

MEMORANDUM

To: Members of the City Commission

From: Lisa Agnor, City Manager

Date: May 8, 2015

Subject: Approval of an Ordinance providing that fees at the City of Marshall Swimming Pool will be set by Resolution of the City Commission

The attached Ordinance, prepared by the City Attorney, establishes that fees for the City Swimming Pool will be set by Resolution, instead of by Ordinance.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF MARSHALL, TEXAS, PROVIDING THAT FEES AT THE CITY OF MARSHALL SWIMMING POOL WILL BE SET BY RESOLUTION OF THE CITY COMMISSION; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS CONDUCTED IN STRICT COMPLIANCE WITH THE TEXAS OPEN MEETINGS ACT; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE SEVERABILITY OF THE PROVISIONS HEREOF; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, currently, the fees and hours of operation for the use of the Marshall Swimming Pool are set by provisions in the Code of Ordinances; and,

WHEREAS, the City Commission finds that setting City fees and charges by resolution rather than by ordinance will save money and staff time by eliminating the need for continual updates to the Code of Ordinances to reflect changes in such fees and charges; NOW, THEREFORE,

BE IT ORDAINED BY THE COMMISSION OF THE CITY OF MARSHALL, TEXAS:

Section 1. That the findings set out in the preamble to this ordinance are hereby in all things approved.

Section 2. That Section 21A-11 titled "*Pool schedule*", of the Code of Ordinances of the City of Marshall, Texas, is hereby deleted in its entirety and said section reserved for future use.

Section 3. That Section 21A-12 titled "*Rate schedule*", of the Code of Ordinances of the City of Marshall, Texas, is hereby deleted in its entirety and amended to read as follows:

“Sec. 21A-12 Rate schedule for the City Pool.

The rates, fees and policies for the use of the City Pool facility shall be set by resolution of the City Commission. A copy of the current rate schedule shall be on file and available for inspection at the office of the City Secretary.”

Section 4. That the meeting at which this ordinance was passed was conducted in strict compliance with the Texas Open Meetings Act (Texas Government Code Chapter 551).

Section 5. That all other prior ordinances or portions of ordinances of the City of Marshall in conflict with the terms and provisions of this ordinance are hereby repealed to the extent of such conflict only.

Section 6. That the repeal of any ordinance or portion of an ordinance by this ordinance shall not affect the validity of any pending enforcement action or fines outstanding and due and payable on or before the effective date of this ordinance.

Section 7. That if any section, paragraph, subdivision, clause, phrase or provision of this ordinance is hereafter determined to be invalid or in violation of the laws of the State of Texas or the Constitution of the United States by a court of appropriate jurisdiction, such finding of invalidity shall affect the continued enforcement only of the provision or provisions so determined to be invalid, it being the intent of the City Commission of the City of Marshall that all other terms and provisions of this ordinance not affected thereby shall remain in full force and effect.

Section 8. That this ordinance shall become effective after its passage and publication as required by, law.

PASSED AND APPROVED this _____ day of _____, 2015.

AYES: _____

NOES: _____

ABSTAINED: _____

PASSED, APPROVED AND ADOPTED this _____ day of _____,
2015.

AYES: _____

NOES: _____

ABSTAINED: _____

CHAIRMAN OF THE CITY COMMISSION OF
THE CITY OF MARSHALL, TEXAS

ATTEST:

City Secretary