

**NOTICE OF MEETING
CITY COUNCIL OF THE CITY OF GALVESTON
THURSDAY - JULY 22, 2021 - 9:00 A.M.
ROOM 204 - CITY HALL
823 ROSENBERG, GALVESTON, TEXAS
TELEPHONE: (409) 797-3510**

Members of the public may participate in the meeting in the following ways:

1. Attend the Zoom meeting by registering in advance at the following web address:

https://us02web.zoom.us/webinar/register/WN_4MZ0cTE0RQeIKDR8oK8GYQ

2. Attend the meeting in person at the above address.

WORKSHOP AGENDA

1. DECLARATION OF A QUORUM AND CALL MEETING TO ORDER
2. ROLL CALL
3. DISCUSSION ITEMS
 - 3.A. Clarification Of Consent And Regular City Council Agenda Items - This Is An Opportunity For City Council To Ask Questions Of Staff On Consent And Regular Agenda Items (20 Minutes)
 - 3.B. Discussion Of The FY2022 Budget And Capital Improvement Plan (M. Loftin - 1 Hour)
 - 3.C. Discussion Of A Memorandum Of Understanding With The Rosenberg Library (M. Loftin - 15 Minutes)

Documents:

[LIBRARY MOU STAFF REPORT.DOCX](#)
[MEMORANDUM LIBRARY AND CITY ML AND DG 713.DOCX](#)

- 3.D. Discussion Of Economic Development And Galveston Island Redevelopment Authority, Galveston Housing Finance Corporation And Galveston Property Finance Authority Structure And Process (M. Hay - 40 Minutes)
- 3.E. Discussion Of An Ordinance Of The City Of Galveston, Texas, Amending The Code Of The City Of Galveston, Chapter 8, "Beaches And Waterways", To Update Beach Access And Parking On Regulated Beach Areas; Making Various Findings And Provisions Related To The Subject; Providing For An Effective Date (Legal - 10 Minutes)

Documents:

[CHAPT 8 - BEACHES AND WATERWAYS - ORD SEC 8-3 AMENDS 7-2021 \(2\).DOC](#)

- 3.F. Discussion Of Cultural Arts Commission's Policy On Art In Public Places (Listowski/Brown - 15 Min)

Documents:

[CULTURAL ARTS COMMISSION SIDEWALK ART.DOCX](#)

3.G. Discussion Of A Draft Ordinance Prohibiting The Release Of Balloons (Schuster/Brown - 10 Minutes)

Documents:

[PROHIBITION - BALLOONS.DOC](#)

3.H. Council Updates And Discussion Items (15 Minutes)

1. Coastal Resources Manager - Brown
2. Golf Cart Definitions - Robb/Brown

3.I. Report Of City Council's Park Board Representative (Collins/Brown - 10 Minutes)

4. EXECUTIVE SESSION

4.A. Pursuant To Texas Government Code Section 551.074, "Personnel Matters" To Deliberate The Appointment, Employment, Evaluation, Reassignment, Or Duties Of A Public Officer Or Employee.

1. City Manager Brian Maxwell
2. City Attorney Donald Glywasky
3. City Auditor Glenn Bulgherini
4. City Secretary Janelle Williams

5. ADJOURNMENT

I certify that the above Notice of Meeting was posted in a place convenient to the public in compliance with Chapter 551 of the Texas Government Code on 2021 at P.M.

Janelle Williams, City Secretary

IN ACCORDANCE WITH THE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT (ADA), PERSONS IN NEED OF A SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING SHALL, WITHIN THREE (3) DAYS PRIOR TO ANY PROCEEDING, CONTACT THE CITY SECRETARY'S OFFICE, SUITE 201, 823 ROSENBERG, GALVESTON, TEXAS 77550 (409-797-3510).



City of Galveston

FINANCE DEPARTMENT

PO Box 779 | Galveston, TX 77553-0779
mloftin@galvestontx.gov | 409-797-3562

July 22, 2021

To: City Manager Brian Maxwell
Honorable Mayor and City Council

From: Michael W. Loftin, Assistant City Manager – Finance

RE: Consider a proposed amendment to the Memorandum of Understanding between the Rosenberg Library and the City of Galveston to provide for payments by the Library to the City that address an inequitable distribution of property tax revenue caused by the combined effect of City Charter requirements and State property tax laws approved in 2019.

