

ORDINANCE NO. 2049

**AN ORDINANCE BY THE CITY COUNCIL OF THE TOWN
OF HOLLYWOOD PARK, TEXAS REPEALING AND
REPLACING ARTICLE II OF CHAPTER 2 OF THE TOWN
OF HOLLYWOOD PARK CODE OF ORDINANCES**

WHEREAS, the City Council of the Town of Hollywood Park is a general law municipality in the State of Texas; and

WHEREAS, the City Council maintains the mayor/council form of government as outlined by state law; and

WHEREAS, the City Council is the designated policy and legislative body which passes laws and policies for the City while the mayor is the chief executive officer of the City; and

WHEREAS, the City Council believes it is important to update the ordinances pertaining to the City's operations from time to time; and

WHEREAS, the City Council wishes to update the procedures governing agenda formation and the distribution of information for their meetings; and

WHEREAS, the City Council finds the procedure updates below assist with the orderly flow of agenda formation and the distribution of information for their meetings.

I.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF HOLLYWOOD PARK, TEXAS that Chapter 2, Article II of the Hollywood Park Code of Ordinances shall be repealed and replaced, and shall now read as stated in Exhibit A:

Exhibit A attached.

II.

CUMULATIVE CLAUSE

That this Ordinance shall be cumulative of all provisions of the Town of Hollywood Park Code of Ordinances except where the provisions of this Ordinance are in direct conflict with the provisions of such existing Code, in which event the conflicting provisions of such existing Code are hereby repealed to the extent and only for the provisions in conflict.

III.

SEVERABILITY

It is hereby declared to be the intent of the City Council of the Town of Hollywood Park that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and

if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of the Ordinances, since the same would have been enacted by the City Council without incorporation in this ordinance of any such unconstitutional phrases, sentences, paragraphs, or sections.

**IV.
PROPER NOTICE AND MEETING**

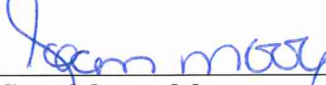
It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government

**V.
EFFECTIVE DATE**


This ordinance shall be effective upon passage and publication as required by state and local law on this the 20 day of February, 2024.

Passed by the City Council of the Town of Hollywood Park this the 20 day of February 2024.

APPROVED:


Sean Moore, Mayor

Attest:


Patrick Aten, City Secretary

Approved as to Form:

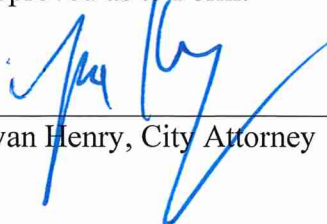

Ryan Henry, City Attorney



Exhibit A

ARTICLE II. CITY COUNCIL

Sec. 2-25. Meetings.

(a) **Definitions.**

- (1) *"Agenda Packet"* means the agenda for a particular meeting along with relevant documents and supporting information associated with the items contained on a meeting agenda.
- (2) *"Backup Information"* means reports, correspondence and any other document which provides background or supporting information concerning the subject matter of an agenda item that is to be reviewed and discussed at a publicly held meeting by the city council.
- (3) *"Sponsoring Individual"* means a member of the city council demanding a specific item to be placed on an upcoming city council agenda.

(b) *Regular meeting.* Regular city council meetings shall meet on the third Tuesday of each month;

- (1) The location of regular council meetings shall be the town hall unless specified otherwise in the call;
- (2) The time of regular council meetings shall be 6:00 p.m., unless specified otherwise in the call;
- (3) The council may cancel or reset the date, time and location of a regularly scheduled meeting by vote of the council at a previous regular meeting or at a special meeting called for that purpose;
- (4) The mayor may cancel or reset the date time and location of a regularly scheduled meeting:
 - a. In the case of catastrophe or emergencies, or
 - b. With the concurrence of at least two council members.

(c) *Regular meeting quorum.* The quorum for any regular meeting shall be at least three council members; except that the quorum for any regular meeting which considers the imposition of taxes shall be at least four council members.

(d) *Regular meeting agenda and procedures.*

- (1) The mayor shall prepare the agenda and order of business in accordance with the provision set forth herein;
- (2) The mayor may add items to the agenda in the appropriate order of business category set forth below. The presiding officer shall first determine if there is a second before proceeding to debate and consideration of the item;
- (3) Upon written demand, the mayor shall add item(s) to the new business section of the proposed agenda of the regularly scheduled meeting specified by the demand, providing that the demand:
 - a. Is signed by **two** council members;
 - b. Is submitted to the mayor or city secretary 170 hours prior to the meeting start time along with all supporting documents; and
 - c. Includes the purport of the item(s) to be added.
- (4) When the demanded item is taken up, the presiding officer shall first determine if there is a second before proceeding to debate and consideration.
- (5) Items contained on an agenda shall include the names of the sponsoring individual(s) or city staff who have requested the item to be placed on the agenda.

