

ORDINANCE NO. O-07012019-1

AN ORDINANCE OF THE CITY OF ELKHART, TEXAS, ESTABLISHING RULES OF DECORUM FOR CITY COUNCIL MEETINGS ESTABLISHED STANDARDS SET IN ADVANCE BY CITY COUNCIL.

PREAMBLE

WHEREAS, the City Council of the City of Elkhart wishes to establish rules of decorum for City Council meetings; and

WHEREAS, the City Council of the City of Elkhart has determined that such rules of decorum for City Council meetings will be beneficial to all participants in said City Council meetings; and

WHEREAS, the purpose of establishing said rules of decorum for City Council meetings is to ensure that meetings of the City Council are conducted in a way that allows the business of the City to be effectively conducted; to ensure that members of the public who attend meetings of the City Council can be heard in a fair, impartial and respectful manner; 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; and to ensure that the rules governing decorum at meetings of the City Council are understood by persons attending the meetings.

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

SECTION 1. RECITALS INCORPORATED.

The facts and recitals contained in the Preamble of this Ordinance are hereby found and declared to be true and correct.

SECTION 2. FINDINGS

That the City Council, after discussion of the proposal to establish rules of decorum for City Council meetings, hereby finds that rules, as defined below, are in the best interests of the City's residents and taxpayers.

1. Unless addressing the City Council or entering or leaving the Council Chambers or other meeting place, all persons in the audience shall remain seated in the seats provided. No person shall stand or sit in the aisles or along the walls, unless permitted by the Mayor. No person shall block any doorways.
2. All demonstrations, including cheering, yelling, whistling, handclapping and foot-stomping which disrupt, disturb or otherwise impede the orderly conduct of the Council meeting are prohibited.

3. No placards, signs, posters, packages, bundles, suitcases or other large objects shall be brought into the Council Chambers or other meeting place except with the prior authorization of the Mayor.
4. Smoking is prohibited in the Council Chambers or other meeting place.
5. Members of the public may address the City Council at the following times during a meeting:
 - (a) During citizen comment period, if such a period is on the agenda for the meeting;
 - (b) During a public hearing on an agenda item; or
 - (c) At other times with the permission of the presiding officer.
6. All persons wishing to speak to the Council shall state their name, address, and the subject matter upon which they wish to speak for the record. All speakers who wish to address members of the City Council or staff must do so through the Mayor. No person shall address the Council until he or she has first been recognized by the Mayor. The decision of the Mayor to recognize or not recognize a person may be changed by order of the Council. In the interest of facilitating the business of the Council, all persons addressing the Council shall be limited to three (3) minutes.
7. During formal public hearings, all interested parties will be allowed to address the Council. The Mayor shall request persons wishing to address the Council to signify their interest and may limit the time allowed and otherwise coordinate the hearing proceedings. The applicant shall speak after the staff report and shall have the opportunity for rebuttal. The applicant shall not be limited by the three (3) minute time limit but shall not be repetitious nor digress from the issues before the Council.
8. At the end of the regular City Council meeting, administration and/or Council Member(s) may request that an item be placed upon a future agenda for consideration by the Council.
9. Members of the audience shall respect the rights of others and shall not create noise or other disturbances so as to disrupt or disturb persons who are addressing the City Council, Council Members who are speaking, or otherwise impede the orderly conduct of the meeting. All persons addressing the City Council shall speak in a civil and courteous manner and shall not yell, scream, or use foul language. Speakers shall address the agenda topic to which they are speaking on and shall not be repetitive.
10. Photographs, audiotapes and videotapes may be taken from a place within Council Chambers or other meeting place, with said place being designated by City Council. Except when presentations are being made, photographs, audiotapes and videotapes may not be taken from any place other than the designated area, as such practices disrupt and disturb the audience, public speakers and Council Members and interferes with the orderly conduct of the meeting. Photographs, audiotapes and videotapes shall not be taken in any manner which disturbs or disrupts the audience, speakers or Council Members or otherwise disrupts the Council meeting. The Mayor is the final decision maker as to whether any photography, audiotaping or videotaping is being undertaken in any manner which disturbs or disrupts the audience, speakers or Council Members or otherwise disrupts the Council meeting.

SECTION 3. SEVERABILITY CAUSE.

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City hereby declares that it would have passed this Ordinance, and each section, subsection, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

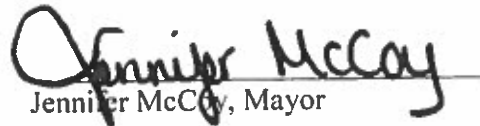
SECTION 4. OPEN MEETINGS.

It is hereby found, determined, and declared that sufficient written notice of the date, hour, place and subject of the meeting of the City Council at which this Ordinance was adopted was posted at a place convenient and readily accessible at all times to the general public at the City Hall of the City for the time required by law preceding its meeting, as required by Chapter 551 of the Texas Government Code, and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter hereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

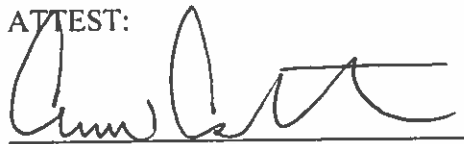
SECTION 5. EFFECTIVE DATE.


This Ordinance shall take effect immediately upon its adoption and publication in accordance with and as provided by law.

PASSED AND APPROVED ON this 1 day of July, 2019.


Jennifer McCoy, Mayor

ATTEST:


Ami Ashworth,
Interim City Secretary


Reviewed by Judith Cantrell,
City Administrator

Approved as to form and legality by Bettye Lynn, of counsel