

A RESOLUTION OF THE CITY OF KEMPNER, TEXAS, GRANTING A VARIANCE FOR CERTAIN VENDORS AT THE SYLVIA TUCKER MEMORIAL PARK FOR KEMPNERFEST 2022, PROVIDING DIRECTION TO THE CITY MANAGER, ESTABLISHING OPEN MEETING REQUIREMENTS MET, SEVERABILITY AND EFFECTIVE DATE.

Whereas, the City of Kempner, Texas is a Type A General Law Municipality under the laws of the state of Texas; and

Whereas, in 2010, the City Council adopted Ordinance # 2010-02-09-001 regarding the restrictions and provisions related to the use of the Sylvia Tucker Memorial Park ; and

Whereas, section 2.4 of this Ordinance bans the use, carrying, and possession of firearms in the park unless otherwise approved by the Council; and

Whereas, since the adoption of the ordinance, there have been numerous changes made by the Texas Legislature limiting the ability for a local government to restrict certain actions involving firearms ; and

Whereas, the City Manager has provided notice to the Mayor of a request to grant a variance of this provision by a company wishing to set up a vendor booth at the 2022 KempnerFest, whereas said company will have firearms on display in order to show the work the company is capable of performing; and

Whereas, there are numerous companies in the general area which offer professional services and personalization to firearms.

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF KEMPNER, TEXAS, THAT THE FOLLOWING VARIANCE(S) HAVE BEEN GRANTED AND DIRECTION PROVIDED TO THE CITY MANAGER;

Section 1. VARIANCES GRANTED: The City Council hereby grants variance to and authorizes any company or individual wishing to set up firearms in the Sylvia Tucker Memorial Park for display purposes only during Kempnerfest 2022.

Section 2. DIRECTION TO CITY MANAGER: (a) The City Council hereby orders the City Manager to develop a written policy that each vendor shall sign before a vendor permit is issued and before bringing a firearm into the Park which stipulates/ outlines the following:

- i. Firearms brought into the park for display purposes shall be, and remain unloaded at all times,
- ii. Any Texas Peace Officer, as defined by section 2.12 of the Texas Code of Criminal Procedure may inspect the firearms at any time the weapon is on park grounds,
- iii. Any firearms possessed by a vendor must be done so in accordance with applicable State laws,
- iv. That any violation of the policy may result in the vendor being removed from the park without reimbursement of any fees paid, and
- v. Any additional provisions the City Manager, Chief of Police and Mayor deem important, while keeping public safety and individual constitutional rights well balanced during the drafting of the rules.

(b) The City Council furthermore orders the following:

- i. The City Manager is to review the Sylvia Tucker Memorial Park ordinance and make recommendations to update language in all sections of such ordinance, as applicable. It is the desire of the council that this be accomplished without legal fees. In areas in which the City Manager is unsure on how to draft legal language, he should consult with the Mayor. If the Mayor

and City Manager is unable to develop language likely to be acceptable by the Courts, then the concept behind the change shall be included in the final report.

- ii. Provide recommended language changes to the Mayor so that this item may be addressed by the Council during the regular meeting scheduled for the first meeting in June of 2022, where final action shall be determined by the Council.

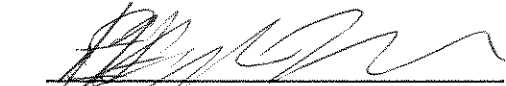
Section 4. Severability. In any provision of this resolution or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications hereof which can be given effect without the invalid provision or application, and to this end the provisions of this resolution are declared to be severable.

Section 5. Open Meetings. That it is hereby officially found and determined that the meeting at which this resolution is passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Texas Open Meetings Act Chapter of the Texas Government Code.

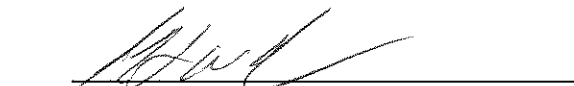
PASSED AND APPROVED on this the 26th day of April, 2022

Attest:

City of Kempner, Texas



City Secretary



John "JW" Wilkerson, Mayor



Place 1- David Richardson

FOR AGAINST ABSTAIN (CIRCLE ONE)

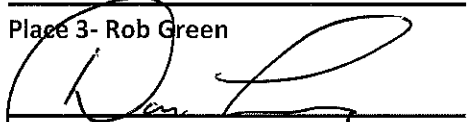
Place 2- Tom Combs

FOR AGAINST ABSTAIN (CIRCLE ONE)



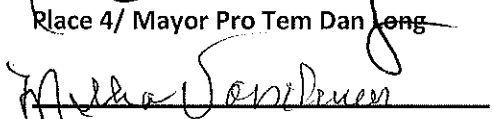
Place 3- Rob Green

FOR AGAINST ABSTAIN (CIRCLE ONE)



Place 4/ Mayor Pro Tem Dan Long

FOR AGAINST ABSTAIN (CIRCLE ONE)



Place 5- Melba Vandever

FOR AGAINST ABSTAIN (CIRCLE ONE)