- (6) Once an item demanded by the sponsoring individuals is added to the agenda, it may only be removed upon consent of the sponsoring individuals.
- (7) Agenda Packet. The Agenda Packet shall include a cover page, a statement of purpose, and backup information for each item contained on an agenda as stated below:
- a. Cover Page. A cover page shall be prepared by the city secretary and should precede the documents and information associated with the item listed on an agenda to be discussed. The cover page should include the assigned item number and short title referencing the item. (ex. Item #1, New Business, Item Topic).
 - b. Statement of Purpose. The Sponsoring Member or the member of city staff who has requested an item to be included on an agenda, shall prepare a written statement explaining the purpose of the topic being brought before the city council.
 - c. Backup Information. Items contained on the agenda shall have backup information submitted by Sponsoring Member(s) or member of city staff to be included in the agenda packet.
 - d. Inclusion. So long as the agenda packet has not been finalized and distributed, absent unforeseen circumstances, the mayor has the ability to include the items listed in subsections (d)(4) a, b, and c in the agenda packet.
 - e. Requirement. If the items contained in subsections (d)(4) b and c are not submitted, the item requested shall not be placed on the agenda. This provision shall not interfere with the mayor's ability to add items to an agenda.
- (8) Citizens may present petitions and remonstrances to the council in writing submitted to the mayor 48 hours prior to the agenda posting deadline. The purport of the petition or remonstrance shall be posted and noticed to council members. The mayor shall place any citizen's written petition or remonstrance on the agenda for consideration and or testimony under new business. The presiding officer shall first obtain a motion to consider and a second before proceeding to debate and consideration.
- (9) The individual agenda items shall be placed in their appropriate category in the order of business set forth below in a sub-order as determined by the mayor. At the meeting, the council by "motion to amend the agenda's order" may change the sub-order inside a category. The names of the Sponsoring Individual(s) or city staff shall be listed on the agenda under their requested items. Once the item has been opened by the mayor, the sponsoring individual(s) or city staff shall provide an introductory statement of the item they have requested.
- (e) *Regular meeting order of business and procedures.* The order of business and general procedures shall be:
- (1) Call to order. The mayor as presiding officer, shall call the meeting to order at the prescribed time set forth in notice of the meeting. In the absence of the mayor, the mayor pro tempore shall call the meeting to order and preside until the arrival of the mayor. In the absence of both the mayor and the mayor pro tempore, the mayor shall pre-appoint the presiding officer. If the mayor failed to appoint, then the appointed presiding officer shall be the council member with the longest continuous tenure present. The appointed presiding officer shall call the meeting to order and preside until the arrival of the mayor or the mayor pro tempore.
 - (2) Invocation and/or pledge (optional).
 - (3) Roll call of council members present. The roll call shall be entered into the minutes of the meeting.
 - a. Declaration of quorum or in the absence of quorum those present may vote to fix the time to which to adjourn, adjourn, recess for a time reasonably determined to achieve quorum or take other action to achieve quorum
 - (4) Consent agenda at the discretion of the mayor or presiding officer. These items may be oral (read) or written, subject to appeal by the council, and by the demand of the mayor or a single council any item

on the consent agenda shall be removed and placed on the agenda for normal consideration and separate vote.

- a. Approval of minutes;
 - b. Reports of officers, boards, and standing committees;
 - c. Reports of special (select or ad hoc) committees;
 - d. Other non-controversial items; or
 - e. Announcements and non-action items, noticed or not.
- (5) Early citizen participation (order not fixed) on noticed and non-noticed items (optional).
 - a. For the convenience of those citizens wishing to leave early;
 - b. Citizens must sign up to speak before meeting is called to order;
 - c. Speaking/presentation limited to three minutes, not transferable;
 - d. No council members' questions, debate, or action;
 - e. Speaking time may be extended by council vote.
- (6) Topical citizen participation (order not fixed) on noticed items (optional) — order congruent with and attached to an individual agenda item.
 - a. At any time after an agenda item is taken up and prior to the vote on the agenda item an opportunity for citizen input may be provided;
 - b. Citizens must sign up to speak before agenda item is taken up;
 - c. Speaking/presentation limited to three minutes, not transferable;
 - d. Council members may ask questions of speaker, responses limited to two minutes each;
 - e. Council members may make further motions prior to vote;
 - f. Speaking time may be extended by council vote.
- (7) Reports of officers boards and committees needing separate action and/or items removed from the consent agenda;
- (8) Participation of City Staff. While city staff provides valuable input, unless speaking on an item requested by city staff or called upon by the mayor or member of city council, city staff shall not participate, or otherwise interfere, with council deliberation of items contained on an agenda during a council meeting;
- (9) Additional information. Members of the City Council may provide and distribute additional information associated with an agenda item to the city council on the dais at an open meeting. Copies of the additional information shall be provided to the city secretary for record keeping purposes. City officials or city staff shall not interfere with the ability to provide and distribute additional information associated with an agenda item on the dais;
- (10) Department Heads. In preparation for the discussion of an item on an agenda, or in determining whether an item is to be placed on an agenda, members of the city council may contact department heads to obtain additional information related to that item to facilitate the decision-making process of the city council at a meeting. The councilmember must inform the mayor of the discussion with the department head;
- (11) Special orders established by vote of a previous council meeting;
- (12) Unfinished business and general orders agenda items carried over from previous council meetings;

