

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MELISSA, TEXAS, ESTABLISHING RULES OF PROCEDURE FOR THE CONDUCT OF PUBLIC TESTIMONY AT MEETINGS OF THE CITY COUNCIL; PROVIDING A PENALTY CLAUSE WITH A MAXIMUM FINE OF \$500, SAVINGS/REPEALING CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the Texas Legislature recently approved House Bill 2840, amending the Texas Open Meetings Act (the “Act”) to establish the right of members of the public to address a governmental body subject to the Act regarding “an item on an agenda for an open meeting of the body”; and

WHEREAS, the City Council of the City of Melissa, Texas (“City Council”) has long provided an opportunity for members of the public to address the City Council, in recognition of the need for governmental transparency and accountability; and

WHEREAS, the City Charter of the City of Melissa, Texas (“Melissa”) authorizes the City Council to prescribe rules of procedure for the conduct of meetings of the City Council; and

WHEREAS, the Texas Open Meetings Act establishes the right of members of the public to address a governmental body subject to the Act regarding “an item on an agenda for an open meeting of the body” and authorizes a governing body such as the City Council to adopt reasonable rules regarding the public’s right to address the City Council, including rules that limit the total amount of time that a member of the public may address the City Council on a given item; and

WHEREAS, the City Council desires to adopt rules of procedure for the conduct of public testimony at such meetings in accordance with the Texas Open Meetings Act and the City Charter.

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

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Rules of Procedure. The following rules of procedure for the conduct of public testimony shall govern all meetings of the City Council of the City of Melissa, and the conduct of all members and other persons in attendance at such meetings:

(a) Matters Posted on an Agenda.

(1) Any member of the public shall have a reasonable opportunity to be heard at any and all meetings of the City Council of the City of Melissa regarding any and all matters posted on an agenda (“Agenda Item”) to be considered

at each such meeting. A time shall be set aside at the beginning of each meeting for the City Council to hear from members of the public on Agenda Items. Each member of the public wishing to address the City Council on an Agenda Item shall be entitled to speak for up to three (3) minutes for each Agenda Item about which the individual desires to speak; provided, however, that a member of the public who addresses the City Council through a translator shall be entitled to speak for up to six (6) minutes for each Agenda Item about which the individual desires to speak in order to ensure that non-English speakers receive the same opportunity to address the City Council. Issues taking longer to communicate can be addressed outside the meeting to City staff or to individual members of the City Council or submitted in writing.

(b) Matters Not Posted on an Agenda.

- (1) Any member of the public shall have a reasonable opportunity to be heard at any and all meetings of the City Council of the City of Melissa regarding matters not posted on a City Council agenda (“Non-Agenda Items”). A time shall be set aside at the end of each meeting for the City Council to hear from members of the public on Non-Agenda Items. Each member of the public wishing to address the City Council on one or more Non-Agenda Items shall be entitled to speak for a total of up to three (3) minutes on the Non-Agenda Item about which the individual desires to speak; provided, however, that a member of the public who addresses the City Council through a translator shall be entitled to speak for a total of up to six (6) minutes on the Non-Agenda Item about which the individual desires to speak in order to ensure that non-English speakers receive the same opportunity to address the City Council.
- (c) The above-referenced allotted time periods will commence at the beginning of the speaker’s remarks and will include any time spent in discussion between the speaker and others. Issues taking longer to communicate can be addressed outside the meeting to the City staff or to individual members of the City Council, or submitted in writing. Speakers may not yield time to others. All comments and questions by members of the public must be directed to the presiding officer of the City Council.
- (d) The City Council may, in its sole discretion and by majority vote, reduce the above-referenced time limits from three (3) minutes to two (2) minutes or from six (6) minutes to four (4) minutes, respectively, if ten (10) or more members of the public present a request to speak on a single Agenda Item or Non-Agenda Item in order to ensure that as many people as possible have an opportunity to speak.
- (e) Except for required public hearings, members of the public who desire to be heard must sign up prior to the meeting being called to order either online or in person at the City Secretary’s office or City Council Chambers.

- (f) Documents or slides requested to be displayed or projected at a meeting shall be accepted for Agenda Items only and must be provided to the City Secretary in a form acceptable to the City no later than two hours prior to the meeting being called to order.
- (g) Members of the public shall not engage in any of the following in the meeting room during a City Council meeting:
 - (1) Any conduct that impedes or disrupts the orderly conduct of the meeting, including shouting, unruly behavior, distracting side conversations, speaking out when another person is talking, booing, hissing, foot stomping, parading, singing or other similar conduct;
 - (2) Defamation, intimidation, personal insults, profanity or threats of violence; or
 - (3) Audible use of phones, pagers, radios, computers or other electronic equipment.
- (h) The rules in this Section shall be enforced against individuals participating in meetings in the following manner:
 - (1) The presiding officer will request that a person who is violating a rule cease the violation;
 - (2) If the violation continues, the presiding officer will warn the person that he or she will be required to leave the meeting room if the violation continues;
 - (3) If the violation continues, the presiding officer will order the person to leave the building or meeting room; and
 - (4) If the person does not leave the building or meeting room, the presiding officer may order any peace officer to remove the person from the building or meeting room.
- (i) It is unlawful for any person to intentionally or knowingly resist removal from a meeting room by a peace officer under Subsection (h).
- (j) Nothing in these rules of procedure is intended or shall be interpreted to prohibit public criticism of the City Council, including criticism of any act, omission, policy, procedure, program or service. The City Council or the presiding officer thereof may, however, disallow public criticism that is prohibited by law.
- (k) The foregoing rules of procedure shall not apply to meetings of the boards,

commissions and committees of the City of Melissa that are subject to the Texas Open Meetings Act, which may be governed by a separate set of rules of procedure. In the event of a conflict between the foregoing rules of procedure and an ordinance, resolution, rule, order or other practice adopted by the City Council, the foregoing rules of procedure shall control and supersede any such conflicting ordinance, resolution, rule, order or other practice.

SECTION 3: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional and/or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, regardless of whether any one or more sections, subsections, sentences, clauses or phrases is declared unconstitutional and/or invalid.

SECTION 4: Penalty. Any person, firm, corporation or entity violating any provision of this Ordinance, it exists or may be amended, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in an amount not exceeding FIVE HUNDRED AND NO/100 DOLLARS (\$500.00). Each continuing day's violation shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude Melissa from filing suit to enjoin the violation. Melissa retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 5: Savings/Repealing. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict, but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 6: Effective Date. This Ordinance shall become effective from and after its adoption and publication as required by law and the City Charter.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MELISSA, TEXAS on this 27th day of August, 2024.

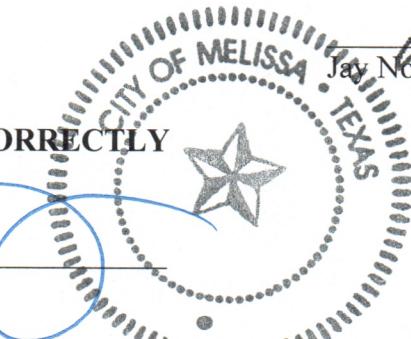
Jay Northcut

Jay Northcut, Mayor

**ATTESTED TO AND CORRECTLY
RECORDED:**

HC

Hope Cory, City Secretary



Dates of Publication: September 8, 2024 and September 15, 2024, *McKinney Courier-Gazette*