

**AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING THE CITY OF PFLUGERVILLE CODE OF ORDINANCES TITLE IX GENERAL REGULATIONS, CHAPTER 95 PARKS AND RECREATION, SECTIONS 95.23 THROUGH 95.27 MAKING AMENDMENTS TO THE PARKS AND RECREATION COMMISSION; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE AND REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EFFECTIVE DATE.**

**WHEREAS**, on September 10, 2019, the City Council of the City of Pflugerville amended the City of Pflugerville Code of Ordinances Title IX General Regulations, Chapter 95 Parks and Recreation; and

**WHEREAS**, the City Council of the City of Pflugerville now finds it appropriate to amend the City of Pflugerville Code of Ordinances Title IX General Regulations, Chapter 95 Parks and Recreation, Sections 95.23 through 95.27.

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

**Section 1. Findings.** The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes and findings of fact.

**Section 2. Amendment to Municipal Code of Ordinances.** The Code of Ordinances of the City of Pflugerville, Texas, is hereby amended by amending Chapter 95, Parks and Recreation, Sections 95.25 through Section 95.27 as follows with underlines being additions to the code and cross outs being deletions:

**§ 95.23 CREATION OF COMMISSION; MEMBERSHIP.**

- (A) Creation. There is hereby created the Parks and Recreation Commission of the city.
- (B) Membership.
  - (1) The Commission is composed of seven regular members and one alternate member who may serve in the absence of a regular member. ~~Membership shall include residents of both genders. One regular member of the Commission shall be a high school student.~~ Liaison to the Commission shall include up to five current high school students residing within the city limits of Pflugerville. There may only be two student liaisons from the same school.
  - (2) All Commission members shall be appointed by the City Council and shall serve without compensation. Liaisons shall be appointed by the Commission and shall also serve without compensation.

- (3) The term of office of Commission members is two years and shall commence on the first day of January. The term of the alternate is for one year and shall commence on the first day of January of each year. ~~The term of the student member thereafter is for one year, commencing on the first day of June of each year.~~

#### **§ 95.24 ORGANIZATION**

- (A) The Commission shall select from its members a Chair~~person~~ and a Vice-Chair ~~Secretary~~. Such officers shall hold office for terms of one year or until their successors take office.
- (B) The Commission shall adopt, subject to the approval of the City Council, such rules and regulations governing its proceedings as it may deem proper. Such rules and regulations shall not be inconsistent or in conflict with the ordinances, resolutions, and regulations of the city.
- (C) The Commission shall abide by all rules and regulations established in the Public Parks Ordinance of the city. (See §§**95.01** through **95.08**)

#### **§ 95.25 DISMISSAL FROM COMMISSION**

- (A) Commission members shall actively participate in the Commission's activities, and any member who is absent for three consecutive regular meetings of the Commission without a valid excuse, as determined by the Commission, or moves one's residence outside the city limits, shall automatically be dismissed from membership.

(B) No member of the Commission shall remain in their position after being elected or appointed to city, county, or state board or office without approval from City Council.

~~(A) Members of the Commission shall be subject to dismissal by the Council for cause in accordance with the following provisions:~~

~~(1) Before the Council may take action to dismiss any member of the Commission, such member shall first receive notice of the proposed dismissal and notice of the Council meeting at which the dismissal will be considered.~~

~~(2) Any member of the Commission informed of the action of the Council to dismiss such member may request a hearing before the City Council, prior to such dismissal becoming effective, by filing with the City Secretary a written request for hearing within five days from the date of notification of the City Council's dismissal action.~~

~~(3) Upon filing of request for hearing, the member shall be provided with a bill of particulars which specifies the basis of the proposed dismissal and date and time of hearing thereon, which shall be at least five days after receipt of the bill of particulars.~~

~~(4) Dismissal from the Commission shall become automatically effective and final if no request for hearing is received by the City Secretary by the end of such five-day period.~~

~~(B) Absence from three consecutive regular meetings of the Commission, or moving one's residence outside the city limits, shall automatically create a vacancy on the Commission~~

~~with respect to the position held by such Commission member.~~

**§ 95.26 COMMISSION MEETINGS**

- (A) The Commission shall hold at least one (1) regular meeting each month and shall fix regular meeting dates at a regular meeting place. Special meetings may be called as necessary for the receipt of public input.
- (B) A majority of the Commission members serving on the Commission shall constitute a quorum to do business.
- (C) ~~Special meetings may be held upon call of the Chairperson, Mayor, City Manager, City Attorney, Director, or upon request of three or more members of the Commission. All meetings shall be open to the public and held in accordance with the Texas Open Meeting Act (TEX. GOV'T CODE, §§551.001 et seq.), as it now exists, or as same may hereafter be amended or codified.~~
- (D) ~~Every regular or special meeting of the Commission shall be open to the public, except as may be authorized by the Texas Open Meetings Act.~~

**§ 95.27 DUTIES OF THE COMMISSION**

The Commission shall make recommendations to the Council related to the Department concerning those matters set forth in Section 8.07(c) of the Charter of the City, ~~Charter Sec. 8.07(e)~~ and shall serve as the affiliate of the City of Pflugerville as a member of Keep Texas Beautiful and execute additional duties so as to maintain standing.

**Section 3. Repealer.** This Ordinance shall be cumulative of all other ordinances of the City of Pflugerville, and this Ordinance shall not operate to repeal or affect any other ordinances of the City of Pflugerville except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, are hereby repealed.

**Section 4. Severability.** If any provision of this Ordinance is illegal, invalid, or unenforceable under present or future laws, the remainder of this Ordinance will not be affected and, in lieu of each illegal, invalid, or unenforceable provision, a provision as similar in terms to the illegal, invalid, or unenforceable provision as is possible and is legal, valid, and enforceable will be added to this Ordinance.

**Section 5. Effective Date.** That this Ordinance will become effective on its adoption and passage by the City Council in accordance with Section 3.15(d) of the City Charter.

PASSED AND APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2022.

CITY OF PFLUGERVILLE, TEXAS

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By: Victor Gonzales Mayor

ATTEST:

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Trista Evans, City Secretary

APPROVED AS TO FORM:

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CHARLES E. ZECH, City Attorney  
DENTON NAVARRO ROCHA BERNAL & ZECH, PC