

**RETURN FOR RECONSIDERATION
(VETO MEMORANDUM)**

The below referenced ordinance or resolution, a copy of which is attached hereto as passed by city council, has not been signed or approved by the mayor. Under the authority granted me by the City of Shoreacres City Code, Sec. 2-37, and the Texas Local Government Code, Sec. 52.003, I am returning said resolution or ordinance for city council reconsideration. My objections to the passage and adoption are set out below.

Ordinance/Resolution

No. O-2017-261

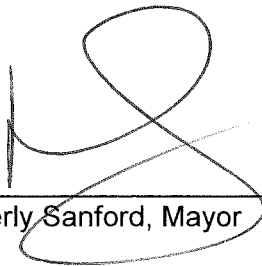
Caption

AN ORDINANCE AMENDING SHOREACRES CITY CODE SECTION 2-82 NORMS OF OPERATION; PROVIDING 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.

Date Passed by City Council

April 10, 2017

Statement of Objection(s)



Kimberly Sanford, Mayor

4.12.17

Date

NOTICE TO SHOREACRES CITY COUNCIL

The above referenced ordinance or resolution has been returned to the city secretary's office unsigned and with objections before the fourth day after passage. In accordance with city code and state law this ordinance or resolution will be placed on the next city council agenda for the purpose of reconsideration of the vote taken on the date shown above. This ordinance or resolution is not now effective and will not become effective except upon the affirmative vote of three council members at the time of reconsideration. If approved upon reconsideration the ordinance or resolution will become effective with or without the mayor's signature.



David K. Stall, CFM, TEM
City secretary

04.12.17

Date

**ORDINANCE No. 2017-261
CITY OF SHOREACRES, TEXAS**

AN ORDINANCE AMENDING SHOREACRES CITY CODE SECTION 2-82 NORMS OF OPERATION; PROVIDING 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.

* * * * *

Whereas, Sections 2-82 of the City Code addresses the Norms of Operation.

Whereas, it has come to light that a "discussion item" was disallowed at recent public meeting under the chair's ruling that a discussion item requires a motion to discuss under Robert's Rules of Order. *suspend the rules*

Whereas, it was then declared by the chair that a motion to discuss was an improper motion under Robert's Rules of Order.

Whereas, it was then declared by the chair that a motion to suspend the rules was required to entertain the discussion item. The discussion item then failed because a motion to suspend the rules under Robert's Rules of Order requires a two thirds vote of council (and only a majority voted for the motion to suspend the rules).

Whereas, council is allowed to establish its own rules of order in conducting a public meeting.

Whereas, council considers a chair's ruling denying council the right to discuss a subject matter properly posted on an agenda to be against public policy. Council desires to achieve transparency through this amended Ordinance.

Whereas, council desires to amend sections 2-82 of the City Code;

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

That section 2-82 of the Shoreacres City Code is hereby amended to read as follows:

Sec. 2-82. – Norms of operation.

(a) *Operation of city council meetings.*

(1) Any item in need of being placed on the agenda shall be submitted to the city secretary pursuant to agenda deadlines.

(2) The mayor or mayor pro tem will conduct an orderly meeting.

- (3) Comments by the public will be limited to five minutes. The city secretary will monitor the time for each speaker with a timer that will sound after five minutes.
- (4) Any changes to, or proposed city ordinances shall be scheduled on an agenda.
- (5) Closed sessions of the city council meeting will be included in the business portion of the council meeting. After such closed session, council will reconvene to that scheduled meeting and take action on the closed portion of the meeting.
- (6) Members of council shall not enter into a debate with a member of the public or staff at council meetings.
- (7) Any concerns by a member of council over the behavior or work of a city employee during a council meeting should be directed to the city administrator in private or closed session to ensure the concern is resolved.
- (8) City council agenda items that are continued from one meeting to another shall have preference on the agenda under the same agenda category.
- (9) It is not necessary for all council members to speak or give their viewpoints on every issue. On critical or significant issues, however, council members are encouraged to make a statement about their vote if they vote outside the majority.
- (10) Any correspondence or other materials received at a council meeting shall be submitted to the city secretary and be documented with a receipt date and time.
- (11) Members of council shall not text message with each other, or with the members of the general public, during a council meeting.
- (12) The mayor shall state each proposed motion in its final form for the city council, prior to council taking action on the agenda item.
- (13) Any councilmember has the right to request a discussion item be placed on a public agenda. A discussion item only allows discussion of the posted subject matter, no action of council. Once the discussion item is read aloud by the chair, there is no requirement to make a motion to discuss. Further, there is no requirement to make a motion to suspend the rules under Robert's Rules of Order, requiring a two thirds vote of the city council to pass. After the discussion item is read aloud by the chair, the author of the discussion item shall have the floor to discuss the posted subject matter. Any other council member shall have the right to discuss the posted subject matter. The appropriate motion under Robert's Rules of Order to attempt to stop any posted discussion item is a motion to table, with a second and an affirmative majority vote.
- (14) Any conflict between Robert's Rules of Order and this article shall be resolved in favor of this article.

