

ORDINANCE No. 2020-33

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS, AMENDING SECTION 1.04.001 OF THE CODE OF ORDINANCES TO CONSOLIDATE THE MEETING DATE AND TIME RULES WITH THE RULES OF CONDUCT AND DECORUM FOR PUBLIC MEETINGS AND HEARINGS HELD BY THE CITY COUNCIL ADOPTED IN ORDINANCE NO. 2019-48; AND MAKING SUBSTANTIVE AND NON-SUBSTANTIVE REVISIONS TO THE RULES OF CONDUCT AND DECORUM; PROVIDING FOR REPEALER, SEVERABILITY AND SAVINGS CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Leon Valley, as a Home Rule Municipality, derives its powers from its Home Rule Charter and is limited in authority only by express provisions of the Texas Constitution and the State statutes; and

WHEREAS, in accordance with such powers the City Council adopted Code of Ordinances Section 1.04.001 to address meeting days and times and Ordinance No. 2019-48, to provide for rules of conduct and decorum in public meetings; and

WHEREAS, City Council determines it is convenient to codify the rules of conduct and decorum in the Code of Ordinances in Section 1.04.001; and

WHEREAS, City Council determines in order to run a more effective meeting it is necessary to make substantive changes to the rules of conduct and decorum.

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

Section 1. Amendment. Code of Ordinances Section 1.04.001 is hereby amended by consolidating the existing language with the language in Ordinance No. 2019-48 as revised by attachment hereto designated as **Exhibit "A"** and incorporated by reference herein for all purposes.

Section 2. Recitals. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

Section 3. Conflicts. All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section 4. Savings. That all rights and privileges of the City are expressly saved as to any and all violations of the provision of any ordinances repealed by this ordinance which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violation and all pending litigation, both civil and criminal, whether pending in

court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

Section 5. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 6. TOMA compliance. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

Section 7. Effective date. This Ordinance shall be effective upon the date of final adoption hereof and any publication required by law.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Leon Valley this the 21st day of July 2020.

APPROVED



CHRIS RILEY
MAYOR

Attest :



SAUNDRA PASSAILAIGUE, TRMC
City Secretary



Approved as to Form: City Attorney

Exhibit "A"

Sec. 1.04.001 Rules of Meeting Decorum and Conduct.

A. Definitions. In this section the terms set out in italics (*italics*) shall have the meanings prescribed below:

"Agenda" means the published agenda of each public meeting.

"Citizen" shall mean any person, other than a member or staff, who wishes to speak at a public meeting.

"Device" means a telephone, computer, I-Pad or any other device by which voice, text email or other electronic communication is possible.

"Member" shall mean an elected or appointed member of City Council.

"Public meeting" shall mean any meeting of a quorum of the members where the business of the City is discussed.

"Presiding officer" shall mean the mayor or the member presiding over the public meeting in the absence of the mayor.

"Staff" shall mean an employee of, or consultant contracted by, the City.

B. Meetings Times. A regular City Council meeting shall be held on both the first and third Tuesdays of each month beginning at 6:00 p.m. In the event that the meeting date falls on a holiday, the meeting will be rescheduled to the following Tuesday. Regular City Council meetings may be cancelled or rescheduled, and the meeting time adjusted upon a majority vote by City Council. Special meetings may be called as provided by law.

C. Meetings to be open to the public. Meetings of the council shall always be open to the general public except as may be specifically provided by state law, and no vote or action of any kind shall ever be taken by the City Council except at a regular meeting or at a lawfully called special meeting.

D. Conducting Meetings.

1. Participation by Citizens. Citizens may provide comments, testimony and evidence at the times designated as follows: (i) "citizens be heard"; (ii) prior to City Council's discussion of any posted agenda item; and, (iii) at any posted public hearing as provided below:

a. Appearance. Citizens may appear in person or by written appearance if unable to attend the meeting. Written comments, and must include their name and place of residence. Regular mail and faxed written comments should be sent in advance so they are received before the end of the business day of the meeting and all emails or letters received that are from a resident of Leon Valley or business owner of Leon Valley shall be read by the City Secretary or her designated representative or can be read by a specific councilor if requested by the citizen.

