

**ORDNANCE NO. 2019.11.1**

**AN ORDINANCE AMENDING CHAPTER 1, GENERAL PROVISIONS, ARTICLE 1.05, CITY COUNCIL, DIVISION 2, MEETINGS, OF THE CITY OF FLATONIA, TEXAS CODE OF ORDINANCES, BY AMENDING SECTION 1.05.031 ADDRESSING COUNCIL, SUBSECTION (d), TO ALLOW FOR CITIZENS TO ADDRESS THE CITY COUNCIL ABOUT AGENDA ITEMS; BY AMENDING CHAPTER 1, GENERAL PROVISIONS, ARTICLE 1.05, CITY COUNCIL, BY ADDING A NEW SECTION, SECTION 1.05.034 TO BE ENTITLED COUNCIL RULES AND ORDER OF BUSINESS POLICY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Flatonia, Texas, a municipal corporation in Fayette County, Texas, serves the citizens of the City of Flatonia; and

**WHEREAS**, the City Council has adopted, by resolution, a set of Council Rules and Order of Business Policy that will govern the procedures to be followed at all City Council meetings; and

**WHEREAS**, the said Council Rules and Order of Business Policy provides for suspension, amendment or adoption of new rules in the future; and

**WHEREAS**, City staff, with the concurrence of the City Attorney for the City of Flatonia, Texas, has determined that it is neither necessary nor efficient for the orderly operation of the City Council of the City of Flatonia, Texas, to have its Council Rules and Order of Business Policy set forth in its entirety in the Code of Ordinances of the City of Flatonia, Texas, in order for them to be effective.

**WHEREAS**, the Texas Legislature has recently codified legislation that requires governmental entities to allow members of the public in attendance at City Council open meetings to address agenda items; and

**WHEREAS**, it has been brought to the attention of the City Council that its current Code of Ordinances does not make provision for that type of public participation.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FO THE CITY OF FLATONIA, TEXAS:**

**Section 1.** That Chapter 1, General Matters, Article 1.05 City Council, Division 2, Meetings, Section 1.05.031 Addressing Council, Subsection (d), be and it is hereby amended to hereafter read as follows:

Sec. 1.05.031 Addressing council

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(d) Specific, factual information or recitation of existing policy may be furnished in response to inquiries from members of the general public during the “Citizens’ Participation” portion of any open meeting of the city council but the city council shall not deliberate, discuss or make any decision on any subject not on the agenda. Members of the public may also address the city council regarding items on the agenda in accordance with the procedure set forth above. Such remarks shall also be during the “Citizens’ Participation” portion of the meeting. Deliberation on said agenda items shall be postponed until such item is take up during the meeting. Council members shall have the right to ask questions of those members of the public who addressed the particular item.

**Section 2.** That Chapter 1, General Matters, Article 1.05 City Council, Division 2, Meetings, be and it is hereby amended by adding a new Section, Section 1.05.034 Council Rules and Order of Business Policy, to hereafter read as follows:

Sec. 1.05.034 Council Rules and Order of Business Policy

The City of Flatonia Council Rules and Order of Business Policy adopted by resolution of the City Council on November 12, 2019, and any subsequent changes or amendments adopted as required by said Rules are hereby adopted by the City Council and shall have the same force and effect as if fully set forth verbatim in this Code of Ordinances. The City Secretary shall maintain a current copy of said Council Rules and Order of Business Policy at City Hall and make same available to whomsoever desires to view said current copy.

**Section 3.** This ordinance shall be cumulative of all other ordinances of the City of Flatonia, and this ordinance shall not operate to repeal or affect any other ordinances of the City of Flatonia except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, are hereby repealed.

**Section 4.** The sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

**Section 5.** The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, 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 thereof 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 6.** This Ordinance shall be effective immediately from and after its final passage and any publication in accordance with the requirements of the City of Flatonia and the laws of the State of Texas.


**PASSED AND APPROVED** on this the 12<sup>th</sup> day of November, 2019, with 5 Councilpersons voting in favor hereof and 0 Councilpersons voting in opposition hereof.

**City of Flatonia, Texas**


Signed:   
Bryan Milson  
Mayor



ATTEST:

  
Melissa Brunner, TRMC, CMC  
City Secretary

APPROVED AS TO FORM:

  
Maria Angela Flores Beck  
City Attorney