

ORDINANCE NO. 01-12-19

AN ORDINANCE OF THE CITY OF COOPER, TEXAS ESTABLISHING RULES GOVERNING PUBLIC COMMENTS AT CITY COUNCIL MEETINGS; 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; and

WHEREAS, the City Council desires to establish 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 COOPER, TEXAS:

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. Public Communications.

1. Generally.

a. 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.

b. 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 (a) above.

c. 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.

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

a. 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.

b. Except as provided in subsection (c) 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.

c. 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.

3. 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 (3) 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. 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.

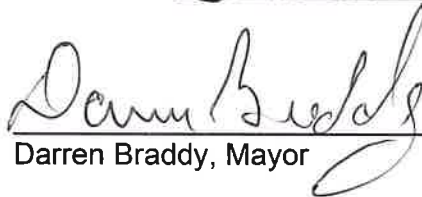
SECTION 3. Conflicting Ordinances. All ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted herein are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the City, the terms and provisions of this ordinance shall govern.

SECTION 4. Severability. That if any section, provision, subsection, paragraph, sentence, clause, phrase or word in this ordinance or application thereof to any person or circumstance is held invalid by any court of competent jurisdiction, such holdings shall not affect the validity of the remaining portions of this ordinance, and the City Council of the City of Cooper, Texas hereby declares it would have enacted such remaining portions, despite such invalidity.

SECTION 5. Effective Date. This Ordinance shall be in full force and effect immediately upon its passage in accordance with the provisions of the Tex. Loc. Gov't. Code.

SECTION 6. 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 this the 9 day of December, 2019.



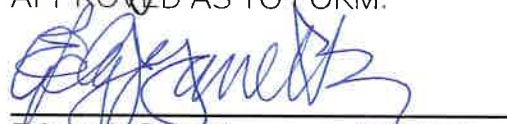
Darren Braddy, Mayor

ATTEST:



Emily Howse, City Secretary

APPROVED AS TO FORM:



Edgar J. Garrett, Jr., City Attorney