

ORDINANCE NO. 923-20

CITY OF NAVASOTA

CITY COUNCIL MEETING PROCEDURES

AN ORDINANCE OF THE CITY OF NAVASOTA, TEXAS ESTABLISHING POLICIES AND PROCEDURES FOR CITY COUNCIL MEETINGS, INCLUDING PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; PURPOSE; DEFINITIONS; GENERAL RULES OF PROCEDURE AT MEETINGS; DISRUPTIVE OR DISORDERLY CONDUCT; INDIVIDUALS WITH DISABILITIES; RECORDING OF MEETINGS; RELATION TO OTHER ORDINANCES; SEVERABILITY; PROPER NOTICE AND MEETING

WHEREAS, the City Council of the City of Navasota seeks to provide for the efficient administration of City business; and

WHEREAS, the City Council seeks to maintain order and decorum at Council meetings; and

WHEREAS, the City Council finds that the promulgation of procedural rules for Council meetings furthers the effective and efficient administration of City business and encourage orderly public participation in the democratic process; and

WHEREAS, the City Council finds that disorderly or disruptive behavior during the course of its meetings unreasonably interferes with the conduct of City business; creates confusion and dismay among meeting participants, observers, and the general public; and stifles public comment and participation in the democratic process; and discourages the majority of meeting attendees who conduct themselves appropriately; and

WHEREAS, the City Council finds that the unreasonably obtrusive use of a tape recorder, video camera, or other means of aural or video reproduction may disrupt the effective and efficient administration of Council meetings; may cause undue anxiety to those persons in attendance; and may discourage public participation in the

democratic process; thus making it necessary to adopt reasonable rules relating to the location of recording equipment and the manner in which the recording is conducted; and

WHEREAS, the City Council finds it to be in the best interest of the public safety, health and general welfare to adopt reasonable rules and regulations to maintain order and to regulate conduct at its meetings; and

WHEREAS, the City Council is authorized to adopt such rules and regulations by virtue of its authority as a home rule municipality and by section 551.023 of the Texas Government Code; and

WHEREAS, the City Council has carefully reviewed the rules and regulations established by this Ordinance; and

WHEREAS, the City Council has received public input by and through a public meeting at which this Ordinance is to be adopted;

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

1. INTRODUCTION

A. Popular Name

This Ordinance shall commonly be referred to as the "Council Meeting Procedures Ordinance."

B. Findings of Fact

All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Navasota and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

C. Purpose

This Ordinance is adopted so that the City Council may promote the public health, safety, morals and general welfare within the City through the enactment of reasonable procedures and rules designed to facilitate the orderly and efficient conduct of Council meetings in a manner that promotes a positive City image reflecting order, harmony and pride, thereby strengthening the economic stability of the City. By and through this Ordinance, the City Council additionally seeks to establish fair, reasonable,

and efficient guidelines for maintaining order and promoting effective public participation at Council meetings.

D. DEFINITIONS

A). General

Words and phrases used in this Ordinance shall have the meanings set forth in this Section. Words and phrases that are not defined in this Ordinance but are defined in other ordinances of the City of Navasota shall be given the meanings set forth in those ordinances. Other words and phrases shall be given their common, ordinary meaning unless the context clearly requires otherwise. Headings and captions are for reference purposes only and shall not be used in the interpretation of this Ordinance.

B). Specific Definitions

- (1) "City" means the City of Navasota, an incorporated, home rule municipality located in Grimes County, Texas.
- (2) "Council" means the City Council (i.e., the governing body) of the City of Navasota, Texas.
- (3) "Council meeting" means any public meeting held by the City Council of the City of Navasota as authorized or required by the Texas Constitution and applicable state law.
- (4) "Council Chamber" means the meeting space designated for City Council meetings located in City Hall at 200 E. McAlpine Street, Navasota, Texas.
- (5) "Closed Meeting" means a meeting to which the public does not have access (i.e., executive session) as authorized by the Texas Open Meetings Act.
- (6) "Conduct" means an act or omission and its accompanying mental state.
- (7) "Deliberation" or "Deliberate" means a verbal exchange during a meeting by a quorum of the City Council, or between a quorum of the City Council and another person, concerning a public issue within the jurisdiction of the City Council.

