

AN ORDINANCE

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS, AMENDING THE CITY'S CODE OF ORDINANCES, CHAPTER 1 "GENERAL PROVISIONS," APPENDIX "CITY COUNCIL MEETING RULES OF PROCEDURE" WITH THE ADDITION OF RULE 35: COUNCIL MEMBER ABSENCE FROM COUNCIL MEETINGS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Fair Oaks Ranch Home Rule Charter in Section 3.09 states that a Council Member or the Mayor shall forfeit his/her office if he/she fails to regularly attend City Council meetings without an approved absence obtained by a majority vote of City Council either before or after the absence. There shall be a presumption of failure to regularly attend when three (3) regular meetings are missed during a term year without obtaining an approved absence from City Council; and,

WHEREAS, the current City Council Rules of Procedure does not provide any process for obtaining an approved absence or guidelines for Council Members to approve absences; and,

WHEREAS, the City Council is entrusted with the responsibility of making important decisions that impact the community, and regular attendance at City Council meetings is essential for the effective governance of the city; and,

WHEREAS, it is in the best interest of the City and its residents to establish clear procedures for requesting and approving absences, thereby promoting accountability, transparency, and the fulfillment of Council members' duties; and,

WHEREAS, the implementation of a formalized process for requesting absences will help ensure that City Council meetings proceed smoothly, with the full participation of its members, thereby maintaining the integrity and functionality of the City's governing body; and,

WHEREAS, the City Council recognizes the importance of balancing public service with personal and professional obligations, and therefore seeks to provide a fair and reasonable process for addressing absences due to legitimate reasons.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS:

Section 1. The Code of Ordinances, Chapter 1, "General Provisions," Appendix "City Council Meeting Rules of Procedure" is hereby amended as set forth in the attached **Exhibit A**.

Section 2. That the recitals contained in the preamble hereto 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. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance be severable, and, if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared invalid by judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance and the remainder of this ordinance shall be enforced as written.

- Section 4.** That 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 5.** The provisions of this ordinance shall be cumulative of all ordinances not repealed by this ordinance and ordinances governing or regulating the same subject matter as that covered herein.
- Section 6.** 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 7.** All ordinances, 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 ordained herein.
- Section 8.** This ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.
- Section 9.** This ordinance shall take effect immediately from and after its second reading, passage and any publication requirements as may be required by governing law.

PASSED and APPROVED on first reading by the City Council of the City of Fair Oaks Ranch, Texas, on this 7th day of November 2024.

PASSED, APPROVED, and ADOPTED on second and final reading by the City Council of the City of Fair Oaks Ranch, Texas, on reading this 21st day of November 2024.

Gregory C. Maxton, Mayor

ATTEST:

APPROVED AS TO FORM:

Christina Picioccio, TRMC
City Secretary

Denton Navarro Rodriguez Bernal Santee & Zech
P.C., City Attorney

EXHIBIT A

The Code of Ordinances, Chapter 1, General Provisions,” Appendix “City Council Meeting Rules of Procedure” is hereby amended as follows:

[Deletions shown as strikethrough and additions shown as underscore]

Rule 35: Council Member Absence from Council Meetings

In accordance with Section 3.09 of the City’s Home Rule Charter, Council Members or the Mayor shall forfeit his/her office if he/she fails to regularly attend City Council meetings without an approved absence obtained by a majority vote of City Council either before or after the absence. There shall be a presumption of failure to regularly attend when three (3) regular meetings are missed during a term year without obtaining an approved absence from City Council.

1. It is a Council Member’s responsibility to seek an approved absence from missing a meeting.
2. It will be the Council Member’s responsibility for requesting the agenda item and preparing the documentation. Once the documentation is submitted to the City Secretary’s office, the item will be added to the agenda for consideration at the next possible meeting.
3. In general, approved absences may include, but are not limited to, illness, death in the family, scheduled family vacations or emergencies.
4. Council Members will submit documentation requesting the approved absence to the City Secretary within 60 days of the absence. After 60 days, the absence is considered unapproved without the possibility to seek approval.