

ORDINANCE NO. 15-2018

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARION, TEXAS, ESTABLISHING RULES, REGULATIONS AND PROCEDURES FOR SETTING THE AGENDA FOR CITY COUNCIL MEETINGS; REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING AN OPEN MEETINGS CLAUSE; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, it is important to the orderly conduct of the business and affairs of the City of Marion, Texas (the "City") that certain rules, regulations and procedures be established for setting the agenda for the meetings of the City Council of the City;

WHEREAS, such rules, regulations and procedures should establish a process that will provide equal opportunity for all viewpoints to be presented and a balance between the efficient and orderly conduct of the City's business in public meetings with participative government; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARION, TEXAS, THAT:

SECTION 1. CITY COUNCIL MEETINGS.

(a) Regular Meetings. Regular meetings of the city council shall be held on the first Monday of each calendar month at 6:15 p.m.; provided that if any such Monday is a City holiday, the regular meeting scheduled shall be held as agreed to by the Council at a meeting prior to or after the holiday. In addition, the Council may cancel or reschedule a Council Meeting at any time.

(b) Special Meetings. Special Meetings of the City Council shall be held on the call of the Mayor, subject to the following procedures:

(i) The Mayor may call a special meeting of the City Council on his/her own motion or upon the application of three (3) members of the City Council. The Mayor shall call a special meeting on the application of (4) council members.

(ii) When the Mayor calls a special meeting of the City Council a good faith and reasonable attempt shall be made to contact each Council member for the purpose of establishing the most convenient time to hold the meeting, in order to maximize attendance and enable the Council to work together as appropriate to conduct required city business.

(c) Quorum. For a Regular City Council meeting, three (3) council members constitute a quorum. For a Special City Council meeting, four (4) council members constitute a quorum.

(i) "Walking quorums" are prohibited. A "walking quorum" is defined as meetings of groups of less than a quorum where a quorum or more of the body is attempting to avoid the purposes of the Open Meetings Act by deliberately meeting in groups less than a quorum in meetings not open to the public to discuss and deliberate public business and then ratifying their actions as a quorum in a subsequent public meeting.

(d) Conduct. It is the intention of the Council to provide the citizens of Marion opportunity to address the City Council and express themselves on issues of City Government. Each member requesting to address the Council will have three (3) minutes to address the Council. The Council may grant additional time if deemed necessary.

- (i) Members of the public are reminded that the Marion City Council possesses the power to issue a citation for Disruption of Meeting or Procession under Section 42.05 (Class B) and for Hindering Proceedings by Disorderly Conduct under Section 38.13 (Class A) of the Texas Penal Code. Members of the public in attendance at a meeting of the City Council shall conduct themselves with proper respect and decorum in speaking to and addressing the Council and in all actions in the presence of the Council. Those members of the public who do not conduct themselves in an orderly and appropriate manner will be ordered to leave the meeting.
- (ii) Council meetings are not forums for the demeaning of any individual or group, including the Council, the Mayor or City employees, staff or consultants. Profane, insulting or threatening language directed toward the Council and/or a person in the Council's presence and racial, ethnic or gender slurs or epithets will not be tolerated. Violation of these rules may result in the following sanctions:
 - Cancellation of the speaker's remaining time;
 - Removal from the Council room;
 - Issuance of a Contempt Citation;
 - Such other civil and criminal sanctions as may be authorized under the Constitution, Statutes and Codes of the State of Texas.
- (ii) The Mayor, all Council Members and City employees and staff are required to display the same appropriate behaviors as described in Section (ii) above. Mayor, all Council Members and City employees and staff shall not insult the honesty and integrity of any person or group. Elected officials are required and charged by the Oath of Office to conduct themselves and perform their duties in an ethical and professional manner at all times. Inappropriate or disruptive behavior of the Mayor, any Council Member and any City employee and staff may be discontinued upon the majority vote of the Council as a point of order. The disruptive Mayor, Council Member and City employee and staff may also be removed from the premises if the disruptive behavior continues. Further outbursts or disruptive behavior may be addressed by the issuance of a Contempt Citation and such other civil or criminal sanctions as may be authorized under the Constitution, Statutes and Codes of the State of Texas.
- (iii) The Marion Chief of Police (Chief) shall serve as the Bailiff at all Regular, Special and Emergency meetings of the City Council. If the Chief is absent, or a conflict of interest is raised by the attendance of the Chief, or if an Executive Session is held in which the Chief is not an authorized participant, then the City Council shall

