

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRYAN, TEXAS, AMENDING ARTICLE II, CITY COUNCIL, SECTION 2-31, ELECTION OF MAYOR PRO TEMPORE, SECTION 2-33, COUNCIL AGENDA, AND SECTION 2-34, RULES OF PROCEDURE, OF THE BRYAN CODE OF ORDINANCES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR CODIFICATION; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council recognizes the need from time to time to amend the City of Bryan Code of Ordinances to update language to reflect both changes in the law and also to clarify language in the interest of the general welfare of citizens and good government; and

**WHEREAS**, in November 2022, City of Bryan voters approved a City Charter amendment transitioning the term of Councilmembers from three to four-year terms; and

**WHEREAS**, this change in the Charter provides that general elections are held every two years, in November of even numbered years; and

**WHEREAS**, this change in the Charter necessitates verbiage change in Section 2-21, Election of Mayor Pro Tempore, to provide that a Mayor Pro Tempore is appointed after City Council elections are final; and

**WHEREAS**, the City Council recognizes that a City Council meeting is a limited public forum to discuss the topic at hand as well as matters of public concern; and

**WHEREAS**, the City Council is desirous that citizens be allowed to address the Council on items of city business or affairs that are in the scope of the authority and legislative functions of the City Council at second regular Council meetings; and

**WHEREAS**, the City Council is desirous that citizens with business before the Council relative to items posted on the agenda be heard and the business of the City be carried out efficiently; and

**WHEREAS**, there is a significant government interest in conducting orderly and efficient meetings; and

**WHEREAS**, a City Council meeting is a public arena that carries with it an expectation of decorum and civility and language outside the scope of the limited public forum or that causes an immediate breach of the peace is inappropriate; and

**WHEREAS**, the City Council acknowledges the balance between the interests of citizens to comment upon matters of public concern and the City Council's interest in promoting efficiency and decorum of meetings; and

**WHEREAS**, the amendments should be consistent with the Texas Open Meetings Act, the City Charter, and current City of Bryan policy;

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

### Section 1.

That the City Council finds and determines the foregoing recitals to be true and correct and hereby makes them part of this ordinance.

### Section 2.

That Article II. – City Council, Section 2-31. - Election of the Mayor Pro Tempore, of the Bryan Code of Ordinances is hereby amended to read as follows:

At the first meeting after city council elections are final, the city council shall elect a mayor pro tempore from among their members to act in the absence of the mayor.

### Section 3.

That Article II. – City Council, Section 2-33(b), of the Bryan Code of Ordinances is hereby amended to read as follows:

(b) Any councilmember desiring a particular item to be placed on the council agenda shall contact the mayor. The mayor shall place the item on the agenda or may object to doing so. The mayor's objection can be overridden if two councilmembers notify the City Secretary in writing of the item to be placed on a designated upcoming agenda at least seven days prior to said meeting.

### Section 4.

That Article II. – City Council, Section 2-34(d), of the Bryan Code of Ordinances is hereby amended to read as follows:

(d) Citizen participation in meetings.

- (1) Citizens desiring to address the council on matters on the agenda for the second regular meeting (or special meetings with action items for council consideration) they are attending shall fill out a speaker request form, provided by the city, prior to the beginning of the meeting. The form shall contain the citizen's name, address, phone number, and agenda item they wish to address. Incomplete speaker request forms will not be accepted. Visitors' comments will be limited to three minutes per speaker or the amount of time allocated by the mayor for each speaker, and must be limited to items on the posted agenda. In situations where a large number of citizens representing a group speaking on the same topic have signed up to speak, the mayor may ask the group to consider designating a spokesperson to present the group's comments to the council. Visitors shall observe the rules of decorum and courtesy and speak only upon recognition by the mayor. No abusive, indecent, profane, or vulgar language or gestures, display of obscene materials, personal attacks on any individual unrelated to a matter of public concern or the manner in which the individual performs that individual's duties will be permitted, or disruptive behavior that impairs the rights of other would-be participants at the meeting. Speakers not following rules of decorum and/or disrupting the meeting will forfeit their remaining time to speak.
- (2) Citizens wishing to address the Council on city-related topics not listed on a second regular meeting agenda must sign up to speak by 9:00 a.m. the day of the regular meeting. Pre-registration to speak may be done via an online form, in person at the City Secretary's office in the Bryan Municipal Building, or by phone call to the City Secretary's office at 979-209-5008. Individuals who do not pre-register to speak under this agenda item will not be recognized to speak. Hear citizens on city-

related topics not on the agenda must be limited to items of city business or affairs that are in the scope of the authority and legislative functions of the city council. Speakers will only be allowed to speak regarding the topic for which they pre-registered to speak by the established deadline. The same rules of decorum as stated in Section (d)(1) for speakers regarding posted agenda items applies to speakers regarding non-agenda items. Incomplete speaker request forms will not be accepted. Speakers not following rules of decorum and/or disrupting the meeting will forfeit their remaining time to speak.

A maximum of 30 minutes total shall be allocated for the agenda item hear citizens regarding city-related items not on the agenda. Speakers will be limited to a maximum of three minutes each. However, the Mayor has the discretion to set a shorter time should there be a larger number of individuals who pre-registered to speak during this agenda item. For example, if 15 individuals pre-register to speak regarding items not on the agenda, each person will be limited to two minutes each. This item shall appear on the second regular meeting agenda upon conclusion of all other business before the city council.

The agenda item to hear citizens regarding city-related topics not on the agenda may be suspended by the Mayor should speakers become disruptive, not follow rules of decorum and civility, or speak in such a manner that prevents the meeting from being conducted in an orderly and efficient manner.

- (3) Citizens wishing to speak during a posted public hearing shall complete a speaker request form as required by Section (d)(1). Incomplete forms will not be accepted. Comments during a public hearing must be germane to the matter being considered. Citizens will be limited to a maximum of three minutes to speak during the public hearing. However, the applicant or appellant will not be subject to the three-minute time limit.
- (4) Responses by the city council and staff to citizen comments shall be in accordance with the Texas Open Meetings Act requirements. If a member of the public raises a subject, a response may only consist of a single statement of specific factual information or a single recitation of an existing policy. The city council will not discuss or take action relative to any item not on the posted agenda. Councilmembers shall strictly comply with the requirements of the Texas Open Meetings Act and shall not enter into discussions with individuals speaking under hear citizens regarding matters not on the posted agenda.

#### Section 5.

That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

#### Section 6.

That the Code of the City of Bryan, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

#### Section 7.

That should any section, paragraph, sentences, clause, phrase or word of this ordinance be declared unconstitutional or invalid for any purpose by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby, and to this end the provisions of this ordinance are declared to be severable.

Section 8.

That it is the intention of the City Council that this ordinance shall become a part of the Bryan City Code of Ordinances and it may be renumbered and codified therein accordingly.

Section 9.

That it is hereby found and determined that the meeting at which this ordinance was passed was open to the public, as required by Section 551.001 et seq., Texas Government Code, and that advance public notice of the time, place and purpose of said meeting was given.

Section 10.

That this ordinance shall take effect immediately upon its first and only reading and passage.

**PASSED, ADOPTED AND APPROVED** the 9th day of April, 2024, at a regular meeting of the City Council of the City of Bryan, Texas, by a vote of \_\_\_\_\_ yeses and \_\_\_\_\_ noes.

**ATTEST:**

**CITY OF BRYAN:**

\_\_\_\_\_  
Mary Lynne Stratta, City Secretary

\_\_\_\_\_  
Bobby Gutierrez, Mayor

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Thomas A. Leeper, City Attorney