
ARTICLE I. MEETINGS

§ 30.01 RULES OF PROCEDURE ADOPTED.

The following Rules of Procedure (the "Rules") are adopted by the City Council (the "Council") in accordance with Section 2.11 of the City Charter of the City of Kirby which states that the Council shall, by ordinance, determine its own rules and order of business and rules shall provide that citizens of the City shall have a reasonable opportunity to be heard at any meeting in regard to any matter under consideration.

All meetings of the City Council of the City of Kirby shall be conducted in accordance with this chapter and Texas Open Meetings Act, Government Code Chapter 551.

Meetings shall be conducted in accordance with Roberts Rules of Order, unless such rules shall conflict with this chapter or state law, in which case this chapter or state law shall control.

(Ord. No. O-2015-769 , § 1.0, 6-11-2015; Ord. No. O-2016-804 , §§ 1, 2, 12-15-2016; Ord. No. O-2022-911 , § 2, 4-28-2022)

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§ 30.02 PURPOSE AND GUIDING PRINCIPLES.

These rules are simple, and meant to be kept simple. Strict technical rules tend to impede rather than advance the legislative process. Reason, common sense, and cooperation must prevail in the conduct of City business. Dissent and debate are essential and beneficial elements of our system of free and open government, but rules should not be used to hinder the process however the ultimate outcome is viewed by an individual or group.

(Ord. No. O-2015-769 , § 2.0, 6-11-2015; Ord. No. O-2022-911 , § 2, 4-28-2022)

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§ 30.03 MEETINGS.

(A) *Regular meetings.* In accordance with Section 2.09 of the City Charter, the Council shall hold at least 2 regular meetings each month and as many called meetings as it deems necessary to transact the business of the City and its citizens. The Council shall fix, by ordinance, the day and time of the regular meetings. Emergency meetings of the Council shall be held on the call of the Mayor or on the request of 3 of the Council members, and upon no less than 2 hours posted notice to each member subject to the requirements of the Texas Open Meetings Act.

Any time a regular meeting date falls on a holiday observed by the City of Kirby the Council shall take action _____ in advance to reschedule such meeting.

All regular meetings shall begin promptly at 7:00 p.m. (See Workshop meetings below).

Regular meetings shall be held at the City Hall as required by the Charter.

(B) *Special meetings.* Special meetings may be called upon written request of the Mayor or any 3 Council members.

Special meetings may be called to address and act on matters which should not be delayed until a regular _____ meeting.

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Special meetings shall be called to begin promptly at 7:00 p.m., unless circumstances reasonably require a different starting time.

Except in unusual circumstances, which shall be stated on the meeting agenda, special meetings will be held at the City Hall.

- (C) *Workshop meetings.* Workshop meetings may be called upon written request of the Mayor or any 3 Council Members.

The purpose of workshop meetings is to give the City Council the opportunity to discuss in depth or explore in detail subjects of interest to the City.

No action item(s) shall be placed on the agenda for a workshop meeting.

Except in unusual circumstances, which shall be stated on the meeting agenda, workshop meetings will be held at the City Hall.

- (D) *Public meetings: Executive sessions.* All meetings of the City Council are open to the public, in compliance with the Texas Open Meetings Act, provided that the City Council may conduct closed executive sessions in compliance with the Texas Open Meetings Act.

(Ord. No. O-2015-769 , § 3.0, 6-11-2015; Ord. No. O-2022-911 , § 2, 4-28-2022)

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§ 30.04 AGENDA.

- (A) *Items on the agenda.* An item may be placed on the agenda by the Mayor or City Manager. The City Manager, working in conjunction with the Mayor, will exercise his or her best judgment in determining what other items of City business should come before the Council. City staff seeking to have an item placed on an agenda shall submit that item to the City Manager's office for consideration. If 2 or more of the City Council members make a request in writing that an agenda item be placed on the agenda for any subsequent meeting, then such item shall be placed on the agenda for discussion and/or action as requested. A City Council member, in accordance with Section 551.042 of the Texas Government Code, may propose an item be placed on the agenda for a subsequent meeting, and any deliberation or decision on such item shall be limited to the proposal to place the item on the agenda for a subsequent meeting. The Mayor or City Manager have authority to not accept agenda items that are incomplete or non-specific to the discussion and/or action being requested. It is the intention of the City Council to ensure the City Administration has all supporting documents or researched documents for an agenda item. Supporting and researched documents are to be provided prior to being placed on the agenda.