appoint another Marion Police Officer to serve as Bailiff. This policy does not create a right of the Bailiff to attend an Executive Session.

SECTION 2. AGENDA FOR REGULAR CITY COUNCIL MEETINGS.

The Agenda for each Regular meeting of the City Council shall contain such information and be posted in a time and place as is sufficient to comply with the Texas Open Meetings Act. Ch. 551, Tex. Gov't. Code.

- (a) Form and Structure of Agenda. The Agenda for each Regular meeting of the City Council shall be ordered generally as follows:
 - (i) Items Opening Meeting (including as applicable call to order, Pledge of Allegiance, roll call, invocation, and citizen's participation);
 - (ii) Approval of Minutes;
 - (iii) General Business;
 - (iv) Adjournment.

- (b) Agenda Items. The Mayor or two (2) members of the City Council may place any subject matter on the agenda for a Regular meeting of the City Council.

- (c) Agenda Item Request. All Agenda Item Requests (ATTACHMENT 1) can be obtained at City Hall or on the City of Marion website at: https://cityofmariontx.org/documents/2018/agenda_item_request_form.pdf
The Completed form and accompanying documents may be submitted to the City Secretary, delivered to City Hall, or faxed to (830) 914-4460.
 - i. Once City staff has received the completed form and accompanying documents (if any), City staff will review the document(s) to determine if all necessary information is provided, and will contact the requestor if more information is needed. When the documentation is determined to be complete, it will be considered by the Mayor or two (2) members of City Council. If approved by the Mayor or two (2) members of City Council, the request will receive written confirmation from City staff which will include the date and time that the agenda will be considered by City Council.
 - ii. A requestor has no right to have an item placed on a City Council agenda, and no right is created by providing this procedure. Placement of items on a City Council agenda is solely at the discretion of the Mayor or any two (2) members of the City Council.
 - iii. The deadline to request an item to be placed on the agenda shall be filed with the City Secretary by close of business on the Monday two weeks prior to the City Council meeting, provided all the above requirements have been met.

- (d) Preparation of the Agenda. The City Secretary shall collect the agenda items and review them with the Mayor to set the order of the agenda items. The City Secretary shall then prepare the notice of the meeting of the City Council for signature and posting to comply with the Open Meetings Act, Chapter. 551, Tex. Gov't. Code. The Mayor has the authority to reorder the agenda items prior to the posting or during the meeting for efficiency and to facilitate the conduct of the Council Meeting. These requests, properly filled out will comply with posting of the agenda subjects in sufficient detail to determine specifics and action required to meet the Open Meetings Act requirements, Ch. 551. The agenda shall be posted on the official bulletin board at 303 South Center, Marion, Texas, 78124, and on the City's website (www.cityofmariontx.org).
- (e) Executive Sessions. While there is no state requirement to ever have to go into an executive session, the Open Meetings Act provides exceptions to the requirement that meetings of a governmental be open to the public. These exceptions are found in Tex. Gov't. Code, Chapter 551, Sections 551.071, et. Seq. The City Council may go into executive session at anytime, when in the judgment of the City Council it is in the best interests of the City, on any properly posted agenda item dealing with subject matter for which the Texas Open Meetings act authorizes executive sessions. Action shall be taken in open session.

If a closed meeting is to be held, a quorum of the City Council must first convene in an open meeting and the Mayor shall announce a closed meeting will be held, identifying the section of the Open meetings Act that applies.

