

**ORDINANCE No. 2016-211
CITY OF SHOREACRES, TEXAS**

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SHOREACRES POLICIES REGARDING THE PREPARATION FOR COUNCIL MEETINGS; 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.

* * * * *

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

That section 2-68 of the Shoreacres City Code is hereby amended to read as follows:

Sec. 2-68. - Inclusion, removal of subject matter.

The mayor or any member of the city council shall have the right, without limitation, to include any subject matter on a meeting agenda, provided notice of the request is made to the mayor or the city secretary by the deadline to submit agenda items for a regular meeting (see closing of agenda, section 2-84(a), or in the case of a special meeting in time to meet the posting requirements of state law. Any subject matter may be removed from an agenda only by a majority vote of the council during the course of the meeting for which the agenda is applicable and in no other way.

That section 2-84 of the Shoreacres City Code is hereby amended to read as follows:

Sec. 2-84. - Policies regarding the preparation for council meetings.

- (a) Closing of agenda, regular meetings. The agenda of business to come before the council at any regular meeting shall be closed as of [~~12:00~~] 3:00 p.m. [~~three~~] four days preceding said meeting.
- (b) Public requests. Public requests are written requests from the general public (including outside agencies/organizations) for council discussion and/or action. These such requests must be addressed to the honorable mayor and members of the city council and submitted to the city [~~clerk~~] secretary.

[The communication will be distributed to council and administrative staff. The mayor and city clerk shall determine when and if the item will be scheduled before council based upon staff's ability to provide any necessary background information and recommendation; unless otherwise directed by council.]

At the minimum, requests from the public must be submitted by the deadline to submit agenda items (see closing of agenda, section 2-84(a), above). Communications from the public requesting discussion/action pertaining to items not directly affecting the conduct of business of the City of Shoreacres and communications/requests addressed to the council pertaining to general policy issues shall be submitted to council on an "informational only" basis. Said communications will only be placed for consideration and action on an agenda if so desired by an individual council member.

Exception: Communications of this nature may be placed on a council agenda for direction if the need is determined by the city [clerk] secretary and mayor.

- (c) Resolutions and ordinances. Resolutions are generally used to set policy and confirm city council action.

Ordinances are the laws of a municipality. City council is given authority to pass local laws (ordinances) pursuant to the Government Code as long as those ordinances are not in conflict with the laws of the Constitution of the United States or the State of Texas. An ordinance is the most binding form of action that can be taken by city council, the violation of which is a misdemeanor.

Resolutions become effective immediately upon adoption by city council unless otherwise stated in the body of the resolution.

The resolution title should effectively summarize the resolution purpose. If a resolution amends or rescinds another, it must so state in the title and specifically identify the amended or rescinded resolution number.

The ordinance title and any introductory language appearing before the ordaining clause has no legal effect. If the title states it repeals (or amends or adds) certain provisions, but the language after the ordaining clause does not state so, the intended repeal, amendment or addition has not taken place. When drafting an amending or repealing an ordinance, it is important to identify within the ordinance the effected municipal code section.

The mayor and city [clerk's] secretary's signature must appear together on the same page, as the city [clerk] secretary attests to the mayor's signature. At least one paragraph of the resolution or ordinance text must also appear on this page.

Following adoption of a resolution or ordinance, the city secretary [clerk will assign the next consecutive number,] circulates for signatures, and distribute copies as requested.

An original resolution or ordinance is considered a vital record and is kept on permanent file in the city [clerk's] secretary's office. Resolutions and ordinances are available for public review at the city [clerk's] secretary's office.

Under the direction of the city [clerk] secretary, ordinances are codified by a publisher into a municipal code which is an exact recitation of the city's ordinances currently in effect as local laws.

- (d) Posting of agenda. The city [clerk] secretary is required to post agendas of city council meetings and to comply with all requirements of the Texas Government Code. The city [clerk] secretary or a designee shall post the agenda for each meeting on the bulletin board or a designated place agreed upon by council by 10:00 p.m. four days prior to the meeting. The posting location should be freely accessible to all members of the public.

[The city council may take action on items of business not appearing on the posted agenda under any of the following conditions: (1) upon a determination by a majority vote that an emergency situation exists; (2) upon a determination by at least a two-thirds vote or if less than two-thirds of the council members present a unanimous vote of those members present that there is a need to take immediate action and that the need to take action came to the attention of the city subsequent to the agenda being posted; or (3) the item was posted for a prior meeting of the council occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.]

- (e) Backup material for agenda items (agenda summary reports). Support documents and staff reports (agenda summary reports) will be included in the agenda packets to each council member for each agenda item as appropriate. Any item listed on the agenda for which an agenda summary report has not been included in the agenda packet, [will] may be postponed to the next regular meeting [, unless action on the item is desired as determined by a majority vote of council].

The final agenda and the agenda reports with attached backup material are numbered and put in order.

Agenda summary reports will be provided to the public as requested pursuant to state law.

- (f) Distribution of agenda packets. Agenda packets are prepared by the city [clerk's department] secretary's office and distributed to the city council, mayor, city attorney (by request), department heads (by request), and news media (upon request). Additional packets are available at the city [clerk's] secretary's office upon request on a 48-hour loan basis.

Agenda packets shall be delivered to council members no later than Friday, prior to the Monday meeting.

Council members are encouraged to ask preliminary questions of staff prior to the meeting.

- (g) Duties of city [clerk] secretary in preparing for meetings. A properly conducted meeting serves citizens through reasonable actions taken on the agenda item affecting the community. The city [clerk] secretary should see that a professional meeting is conducted. Experienced presiding officers assist greatly in the efficiency and orderly conduct of public meetings. However, it is the city [clerk's] secretary's role and responsibility to educate the officers, allowing all parties to perceive they have been served or contributed to government in a responsible manner.

Prior to a meeting, the city [clerk] secretary should:

- (1) Prepare the agenda. The agenda must be prepared concisely, accurately, logically and, generally, must present to the reader a clear picture of what business will be considered.

The content of the agenda must include the following:

Type of meeting (regular, special, workshop)

Name of body

Date, place and time of meeting

Roll call

Topics of business

[Roll call]

Adjournment

Posting statement

- (2) Post the agenda in accordance with law.
 - (3) Study the agenda's business to be prepared for these items when they are discussed for consideration and action.
 - (4) Make sure key staff and council members are in attendance for date so the matter will not have to be continued. Or if certain community members are attending the meeting, notify them in advance.
 - (5) Order any items required such as plaques or certificates.
 - (6) Prepare the meeting room.
- (h) Council seating order. Council seating order shall be at the discretion of the mayor.


* * * *

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.

PASSED AND APPROVED this the 11th day of July 2016.





Kimberly Sanford, Mayor

ATTEST:



David K. Stall, CFM, TEM
City Secretary

M/2		Yea	Nay	N/V	Absent
	K. Sanford	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Z	R. Bowles	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	R. Hoskins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	D. Jennings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	J. McKown	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M	N. Schnell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Passed / Failed _____ 07.11.16
David Stall, City Secretary - Date