- (8) "Designated recording area" means that area of the Council Chamber clearly marked as a space for all persons wishing to operate tape recorders, video cameras, or other means of aural or visual reproduction, within which such persons may operate such electronic recording devices during Council meetings.
- (9) "Meeting" means any official proceeding of the Council. This term includes, but is not limited to, all Regular, Special (i.e., "called"), Emergency and Executive Session (i.e., "closed") Meetings.
- (10) "Official tape recording" means any audio recording made by the City Secretary or other City official or employee at the direction of the City Council and as part of that City official's or employee's official duties.
- (11) "Open" means the public is allowed to attend.
- (12) "Person" means a human individual.
- (13) "Presiding officer" means the member of the governing body who is chairing the meeting, which may be the Mayor, Mayor Pro-Tem in the Mayor's absence, or a council member selected by the remaining members of the council when the Mayor and Mayor Pro-Tem are absent.
- (14) "Quorum" means a majority of the City Council, unless defined differently by an applicable law, rule, or ordinance of the City.
- (15) "Use of a tape recorder, video camera, or other means of aural or visual reproduction" means the use of any device used to capture and record and/or transmit and replay sounds and/or images. This term includes, but is not limited to, tape recorders, video cameras, digital cameras, web cameras, and live video streaming devices.

2: GENERAL RULES

A. Time and Place for Meetings

- (1) The City Council shall hold regular meetings on the second and fourth Mondays of each month at 6:00 p.m.

- (2) When the day for any regular meeting falls on a legal holiday, the regularly scheduled meeting for such day shall be cancelled unless otherwise specified by the City Council. At other times that the Mayor deems appropriate, the Mayor may cancel one or more regular meetings.
- (3) The Mayor may call a special meeting on the Mayor's own motion or on the application of two Council members. Each member of the City Council, the City Secretary, and the City Attorney must be notified of the special meeting at least 72 hours in advance.
- (4) Except as otherwise provided in this paragraph, the City Council shall conduct all meetings in the Council Chambers. However, the City Council may from time to time elect to meet at other locations and, upon such election, shall give public notice of the change of location in accordance with State law. If by reason of fire, flood or other emergency, it is unsafe to meet in the Council Chambers, for the duration of the emergency the Council may hold its meetings at such other place as the Mayor, or, in the Mayor's absence, the Mayor Pro-Tem, shall designate.
- (5) Meetings may be cancelled or recessed to the next business day with or without notice by the Mayor, a majority of the Council, or a majority of the members of the Council in attendance at the meeting.
- (6) Pursuant to § 551.007 (e) of the Texas Government Code, during a meeting the City Council may not prohibit public criticism of the City Council, including criticism of any act, omission, policy, procedure, program, or service. This does not apply to public criticism that is otherwise prohibited by law.

B. Agenda of Meetings

- (1) The City shall comply with all notice requirements of the Texas Open Meetings Act, Chapter 551 of the Texas Government Code, as may be amended.
- (2) The City Secretary shall be responsible for preparing the agenda for Council meetings. The Mayor may determine which items to include in the agenda, provided that, the City Secretary shall include any item requested by a Council Member or the Mayor. Council Members shall submit requests to the City Secretary at least five (5) business days in advance of the day of the meeting.

- (3) A citizen may request inclusion on the agenda by submitting a request in writing to the City Secretary at least six (6) business days in advance of the day of the meeting. The requested item may be included on the agenda at the Mayor's discretion.
- (4) The City Secretary shall post the agenda at least 72 hours in advance of the meeting, except as otherwise allowed by the Texas Open Meetings Act. The City Secretary shall not make changes to the agenda less than four (4) days prior to the meeting. Items submitted to the City Secretary less than four (4) days prior to the meeting shall not be included. This provision shall not apply to emergencies, as determined by the Mayor.
- (5) Upon the motion of the Presiding Officer or any Council Member, the City Council may elect to table an agenda item by an affirmative vote of a majority of Council Members present at the meeting.
- (6) In accordance with the Texas Open Meetings Act, the Council will not be able to deliberate on any item that is not on the agenda for the meeting. For such an item, the governmental body may either: (1) make a statement of fact regarding the item; (2) make a statement concerning the policy regarding the item; or (3) propose that the item be placed on a future agenda.

C. Public Participation

- (1) In accordance with the terms of the Texas Open Meetings Act all meetings of the City Council shall be open to the public unless the Council is in Executive Session or State law otherwise allows a meeting to be closed.
- (2) A member of the public who desires to address the Council concerning an item on the agenda or to present a subject for the Council's consideration during the Public Comment period may do so in accordance with the rules outlined in this Ordinance.
- (3) Members of the public who desire to address the Council shall abide by the following rules:
 - (a) Prior to the meeting, or during the meeting prior to discussion of a specific matter upon which a person wishes to comment, speakers who wish to address the City Council should complete a Public Meeting Appearance sign-in sheet and present it to the City Secretary. Speakers shall indicate whether they wish to comment on a specific

agenda item or on a separate matter during the Public Comment period.