Email to: s.pass@leonvalleytexas.gov or
leonvalleycitizens@leonvalleytexas.gov

Mail to: Leon Valley Public Comments
6400 El Verde Road, Leon Valley, TX 78238
Fax to: (210) 684-4476

- b. Recognition by presiding officer. A citizen shall be recognized by the presiding officer before speaking. Citizens may speak only one time at each of the following for up to three minutes at any posted: (i) citizens to be heard, (ii) agenda items or (iii) public hearing. The presiding officer may extend the time to speak, on the officer's own initiative or at the request of a member; provided in contested matters all views are treated fairly and equally. All city council members, staff, citizens and visitors to the chamber shall be recognized first by the Chair to speak by raising their hand. No interrupting the person who is speaking.
- c. If the citizen is not a resident or business owner of Leon Valley, and is not present in person to speak at the meeting, his/her comments shall be included in the meeting minutes but shall not be read aloud. Nor may the comments of the citizen who is not a Leon Valley resident or business owner and not personally present at the meeting, be read by any other person, including councilor or mayor.
- d. Agenda items. Citizens may speak at the conclusion of staff presentation, but before Council deliberation on each agenda item, after recognition by the presiding officer except for fact or policy comments related to the subject of discussion. If a citizen does not get the answer to their question at the time, citizen may meet with staff in foyer for additional information or send follow up questions submitted to the appropriate staff member for answering.
- e. Questions directed from the podium by a citizen to an individual on the dais shall be provided in writing for an individual response. Questions directed from the podium by a citizen to a staff member shall be responded to in person outside chambers, unless the response will be beneficial to the whole body.
- f. If a person is removed from the meetings for any reason, then that person's correspondence in any form shall not be read during the period the person was removed.

2. Ceremonial and informational presentations. All ceremonial items and informational presentations, if any, will be placed at 6:00 p.m. or at the beginning of scheduled business meetings.
 3. Members Conduct During Public Meetings.
 - a. A member who has spoken should refrain from speaking again until each member has had an opportunity to speak.
 - b. Members shall not use devices for the purpose of communicating, including but not limited to e-mails, texts, and messaging during a public meeting. Staff may use their phones to conduct City business.
- E. Disruptive Behavior. Members, staff and citizens shall not shout, display unruly behavior, distract with side conversations, use profanity, threat of violence, or disrupt the orderly conduct of the meeting. When any person is addressing City Council, staff or Citizens, no personal attacks on staff, Citizens or City Council shall be allowed.
- F. Enforcement. These rules shall be administered and enforced by the presiding officer of such City Council, subject to appeal by its members as provided herein.
1. The presiding officer shall warn any person displaying behavior that he or she shall be required to leave the meeting room if the disruption continues.
 2. If the person is asked to leave the meeting room and the person does not leave the meeting room, the presiding officer may order any peace officer at the meeting to remove the person from the meeting room
 3. The presiding officer may enforce these rules by any means or authority provided to the presiding officer by law.
- G. Enforcement by a Member.
1. Any member of City Council may request the presiding officer address a violation of these rules of decorum, in the manner prescribed in sub-section f., immediately above, by lodging a point of personal privilege; and
 2. Should the member believe the presiding officer failed to adequately address the allegation of violation, the member may appeal the matter to the members of City Council; and
 3. Should the majority of the members of City Council present vote to sustain the appeal, the presiding officer shall address the violation, which was the subject of the appeal, in the manner prescribed in sub-section f., immediately above.

H. Robert's Rules of Order will take precedence for conduct not covered by these Council meeting rules.

I. Suspension of the Rules. Subject to appeal by a member, as provided by Robert's Rules of Order, these rules may be suspended, for good cause, by the presiding officer during a meeting as long as the presentation of information remains related to public business only.