

ORDINANCE No. 2020-0013

AN ORDINANCE OF THE CITY COUNCIL OF CASTROVILLE, TEXAS AMENDING ORDINANCE NUMBER 2009-006 (ENTITLED RULES AND PROCEDURES FOR MEETINGS OF THE CITY COUNCIL OF THE CITY OF CASTROVILLE, TEXAS"); BY AMENDING THOSE PROVISION PROVIDING FOR RULES OF ENFORCEMENT AND PUBLIC AND MEDIA RELATIONS; PROVIDING FOR PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTY; AND, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, City Council adopted and amended its Rules of Decorum for City Council meeting by passage and approval of Resolution Number 143, and Ordinance Number 2009-006 as amended by Ordinance Number 2016-003 hereinafter the "Rules of Decorum"; and

WHEREAS, City Council deems it appropriate to amend the Rules of Decorum in furtherance of City Council's collective value of dedication to public service ; and

WHEREAS, City Council finds these amendments will facilitate effective and efficient governance, encourage each Member to value their responsibility to each other, to the City's professional staff, and to the public, and engender an atmosphere of respect, civility, and cooperation ; and

WHEREAS, it is City Council's desire that the result of these amendments will be to cause City Council meetings to be a place where each Councilmember, staff member, and the public will be free to express their ideas and work to their full potential for the good of all our citizens so that each member may merit the respect and confidence of the citizens of the City of Castroville; and

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

Section one. Code Amended. The City of Castroville Code of Ordinances Chapter 2 (entitled "Administration"); Section 2-4 (entitled "Council policy and rules of procedures") by adding the language that is underline (underlined) and deleting the language that is stricken (~~stricken~~) to the language set out in **Exhibit "A"** attached hereto and incorporated herein for all purposes.

Section two. Code Amended. The City of Castroville Code of Ordinances Chapter 2 (entitled "Administration"), Section 2-5 (entitled "Public contact/media relations") by adding the language that is underline (underlined) and deleting the language that is stricken (~~stricken~~) to the language set out in italics (*italics*) below:

Sec. 2-5. - Public contact/media relations.

Representative government is only successful when citizens are kept informed and educated about the issues facing their city; consequently, it is imperative that the media play an important role in the council

48 and public relations. It is through an informed public that progress is ensured and good government
49 remains sensitive to its constituents. The mayor and councilmembers recognize that the news media provide
50 an important link between council and the public. It is council's desire to establish a professional working
51 relationship to help maintain a well informed and educated citizenry.

52 (1) During the conduct of official business, the city shall designate adequate space for the news
53 media. All reporters will receive an agenda in advance of council meetings and will be furnished
54 support material needed for clarification if requested. The use of media equipment such as lights,
55 cameras and/or microphones should be coordinated with the city administrator prior to the
56 meeting to ensure that this equipment does not disturb or otherwise conflict with or disrupt the
57 meeting or the council's activities.

58 (2) In order to avoid public confusion and ensure dissemination of the most accurate information
59 possible, the mayor and councilmembers should defer to the city administrator, the city's chief
60 executive agent, as primary point of contact for all media questions regarding daily operation and
61 maintenance issues.

62 (3) Councilmembers are encouraged to hold periodic informational meetings, solicit citizen feedback,
63 and otherwise share information of interest to constituents within their districts.

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

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

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

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

78 **Section seven.** The publishers of the City Code are authorized to amend said Code to reflect the
79 changes adopted herein and to correct typographical errors and to format and number paragraphs
80 to conform to the existing Code.

81 **Section eight.** The City Secretary is hereby directed to publish notice of this Ordinance, in
82 substantial form as **Exhibit "B"**, as required by Chapter 52, Subchapter B of the Texas Local
83 Government Code.

84 The remainder of this page intentionally blank

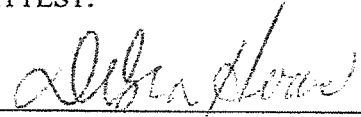
86 **Section nine.** This Ordinance shall be effective upon the date of final adoption hereof and any
87 publication required by law.

88 Adopted by the City Council this 14th day of July 2020.
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91 CASTROVILLE, TEXAS
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96 DARRIN SCHROEDER, Mayor Pro Tem

97 ATTEST:
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101 DEBRA HOWE, City Secretary
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104 APPROVED AS TO LEGAL FORM
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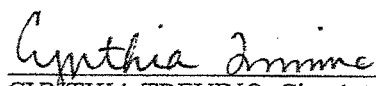
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108 CYNTHIA TREVINO, City Attorney

Exhibit "A"

Amendment to Section 2-4

Sec. 2-4. - Council policy and rules of procedure.