- (b) *Mayor and city council relations with city staff.*
- (1) The city staff, the mayor and council members shall show mutual respect to one another.
 - (2) City staff shall acknowledge the mayor and council as the policy makers and the mayor and city council shall acknowledge staff as the administrator of the council's policies.
 - (3) All requests for information or questions by the city council to staff shall be directed to the city administrator or department supervisors. All complaints should be submitted to the city administrator.
 - (4) All written informational material requested by individual council members shall be distributed by staff to all council members with the notation indicating which council member requested the information.
 - (5) The mayor and council shall not individually attempt to coerce or influence staff in the making of appointments, the awarding of contracts, the selection of consultants, the processing of development applications, or the granting of city licenses or permits.
 - (6) A council member shall not attempt to change or interfere with the operating policies and practices of any city department.
 - (7) Mail that is addressed to the mayor or city council shall be circulated by the city secretary to the mayor and city council. The mayor's response to mail received shall be distributed to city council for their information and council members shall distribute their responses of a mailed item to the mayor for his/her information.
 - (8) The city secretary shall not open mail addressed to an individual council member or mayor unless authorized to do so.
- (c) *City council relationship with city commissions and committees.*
- (1) Members of council should not attempt to influence or publicly criticize city commissions or committee recommendations or to influence or lobby individual city commission or committee members on any item under consideration.
 - (2) Individual council members shall have the right to attend meetings but shall not speak or become involved in the meeting's discussion, except on matters affecting a council member as a private citizen or property owner.
- (d) *Council member representation to other agencies and groups.*
- (1) If a member of city council appears before another governmental agency or organization to give a statement on an issue affecting the city, the council member should first indicate the majority position or opinion of the council, if one exists.

- (2) Personal opinions and comments may be expressed if the council member clarifies that these statements do not represent the position of the city council.
- (e) *City council handling of litigation and other confidential information.*
- (1) The mayor or city council shall keep all written materials and verbal information provided to them on matters that are confidential under state law in complete confidence to insure the city's position is not compromised. No disclosure or mention of information in these materials shall be made to anyone other than the mayor, council members, the city attorney, city administrator, or city secretary.
 - (2) If a city council in closed session has provided direction to city staff on proposed terms and conditions for any type of negotiations whether it be related to property acquisition or disposal, a proposed or pending claim or litigation, and/or employee negotiations, all contact with the other party and/or attorney shall be limited to, and made by, the designated city staff representative handling the negotiations, claim or litigation. Except as provided in subsection (3) below, no council member shall have any contact or discussion with the other party or its representative involved with the negotiation, claim or litigation at this time, nor shall any council member communicate or disclose any discussion conducted or information received in closed sessions. All public statements, information, and press releases shall be handled exclusively by the designated staff spokesperson.
 - (3) Notwithstanding the prohibition set forth in subsection (2) above, an individual council member, prior to attending a closed session or receiving confidential information concerning litigation or a claim, may have contact and/or discussion with a party or the party's representative with the respect to a claim for damages or litigation against the city, provided that the council member first satisfies each of the following requirements:
 - a. The council member must not have attended a closed session or received any confidential information concerning the party's claim or litigation;
 - b. Prior to initiating or allowing such contact, the council member shall provide the party and/or attorney, the mayor, the city secretary and the city attorney with a written declaration and agreement, signed under penalty of perjury, and in the format acceptable to the city attorney, that the council member: (a) fully excuses him/herself from, and waives all right to (i) any and all future participation in any decision which in any manner involves the party's/representative's claim and/or litigation, and (ii) that council members right to receive confidential information and to attend closed sessions of the council; (b) does not and shall not purport to make such contact or any representation on behalf, or in his/her capacity as a member, of the council; and (c) has not received or been privy to, and shall not in any manner disclose any confidential

information concerning the party's/representative's claim and/or litigation.

- (4) The exception set forth in subsection (3) above shall be limited and strictly construed, shall not be construed as authorizing any contact not expressly authorized by its express language, and shall not under any circumstances be construed as authorizing any disclosure of any confidential information.

* * * *

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; and,

This Ordinance shall be effective upon its passage and approval.

PASSED AND APPROVED this the 10th day of April, 2017.

(CITY SEAL)

Kimberly Sanford, Mayor

ATTEST:

David K. Stall, CFM, TEM
City Secretary

APPROVED AS TO FORM:

Christopher Gregg
City Attorney

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

Passed / Failed

[Signature] 04.10.17
David Stall, City Secretary - Date