

ORDINANCE NO 05-007A

RULES OF CONDUCT AT COUNCIL MEETINGS

AN ORDINANCE OF THE CITY OF SOMERVILLE, TEXAS PROVIDING RULES FOR CITIZEN COMMUNICATION DURING CITY COUNCIL MEETINGS; PROVIDING RULES OF CONDUCT AT COUNCIL MEETINGS; PROVIDING FOR NOTICE AND WARNING TO PARTICIPANTS; PROVIDING FOR THE REMOVAL OF PERSONS FROM THE CITY COUNCIL CHAMBERS; PROVIDING FOR ENFORCEMENT AND PENALTIES; AMENDING AND REPEALING ALL CONFLICTING ORDINANCES; AND PROVIDING FOR OTHER RELATED MATTERS.

WHEREAS, it is necessary to the accomplishment of the business of the City of Somerville, Texas (the "City") that City Council meetings be conducted in an orderly and timely manner; and

WHEREAS, persons attending and participating in City Council Meetings should conduct themselves in a manner not to unreasonably delay, impede, interrupt or disrupt the conduct of the City Council Meetings, the business of the City, or the opportunity and right of other participants to participate and be heard;

WHEREAS, presentations, comments and statements that are unduly lengthy or repetitious, that are not related to the agenda item then before the Council, or that are a citizen communication that is not related to a business or a community issue over which the City Council has or may assert jurisdiction, can unreasonably delay and interfere with the conduct of the meetings and the ability of all to participate; and

WHEREAS, reasonable rules, regulations and procedures will assist and encourage public participation, aide the City Council in conducting and completing its meetings in an orderly manner, and enable more citizens to participate, while permitting the business of the City to be accomplished in a reasoned and orderly fashion;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOMERVILLE, TEXAS, THAT;

SECTION 1. FINDINGS OF FACT. The findings and recitations set out herein are found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

SECTION 2. CITIZENS COMMUNICATIONS. Citizens appearing before the City Council may make a presentation at the beginning of the meeting under the agenda item "Citizens Comments". A sign-in-form will be provided for those wishing to address the Council. Once the period of public statements and comments on an agenda item has concluded and council discussion begins, citizens shall not interrupt the discussion and deliberation of business by the Council. The Mayor may reopen such agenda item for public comment and discussion.

SECTION 3. TIME LIMITATIONS. Except as waived, or otherwise authorized by a vote of the City Council the following time limitations shall apply to citizen comments:

(a) **GENERAL CITIZENS COMMENTS.** Citizens signing up to speak at the beginning of council meetings under the item "Citizens Comments" shall, upon being recognized by the Mayor, have five (5) minutes to address the City Council. No citizen shall have more than five (5) minutes unless approved by majority vote of the Council. Citizens may also provide any additional comments of information in writing to the Council before, during or after the City Council Meeting.

(b) **CITIZENS COMMENTS ON SPECIFIC AGENDA ITEM.** Citizens, shall, when recognized by the Mayor, have five (5) minutes to address the Council regarding the subject of an agenda item then being considered by the City Council. Citizens may also provide any additional comments or information in writing to the Council before, during or after the City Council Meeting.

(c) **SPONSOR COMMENTS.** A citizen or person who has made an application then being considered by the Council, or who is the sponsor or speaker for a group that requested the agenda item, shall, upon being recognized by the Mayor, have five (5) minutes in which to speak on the agenda item.

(d) **COMPLIANCE REQUIRED.** Any person that, after notice and warning, refuses to comply with the applicable time limits set forth above shall be deemed to be disrupting the meeting and may be removed as provided in this Ordinance.

SECTION 4. RULES OF CONDUCT FOR MEETINGS. The rules, regulations and provisions of this Ordinance are intended for the purpose of providing for the efficient accomplishment of the public business. Except for a breach of the peace, it is the intent of this Ordinance that no person shall be removed, prosecuted or fined for a violation of this Ordinance unless such violation occurs after a warning is issued by the Presiding Officer. The rules of conduct, order and

decorum for Council Meetings provided in this Ordinance shall include the following rules:

(a) **CONDUCT.** Meetings of the City Council shall be conducted in an orderly manner to ensure that the public has a full opportunity to be heard and that the deliberative process of the Council is retained at all times. The Presiding Officer of the Council, who shall be the Mayor or Mayor Pro-Tem, or in their absence any other member so designated by the Council, shall be responsible for maintaining the order and decorum of meetings.

(b) **RULES OF CONDUCT.** While any meeting of the City Council is in session, the following rules of conduct, order and decorum shall be observed:

(i) **COUNCIL MEMBERS.** The members of the City Council shall preserve order and decorum. A member of the Council should not by conversation or other means delay or interrupt the City Council proceedings when the Presiding Officer or another member of the Council has the floor.

(ii) **CITY STAFF MEMBERS.** Employees of the City shall observe the same rules of order and decorum as those which apply to the Members of the Council.

(iii) **PERSONS ADDRESSING THE COUNCIL.** Public communications at the City Council Meetings should not be a substitute for any item that can be handled during the normal working hours of the Municipal Government. The primary purpose of public comments is to allow citizens the opportunity to formally communicate with the City Council as a whole on an agenda item, or on Citizens Comments for matters that cannot be handled during the regular working hours of the City government. Each person who addresses the Council shall do so in an orderly manner and shall not make personal, impertinent, slanderous or profane remarks to any member of the Council, staff or general public such as to disrupt the meeting. Any person who makes such remarks, or who utters loud, threatening, personal or abusive language, or engages in any other disorderly conduct, that disrupts, disturbs or otherwise impedes the orderly conduct of a Council Meeting, may be warned and may be removed from the Council Meeting, and barred from further attendance of the Council Meeting during that meeting as provided in this ordinance.