If a Council member has a question regarding an agenda item, the Council member should contact the City Manager no later than 2 days prior to the scheduled meeting for clarification.

A sufficient number of copies of City Council agendas shall be available to the public in advance of every council meeting both at City Hall and in council chambers immediately preceding the meeting. In no event, however, shall failure to provide any copy of any ordinance or resolution in any way affect the validity of said ordinance or resolution as passed by the City Council.

No agenda item shall be worded in such a manner as to imply approval or disapproval of the action sought. Wording shall be neutral in character while giving the public full notice of the subject matter under consideration.

- (B) *Submission of items and backup materials.* Items to be placed on the agenda, including the materials to be distributed to Council in connection with the items, must reach the City Secretary's office at the City Hall before noon on the Wednesday of the week preceding the Council meeting.

(C) *Packets.* The agenda packets for all Regular meetings will be emailed after 4:00 p.m. on the Monday preceding the Thursday meeting. This should afford ample time for all Council members to inquire into the nature of each matter to be discussed.

{ Ord. No. O-2015-769 , § 4.0, 6-11-2015; Ord. No. O-2016-804 , §§ 3, 7, 12-15-2016; Ord. No. O-2022-911 , § 2, 4-28-2022)

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§ 30.05 COUNCIL PROCEEDINGS.

In accordance with Section 2.10 of the City Charter, 4 persons holding Council positions shall constitute a quorum for the purpose of transaction of business and no action of the Council except as provided in Section 2.06 of the City Charter, shall be valid or binding unless adopted by the affirmative vote of 4 or more persons holding Council positions.

{ Ord. No. O-2015-769 , § 5.0, 6-11-2015; Ord. No. O-2022-911 , § 2, 4-28-2022)

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§ 30.06 PARLIAMENTARY PROCEDURES.

In all City Council meetings the following 17 rules of parliamentary procedure will be followed. In the event that conflict results in gridlock and reasonable compromise fails to move the Council forward in the conduct of City business, or if a situation arises that is not covered by the 17 rules of parliamentary procedure below, then Robert's Rules of Order will be followed as necessary, subject to the City Charter, City ordinances, and State law. After the Council has heard all of the facts, reviewed the supporting data, and listened to the arguments for and against each agenda item, it acts by approving or disapproving a motion. In the event that there is no motion or no second to a motion, no action will be deemed taken. While Robert's Rules of Order would require a motion to act prior to any discussion of any item on the agenda, this policy permits introduction of an item and discussion prior to making a motion for action. There may be situations in which the presiding officer concludes that there is a consensus among the Council and that the issue is 1 that would not require an official vote and states for the record the determination of the Council (e.g., hearing no objection, so ordered).

The rules of parliamentary procedure are as follows:

- (1) *Questions to contain 1 subject.* All questions (motions) submitted for a vote shall contain only 1 subject. If a question contains 2 or more points under 1 subject, any member may require a division, if the question reasonably admits of a division.
- (2) *Main motion.* A subject is introduced by a main motion. Once seconded, no other topics should be taken up until after the motion is disposed of.
- (3) *Second.* Any motion requires a second or it dies for lack of a second.
- (4) *Motion to amend.* This motion is used when the intention is to change, add, or omit some part of a main motion. This motion is debatable and requires a vote of at least 4 members of the City Council for passage. A motion to amend is not amendable. First a vote is held on the motion to amend. If that vote is affirmative, the second vote is held on the main motion as amended.
- (5) *Motion to table or postpone to a certain time.* This motion would require that consideration of a main motion be delayed until a certain, stated time—for, among other reasons, to obtain more information. A future date certain should be set when the subject would be considered. This motion is debatable and requires a vote of at least 4 of the members of the City Council for passage.
- (6) *Motion to move the question or call the question.* This motion is made to end discussion that has become lengthy or repetitious. When seconded, the presiding officer immediately moves or calls the

vote on the question of closing the discussion. This motion is not debatable and requires a ¾ vote of the members present for passage.