Prior Council Action

In 2018, the City and the Library approved the Memorandum of Understanding formalizing the process of administering the City Charter provision that provides for the Rosenberg Library to receive a specific portion of the City's annual property tax revenue. By the time this is before City Council on July 22, the Library Board will likely not have met and approved it. But it is being presented for Council approval because of initial favorable responses from Library representatives.

Background

1. The City is severely limited in its property tax administration by the State property tax that effectively limits the City to an annual increase in revenue of 3.5% over the prior year, not including new construction. If the City's total taxable value excluding new construction as certified by the Galveston County Chief Appraiser increases by more than 3.5%, the City has two choices: reduce its property tax rate to offset the taxable value increase and/or request the voters to approve a higher property tax rate before beginning tax collections for the Budget year already underway.
2. The City chooses to adhere to the 3.5% limit on its revenue increase which is handled through the setting of its tax rate. By State law, the City's rate is comprised of two parts:



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- A. A debt service rate that is levied to retire principal and interest on previously sold general obligation bonds;
 - B. A maintenance and operations rate intended to cover all operating needs normally funded as a part of a jurisdiction's General Fund.
3. The City's debt service repayment schedule is generally flat so the debt service rate is held constant over time to meet bond covenant requirements. Therefore, the maintenance and operations portion of the rate must be reduced in order to comply with the 3.5% revenue increase limit. And the M&O rate is also the portion of the rate that must include the Library's property tax portion.
 4. This year, the Galveston County Appraisal District has raised the City taxpayers' values by an initial rate of 35% overall. The after-protest taxable value is certain to increase by well over 3.5%. The current estimate is around 15%, but it could easily be 20% when values are certified to the City. Because of the City Charter language, none of the rate reduction can be taken out of the Library's share of the M&O rate.
 5. The City Charter includes the following language under Article VIII Taxation, Section 2 Powers of Taxation:

“(2) Effective January 1, 1979, for the conduct, maintenance, improvement and extension of Rosenberg Library, a tax rate which will yield that amount which would be derived by the levy of a Five Cent (\$0.05) tax, or at the discretion of the City Council, an additional amount up to a maximum total of an Eight Cent (\$0.08) tax, per \$100.00 of assessed valuation based upon a one hundred (100) per cent assessment ratio.”
 6. For the last number of years, the City has based its payment under the charter language above on the minimum property tax rate of \$0.05. This will mean in the upcoming FY2022 Budget, that the Library will receive an increase in its share of City property tax revenue that is equal to the taxable value increase received from the CAD. Whatever the taxable value is, 15 or 20% more, the Library is mandated to receive its five-cent rate's worth of the revenue produced.



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General Fund Rate Drops with Increases in Taxable Value

Fund	FY 2020 Actual	FY 2021 Actual	FY 2022 3.5% Increase in TV	FY 2022 10% Increase in TV	FY 2022 15% Increase in TV	FY 2022 20% Increase in TV
General Fund	\$0.47739	\$0.45750	\$0.45750	\$0.42750	\$0.40750	\$0.38950
Debt	\$0.05250	\$0.05250	\$0.05250	\$0.05250	\$0.05250	\$0.05250
Library	\$0.05000	\$0.05000	\$0.05000	\$0.05000	\$0.05000	\$0.05000
Total *	\$0.57989	\$0.56000	\$0.56000	\$0.53000	\$0.51000	\$0.49200

General Fund Revenue (\$Thousands) Drops with Increases in Total Revenue

Fund	FY 2020 Actual	FY 2021 Projected	FY 2022 3.5% Increase in TV	FY 2022 10% Increase in TV	FY 2022 15% Increase in TV	FY 2022 20% Increase in TV
General Fund	\$29,102	\$31,473	\$32,554	\$32,131	\$31,825	\$31,550
Debt	\$3,205	\$3,587	\$3,722	\$3,933	\$4,088	\$4,242
Library	\$3,046	\$3,418	\$3,547	\$3,748	\$3,898	\$4,042
Total *	\$35,353	\$38,477	\$39,823	\$39,812	\$39,809	\$39,834

Note: Totals do not match because of complexity of tax calculation (freeze, P&I, et al).

