Assist and coordinate with City Council, staff and possible outside professionals for obtaining and accomplishing grants for park or future park space.
- (5) Solicit and obtain suggestions from citizens for projects or activities that would improve the parks.
- (6) Prepare, present reports, and recommendations to the City Council as needed.

(d) Organization and meetings.

- (1) The commission shall have a chairperson and vice-chair-person elected from its membership to serve for a one-year term. Officers shall be elected annually at the first meeting in January by the commission. The chairperson shall preside over the commission and shall have the right to vote on all items before the commission. The vice-chairperson shall fulfill the duties of the chairperson when the chairperson is not available for any reason. The commission may elect other officers as necessary to conduct the business of the commission.
- (2) The commission may adopt and establish such rules, regulations or bylaws as necessary for the orderly conduct of its business subject to the approval by the City Council.
- (3) The commission should hold regularly scheduled monthly meetings. All meetings shall be at a time and place established by the commission and shall be held in accordance with the Texas Open Meetings Act. Special meetings may be called by the City Council, chairperson, administrative official, or upon written request of any three commission members.
- (4) A quorum shall consist of a majority of the members of the commission, except that when a vacancy exists, a quorum shall consist of a majority of the members without regard to the vacancy. The concurring vote of a majority of members present is necessary to make a valid motion, decision, or recommendation of the commission. The commission shall keep a record, which shall be reasonable available to the public, of its resolutions, proceedings and actions.
- (5) Recognizing that members serve voluntarily and that the business of the commission is advisory in nature, and keeping a proper balance between those principles and the important nature of the public business entrusted to the commission, the following attendance policy shall apply to all members of the commission:
 - a. If a member is absent for three consecutive meetings, unless otherwise excused as indicated herein, his appointment shall be terminated. In addition, any member who misses an unreasonable number of meetings, which may not necessarily be consecutive but without excuse as set forth, may be removed by majority vote of the City Council.
 - b. Absences may be excused if caused as a result of illness, death of a family member or close personal friend, scheduled vacation, business, travel, or other extraordinary circumstances. The chairperson of the commission shall be responsible for determining whether an absence may be excused.
 - c. Members shall strive to notify the chairperson or other appropriate officer of the commission in advance of any known or planned absence to enable the chairperson or other officer to determine if a quorum will be present. Failure to give reasonable notice may be considered when determining whether an absence shall be excused.
- (6) A public record shall be kept of all transactions, findings, resolutions, determinations and actions of the commission as required by law. All public records shall be open to the public under the Texas Public Information Act.

- (7) A commission member having any potential conflict of interest on any policy decision, or determination before the commission shall disclose such conflict, shall recuse themselves from discussion on the topic involving such conflict and shall abstain from voting on such policy, decision or determination. The disclosure of a conflict of interest shall be recorded in the commission's minutes.

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

Section 3. Fees

A schedule of fees, fines and rates for park use shall be established by resolution of the City Council. The fee schedule may be changed from time to time by resolution of the City Council, and made available for public examination in the office of the City Secretary.

Section 4. Severability

If any section, subsection, paragraph, or sentence, clause, phrase, or word in this Ordinance, or application thereof, to any person or circumstance is held invalid such holding shall not affect the validity of the remaining portions of the same and the City Council hereby declares it would have passed such remaining portions despite such invalidity.

Section 5. Cumulative

This ordinance is cumulative of all other laws addressing land use regulations and any prohibitions and sanctions that may be imposed under other laws relating to the subjects covered hereunder.

Section 6. Effective Date

This ordinance shall take effect immediately from and after its passage.

PASSED AND APPROVED: This the 14th day of November, 2024.

Martin Poore, Mayor
City of La Vernia

ATTEST:

Madison Farrow, City Secretary
City of La Vernia

APPROVED AS TO FORM:

City Attorney
City of La Vernia