

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON, TEXAS TO ENACT A CITIZEN COMMENT PILOT PROGRAM THAT TEMPORARILY MODIFIES SECTION 2-29 OF THE CITY OF DENTON CODE OF ORDINANCES RELATING TO RULES OF PROCEDURE FOR THE CITY COUNCIL OF THE CITY OF DENTON; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, at a City Council Work Session held on October 10, 2017, the City Attorney presented a report regarding the Texas Open Meetings Act (“TOMA”) as it related to Section 3.B. (“Receive Scheduled Citizen Reports from Members of the Public”) of the City Council’s Regular Meeting Agenda; and

WHEREAS, during that presentation, the City Attorney explained to the City Council the potential TOMA legal issues concerning the wording of the Section 3.B. captions, which captions are drafted and turned in to the City Secretary for posting; and

WHEREAS, the typical Section 3.B. caption wording is inconsistent with the custom the City uses to allow for the City Council to discuss and take action on the item, and thus could subject the City Council to a possible TOMA violation; and

WHEREAS, during the presentation a question was asked whether the City Council could ask questions of the speaker and engage in Council discussion, to which the City Attorney advised that they could if they amended Section 2-29 (“Council Rules of Procedure”) and the Regular Meeting Agenda so as to provide the general public advance notice that questions and/or discussion may be had; and

WHEREAS, at the end of the City Attorney’s presentation, the City Council directed the City Attorney to bring back an ordinance which would: (a) allow the City Council to discuss Section 3.B. items; (b) allow the City Council to ask questions of the citizen speaker; (c) allow the City Council to request that a Section 3.B. item be further researched and presented by City Staff at a later City Council meeting; and (d) modify the total time allotted for a Section 3.B. item to five (5) minutes, with three (3) of those minutes allotted to the citizen speaker’s presentation and two (2) of those minutes allotted to City Council discussion; and

WHEREAS, the City Council also directed that such ordinance would be implemented on a trial basis in the form of a “Citizen Comment Pilot Program” to determine whether to continue the Section 3.B. changes on a full-time basis;

WHEREAS, per Denton City Code, Section 2-29(b)(14), this ordinance was introduced at the City Council’s December 5, 2017 Work Session, where the City Council was provided with an opportunity to review and comment on the ordinance; NOW, THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. Findings.

The foregoing recitals are adopted as findings of the City Council as though set forth fully herein.

SECTION 2. Effect on Contrary Provisions in Section 2-29 of the City Code.

The provisions of the Citizen Comment Pilot Program shall supersede and prevail over any contrary provisions within Section 2-29 of the City Code for the duration of the Pilot Program.

SECTION 3. Citizen Comment Pilot Program.

For the duration of the Citizen Comment Pilot Program, Section 2-29(f)(4)a.1. shall read as follows:

Prior Registration. Any person who wishes to place a subject on the council agenda at regular council meetings shall advise the city manager's office of the fact and the specified subject matter which he or she desires to place on the agenda no later than 12:00 p.m. Thursday prior to the council meeting at which he or she wishes the designated subject to be considered. Such reports shall be heard at the beginning of the regular meeting of the city council pursuant to an agenda posting allowing a period of public comment. Up to four (4) speakers per meeting will be assigned to speak at this forum.

Each speaker providing a report shall speak for no longer than three (3) minutes. At the conclusion of each report, council may pose questions to the speaker concerning his or her report. Council may also engage in discussion concerning each report. The total time allotted to Council for posing questions or engaging in discussion for each report shall not exceed two (2) minutes. If the city council believes that a speaker's report requires a more detailed review, the council will give the city manager or city staff direction to place the item on a future work session or regular meeting agenda and advise staff as to the background materials to be desired at such meeting.

SECTION 4. Implementation Actions.

The City Secretary is directed to modify Section 3.B. of the City Council's Regular Meeting Agenda to be in conformity with this Ordinance. The City Manager is directed to modify the video announcement that advises members of the public the procedures for addressing the City Council to be in conformity with this Ordinance.

SECTION 5. Effective Date.

That this Ordinance shall become effective January 1, 2017.

SECTION 6. Sunset Date.

This Citizen Comment Pilot Program shall have no further force or effect after March 30,

2018.

SECTION 7. Severability Clause.

If any section, subsection, paragraph, sentence, clause, phrase or word in this ordinance, or application thereof to any person or circumstances is held invalid by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance, and the City Council of the City of Denton, Texas, hereby declares it would have enacted such remaining portions despite any such invalidity.

PASSED AND APPROVED this the _____ day of _____, 2017.

CHRIS WATTS, MAYOR

ATTEST:
JENNIFER WALTERS, CITY SECRETARY

BY: _____

APPROVED AS TO LEGAL FORM:
AARON LEAL, CITY ATTORNEY

BY: _____