Increase/(Decrease) from Prior Year (\$Thousands)

Fund	FY 2020 Actual	FY 2021 Projected	FY 2022 3.5% Increase in TV	FY 2022 10% Increase in TV	FY 2022 15% Increase in TV	FY 2022 20% Increase in TV
General Fund	\$2,618	\$2,371	\$1,082	\$659	\$353	\$78
Debt	\$166	\$382	\$135	\$346	\$501	\$655
Library	\$159	\$372	\$129	\$330	\$480	\$624
Total *	\$2,944	\$3,124	\$1,346	\$1,335	\$1,332	\$1,357



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General Fund Percent Share Drops with Growth in Tax Roll

Fund	FY 2020 Actual	FY 2021 Projected	FY 2022 3.5% Increase in TV	FY 2022 10% Increase in TV	FY 2022 15% Increase in TV	FY 2022 20% Increase in TV
General Fund	9.9%	8.1%	3.4%	2.1%	1.1%	0.2%
Debt	5.5%	11.9%	3.8%	9.7%	14.0%	18.3%
Library	5.5%	12.2%	3.8%	9.7%	14.0%	18.3%
Total	9.1%	8.8%	3.5%	3.5%	3.5%	3.5%

7. Note the following:
 - A. In FY 2020, the General Fund share increased by a larger percentage than the Library (9.9% versus 5.5%). This occurred because the City increased the M&O tax rate and this raised the General Fund portion of that rate only.
 - B. In FY 2021, the 3.5% limit on growth in revenue from properties on the tax roll in the prior year took effect. As a result, the M&O portion of the tax rate was reduced \$0.01988 and this reduced the General Fund's rate only.
 - C. In FY 2022, as the potential taxable value increase gets larger, the General Fund revenue share of total revenue gets smaller. If the taxable roll goes up by 20%, which is highly possible, the General Fund share of the total will go up \$78,000 or only 0.2%. This would lead to significant cuts in the General Fund budget in order to maintain public safety budgets intact.
 - D. Differences in the percent increase for Debt and the Library from year to year are rounding differences.

Issues

1. Clearly, changing the City Charter language to something more equitable is needed; however, this will require some time and will be too late for this year's Budget problem caused by the unusually high taxable value increases. And the Charter provision will have to be complied with until it is changed.
2. A simple interim solution is to implement an agreement between the City and the Rosenberg Library whereby each shares equally in the overall percentage increase in property tax revenue.
 - A. The inside cover page of the Proposed Budget is required to have the following language by the State of Texas Budget Law, Section 102.007 of the Local Government



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Code. The statement shown was in the FY 2021 Adopted Budget document because the final certified roll was not available until after the Proposed Budget was released.

“This budget will raise more revenue from property taxes than last year’s budget by an amount of \$3,156,000, which is a 8.95 percent increase from last year’s budget. The property tax revenue to be raised from new property added to the tax roll this year.”

This calculation was based on the following numbers found in the chart on page 37 of the Adopted Budget.

PROPERTY TAX REVENUE GROWTH FY 2021 ADOPTED BUDGET ESTIMATE

By Fund	FY 2020 Estimate	FY 2021 Adopted	Amount of Increase	Percent Increase
General Fund Operations	\$29,031,300	\$31,381,600	\$2,350,300	8.10%
Debt Service Fund	\$3,196,200	\$3,608,900	\$412,700	12.91%
Rosenberg Library	\$3,045,900	\$3,438,900	\$393,000	12.90%
Total	\$35,273,400	\$38,429,400	\$3,156,000	8.95%

- B. If the City and the Library shared equally in the overall increase in taxable value, the resulting payment by the Library to the City would have been \$120,392, netting the Library a revenue gain of \$272,608 over FY 2020.

PROPERTY TAX REVENUE GROWTH CALCULATION OF LIBRARY PAYMENT FOR FY 2021

By Fund	FY 2020 Estimate	FY 2021 Adopted	FY 2021 Equitable Shares	Percent Increase	Amount of Increase
General Fund Operations	\$29,031,300	\$31,381,600	\$31,629,601	8.95%	\$2,598,301
Debt Service Fund	\$3,196,200	\$3,608,900	\$3,482,260	8.95%	\$286,060
Rosenberg Library	\$3,045,900	\$3,438,900	\$3,318,508	8.95%	\$272,608
Total	\$35,273,400	\$38,429,400	\$38,430,369	8.95%	\$3,156,969

- C. In FY 2022, if the roll increases by 16.5%, including new construction at 1.5%, the two-step process would look like this:
- (1) Calculate the Proposed Budget based on the City Charter mandated \$0.05 cent tax levy for the Library. The Budget disclosure language required by State law would indicate that the overall increase in the property tax revenue would be \$1,333,000 or 3.46% growth. The Budget would reflect the allocations shown below, and the City



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would make its property tax payments to the Library as it always has under the Charter.