- (a) *Council's role: In order to ensure the proper discharge of duties for the improvement of democratic local government, councilmembers will display a level of behavior that demonstrates independent, impartial review of all matters addressed by them, and be duly responsible to the citizens of Castroville and each other in their relationships.*
- (b) *Mayor's role: The presiding officer of the council is responsible for conducting the meeting. When present and participating, the mayor shall serve as presiding officer at meetings of council. The mayor may participate in discussions of all matters coming before council. After each general election, council shall elect from among councilmembers a mayor pro tempore who shall act as mayor during the absence or disability of the mayor. If neither the mayor nor the mayor pro tempore are able to serve, the remaining councilmembers may by majority vote designate a councilmember to preside. The mayor shall preserve order and decorum during council meetings and shall require councilmembers engaged in debate to limit discussion to the question under consideration. The mayor is the spokesperson for the council on all official city occasions unless absent, at which time the mayor pro tempore will assume the role. The mayor will guide council discussions, respond to council questions, summarize issues and call items for council action. The mayor will encourage all councilmembers to participate in discussion and give each member an opportunity to speak before any member can speak again on the same subject. The total time an individual councilmember may speak on a discrete issue during a meeting will be limited to no more than 15 minutes, unless additional time is provided to the councilmember by a majority council vote.*
- (c) *Council meetings:*
 - (1) Regular meeting. *Council shall meet regularly at such place and times as prescribed by council, but no less frequently than twice each month unless otherwise resolved by council. Council shall adopt a resolution specifying the scheduled date/time/location and may amend the resolution as may be required from time to time.*
 - (2) Quorum. *Council must have a quorum to meet, deliberate, debate, and decide on any city business.*
 - A. *A quorum for a regular meeting is three councilmembers*
 - B. *A quorum for a special meeting is four councilmembers.*
 - (3) *The mayor may call a special meeting on the mayor's own motion and shall call a special meeting on the application of three aldermen. Each member of the governing body, the city secretary, and the municipal attorney must be notified of the special meeting. The notice may be given personally or left at the person's usual place of residence.*
 - (4) Workshops. *A workshop is considered a regular meeting if held on the regularly established meeting date and time and a special meeting if called by the mayor on the mayor's own motion or on the application of three aldermen. A council workshop may be held on any day of the week to consider, in detail, a particular subject or problem of city interest. Workshops emphasize interaction between mayor, council and staff in order to exchange information and develop approaches and possible positions for future council action. Council meeting rules and procedures may be relaxed during a workshop at the discretion of the mayor or presiding officer or by a majority of councilmembers. Notice of the workshop must be posted in compliance with the Texas Open Meetings Act.*

- (5) Agenda. An agenda for a regular or special called meeting shall be posted at least 72 hours in advance of the meeting in compliance with the Texas Open Meetings Act. When the agenda item requires a public hearing, the mayor or presiding officer shall request staff comment, allow for questions by council, open the public hearing for public comment, and close the public hearing.
 - (6) Attendance. Councilmembers are expected to attend all meetings and workshops and stay in attendance during each meeting. If for any reason a councilmember desires to leave a meeting or workshop prior to its termination, he/she will request the presiding officer grant a recess, adjournment or if a quorum of council members are present the meeting may continue. Council may compel the attendance of its members as set forth in Texas Local Government Code section 22.038.
 - (7) Conflicts of Interest. A councilmember prevented from voting due to a conflict of interest shall abstain from the debate, shall not vote in the matter, and shall otherwise comply with state law and ordinances concerning conflicts of interest.
 - (8) Participation. During council meetings and workshops, councilmembers shall assist in preserving order and decorum and shall neither by conversation or otherwise delay or interrupt the proceedings nor refuse to obey the rules of the council.
 - (9) City Staff. Administrative staff and city employees shall observe the same rules of decorum applicable to councilmembers. All persons addressing councilmembers, including the city administrator, shall be recognized by the presiding officer and shall limit remarks to the matter under discussion. All remarks and questions addressed to the council shall be addressed to the council as a whole and not to any individual member.
- (d) Persons addressing the council:
- (1) Addressing the Council. At council meetings, council may hear comments from any citizen or visitor. Speakers must address their comments to the presiding officer rather than individual councilmembers, staff, or members of the audience; stand at the podium, speak clearly into the microphone and state name and residential address before speaking. If the speaker is speaking on behalf of an organization or group, the speaker shall identify the group. Only one person may address the council at any time unless otherwise allowed by council majority. Persons addressing council shall do so in a respectful and orderly manner without shouting or argumentative behavior or making personal, impertinent, slanderous, or profane remarks about any councilmember, city staff member, or a member of the general public. Speakers shall address council and staff respectfully and no shouting or argumentative behavior will be tolerated.
 - (2) Time to speak. Citizen comments will be permitted only at times specified on the published council agenda; speakers will be allowed a maximum of three minutes to speak; additional time may be extended by a council majority. The council, in its discretion may allow citizens comments at any other time as determined necessary.
 - (3) Lines of communication. The mayor and council encourage citizen input regarding their city concerns, questions, and suggestions. Council strongly suggests that citizens contact the City administrator and their district councilmember concerning specific issues prior to speaking at council meetings.
- (e) Members of the audience. No person in the audience at a meeting of council shall engage in disorderly or boisterous conduct, including the utterance of loud, threatening, or abusive language, whistling, stamping of feet, eating or drinking, using tobacco or tobacco products, or other acts which disturb, disrupt, or otherwise impede the orderly conduct of any council meeting. Cell phones shall be turned off or set to silent or vibrate mode. Hats will not be worn in council chambers.

