

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS AMENDING SECTIONS 1.03.001 AND 1.03.003 OF THE CODE OF ORDINANCES TO AMEND RULES GOVERNING PUBLIC COMMENTS AT CITY COUNCIL MEETINGS; CHANGING THE TIME OF THE REGULAR CITY COUNCIL MEETING FROM 6:00 PM TO 7:00 PM AND PROVIDING FOR WORKSHOP BRIEFING SESSIONS, WORKSHOP SESSIONS, OR EXECUTIVE SESSIONS TO TAKE PLACE AT 6:00 PM BEFORE THE REGULAR COUNCIL MEETING; PROVIDING A SEVERABILITY CLAUSE, EFFECTIVE DATE, AND OPEN MEETINGS CLAUSES; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the Texas Legislature adopted House Bill 2840 providing for the right of members of the public to address the governing body at an open meeting of the governing body;

WHEREAS, the City Council desires to amend its rules governing public comments to implement requirements of HB 2840 and to address the timing of public comments for certain briefing workshop sessions and workshops;

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

SECTION 1. Findings of Fact. The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact.

SECTION 2. Amendment of Section 1.03.001. Section 1.03.001, City of Leander Code of Ordinances (the "Code") is hereby amended to read as follows:

Sec. 1.03.001 Public communications

(a) Generally.

(1) Members of the public appearing before the city council may make a presentation at the beginning of the meeting under the agenda item "public comments." A required sign-in form will be provided for those wishing to address the council. In addition, upon being recognized by the mayor, members of the public may make comments or statements regarding specific agenda items when such items are first called by the

mayor, prior to the beginning of discussion and deliberation among the council members.

(2) For briefing workshop sessions or workshops that immediately precede a council meeting at which the items considered at the briefing session or workshop are posted for action at the following meeting, public comments on any items that are the subject of the briefing workshop session or workshop shall take place during the next meeting as provided in subsection (1) above.

(3) Members of the public wishing to read a letter from another member of the public will be allowed only three (3) minutes to read the letter and address their own comments. Once the period of public statements and comments on an agenda item has concluded and council discussion begins, members of the public shall not interrupt the discussion and deliberation of business by the council. The city council by majority vote, may reopen such agenda item for public comment and discussion.

(b) Time limits. Except as waived or otherwise authorized by a vote of the city council, the following time limitations shall apply to public communications:

(1) Members of the public signing up to speak at the beginning of council meetings under the item “public comments” shall, upon being recognized by the mayor, have three (3) minutes to address the city council. No member of the public shall speak more than one time per meeting under the agenda item for public communications, nor have more than three (3) minutes unless approved by majority vote of the council. Members of the public may provide any additional comments or information in writing to the council.

(2) Except as provided in subsection (3) below, members of the public shall, when recognized by the mayor, have three (3) minutes to address the council regarding the subject of an agenda item then being considered by the city council; provided that a member of the public who addresses the City through a translator shall have six (6) minutes to address the council.

(3) A 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 six (6) minutes in which to speak on the agenda item.

(c) Public hearings. In order to provide a reasonable opportunity for all interested members of the public to appear and make a comment at public hearings, members of the public will be limited to speaking one time for up to three minutes at each public hearing. Such shall remain in effect and apply to public hearings that are continued and held on more than one date, due to late hours or the need to accommodate the number of members of the public desiring to address the city council at the public hearing. A member of the public may not assign his or her time to any other person, and the limitation on speaking [sic]. Unless waived by the city council, or unless a member of the city council requests additional information from a person who has previously addressed the council at the public hearing, a member of the public may not speak a second time during each public hearing. Members of the public may file additional comments in writing, together with such documentation as the member of the public deems appropriate, in the record for the public hearing.

SECTION 3. Amendment of Section 1.03.003. Section 1.03.003, City of Leander Code of Ordinances (the “Code”) is hereby amended to read as follows:

Sec. 1.03.003 City council meetings

(a) Regular meetings of the city council shall be the first and third Thursdays of each month at 7:00 p.m.

(b) A briefing workshop session, workshop, or executive session may be scheduled to take place before the regular city council meeting at 6:00 p.m. or such later time as determined appropriate. The city council may hold as many additional special called meetings as may be necessary for the transaction of the business of the city.

SECTION 4. Conflicting Ordinances. Sections 1.03.001 and 1.03.003 of the Code are hereby amended as provided herein. All ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the City, the terms and provisions of this ordinance shall govern.

SECTION 5. Effective Date. This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Tex. Loc. Gov't. Code and the City Charter.

SECTION 6. Severability. 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, 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, since the same would have been enacted by the City Council without the incorporation of this ordinance of any such invalid phrase, clause, sentence, paragraph or section. If any provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 7. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on the 15th day of August of 2019.

THE CITY OF LEANDER, TEXAS

ATTEST:

Troy Hill, Mayor

Dara Crabtree, City Secretary