PROPERTY TAX REVENUE GROWTH PROSPECTIVE FY 2022 BUDGET ESTIMATE

By Fund	FY 2021 Estimate	FY 2022 Proposed	Amount of Increase	Percent Increase Over FY 2021
General Fund Operations	\$31,473,000	\$31,825,000	\$352,000	1.12%
Debt Service Fund	\$3,587,000	\$4,088,000	\$501,000	13.97%
Rosenberg Library	\$3,418,000	\$3,898,000	\$480,000	14.04%
Total	\$38,478,000	\$39,811,000	\$1,333,000	3.46%

(2) Calculate the equitable share of the overall property tax revenue increase of 3.46% not including new construction. The result is a net increase for the Library of \$118,263 over FY 2021 (see below) instead of the \$480,000 increase in the Charter mandated budget calculation (see above). The PILOT payment to the City would be \$361,737 (\$480,000 less \$118,263). Should new construction equal 1.5%, the overall increase in the property tax for the City and the Library would be five percent. In this case, the Library revenue amount would be \$3,589,000, constituting an increase over FY 2021 of \$171,000.

PROPERTY TAX REVENUE GROWTH CALCULATION OF LIBRARY PAYMENT FOR FY 2022

By Fund	FY 2021 Estimate	FY 2022 Proposed	FY 2022 Equitable Shares	Percent Increase	Amount of Increase over FY 2021
General Fund Operations	\$31,473,000	\$31,825,000	\$32,561,966	3.46%	\$1,088,966
Debt Service Fund	\$3,587,000	\$4,088,000	\$3,711,110	3.46%	\$124,110
Rosenberg Library	\$3,418,000	\$3,898,000	\$3,536,263	3.46%	\$118,263
Total	\$38,478,000	\$39,811,000	\$39,809,339	3.46%	\$1,331,339

(3) In the above example, the City's overall share of the increase in property tax revenue would grow 3.46% for the total of the Debt Service Fund and the General Fund. For policy reasons, the City may decide to leave its debt service rate where it is which would



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reduce the General Fund rate somewhat. The options in this regard will not be known until the property tax roll is delivered and the Proposed Budget is sent to City Council in August.

- (4) Also, the Library's total shown in the above box does not include new construction. This could raise the Library's full payment by as much as \$35,000 to \$75,000 depending on how much new construction is a part of the final certified tax roll.

Recommendation: Implementation in FY 2022

1. Approve an amendment to the existing Memorandum of Understanding between the Library and the City that recognizes the proposed payment as a form of revenue sharing or payment in lieu of taxes (PILOT). Secure approval of the Council and Library Board prior to the submission of the budget to Council.
2. The City would make payments to the Library as it always has using the five-cent tax levy amount budgeted (estimated in the table above at \$3,898,000 not including new construction).
3. In turn, the Library would make payments in the table above to the City totaling \$361,737 in equal monthly installments of \$30,145. Again, this is not including new construction.
4. At the end of the fiscal year, actual property tax amounts collected would be audited and "trued up" using the same distribution rules used to formulate the budget. The first step would entail using the percent actual property tax increase for the year just closed over the actual amount for the prior year.

Recommendation: Adopt the Memorandum of Understanding as proposed.

MEMORANDUM OF UNDERSTANDING BETWEEN THE
CITY OF GALVESTON TEXAS AND THE
ROSENBERG LIBRARY ASSOCIATION RELATED TO THE PAYMENT OF
AD VALOREM TAXES TO THE ROSENBERG LIBRARY IN ACCORDANCE WITH
THE CHARTER OF THE CITY OF GALVESTON

This agreement is entered into by and between the City of Galveston (City) and the Rosenberg Library Association (Library), a 501(c)(3) not for profit corporation. The City and Library are hereinafter referred to as the “Parties”.

