

ORDINANCE NO. _____

**ORDINANCE AMENDING THE CITY CODE OF ORDINANCES
CHAPTER 2; ARTICLE II (“MEETINGS AND RULES OF ORDER”)
DELETING THE REQUIREMENT OF ELECTRONIC RECORDING OF
CITY COUNCIL PROCEEDINGS; PROVIDING FOR A CUMULATIVE &
CONFLICTS CLAUSE, PROVIDING FOR A SEVERABILITY CLAUSE;
AND PROVIDING FOR AN EFFECTIVE DATE.**

Be it Ordained by the City Council of the City of Bay City that the following amendments are adopted as Amendments to Chapter 2; Article II; Section 2-48 of the Code of Ordinances.

Section One. The following additions and deletions are to be made to Section 2-48 of Chapter 2, Article II of the Code of Ordinances. All additions and deletions are shown as such.

Sec. 2-48. - Records. [All records of meetings held by the City of Bay City shall be made in accordance with Texas Government Code Chapter 551.](#)

- (a) ~~Electronic recording of city council proceedings.~~ Electronic recordings shall be made of all discussion, debate and votes of all kinds at each regular, special and executive meeting of the city council.
- (b) ~~Storage and access.~~ Each electronic tape or other storage device for each such meeting shall be stored by the city secretary in a safe place. Any person may, during business hours when the secretary's office is open for business, listen to all or any part of any regular or special meeting tape. The secretary will provide the equipment for listening and the secretary or the secretary's designee shall handle the tape and the equipment. The person desiring to hear the material will be furnished with earphones or speaker. Executive session tapes shall only be made available in strict accordance with V.T.C.A., Government Code § 551.001 et seq.
- (c) ~~Other recording devices.~~ Nothing in this division shall be interpreted as prohibiting any person from transcribing by audio tape or audiovisual tape any part or all of any regular or special meeting of the city council.

Section Two. Cumulative and Conflicts. This Ordinance shall be cumulative of all provisions of ordinances of the City of Bay City, Texas, except where the provisions of the Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed. Any and all previous versions of this Ordinance to the extent that they are in conflict herewith are repealed.

Section Three. Severability. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are 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 and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section Four. Effective Date. This Ordinance shall become effective immediately upon its passage, approval and publication as provided by law.

PASSED AND APPROVED on this ____ day of _____, 2020.

Robert K. Nelson, Mayor
City of Bay City

ATTEST:

APPROVED AS TO FORM:

Jeanna Thompson, City Secretary
City of Bay City

Anne Marie Odefey, City Attorney

<u>Council Member:</u>	<u>Voted Aye</u>	<u>Voted No</u>	<u>Absent</u>
Robert K. Nelson Mayor	_____	_____	_____
Julie L. Estlinbaum	_____	_____	_____
Bill Cornman	_____	_____	_____
Jason Childers, Mayor Pro Tem	_____	_____	_____
Becca Sitz	_____	_____	_____
Brent Marceaux	_____	_____	_____