- (i) The City will maintain copies of the tape recording of closed meetings for a period of two years after the date of the meeting. Tex. Gov't. Code §551.104 and §551.145.
- (ii) Any individual, corporation or partnership commits an offense if it, without lawful authority, knowingly discloses to a member of the public the certified agenda or tape recording of a meeting that was lawfully closed to the public under the Texas Open Meetings Act. Tex. Gov't. Code §551.146.

SECTION 3. AGENDA FOR SPECIAL CITY COUNCIL MEETINGS.

The Agenda for each Special meeting of the City Council shall contain such information and be posted in a time and place as is sufficient to comply with the Texas Open Meetings Act. Ch. 551, Tex. Gov't. Code.

- (a) Form and Structure of Agenda. The Agenda for each Special meeting of the City Council shall be ordered generally as follows:
 - (i) Items Opening Meeting (including as applicable call to order, Pledge of Allegiance, roll call, invocation, and citizen's participation);
 - (ii) General Business;
 - (iv) Adjournment.

- (b) Agenda Items. The Mayor or any three (3) members of the City Council may place any subject matter on the agenda for a special meeting of the City Council. Agenda Items placed on a Special meeting of the City Council must be related to the purpose/reason for which the Special Meeting was called.
- (c) Preparation of the Agenda. The City Secretary shall collect the agenda items and review them with the Mayor to set the order of the agenda items. The City Secretary shall then prepare the notice of the meeting of the City Council for signature and posting to comply with the Open Meetings Act, Chapter. 551, Tex. Gov't. Code. The Mayor has the authority to reorder the agenda items prior to the posting or during the meeting for efficiency and to facilitate the conduct of the Council Meeting. These requests, properly filled out will comply with posting of the agenda subjects in sufficient detail to determine specifics and action required to meet the Open Meetings Act requirements, Ch. 551. The agenda shall be posted on the official bulletin board at 303 South Center, Marion, Texas, 78124, and on the City's website (www.cityofmariontx.org).
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SECTION 4. OFFICIAL ADDRESS.

All official correspondence shall be directed to the official address for the Mayor, Council members, or any official of the City at: The City of Marion, 108 W. Huebinger Street, Marion, Texas, 78124.

SECTION 5. §22.024 CONDUCT OF COUNCIL MEETINGS.

The Mayor and the City Council shall generally conduct each regular and special meeting of the City Council in general compliance with Robert's Rules of Order; provided that the failure of the Mayor and/or the City Council to follow Robert's Rules of Order shall not create any right or

violate any right of any third party, person or citizen that is not the Mayor or a member of the City Council, or create or give rise to any due process claim for or on behalf of any third party, person or citizen who is not the Mayor and/or a member of the City Council. This provision may be enforced exclusively by the Mayor, or a majority vote of the City Council.

SECTION 6. REPEAL OF CONFLICTING ORDINANCES.

All ordinances, including Ordinance 8-2018, or parts of ordinances and sections of any of the City Ordinances in conflict with this Ordinance are hereby repealed.

SECTION 7. SEVERABILITY.

If any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications hereof which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

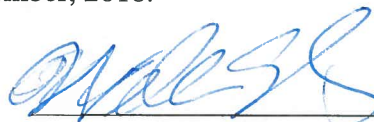
SECTION 8. EFFECTIVE DATE.

This Ordinance shall take effect immediately upon its passage and adoption by the City Council.

SECTION 9. OPEN MEETINGS.

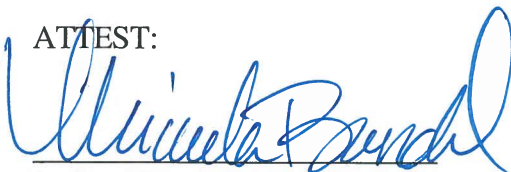
That it is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required by the Open Meetings Act. Ch. 551, Loc. Gov't. Code.

PASSED and ADOPTED this 5th day of November, 2018.



William Seiler, Mayor
City of Marion, Texas

ATTEST:



Alicia Vetter, City Secretary

Micaela Bandel, City Administrator