The Parties agree that City Charter Art. VIII §2 provides that the City shall pass “for the conduct, maintenance, improvement and extension of Rosenberg Library, a tax rate which will yield that amount which would be derived by the levy of a Five Cent (\$0.05) tax...”

The City has been delivering funds to the Library in conformity with the City Charter since that section has been passed.

In 2018 the parties entered into Memorandum of Understanding to formalize the process of delivery of funds, referred to as “City Support” to the Library by the City. A copy of that Memorandum is attached as Exhibit A and is incorporated herein as if fully set forth. All terms and conditions set forth in the 2018 Memorandum are continued in force by this agreement.

The parties agree to the following refinements of the 2018 Memorandum as set forth herein:

- 1) The City shall continue to meet its obligations to provide City Support for the Library as set forth in City Charter Art. VIII §2.
- 2) The Library will accept the funds provided by the City under the Charter as continued City support; the Library agrees the delivery of these funds satisfies the City’s obligations under the City Charter.
- 3) The Library elects for the term of this agreement to make payments to the City of Galveston in lieu of taxes in the amount set forth herein.

The parties agree that the payments between the parties shall be determined as follows.

- I. Fiscal years: Both the City and Library utilize fiscal years beginning on October 1 and ending the following September 30. It is the intent of the parties this agreement will be effective for the fiscal years beginning on October 1, 2021 and 2022.
- II. Setting of payment to Library: As set forth in the 2018 memorandum as attached, the City will make payment to the Library in a total amount equal to the certified value supplied by the Central Appraisal District multiplied by five cents (\$0.05) for each one hundred dollars (\$100) of assessed value. The payments shall be made monthly by the fifth business day of the month for each fiscal year in which this agreement is in place, beginning with FY 2022 that begins October 1, 2021.
- III. Payments to the City from Library: The Library has determined that it is amenable to make an annual payment in lieu of taxes to the City. It is the intent of this agreement that the City and the Library will share this overall percent increase in total property tax revenue as presented and prepared under State law. For this purpose, the sum to be paid

to the City by the library will be the amount which when netted against the property tax payment made by the City under section II ensures that the City and the Library have the same percent increase over the prior year. This calculation is to be made as follows:

- A. The State of Texas Local Government Code Section 102.007 requires that the top page of the City Budget include the following language:
“This budget will raise more revenue from property taxes than last year’s budget by an amount of \$_____ which is a ____ percent increase from last year’s budget.”
- B. This language is required to be the broadest measure of property taxes including principal, penalties and interest paid on a current or delinquent basis during the City’s fiscal year. It includes property tax revenue allocated within the City Budget by the City Council to the City’s General Fund, the City’s Debt Service Fund, and the Library.
- C. These allocations are based on the State defined and regulated property tax rate passed by Council for debt and for maintenance and operations, with the latter portion of the rate including the Library’s \$0.05 tax rate. The percent increase is calculated as the total amount budgeted for the upcoming budget year less the total amount estimated for the current year in the aforementioned budget (variable C) divided by the amount estimated for the current year in total.
- D. The Library’s payment to the City is calculated as follows:
 - A = Percent increase in the City’s total budgeted property tax revenue for the upcoming fiscal year over the estimated total for the current fiscal year as shown on the cover page of the City Budget and required by State law.
 - B = Proposed Budget for the property tax payment by the City to the Library in the upcoming fiscal year as required by the City Charter at the \$0.05 rate.
 - C = Estimated property tax payment by the City as presented in the Budget for the upcoming fiscal year being made in the current fiscal year to the Library under the City Charter.
 - D = Equitable share of the upcoming fiscal year’s property tax revenue for the Library.
 - E = Library payment to the City.

Applying the variables above the formula is a two-step process

Step 1 – (1 plus A) times C equals D

Step 2 – B less D equals E

- C. The Library’s payments shall be made in monthly installments using the Budgeted amounts by the tenth business day of each month for each fiscal year in which this agreement is in place beginning with FY 2022 October 1, 2021.