(iv) **MEMBERS OF THE AUDIENCE.** No person in the audience at a Council Meeting shall engage in disorderly or boisterous conduct, including the utterance of loud, threatening or abusive language, whistling, stamping of feet or other acts which disturb, disrupt or otherwise impede the orderly conduct of the Council Meeting. Any person who conducts himself in the aforementioned manner to disrupt the orderly conduct of the meeting shall, at the discretion of the presiding officer or a majority of the Council, be barred from further audience before the Council during that meeting.

(v) ADDRESSING THE COUNCIL. A person wishing to address the Council regarding an item that is on the council meeting agenda shall submit a request on the form provided. Persons wishing to discuss a non-agenda item on a subject of city business, or local or community interest over which the City Council has or may assert jurisdiction, shall submit a request for Citizens Comments on the form provided. No person shall address the Council without first being recognized by the Presiding Officer.

SECTION 4. PROCEDURES FOR ADDRESSING THE COUNCIL.

The following procedures shall be observed by persons addressing the Council.

(a) Each person addressing the Council shall step to the podium provided for the use of the public and shall state his or her name and address, the organization if any which he or she represents, and, if during the citizens comments portion of the meeting, the subject he or she wishes to discuss.

(b) During the Citizens Comments portion, any subject which is applicable to an item on the agenda, is not a matter regarding the business of the City, or is not a matter of local community concern over which the City Council has or may assert jurisdiction, may be deemed irrelevant by the Presiding Officer or the Council and upon such finding being made by the Mayor or Council and notice being given to the speaker the remarks shall be concluded.

(c) Each person shall confine his or her remarks to the Council Agenda Item or the stated Citizens Comments subject being addressed.

(d) Each person shall limit his or her remarks to the time permitted for such presentation as set forth in Section 3, unless further time is granted by the Council.

(e) All remarks shall be addressed to the Presiding Officer and Council as a whole, and not to any single member thereof, unless in response to a question from such member.

SECTION 5. ENFORCEMENT OF DECORUM. The rules of decorum and procedures for addressing the Council set forth above shall be enforced in the following manner:

(a) WARNING. The Presiding Officer shall request that a person who is breaching the rules of conduct, decorum or procedures for addressing the Council be orderly and comply with the rules. If, after receiving a warning from the Presiding Officer, a person persists in disrupting the meeting, the Presiding Officer shall order him or her, to leave the council meeting. If such person does not remove himself or herself, the Presiding Officer may order any law enforcement officer who is on duty at the meeting as Sergeant-at-Arms of the Council, or any other law enforcement officer present, to remove that person from

the council chambers. Any participant that physically threatens another participant by words or action may be warned and removed from the meeting if not thereafter fully compliant with this Ordinance.

(b) REMOVAL. Any law enforcement Officer who is serving as Sergeant-at-Arms of the Council, or otherwise present, shall carryout all orders and instructions given by the Presiding Officer for the purpose of maintaining order and decorum at the council meeting. Upon instruction of the Presiding Officer, it shall be the duty of the Sergeant-at-Arms, or officer, to remove from the council meeting any person who is disrupting the meeting and the proceedings of the council.

(c) RESISTING REMOVAL. Any person who resists removal by the Sergeant-at-Arms, or officer, shall be charged with a violation of this section, unless such resistance rises to the point of being and becomes and is prosecuted as resisting arrest.

(d) PENALTY. Any person who commits a breach of the peace, or who, after notice and warning, violates this ordinance or who disrupts a council meeting and is removed, will be referred to the Chief of Police for investigation and the filing of charges as appropriate. Any person who commits a breach of the peace or who, after notice and warning, violates this ordinance shall be guilty of a misdemeanor and shall be punished by a fine not to exceed \$500.00.

(e) MOTION TO ENFORCE. If the Presiding Officer fails to enforce the rules set forth above, any member of the Council may move to require him or her to do so, and an affirmative vote of a majority of the Council shall require him or her to do so. If the Presiding Officer fails to carry out the will of a majority of the Council, the majority may designate another member of the council to act as Presiding Officer for the limited purpose of enforcing any rule of this section which it wishes to enforce.

(f) BREACH OF THE PEACE. Notwithstanding any other term or provision of this Ordinance, any participant who shall by their actions commit a breach of the peace, as defined by the Texas Penal Code, may be arrested by any certified law enforcement observing such action and may be filed on and prosecuted therefore.

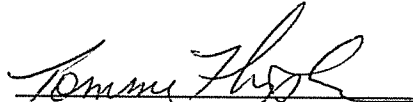
SECTION 6. SEVERABILITY. If any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications hereof which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 7. EFFECTIVE DATE. This Ordinance shall take effect immediately from and after its passage and publication in the manner set forth with the provisions of the Local Government Code.

SECTION 8. 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 and the public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Local Government Code.

PASSED AND APPROVED by the City Council of the City of Somerville, Bureson County, Texas at a Regular Council Meeting on this the 11th Day Of October, 2005.

APPROVED:


Tommy Thompson, Mayor

ATTEST:


Rose Rosser, City Secretary