

**ORDINANCE No. 2015-178
CITY OF SHOREACRES, TEXAS**

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SHOREACRES TO REQUIRE THAT THE RECORDINGS OF CITY COUNCIL MEETINGS TO BE USED AND RETAINED TO SATISFY TEXAS GOVERNMENT CODE; CONTAINING A SEVERABILITY CLAUSE; MAKING VARIOUS FINDINGS AND PROVISIONS RELATING TO THE SUBJECT; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHOREACRES:

That, the facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct; and,

That if any section, clause, sentence, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance; and,

That the City Council officially finds, determines, recites, and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

That section 2-83 of the Shoreacres City Code is hereby amended to read as follows:

Sec. 2-83. Rules of order and procedure for council meetings.

- (a) *Time of meetings/closed sessions.* Regular meetings of the city council shall be held on the 2nd and the 4th Monday of each month in the council chambers, city hall, commencing at 7:00 p.m. except when agreed on by majority vote of council to another time/date. The order of business shall be described in subsection (b) (order of business).

Closed sessions will be scheduled as needed on the regular agenda.

The council shall not consider any resolution, motion, or matter that does not affect the conduct of the business of the City of Shoreacres or its corporate powers or duties as a municipal corporation. The council shall not consider any resolution or motion supporting or disapproving any legislation or action pending in the Legislature of the State of Texas, the Congress of the United States, or before any officer or agency of said state or nation unless such proposed legislation or action, if adopted, will affect the conduct of the municipal business or the powers and duties of the City of Shoreacres or its officers or employees as such. Communications that do not directly relate to the conduct of business for the City of Shoreacres shall be provided to council on an information only basis. Such communications may be submitted on a council agenda upon request of a council member.

- (b) *Order of business.* The agenda for regular council meetings shall be taken up for consideration in substantially the following order. The mayor or a member of council may at any time, by majority consent, change the order of the agenda items. City council agenda items that are continued from one meeting to another shall have preference on the agenda. If items are scheduled for a specific time, the council will attempt to address those issues at the specific time.

7:00 p.m.	Call to order
	Roll call
	Pledge of Allegiance (at the discretion of the presiding officer)
	Special presentations
	[Approval of minutes]
	Council reports/general requests
	Public comments
	Administrative reports
	Business
	Closed session (if applicable)
	Adjourn

- (c) *The following is a general policy statement discussing the process and/or policy related to the order of business (subsection (b)):*

- (1) *Call to order.* The presiding officer will call the meeting to order at the posted time.
- (2) *Roll call.* The city clerk will call roll as the first order of business at each meeting.
- (3) *Pledge of allegiance.* The presiding officer will lead in the Pledge of Allegiance as the second order of business at each meeting, if desired.

- (4) *Special presentations.* Special presentations in recognition of persons or groups, or for the promotion of an event or service shall be scheduled by the mayor and city clerk. Requests for special presentations must be submitted to the city clerk in writing pursuant to the agenda deadlines.
- [(5) *Approval of minutes.* Minutes of the city council meetings shall be submitted to the council for approval and/or correction in draft form at a subsequent regular meeting. Only members of the council and the city clerk have the authority to make revisions to the minutes, subject to a majority vote of the city council.]
- [(6)5] *Council reports/general requests.* Each regular meeting agenda will provide for "council comments and general requests". This is the opportunity for the council members to ask questions for clarification, provide information to staff or other members of council, request staff to report back on a matter, or to request staff to place a matter on a subsequent agenda.
- [(7)6] *Public comments.* Time shall be reserved on each regular meeting agenda to provide an opportunity for members of the public to directly address the council. Each person shall be subject to the provisions of this article. Any item of interest not appearing on the agenda that is presented by a member of the public under "citizen's comments" may be referred to the city clerk, mayor, or a member of council for investigation and placement on a future agenda if desired.

All citizens must observe the following rules with respect to comment and testimony:

- a. *Five-minute limit.* Comment and testimony shall be limited to five minutes for each member of the public who wishes to speak. "Applicants" or "appellants" are not held to this time limit. (See hearings and appeals.) All comments and testimony shall be from the podium or other approved council location; no comment shall be shouted from the audience. The city clerk shall set the timer for five minutes and comments will conclude at the end of the five-minute limit. Questions for staff or the applicant shall be made through the presiding officer. Any such questions are part of the five-minute limit.
- b. *Additional time.* If additional time is needed for public commentary, citizens must ask for this at the outset of the comment period and have it approved by the city council.

- c. *Less time.* The council may limit the total amount of time devoted to public comment, the amount of time offered to each speaker, or the number of speakers to be heard on an issue, or may make such other modifications as the council deem appropriate. To the extent practicable, the council and/or city clerk shall include notice of such modification or limit in published notice of the meeting.
 - d. *Speak only once.* Second opportunities for a member of the public to speak on the same issue or agenda item will not be permitted unless mandated by law. No member of the public may give all or part of their time to speak to another member of the public.
 - e. *Addressing the council.* Comments and testimony are to be directed to the city council. Dialogue between and inquiries from citizens and members of the staff or the seated audience is not permitted. Unless otherwise authorized by motion and vote of the council, inquiries which require staff response shall be referred to staff for response at a later time.
 - f. *Disruptive comments or conduct.* No person who addresses council shall make any belligerent, personal, impertinent, redundant, slanderous, loud, threatening, abusive or disparaging remark, statement or commentary toward the council, staff or other individuals in a manner which disrupts, disturbs, or otherwise impedes the orderly conduct of the council meeting. Nor shall any person engage in any other disorderly conduct which so disrupts, disturbs or impedes the orderly conduct of the meeting. Council shall be held to the same standards. Nothing in this section shall prohibit or discourage orderly criticism of any city decision or policy within the limits of these rules. Any violation of this rule shall be grounds for terminating the citizen's comment period. Continued inappropriate behavior or comments, after having been directed to discontinue, shall be grounds for removal from the meeting.
- (8)Z) *Administrative reports.* Administrative reports are reports and recommendations from administrative staff intended for council discussion or to inform council of items of interest.