(f) Rules of enforcement:

- (1) Warning. The mayor or the presiding officer shall request that a person breaching any part of subsection (i), (d) or (e) above cease the disruptive conduct. If, after receiving a warning from the mayor or the presiding officer, the person persists in disturbing the council meeting, the mayor, the presiding officer, or a majority of council shall order the person to leave the council meeting. If such person does not remove himself, the mayor or the presiding officer shall first call for a ten minute recess to regain order; if order is not regained, the mayor or presiding officer may direct any on-duty law enforcement officer to remove that person or persons from council chambers.
- (2) Removal of member of audience: Any on-duty law enforcement officer shall carry out all reasonable orders and instructions given by the mayor or the presiding officer for the purpose of maintaining order and decorum at council meetings.
- (3) Removal of councilmember: A councilmember may only be removed from the council meeting after a vote is taken of the city council. If the vote is in favor of the councilmember, the councilmember shall be at liberty to proceed.
- (4) Civil and criminal penalties: The city may enforce the provisions of this article by injunctive relieve as well as prosecution for applicable criminal violations. An offense under this article is a misdemeanor and any person violating this article shall, upon conviction, be fined a sum not exceeding \$200.00. Each instance that a provision of this article is violated shall constitute a separate offense.

(g) Agenda item submission: Any councilmember may submit an item for placement on a council meeting agenda. The submitted item must be specific, contain an explanation of purpose, include background information, and state the date of the council meeting the councilmember wishes the item to be placed. An item for placement on the agenda must be submitted in person or electronically to the city secretary at city hall no later than 5:00 p.m. on the fourth business day prior to the date of the next council meeting. Items submitted to the city secretary after that time will normally be held over until the next regularly-scheduled council meeting, unless the item is of such importance that the mayor elects to place the item on an earlier agenda or calls a special city council meeting.

(h) Placement on agenda: The mayor, working with the city administrator, will determine, using his best judgment, the most important items received for placement on the agenda. Any item that has been properly and timely submitted by a councilmember as described above shall be placed on the agenda of the council meeting. If the mayor, in his discretion, finds that there is insufficient background information submitted to adequately address the issue, he will so notify the councilmember and delay placement on the agenda until sufficient information is provided to the city secretary; a council majority may nevertheless place the item on the agenda for consideration during the next regularly scheduled meeting. Councilmembers are encouraged to contact the mayor or city secretary regarding any questions they may have about items that have been placed on an agenda.

(i) Notification: Notification of meetings shall be compliant with the Open Meetings Act and Public Information Act. The city secretary shall transmit notice of a meeting to city council members, interested persons who have requested copies of a meeting notice, post a notice on the exterior public notice board at City Hall, and post the meeting notice on the homepage of the city's official website.

(j) Agenda item consideration:

- (1) Ordinarily the mayor or other presiding officer will follow the agenda as posted; however, the mayor or the presiding officer generally maintains the option of addressing agenda items out of order to facilitate guests, reduce costs, or other factors. In addition,

the mayor or presiding officer shall address agenda items out of order, table, or postpone any agenda item on the motion and majority vote of council.

- (2) Persons under retainer agreement or contract with the city for professional services (e.g., attorneys, engineers, auditors, etc.) shall only attend council meetings when specifically requested by the mayor, city administrator, or majority of councilmembers. These professionals shall be scheduled as early as possible on council meeting agendas to ensure a minimal expense to the city.*
- (k) Minutes: Minutes of each council meeting, workshop, and public hearing shall be prepared by the city secretary and submitted to a subsequent council meeting for approval. The city secretary may distribute copies of the proposed minutes for review to the mayor and councilmembers prior to the council meeting. The minutes shall contain a brief narrative of council's deliberations, record all motions, and note council vote on each item. The city secretary shall maintain both a paper and electronic record of the approved minutes. Electronic copies of approved minutes will be posted on the city's official web site as soon as practicable.*