- IV. Actual property taxes collected will vary from the Budget; the parties agree this is a common occurrence which must be contemplated. Therefore as soon as practicable after the close of the fiscal year but not later than December 15, the City will calculate the final amount owed to the library under the City Charter requirement, as well as the amount payable by the Library to the City using the actual increase in total property taxes over the prior fiscal year and calculating the Library's final amount due to the City using the same steps above. As it does now, the City will issue the Library a statement showing these calculations and will adjust its payment to the Library in satisfaction of the Charter requirement. If the City shows any funds are due for the Pilot Payment, the Library will remit that payment within thirty days.
- V. The parties will follow this methodology for the fiscal years beginning October 1, 2021 and October 1 2022. It is the intention of the parties to analyze the results and make amendments to this agreement accordingly; however, if the parties fail to do so this agreement shall remain in effect for each ensuing fiscal year beginning in October 2023 and thereafter.
- VI. This agreement may be terminated by the parties by the issuance of a notice to the remaining party to be delivered by July 1 of each year this agreement is in effect. Failure to give notice by July 1 each year will result in the agreement remaining in effect for the ensuing fiscal year.

ORDINANCE NO. 21- _____

AN ORDINANCE OF THE CITY OF GALVESTON, TEXAS, AMENDING THE CODE OF THE CITY OF GALVESTON, CHAPTER 8, "BEACHES AND WATERWAYS", TO UPDATE BEACH ACCESS AND PARKING ON REGULATED BEACH AREAS; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, staff has reviewed various Chapters of the City Code. Staff has made recommendations to update certain sections of Chapter 8, "Beaches and Waterways", pertaining to beach access and parking on regulated beach areas; and,

WHEREAS, the City Council deems it in the public's interest to amend Chapter 8, "Beaches and Waterways", of "The Code of The City of Galveston 1982, as amended," as provided 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 8, "Beaches and Waterways", of "The Code of The City of Galveston 1982, as amended," is amended to provide as follows:

Sec. 8-3. - Beach access and parking.

(a) *Regulated beach areas.* Except as otherwise permitted herein it shall be unlawful for any person to drive, operate or park any motor vehicle in, on or upon any part of the following described public beaches bordering on the Gulf of Mexico and situated within the corporate limits of the city;

(1) Upon East Beach, being that beach area ~~ex-tending~~ extending from the most easterly city limits to the easterly property line of the East Beach Corporation, at all times, except in the restricted use area designated on the Galveston Dune Protection and Beach Access Plan, as amended.

(2) Upon the beaches of the East Beach ~~Corp-oration~~ Corporation property, same being those beaches extending from East Beach to Stewart Beach, at all times, except in the restricted use area designated on the Galveston Dune Protection and Beach Access Plan, as amended.

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. 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 6. In accordance with the provisions of Sections 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 7. 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:

DONNA M. FAIRWEATHER
ASSISTANT 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 July 22, 2021, 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 _____, 2021.

Secretary for the City Council
Of the City of Galveston

ORDINANCE NO. 21-___

AN ORDINANCE OF THE CITY OF GALVESTON, TEXAS, AMENDING CHAPTER 32, "STREETS, SIDEWALKS, AND PUBLIC PLACES" OF THE CODE OF THE CITY OF GALVESTON 1982, AS AMENDED BY REQUIRING CITY OF GALVESTON APPROVAL BEFORE ANY WRITING OR DRAWING CAN BE DONE ON ANY STREET, SIDEWALK, OR OTHER PUBLIC PROPERTY; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 32-3 of the Galveston City Code currently states that no one is allowed to print, write, draw, paste, chalk, paint or otherwise place any notice, drawing, or caricature on any street, sidewalk, or public property, with a lone exception reserved for school sponsored programs; and,

WHEREAS, residents, including local artists, have expressed interest in decorating the Island with local art; and,

WHEREAS, such art would include writing and/or drawing on these publicly owned areas; and,

WHEREAS, exceptions must be allowed if this art is to legally occur; and,

WHEREAS, after due consideration, the City Council of the City of Galveston, Texas, finds it in the best interest of the public to amend Section 32 of the Code regarding allowing exceptions to the prohibition on printing, writing, drawing, pasting, chalking, painting, or otherwise on any street, sidewalk, or public property.

