

ORDINANCE 121304-2

AN ORDINANCE OF THE CITY OF RANGER, TEXAS; PROVIDING RULES FOR CITIZEN COMMUNICATIONS 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 timely accomplishment of business of the City of Ranger, Texas (the "City") that city council meetings be conducted in an orderly manner;

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, 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 RANGER, TEXAS, THAT:

Section 1. Findings of Fact. The findings and recitations set out herein above 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. Citizen Communications; Public Hearings. Persons appearing before the city council may make a presentation at the beginning of the meeting under the agenda item "Citizen Communications" or during a public hearing that is posted on the agenda. A sign-in form will be provided for those wishing to address the council under "Citizen Communications" or a public hearing. A person wishing to address the Council shall submit a request on the form provided. Each person shall confine his or her remarks to the subject of the public hearing or the stated citizen communication subject being addressed. Once the period of public statements and comments on a public hearing item or Citizens Communications has concluded and council discussion begins, citizens shall not interrupt the discussion and deliberation of business by the council.

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 communications:

(a) **General Citizen Communications.** Persons who wish to speak during Citizen Communications shall fill out a sign-in form before the council meeting begins. Upon being recognized by the mayor, the person shall have three (3) minutes to address the city council. No person shall have more than three (3) minutes unless approved by majority vote of the council. Persons may also provide any additional comments or information in writing to the council before, during or after the City Council meeting.

(b) **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.

(c) **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. Speaking at Public Hearings. In order to provide a reasonable opportunity for all interested persons to appear and make a comment at public hearings, persons will be limited to speaking one time for up to three minutes at each public hearing. Such time limit 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 persons desiring to address the City Council at the public hearing. Persons who wish to speak during the public hearing shall fill out a sign-in form before the public hearing begins. A person may not assign his or her time to any other person. 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 person may not speak a second time during each public hearing. Persons may file additional comments in writing, together with such documentation as the person deems appropriate, in the record for the public hearing.

Section 5. 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 or the City Council. While any meeting of the City Council is in session, the following rules of conduct, order and decorum shall be observed:

(a) **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 communications is to allow citizens the opportunity to formally communicate with the City Council as a whole during a public hearing or on citizen communications 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.

(b) **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.

Section 6. Enforcement of Decorum. The rules of conduct, order and decorum set forth in this ordinance 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, order and decorum 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 subsection, 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 ordinance 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 therefor.


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 from and after its passage and publication in the manner set forth with the provisions of the Local Gov't Code.

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 and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapt. 551, Loc. Gov't. Code.

PASSED AND APPROVED on this the 13th day of DECEMBER 2004.

CITY OF RANGER, TEXAS

Attest:

Arthur Camacho, Jr., City Secretary


Raymond Hart, Mayor

