

ORDINANCE NO. 859

**AN ORDINANCE ENACTING A POLICY FOR THE TOWN OF
HOLLYWOOD PARK REGARDING THE CITIZEN
PARTICIPATION SECTION OF ANY COUNCIL MEETING**

WHEREAS, the Town of Hollywood Park is a general law municipality in the State of Texas and governmental entity which must abide by the Texas Open Meetings Act; and

WHEREAS, the Mayor and all Council Members are governmental officials bound by the Texas Open Meetings Act; and

WHEREAS, the Town is a Mayoral form of government, with the Mayor as the Chief Executive and the Presiding Officer of the Town during any public meeting; and

WHEREAS, the Town, sometimes, but not always, posts a “Citizen Comment” section on the agenda allowing the Council’s constituents and other members of the public the ability to address the Town Council on any matters they wish; and

WHEREAS, the Town has placed certain reasonable time, place, and manner restrictions on citizen comment participation, including a three (3) minute time limitation; and

WHEREAS, the Texas Attorney General has ruled that a “Citizen Comment” section is permissible under the Texas Open Meetings Act to bring topics and information which have not been posted on the agenda to the attention of the Town Council as long as certain criteria are met; and

WHEREAS, the Town wishes to enact a policy to inform the public of both the Town Council’s obligations under the law and its constituent’s responsibly during the Citizen Comment section of a Town Council meeting;

NOW BE IT ORDAINED AS FOLLOWS:

A. General policies

1. The Mayor is the Presiding Officer at all public meetings. If the Mayor is unable to attend or preside, the Presiding Officer shall be the appointed Mayor Pro Tem. Should the Mayor and Mayor Pro Tem be unable to attend or preside, the Presiding Officer shall be the Council Member with the longest tenure on the Town Council at that time.
2. No Citizen Comment section shall be permitted unless placed on the agenda noting either citizen comments or citizen participation will be heard.

3. The Citizen Comment section is designed and intended to allow members of the public to provide information directly to the Town Council. It is not intended to be a full public forum to provide information to the public at large.
4. Any member of the public who wishes to address the Town Council during the Citizen Comment section must sign-in on the designated sign-in sheet prior to the meeting being called to order. Failure to sign-in precludes recognition by the Presiding Officer during the Citizen Comment section of any meeting.
5. While the Town wishes for all members who sign-in to have the opportunity to speak, the Presiding Officer may reasonably limit the number of speakers in order to facilitate an orderly and timely progression of the scheduled meeting.
6. Citizen comments are restricted to only those topics which qualify as public business. While restricted to public business topics, a member of the public is not restricted to the topics posted on the agenda for that meeting.
7. If a Council Member is aware, prior to the posting of the agenda for any public meeting, of a topic a member of the public wishes to address during the Citizen Comment section, such Council Member should inform the Mayor so such topic can be considered for placement on the agenda for possible discussion.
8. Subject to A(5) above, the Presiding Officer will yield the floor to those members of the public who signed up for Citizen Comments by calling their name and asking them to approach the podium.
9. The Presiding Officer will not yield the floor during the Citizen Comment section to members of the audience who have not signed-in.
10. The Presiding Officer controls the orderly progression of the meeting and may impose reasonable time, place and manner restrictions upon a speaker, even if such restrictions are not contained within these policies.

B. Policies as to public participation once they have the floor.

1. After the Presiding Officer yields the floor to a specific member of the public who signed up to speak, such speaker has the floor until they yield the floor, time expires, or the Presiding Officer, based upon these policies or other reasonable time, place, and manner restrictions, declares the speaker out of order.
2. When called, a speaker should approach the podium and state the speaker's full name and address before addressing the Town Council.
3. All speakers must conduct themselves in a professional manner.
4. All speakers must speak clearly.
5. All speakers must direct their comments to the Town Council. Speakers may not ask questions of Town staff or other members of the public while they have the floor.

6. All speakers have a maximum of three (3) minutes to speak. This time allotment may not be transferred to anyone else.
7. All speakers must remain at the podium and cannot approach the Dais.
8. All speakers must cease speaking and yield the floor once their time has expired.
9. Speakers should understand that the Town Council cannot deliberate on any questions presented by the speaker if the question or topic is not posted on the agenda.

C. Policies as to the Mayor and Council Members

1. While a speaker has the floor and is speaking to the Town Council, the Mayor and Council Members may not respond, except as permitted by the Texas Open Meetings Act; specifically Tex. Gov't Code Ann. § 551.042.
2. No deliberations of any kind can occur on any citizen comment except as provided by the Texas Open Meetings Act. Permitted deliberations are limited to a proposal to place the subject of the citizen comment on the agenda for a subsequent meeting.
3. As public officials bound by the Texas Open Meetings Act, no serving elected or appointed Mayor or Council Member may descend from the Dais and participate in the Citizen Comment section as a citizen. The Presiding Officer is not required to yield the floor to any such public official.

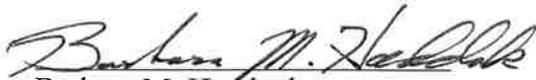
D. Enforcement

1. Should any speaker, whether a member of the public or a fellow Council Member, violate any of these policies, the Presiding Officer may interrupt such speaker, declare the speaker out of order and retake the floor.
2. Once a speaker is declared out of order, the speaker must return to their seat and may not continue to speak.
3. Any speaker, Council Member, or member of the public who intentionally disrupts a public meeting to the point such disruption interferes with the orderly progression of the meeting, such speaker, Council Member, or member of the public may be removed from the public meeting. Such disruption would include if a speaker, Council Member, or member of the public fails to yield the floor when required or interrupts a speaker who properly has the floor.
4. Nothing in these policies is intended to limit the Presiding Officer's abilities to control the orderly progression of the meeting or limit the Presiding Officer's handling of any other section of a public meeting.

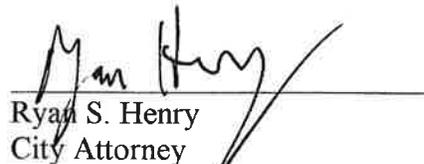
PASSED AND APPROVED, this, the ~~19th~~ day of August, 2008.


Richard McIlveen
Mayor
Town of Hollywood Park

ATTEST:


Barbara M. Haddock
City Secretary
Town of Hollywood Park

APPROVED AS TO FORM:


Ryan S. Henry
City Attorney
Town of Hollywood Park