

**CITY OF JAMAICA BEACH
ORDINANCE 2018-2**

AN ORDINANCE AMENDING AND RESTATING ORDINANCE 2017-9 OF THE CITY OF JAMAICA BEACH, TEXAS, ESTABLISHING RULES OF DECORUM AND PROCEDURES FOR ATTENDEES AT COUNCIL MEETINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Jamaica Beach, Texas is a duly organized political subdivision of the State of Texas engaged in the provision of City Government and related services for the benefit of the citizens of the City of Jamaica Beach; and

WHEREAS, Section 551.001 (2) and (4)(A) of the Texas Government Code defines “Meeting” and “Deliberation” (see Footnote 1) and such terms, when used in this Ordinance, shall have the meaning set forth therein; and

WHEREAS, the City Council has determined that it is in the best interest of the citizens of the City of Jamaica Beach, Texas, to adopt such rules and procedures intended to accord City Council Meetings the proper respect, while preserving the highest standards of dignity and decorum, that are not in conflict with the laws of the State of Texas, and not intended to interfere with religious custom, freedom of expression, or create a financial barrier, or any other unreasonable type of barrier to participation or observation of open Meetings.

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

SECTION 1. The purpose of the Rules of Decorum and Procedure are:

- A. To ensure that the City Council Meetings are conducted in a way that allows the business of the city to be effectively administered.
- B. To ensure that the members of the public who attend City Council Meetings can be heard in a fair, impartial and respectful manner.
- C. To ensure that City Council Meetings 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 City Council Meetings are understood by persons attending the Meetings.

SECTION 2. The following rules and procedures establish articulate rights, obligations and standards to be upheld by members of the public attending and appearing before the City Council at a public Meeting; and are necessary to maintain control of a public Meeting in order to ensure the fair and impartial Deliberations and conduct of business and the timely completion of that business.

City Council Meetings. The Deliberations and proceedings of the City Council shall be open to the public, except as state law provides otherwise (e.g., executive sessions) and shall comply with the state and federal constitution and statutes.

Sign-up for Public Comment. Members of the public attending a City Council Meeting will be given the opportunity to address City Council during the Public Comment period and Public Hearings. Attendees wishing to speak at an open Meeting should complete the appropriate sign-up sheet prior to the commencement of the Meeting; sign-up sheets will be available in the Council Chambers as early as thirty (30) minutes prior to the Meeting. However, the Mayor/Presiding Officer may recognize individuals to speak who did not complete the appropriate sign-up sheet; such individuals recognized by the Mayor/Presiding Officer, before speaking, shall approach the podium and state their name and address in a manner that can be heard by the Councilmembers and recorder making an official tape of the Meeting and shall then discuss the matter upon which they desire to discuss with the Councilmembers after comments are made, individuals who did not sign up, but spoke, will be asked to complete the sign-up sheet for the record. Citizens may also submit written comments to the City Secretary prior to the Meeting; copies will be made and distributed to Councilmembers for review before the Meeting.

Public Comments at a Council Meeting. Attendees that completed the sign-up sheet will be recognized before the individuals who did not sign up. The Public Comment period on an agenda provides the opportunity for members of the public to speak or ask questions on any topic that is on the agenda. Attendees may also make comments on any items not on the posted Meeting agenda, but are hereby advised that the State law prohibits the City Council from taking any action on any item unless it appears on the posted Meeting agenda. Inquiries from speakers about matters not listed on the agenda will either be directed to the City Staff or placed on a future agenda for City Council to consider. There will be an opportunity to speak on Public Hearing items as those items are announced. No person may speak without being recognized by the Mayor/Presiding Officer.

After being recognized, and only after being recognized by the Mayor/Presiding Officer, the person shall approach the podium and state his/her name and address for the record before making their remarks. All speakers shall address their comments to City Council, avoid personalizing, or directing comments to anyone in the audience, and avoid lengthy commentary.