Staff reports and related background material regarding these agenda items should be received by the city clerk by noon, four days prior to the meeting.

~~(9)~~8) *Business.* All items of business, such as contracts, agreements, ordinances, and resolutions that require action to be addressed by council should be presented under business. During discussion council members may ask questions of staff or other members of council for clarification. The city administrator shall serve as a resource to the council and provide information to facilitate its ability to make informed decisions. The mayor may allow public comment or testimony germane to the item of business under consideration by council.

~~(10)~~9) *Closed session (if applicable).* Closed sessions will be carried out according to Texas Laws, or as defined by law.

~~(11)~~10) *Adjournment.* Generally, council meetings should adjourn by 10:00 p.m.

Any items not completed at the conclusion of a meeting shall be continued at the next regular meeting and shall be considered before any new items within their category.

That section 2-86 of the Shoreacres City Code is hereby amended to read as follows:

Sec. 2-86. Policies regarding the conclusion of council meeting.

(a) Following a council meeting it is the city ~~clerk's~~ secretary's responsibility to ~~ensure that the city council meeting audio or video recording is retained according to Texas Government Code.~~

[Prepare accurate minutes of the official record of the meeting. Minutes need to be clear, concise, precise, and unambiguous. Minutes need to show exactly what actions were taken and what decisions were made at the meeting but not necessarily everything that was said. The facts contained in the minutes are treated as evidence in a court of law.]

The minutes must include:

- Type of meeting.
- Name of body.
- Location, date and time of meeting.
- Officials present/absent.
- Topics of business.
- Actions taken on topics of business.
- Record of motions.
- Record of voting.
- Time of adjournment.
- Signature blocks for presiding officer and clerk.

The mayor or presiding officer and city clerk's signature must appear together on the same page, as the city clerk attests to the mayor's signature. At least one paragraph of the minutes must also appear on this page.

Final minutes are usually prepared within two to three weeks following the meeting. The city clerk reviews the final draft, then places on an upcoming agenda for council approval.

Minutes are kept in accordance to law in the city clerk's department.]

- (b) *Administrative mandamus.* Persons who are dissatisfied with a decision of the city council may have the right to seek review of that decision by a court. In addition, the city has adopted Section 1094.6 of the Code of Civil Procedure which generally limits to 90 days' time limit within which the decision of city boards and agencies may be judicially challenged.
- (c) *Appeals and continuances.* Appeals shall be filed with the city clerk (unless otherwise provided by Code) pursuant to applicable state and local regulations. Appeals not filed pursuant to the provisions of local regulations shall not be submitted to the city council until same complies with local provisions.
- (d) *Reconsideration and rescission.*
 - (1) Except for votes regarding matters which are quasi judicial, involve the adoption of an ordinance, or where reconsideration is governed by a specific law, ordinance or resolution, any member of the council voting in a majority on any action of the council may, at the same meeting, or at a regular council meeting held within 35 days after such action, move to reconsider such action. In the latter case, a request for reconsideration shall be submitted to the city clerk at least four days prior to such meeting and shall be placed on the agenda. A written request for reconsideration submitted to council shall be provided to all council members on an informational basis. A vote reconsider must be seconded and requires the affirmative vote of a majority of the council for passage. A vote to reconsider may be continued to a date certain. The council may adopt specific rules governing reconsideration of designated types of actions or matters.
 - (2) A written request for council reconsideration of a quasi judicial decision by any interested party shall be filed with the city clerk within ten days of the decision. A copy of the request for reconsideration shall be provided to all council members. After a request has been filed with the city clerk, any council member may instruct the city clerk to place such request on the next regular council agenda. A council member may also directly request reconsideration of a quasi judicial decision by instructing the city clerk to place such request on the next council agenda. Unless the city clerk is so instructed by a council member within 35 days of a decision, any request for reconsideration shall be deemed denied and no further requests for reconsideration shall be entertained. In such case, the clerk shall so notify the party requesting reconsideration as well as the applicant or subject of the decision, if different. If reconsideration is placed on the council agenda, voting shall follow (1) above.

- (3) The council may rescind, repeal or annul any prior action taken with reference to any legislative matter so long as the action to rescind, repeal or annul complies with all the rules applicable to the initial adoption, including any special voting or notice requirements unless otherwise specified by law.

PASSED AND APPROVED this the 9th day of March 2015.

(CITY SEAL)

Rick Moses, Mayor

ATTEST:

David K. Stall, CFM
City Secretary

M/2		Yea	Nay	N/V	Absent
<input type="checkbox"/>	R. Moses	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	R. Adams	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	B. Bunker	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	N. Schnell	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	M. Wheeler	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	N. Moyer	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Passed / Failed _____
David Stall, City Secretary - Date