

ORDINANCE NO. 2025-41

AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING CITY OF BURNET CODE OF ORDINANCES, CHAPTER 2 (ENTITLED "ADMINISTRATION") BY AMENDING SECTION 2-43 (ENTITLED "MEETINGS") AND SECTION 2-28 (ENTITLED "PUBLIC PARTICIPATION"); PROVIDING FOR A PENALTY NOT TO EXCEED \$500; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Burnet, Texas, recognizes the importance of maintaining open meetings that encourage meaningful public participation while ensuring order and efficiency in the conduct of city business; and

WHEREAS, the City Council finds it necessary to adopt formal rules for public engagement and decorum to ensure fairness, respect, and compliance with the Texas Open Meetings Act;

WHEREAS, City Council, finds, determines, and declares that publication of notice of this Ordinance, as required by Section 3.14 of the City Charter and the laws of the State of Texas, was made by the City Secretary within the period prescribed by Section 3.14; and

WHEREAS, City Council, finds, determines, and declares 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 as required by Chapter 551 of the Texas Government Code.

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

Section One. Code Amendment. Section 2-43 of the Code of Ordinances of the City of Burnet is hereby amended by replacing the existing text in its entirety with the following:

Sec. 2-43. Meetings.

- (a) *Rules of order.* Appointed bodies shall conduct business under rules of order adopted by the body and approved by city council. Until such time as an appointed body adopts rules of order, pursuant to this section, they shall conduct business in accordance with Robert's Rules of Order 12th Edition.
- (b) *Texas Open Meetings Act.* The planning and zoning commission, zoning board of adjustment, fire code appeals board, economic development corporation, historic preservation commission, and other advisory bodies with decision making authority or otherwise required to comply with the Texas Open Meetings Act shall:
 - (1) publish notice of all meetings in accordance with the requirements of Texas Open Meetings Act; and

- (2) conduct such meetings in accordance with the requirements of the Texas Open Meetings Act; and
- (3) keep meeting minutes in accordance with the requirements of the Texas Open Meetings Act.
- (c) *Other advisory bodies.* Advisory bodies with no decision-making authority are not subject to the Open Meeting Act. However, such advisory bodies shall open their meetings to the public and, when practicable, post notice of the time, place and subject matter of such meetings at least 72 hours in advance.
- (d) *Reports.* Advisory bodies required to comply with subsection (b), immediately above, shall also provide city council with a report of each meeting which shall minimally contain the name of members present, whether members absent were excused from attendance, the caption of each item discussed at the meeting, the names of the members making the main motion, second and any amendatory motions, and the names of the members voting in favor of the motion, in opposition to the motion or abstaining from vote on the motion.
- (e) *Liaisons.*
 - (1) Council liaison. City council may appoint a councilmember as liaison to one or more appointed bodies. The role of the council liaison is that of a non-voting ex-officio member, to act as a communication conduit between city council and the appointed body.
 - (2) Staff liaison. The city manager may assign a staff member as an ex-officio member to a respective board to perform support services and may or may not provide technical data, prepare agendas, post notices of meetings, prepare minutes of the meetings, and other related functions and will not be entitled to vote or preside over meetings.
- (f) *Public participation.* Public participation in public meetings of appointed bodies shall be subject to the prescripts of Section 2-28 of this Chapter, which is incorporated by reference herein; provided that the term “appointed body” shall be substituted herein whenever the term “City Council” is used in Section 2-28, and the term “presiding officer” shall be used herein whenever the term “mayor” is used in Section 2-28.

Section Two. Code Amendment. Section 2-28 of the Code of Ordinances of the City of Burnet is hereby amended by replacing the existing text in its entirety with the following:

Sec. 2-28 Public participation.

- (a) *Scope.* This section shall apply to public meetings of the city council.
- (b) *Definitions.* For the purposes of this Section the text in italics (*italics*) set out below shall have the definitions that follow:
 - (1) *Citizens Comment Period* means the time allocated during each action item on an agenda allowing members of the public an opportunity to speak on the associated action item.