In order to conduct a timely Meeting, each individual's comments may be limited to three (3) minutes unless the Mayor/Presiding Officer grants an extension of time. The Mayor/Presiding Officer may, at his/her discretion, shorten the time for speaking. No person may be allowed to yield their time to another person.

Conduct. Members of the audience may not make personal, impertinent, or slanderous remarks; engage in disorderly conduct, including the utterance of loud, threatening, or abusive language, clapping, whistling, and/or stamping of the feet or other acts, which disturb, disrupt, impede, or otherwise render the orderly conduct of the City Council Meeting impractical. A member of the audience engaging in any such conduct may, at the discretion of the Mayor/Presiding Officer or attending City Police Officer, be subject to

ejection from that Meeting. A Police Officer may remove an individual(s) for disrupting a Meeting as authorized by Texas Penal Code Section 42.05.

Dress Code. All persons who enter City Hall to attend public Meetings shall dress appropriately: clothing displaying profane or obscene language or images is prohibited; shirts and shoes are required. Violators of the dress code will not be permitted in the Council Chambers. If attending a public Meeting, violators of the dress code will be able to stand outside of the Council Chambers where they can hear the proceedings.

Electronic Devices. Mobile phones, pagers and other electronic devices must be turned off or on silent mode, so as not to disrupt proceedings.

Audio or Video Recording. A person in the attendance may audio or video record all or any part of an open Meeting; to maintain order at a Meeting, a location in the Council Chambers has been designated for video recording so that all Deliberations of City Councilmembers and those addressing the City Councilmembers are clearly visible and able to be recorded. Members of the audience wishing to make a video recording should inform the City Secretary prior to the commencement of the Meeting for seating accommodations in the video recording designated area. All video recordings should be focused on the City Council, Staff and those members of the public addressing City Council and participating in the Deliberations of City Council.

SECTION 3. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

SECTION 4. All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

SECTION 5. This ordinance shall become effective immediately.

APPROVED AND ADOPTED this the 21st day of May, 2018.



STEVE SPICER, MAYOR

ATTEST:



LUPE RUSHING, CITY SECRETARY

FOOTNOTE 1:

In this chapter:

- (1) "Closed Meeting" means a Meeting to which the public does not have access.
- (2) "Deliberation" means a verbal exchange during a Meeting between a quorum of a governmental body, or between a quorum of a governmental body and another person, concerning an issue within the jurisdiction of the governmental body or any public business.
- (3) "Governmental body" means:
 - (A) A board, commission, department, committee, or agency within the executive or legislative branch of state government that is directed by one or more elected or appointed members;
 - (B) A county commissioners court in the state;
 - (C) a municipal governing body in the state;
 - (D) a deliberative body that has rulemaking or quasi-judicial power and that is classified as a department, agency, or political subdivision of a county or municipality;
 - (E) a school district board of trustees;
 - (F) a county board of school trustees;
 - (G) a county board of education;
 - (H) the governing board of a special district created by law;
 - (I) a local workforce development board created under Section 2308.253;
 - (J) a nonprofit corporation that is eligible to receive funds under the federal community services block grant program and that is authorized by this state to serve a geographic area of the state;
 - (K) a nonprofit corporation organized under Chapter 67, Water Code, that provides a water supply or wastewater service, or both, and is exempt from ad valorem taxation under Section 11.30, Tax Code; and
 - (L) a joint board created under Section 22.074, Transportation Code.
- (4) "Meeting" means:
 - (A) a deliberation between a quorum of a governmental body, or between a quorum of a governmental body and another person, during which public business or public policy over which the governmental body takes formal action; or
 - (B) except as otherwise provided by this subdivision, a gathering:
 - (i) that is conducted by the governmental body or for which the governmental body is responsible;
 - (ii) at which a quorum of members of the governmental body is present;
 - (iii) that has been called by the governmental body; and
 - (iv) at which the members receive information from, give information to, ask questions of, or received questions from any third person, including an employee of the governmental body, about the public business or public policy over which the governmental body has supervision or control...