(13) New business item of new business, which have been seconded, and no "objected to the consideration" adopted shall be limited to discussion and the perfecting motions to amend or commit or postponing motions to table and postpone, dispositive motions to postpone indefinitely and the final vote shall not be in order until a subsequent regular or special meeting where the item is taken up as unfinished business or as a special order as directed by the council. The initial order of new business shall be:

- a. Consideration of new items added by mayor;
- b. Consideration of new items added by council member(s) in order determined by mayor, subject to appeal by council;
- c. Consideration of citizen petition and/or remonstrances;
- d. Consideration of what items are to be placed on the next regular meeting's agenda as special orders, general orders or new business.

(14) Executive session. (Texas Open Meetings Act, Subchapter D);

(15) Adjourn/continuing recess.

- a. Recess to the following regular business day;
- b. In cases of "catastrophe" adjourn to re-convene within 72 hours;
- c. Fix the time to which to adjourn to a date and time past 72 hours to continue the current meeting as needed; or
- d. Privileged motion to adjourn. Ends the current meeting with any unreached items on the current agenda carried over to "unfinished business" of the next regularly scheduled meeting.

(f) *Special meeting.*

- (1) The place of all special meetings shall be the Town Hall of Hollywood Park unless otherwise specified in the call.
- (2) The mayor may call a special meeting of the city council for a date, time, and location specified by the mayor.
- (3) Upon the written demand of council members, the mayor shall call a special meeting of the city council for the date, time, and location specified in the demand, providing that the demand:
 - a. Is signed by two council members;
 - b. Is submitted to the mayor or city secretary 170 hours prior to the meeting start time along with all supporting documents. This shall not apply to a special meeting that is called less than 170 hours prior to the start of a meeting; and
 - c. Includes the purport of the item(s) to be taken up at the special meeting.

(g) *Special meeting quorum.* The quorum for any special meeting shall be at least four council members.

(h) *Special meeting order of business, procedures, and agenda items.*

- (1) The order of business and general procedures shall be:
 - a. Call to order—general procedures same as regular meeting;
 - b. Invocation and/or pledge (optional);
 - c. Roll call—general procedures same as regular meeting;
 - d. Topical citizen participation on noticed items (optional)—procedures same as regular meeting;
 - e. Special orders. Only those item(s) demanded in the call can be taken up at a special meeting;

- f. Adjourn/continuing recess—general procedures same as regular meeting.
- (2) The individual items of business shall be placed in an order as determined by the mayor. At the meeting, the council may change the order by "motion to amend the agenda's order."

Sec. 2-26. Notice of regular or special meeting.

Notice of all meetings (regular or special) shall comply with the requirements of the Open Meetings Act. Generally:

- (1) Public notice of the date, place and subject, specifically listing every agenda item, of each meeting shall be posted before such meeting on a bulletin board located in front of the town hall.
- (2) Public notice posted 72 hours before a regular or special scheduled meeting.
- (3) Public notice posted two hours before an emergency meeting or emergency addition to an agenda.
- (4) Properly noticed regular or special meeting prevented by catastrophe may re-convene within 72 hours by re-posting two hours before the re-convened meeting.
- (5) A copy of the notice with proposed agenda shall be delivered to each council member prior to or congruently with the posting of the public notice and shall include the purport or full text of each item to be taken up by the council. A copy of the purport or full text shall be available to the public during normal business hours at the town hall or made available via town web posting.
- (6) The posted agenda shall prominently state: "The order in which items on this agenda are to be taken up may be changed at the meeting by the Council."

Sec. 2-27. Voting.

- (a) All votes of the council are decided by simple majority of those present and voting with quorum, unless specifically required otherwise by ordinance or superior governing document.