- (2) *Public Engagement* means the act of addressing the City Council at a public meeting by a member of the public in accordance with the provisions of this Section.
 - (3) *Public Hearing* means an item on an agenda designated for members of the public to give testimony and provide comments related to the subject matter of the Public Hearing.
- (c) *Public engagement.*
 - (1) Public engagement may be authorized at designated times during a regular meeting, work session meeting, or workshop meeting as follows:
 - (A) Citizens Comment Period. Each action item on an agenda shall include a Citizens Comment Period. Public engagement during the Citizens Comment Period shall be limited to questions, comments, and/or testimony relating to the associated action item.
 - (B) Public Hearings. Public Hearings shall be posted on agendas when required by state or local law; or at other times as determined by the mayor or city manager. Public engagement during the Public Hearings shall be limited to questions, comments, and/or testimony relating to the posted subject matter of the Public Hearing.
 - (C) Public Engagement before city council may be authorized by the mayor by manner and means not prescribed herein provided such public engagement is conducted in a manner consistent with the prescripts of the Texas Open Meetings Act.
 - (2) Members of the public who wish to engage in Public Engagement may be required to sign-up prior to the earlier of either the meeting or any posted sign-in deadline.
 - (3) Speakers must limit their remarks to three minutes. The allotted time will commence from the beginning of the speaker's remarks and will include any time spent in discussion between the speaker and council. Issues taking longer to communicate can be addressed outside the meeting to the city staff or submitted in writing. Once a speaker has exhausted their allotted time they may not speak again.
 - (4) When called upon by the presiding officer, speakers must state their name, and for a public hearing, must also state their address.
 - (5) Speakers may not yield time to others.
 - (6) The presiding officer may limit the total time allotted for those speaking both for and against an item, provided that each side shall be allotted an equal amount of time.

- (7) At the discretion of the presiding officer, the three-minute limitation per speaker may not apply to the applicant or a party to the contract or item on the agenda.
- (d) Rules of decorum for city council.
 - (1) The purposes of these rules are as follows:
 - (A) To ensure that meetings of the city council are conducted in a way that allows the business of the city to be effectively conducted.
 - (B) To ensure that members of the public who attend meetings of the city council can be heard in a fair, impartial and respectful manner.
 - (C) To ensure that meetings of the city council are conducted in a way that is open to all viewpoints, yet free from abusive, distracting or intimidating behavior.
 - (D) To ensure that the rules governing decorum at meetings of the city council are understood by persons attending the meetings.
 - (2) All comments and questions by members of the public at a meeting will be directed to the presiding officer and must be limited to the matter on the agenda.
 - (3) The mayor and council, will endeavor to ensure that meetings are conducted in a courteous manner, and in an atmosphere free of defamation, intimidation, personal affronts, profanity, or threats of violence.
 - (4) Members of the public shall not engage in any of the following in the meeting room during a council meeting:
 - (A) Shouting, unruly behavior, distracting side conversations, or speaking out when another person is talking.
 - (B) Defamation, abusive language, intimidation, personal insults, profanity or vulgar language or gestures, display of obscene materials, or threats of violence.
 - (C) Personal attacks on any individual unrelated to a matter of public concern or the manner in which the individual performs their duties are prohibited, as well as disruptive behavior that impairs the rights of other participants at the meeting.
 - (D) Audible use of phones, pagers, radios, computers, or other electronic equipment.
 - (E) Shouting or asking questions from the audience while another speaker is speaking.

- (F) Booing, hissing, foot stomping, parading, singing, clapping in a disruptive manner or other similar behavior that impedes or disrupts the orderly conduct of the meeting.
- (5) The rules in this section shall be enforced against individuals participating in meetings in-person or online in the following manner:
 - (A) The presiding officer will request that a person who is violating a rule cease the violation.
 - (B) The presiding officer may prevent any citizen from addressing the council, who makes comments or provides documents during the public comments portion of the city council meeting that are defamatory, whether slander or libel, rise to the level of disorderly conduct, incite a riot, or are considered a breach of the peace.
 - (C) If the violation continues, the presiding officer will warn the person that he or she will be required to leave the meeting room if the violation continues.
 - (D) If the violation continues, the presiding officer will order the person to leave the building or the online meeting room.
 - (E) If the person does not leave the building or online meeting room, the presiding officer may order any peace officer at the meeting to remove the person from the building or have the person removed from the online meeting room.
- (e) *Penalty.* Any person who intentionally or knowingly resists removal from a meeting room by a peace officer under subsection (b)(5) of this Section shall be subject to criminal prosecution for a Class C misdemeanor and upon conviction shall be subject to a fine not to exceed \$500.00.

Section Three. Findings. 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 Four. Penalty. A violation of this ordinance is unlawful and subject to City Code of Ordinances Sec. 1-6 (entitled “general penalty”).

Section Five. Cumulative. This ordinance shall be cumulative of all provisions of all ordinances and codes, or parts thereof, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event Section 5, (entitled “Repealer”) shall be controlling.

Section Six. Repealer. 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 Seven. 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 Eight. Publication. The publishers of the City Code are authorized to amend said Code to reflect the changes adopted herein and to correct typographical errors and to format and number paragraphs to conform to the existing Code.

Section Nine. Effective Date. This Ordinance shall be effective upon the date of final adoption hereof.

PASSED, APPROVED, AND ADOPTED on this 9th day of September 2025

CITY OF BURNET, TEXAS

Gary Wideman, Mayor

ATTEST:

Maria Gonzales, City Secretary