

ORDINANCE NO. 2023-42

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS AMENDING THE CITY OF LEON VALLEY CODE OF ORDINANCES, CHAPTER 1 GENERAL PROVISIONS, ARTICLE 1.04 CITY COUNCIL, SECTION 1.04.001 RULES OF MEETING DECORUM AND CONDUCT, ADDING EXECUTIVE SESSION MEETING TIME OF 6:00 PM, ADDING CITIZENS TO BE HEARD CONTACT INFORMATION, ADDING A PROCEDURE FOR OUTSIDE PRESENTATIONS AND PROVIDING FOR REPEALER, SEVERABILITY; SAVINGS; OPEN MEETINGS CLAUSE; 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. 2022-34, 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 Chapter 1 General Provisions, Article 1.04 City Council, Section 1.04.001 Rules of Meeting and Decorum Conduct is hereby revised in Exhibit "A" attached hereto 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 the Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

SECTION 3. Repealer. The provisions of the Ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein, provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent that such inconsistency is apparent by any other ordinance.

SECTION 4. Severability. If any provision, section, sentence, clause, or phrase of this ordinance or application of the same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portions of this ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting, and the Mayor in approving this Ordinance, that no portion thereof or provisions

or regulation contained herein shall become inoperative or fall by reason of any unconstitutionally or invalidity of any portion, provision, or regulation.

SECTION 5. Savings. The repeal of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue, or as affecting any rights of the City under any section or provisions of any ordinances at the time of passage of this ordinance.

SECTION 6. Notice of Meeting. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION 7. Effective Date. This ordinance shall become effective on and after its passage, approval and the meeting of all publication requirements as provided by law.

PASSED, ADOPTED, AND APPROVED by the City Council of the City of Leon Valley, Texas on this the 7th day of November, 2023.

APPROVED

CHRIS RILEY
MAYOR

Attest:

SAUNDRA PASSAILAIGUE
City Secretary

Approved as to Form:

ART RODRIGUEZ
City Attorney

EXHIBIT A

Section 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. The published agenda of each public meeting.

Citizen. Any person, other than a member of staff, who wishes to speak at a public meeting.

Member. An elected or appointed member of City Council.

Presiding Officer. The mayor or the member presiding over the public meeting in the absence of the mayor.

Public Meeting. Any meeting of a quorum of the members where the business of the City is discussed.

Staff. An employee of, or consultant contracted by the City.

(b) **Meeting Times.** A regular City Council meeting shall be held on both the first and third Tuesday of each month beginning at 6:30 PM. Closed Executive Sessions may begin no earlier than 6:00 PM. In the event that the meeting date falls on a holiday, the meeting will be rescheduled. 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 City Council shall always be open to the general public except as may be specially 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 the times designated as follows:

- A. During "Citizens to be Heard".
- B. Prior to City Council's decision or vote on any posted agenda item.
- C. At any posted public meeting.

(2) **Appearance.**

- A. Citizens may appear in person.
- B. Citizens may appear by written appearance for items on the agenda.
- C. Written comments must be:

I. Email to:

citizenstobeheard@leonvalleytexas.gov

The Mayor and/or a City Council member may forward correspondence to the above e-mail on a citizen's behalf.

- II. Mail to:
Leon Valley Public Comments
6400 El Verde Road
Leon Valley, Texas 78238
- III. Received prior to the start of the meeting to ensure comments are read during the meeting. At the request of any City Council member and/or Mayor, a citizen comment can be read.
- IV. During the Citizens to be Heard section of the agenda, no written comments will be read aloud during the meeting.

V. Fax to: (210) 684-4476

- (3) Recognition by the Presiding Officer. A citizen shall be recognized by the presiding officer before speaking. Citizens may speak only one (1) time at each of the following for up to three (3) minutes at any posted: (a) citizens to be heard; (b) agenda item(s); or (c) 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 hand.
- (4) Ceremonial and Informational Presentations. All ceremonial items and information presentations shall be placed at the beginning of scheduled meetings.
- (5) Outside Presentations. No outside presentations will be allowed without permission from a staff person, or the Mayor, or vote by the governing body.

(e) **Disruptive Behavior**. Members, staff, and citizens to include any citizen communications, 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. To be determined by the Mayor.

(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.

- (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 as 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 subsection (f), immediately above, by lodging a point of personal privilege.
- (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 subsection (f), immediately above.

(h) Robert's Rules of Order will take precedence for conduct not covered by these City 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.