Note exception: In the absence of quorum, those present may vote to fix the time to which to adjourn, adjourn, recess for a time reasonably determined to achieve quorum or take other action to achieve quorum
- (b) A majority of the council membership means a majority of the number of council members established by V.T.C.A., Local Government Code § 22.031, this is a fixed number of three votes or greater.
- (c) Unqualified a two-thirds vote means two-thirds of council members present and voting with quorum.
- (d) A two-thirds vote of the council membership means two-thirds of the number of council members established by V.T.C.A., Local Government Code § 22.031, this is a fixed number of four votes or greater.
- (e) Except in elections, the mayor may only vote to break a tie.
 - (1) Mayor may only vote to break a tie on elections to fill a vacancy on the council.
 - (2) Mayor may vote on all other elections.
 - (3) Mayor retains all other participation rights at a meeting.
- (f) A council member acting as the presiding officer retains all normal voting and participation rights.
- (g) Voting will be via voice or by show of hands at the discretion of the presiding officer.
- (h) Upon the verbal demand of two council members, a roll call of the vote shall be taken and entered into the minutes.

Sec. 2-28. Parliamentary authority, rule to suspend or amend.

The rules contained in the current edition of Robert's Rules of Order Newly Revised (RONR) shall govern the Town of Hollywood Park in all cases to which they are applicable and in which they are not inconsistent with superior governing authority and any special rules of order or procedures the city council may adopt.

- (1) All rules and procedures, except those required by superior governing authority, are suspendable by simple majority vote of the members of the council present.
- (2) All rules and procedures, except those required by superior governing authority are amendable by vote of the council with notice.
- (3) Exceptions to RONR:
 - a. *Table to take up.* If the council wishes to immediately take up any item on the agenda, then a motion to table (not debatable) all intervening items may be used to reach the desired item. Upon completion of the consideration of the desired item the tabled items shall automatically be taken from the table and the agenda resumed.
 - b. *Table to postpone.* Any item on the agenda may be postponed by motion to table. If not "taken from the table" before the end of the meeting, the presiding officer shall automatically take the item from the table prior to going into executive session time permitting. If not taken up at the meeting, then tabled item(s) shall be added to the unfinished business agenda of the next regularly scheduled meeting. Ref: RONR p. 207-208 concerning motion to table.
 - c. When the requirement for second is specified herein, it is an expansion of RONR, creating a definitive procedural hurdle.

Sec. 2-29. Attendance.

At any properly called public meeting, all council members are required to attend.

- (1) A council member may be excused from attending upon proper showing to the mayor why the council member's presence is not possible at any scheduled meeting.
- (2) Valid reasons for non-attendance include, but are not limited to, work obligations from a council member's employer, personal or family health reasons, and scheduled vacations.

Sec. 2-30. Citizen participation.

(a) *Citizen participation, generally.*

- (1) No citizen comment section shall be permitted unless placed on the agenda noting either citizen comments or citizen participation will be heard.
- (2) The citizen comment section is designed and intended to allow members of the public to provide information directly to the city council. It is not intended to be a full public forum to provide information to the public at large.
- (3) Any member of the public who wishes to address the city 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.
- (4) 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.

- (5) 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.
 - (6) 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.
 - (7) Subject to paragraph (4) 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.
 - (8) The presiding officer will not yield the floor during the citizen comment section to members of the audience who have not signed in.
 - (9) 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 citizen participation once the citizen has 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 city 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 city 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 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 city 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 when a citizen has the floor.*
- (1) While a speaker has the floor and is speaking to the city council, the mayor and council members may not respond, except as permitted by the Texas Government Code § 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.

Sec. 2-31. Singular vacancy.

- (a) When a singular vacancy on city council occurs, or is fully anticipated to occur, before term of office expires, the city council may fill the vacancy by any of the processes prescribed by this section.
- (b) Appointment to fill vacancy.
 - (1) At a duly called meeting, the city council may publicly announce that a vacancy has occurred and that qualified residents shall notify the city secretary, in writing, by application, or by any other means prescribed by city council, of an interest to fill the existing vacancy.
 - (2) The city council shall, at the time of the announcement of vacancy, provide a deadline in which the qualified resident must apply to be considered for the vacancy. The city secretary shall compile the written communications, submissions, and applications received from interested applicants and provide them to the city council for review and consideration.
 - (3) The city council shall meet to publicly interview qualified resident applicants for the purpose of filling the vacancy. All applicants will be informed of the date, time, and location of the meeting.
 - (4) Immediately after applicant interviews and during the same meeting, the city council may vote among the applicants to fill the vacancy. The applicant receiving the majority of votes will be named to the vacant seat and be duly sworn into office.
- (c) Order a special election.
 - (1) City council may order a special election, as prescribed by state law, to elect a person to fill the vacancy.
- (d) No applicants.
 - (1) If no applicants are received, city council may appoint a qualified resident to fill the vacancy.
- (e) Term of appointment.
 - (1) Any resident appointed to fill a vacancy shall serve the remainder of the unexpired term of office that is filled.
- (f) Two or more vacancies.
 - (1) If two or more vacancies on city council exist, or are fully anticipated to exist, at the same time, such vacancies shall be filled as prescribed by state law.

Secs. 2-32—2-55. Reserved.