- (b) When recognized by the Presiding Officer, the speaker should approach the podium, state his/her name and address for the record, and, if speaking on behalf of an organization or other group, identify the group represented.
 - (c) Only one person may address the Council at any one time.
 - (d) Speakers should address all remarks to the City Council as a whole, not to individual members.
 - (e) Speakers must limit their presentations to no more than three (3) minutes. There shall be no substitutions or pooling of speakers.
 - (f) Speakers who address the City Council through a translator, must limit their presentations to no more than six (6) minutes. There shall be no substitutions or pooling of speakers. (HB2840)
 - (g) The Presiding Officer may encourage speakers to not merely repeat views expressed by others.
 - (h) Speakers must limit presentations to matters within the City's subject matter jurisdiction.
- (4) In accordance with the Texas Open Meetings Act, the Council will not be able to deliberate on any item that is not on the agenda for the meeting. For such an item, the governmental body may either: (1) make a statement of fact regarding the item; (2) make a statement concerning the policy regarding the item; or (3) propose that the item be placed on a future agenda.

D. Parliamentary Procedure

The Council may by resolution adopt rules of parliamentary procedure.

E. Presiding Officer

The Presiding Officer of the Council is responsible for conducting the meeting. When present and participating, the Mayor shall serve as presiding officer. When the Mayor is not present or if the Mayor abstains from participation on a matter, the Mayor Pro-Tem shall serve as the presiding officer. If neither

the Mayor nor the Mayor Pro-Tem is able to serve, the remaining Council Members may by majority vote designate a Member of the Council to preside over the meeting.

3. DISRUPTIVE CONDUCT

A. Disrupting a Meeting

No person shall prevent or disrupt a meeting or obstruct or interfere with the meeting by physical action or verbal utterance.

B. Removal From Meeting

The Presiding Officer shall maintain decorum in all meetings and may order persons disrupting meetings to exit the building. Disruptive persons refusing to vacate the premises may be escorted outside by police officers upon direction from the Presiding Officer.

4. RECORDING OF MEETINGS

A. Location of Recording Equipment.

- (1) At each Council meeting, the Council shall designate an area within the Council Chamber for the operation of tape recorders, video cameras, and other means of aural or visual reproduction. Operation of such equipment is limited to the designated recording area.
- (2) The designated recording area shall be indicated by means reasonably calculated to provide sufficient space for all persons wishing to operate a tape recorder, video camera, or other means of aural or visual reproduction to occupy the designated recording area with reasonable comfort and sufficiently near to the proceedings to facilitate adequate recording.
- (3) No person shall operate a tape recorder, video camera, or other means of aural or visual reproduction within the Council Chamber outside of the designated recording area.
- (4) The provisions of this Section do not apply to the creation of an official tape recording of a Council meeting by a duly authorized City official. Nor do these provisions apply to duly authorized closed (*i.e.*, "executive") sessions.

B. Recording of Individuals Outside of the Council Meeting

- (1) No person shall operate a tape recorder, video camera, or other means of aural or visual reproduction within the Council Chamber within one hour before or after a Council meeting unless the person being recorded expressly grants his or her consent.
- (2) Members of the news media and other interested persons may request personal interviews to be scheduled with City officials by calling the Marketing and Communications Coordinator or City Manager at (936) 825-6475.

5. INDIVIDUALS WITH DISABILITIES

The City of Navasota seeks to ensure effective communication with members of the public who attend and participate in Council meetings. An individual who requires auxiliary aids and services or other accommodation should contact the City Secretary with a request for such services. The City encourages such individuals to submit requests at least forty-eight (48) hours in advance of a Council meeting so the City may effectively address the individuals' requests.

6. RELATION TO OTHER ORDINANCES

This Ordinance shall not be construed to require or allow any act that is prohibited by any other ordinance. This Ordinance is specifically subordinate to any ordinance or regulations of the City pertaining to building and construction safety or to pedestrian and traffic safety. Nothing in this Ordinance shall be construed to impose a duty not required by the Open Meetings Act or to relieve the City of complying with the Open Meetings Act.

7. EFFECTIVE DATE

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

8. SEVERABILITY

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the

remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, and the remainder of this Ordinance shall be enforced as written.

9. PROPER NOTICE AND MEETING

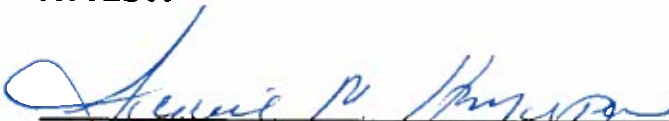
It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED ON FIRST READING THIS THE 23rd DAY OF MARCH, 2020.



BERT MILLER, MAYOR

ATTEST:



SUSIE M. HOMEYER, CITY SECRETARY



PASSED AND APPROVED ON SECOND READING THIS THE 27th DAY OF APRIL, 2020.



BERT MILLER, MAYOR

ATTEST:



SUSIE M. HOMEYER, CITY SECRETARY