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. Section 32-3, "Notices, drawings or caricatures on pavement" is hereby amended to read and provide as follows:

Sec. 32-3. – Notices, drawings or caricatures on pavement

- (a) It shall be unlawful for any person **or organization** to print, write, paste, chalk, paint or otherwise place notice, drawing, or caricature on any street, sidewalk or other public property **without first obtaining approval from the City of Galveston.**

(b) **This provision does not apply to any school sponsored programs that are preapproved by the city manager.**

(c) **Proposals must include the date of removal and an adequate maintenance plan. Proposals include commercial advertisements are prohibited.**

(d) **Proposals will be vetted by the Cultural Arts Commission for artistic merit and feasibility. The Cultural Arts Commission will make recommendations to City Council for final approval.**

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 Sections 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 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:

MEHRAN JADIDI
ASSISTANT 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 the 22nd day of July, 2021, 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 _____, 2021.

Secretary for the City Council
of the City of Galveston

ORDINANCE NO. 21- _____

AN ORDINANCE OF THE CITY OF GALVESTON, TEXAS, AMENDING THE CODE OF THE CITY OF GALVESTON, CHAPTER __ , “ _____”, BY ADDING REGULATIONS PROHIBITING THE OPEN RELEASE OF LATEX, MYLAR OR OTHER NON-BIODEGRADABLE OR NON-PHOTODEGRADABLE BALLOONS; PROVIDING A PENALTY CLAUSE; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Galveston, Texas is located on a barrier island which serves as a habitat for several marine and bird species; and

WHEREAS, Galveston Island is a breeding ground for several endangered species of sea turtles including the Kemp Ridley turtle; and

WHEREAS, the material of balloons that do not completely biodegrade or photodegrade in the environment, are often stuck in trees, shrubs, can clog drainage systems, pollute the marine and coastal environment and additionally are often mistaken for food by marine and other wildlife causing disastrous effects on marine and animal systems; and,

WHEREAS, discarded balloons can last indefinitely and create an aesthetic blight and hazard to wildlife and the environment; and,

WHEREAS, the City finds that the release into the atmosphere of large numbers of balloons inflated with lighter-than-air gases pose a danger and nuisance to the environment, particularly to wildlife and marine animals; and,

WHEREAS, the City Council deems it in the public’s interest to amend “The Code of The City of Galveston 1982, as amended,” to provide regulations pertaining to the release of non-biodegradable or non-photodegradable balloons as provided 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 __, “ _____”, of “The Code of The City of Galveston 1982, as amended,” is amended to provide as follows:

Sec. _____ - Definitions. As used in this Article, the following terms shall have the meanings respectively ascribed to them in this section.

Balloon – an object made of latex, mylar or other non-biodegradable or non-photodegradable material, which may be inflated with a gas lighter than air.

Biodegradable or photodegradable – as determined by the Fish and Wildlife Conservation Commission. Evidence of the biodegradability or photodegradability of a balloon may be presented in the form of a certificate executed by the balloon manufacturer.

Release – Failure to maintain possession of the balloon in a manner that prevents it from being let loose on the ground or in the atmosphere and/or is otherwise not secured to an object such that the balloon can be easily retrieved and properly disposed of.

Sec. _____ Prohibition.

It shall be unlawful for any person to intentionally release or intentionally cause to be released into the atmosphere one or more balloons inflated with lighter-than-air gases.

An accompany adult who is with a child who fails to maintain possession of a balloon shall be responsible for the release of the balloon.

Sec. _____ Exceptions.

- (a) Balloons released by a person on behalf of a governmental agency or pursuant to a governmental contract for scientific or meteorological purposes;
- (b) Hot air balloons that are recovered after launching;
- (c) Balloons released indoors; or
- (d) Balloons that are either biodegradable or photodegradable, as determined by rule of the Fish and Wildlife Conservation Commission, and which are closed by a hand-tied knot in the stem of the balloon without string, ribbon, or other attachments.

Sec. _____ Penalty.

A violation of this provision shall be a class C misdemeanor punishable by fine up to \$200.

It shall be a defense against prosecution if the party responsible for the release of the balloon provides to any law enforcement officer evidence of the biodegradability or photodegradability of said balloon in the form of a certificate executed by the manufacturer.

Such evidence to be presented within_____ of the time of infraction.

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. 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 6. In accordance with the provisions of Sections 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 7. 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:

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 _____, 2021, 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 _____, 2021.

Secretary for the City Council
Of the City of Galveston