- (7) *Motion to reconsider.* A vote may be reconsidered during the same meeting on a motion made by a member who votes on the prevailing (winning) side of the issue. This motion is debatable and requires a vote of at least 4 members of the City Council for passage. First a vote is held on the motion to reconsider. If that vote is affirmative, the second vote is held on the issue to be reconsidered.
- (8) *Reconsideration of a subject when defeated.* When an ordinance, resolution, motion, or other measure has been placed on the agenda, voted on, and defeated, the same question shall not again be placed on the agenda for a subsequent meeting to be considered by the Council until a lapse of 90 days, unless at least 4 members of the Council vote, at a public meeting, that the question be placed on the agenda of a subsequent meeting, stating the date.
- (9) *Suspension of rules or order of agenda.* Subject to compliance with the Texas Open Meetings Act and the City Charter, any 1 or all of these rules of parliamentary procedure may be suspended in order to allow a particular consideration of a subject or matter, provided at least 4 of the members of the City Council vote in favor of such suspension; provided further, the order of business on an agenda may also be modified by such vote. A motion to suspend the rules or to modify the order of business on an agenda is debatable and requires a vote of at least 4 members of the City Council for adoption.
- (10) *Voting.* Voting, except on procedural motions, shall be by roll call and the ayes and nays shall be recorded in the minutes.

All votes by the City Council, except on procedural motions, shall be by roll call and ending with the mayor.

All members of the Council present, including the Mayor, may vote upon every resolution or ordinance, except where there is a conflict of interest, the reason for which shall be stated concisely in the records.
- (11) *Frivolous or delaying motions.* The presiding officer shall not entertain any motion which is frivolous or clearly made for the purpose of delay. In the event a conflict develops, any member may call for a vote (requiring the affirmative vote of at least 4 members of the City Council for adoption) to consider the matter or to move to the next item of business.
- (12) *Point of order.* A point of order can be raised at any time and supersedes any issue being discussed at the time. A member who believes the rules are not being followed may use this mechanism to call attention to the problem. The presiding officer must rule on the point of order before proceeding. When the presiding officer makes a ruling on a point of order and 1 of the Council members states, "I appeal the ruling of the chair," or words to such effect, no other business shall be transacted until the question, "Shall the ruling of the chair be sustained?" is voted on. The presiding officer shall immediately put such question to vote without debate, and, if the presiding officer fails to do so immediately, any member of the City Council may put the question to a vote.
- (13) *Questions and inquiries.* A member may ask about correct procedures, ask for facts, ask to speed things along, ask for a recess for comfort and convenience, or other relevant questions and inquiries. The presiding officer shall respond to the question or refer it to the proper person.
- (14) *Limit debate.* The Council may agree to limit debate on any subject before it is discussed or debated. The agreement to limit debate should be formalized by a vote of at least 4 members of the City Council.
- (15) *Recessed meetings.* Recessing a meeting is not a favored practice. However, if circumstances require, any meeting of the Council may be recessed to a later time or date, provided that no recess shall be for a longer period than until the next scheduled meeting. Prior to the recess the presiding officer shall

announce the time, date, and subject(s) of the meeting to be reconvened. Except for a meeting recessed to the following regular business day, a new agenda shall timely be posted for the reconvened meeting, making clear reference to the recessed meeting and otherwise in compliance with the Texas Open Meeting Act. The presiding officer may declare the meeting recessed without waiting for a motion. A member may make a motion to recess the meeting. When the meeting is recessed, the meeting is immediately halted. The motion to recess made by a member is not debatable and a vote of at least 4 members of the City Council is required for passage.

(16) *Motion to adjourn.* If the time set for adjournment has arrived or if there is no further business, the presiding officer may declare the meeting adjourned without waiting for a motion. A member may make a motion to adjourn. When the meeting is adjourned, the meeting is immediately halted. The motion to adjourn made by a member is not debatable and a vote of at least 4 of the members of City Council is required for passage.

(17) *Procedural summary.* The following summary of these procedural rules is included for ease of reference. In the event of an interpretation conflict between this summary and the narrative provisions of these procedural rules, the narrative procedural rules shall control.

MOTION	DEBATABLE	AMENDABLE	VOTE OF MEMBERS NEEDED
Main Motion	yes	yes	4
Motion to Amend	yes	no	4
To a Certain Time	yes	yes	4
Move or Call Question	no	no	3/4
Reconsider	yes	yes	4
Suspend Rules	yes	yes	4
Point of Order	no	no	(Presiding Officer)
Limit Debate	no	no	4
Recess	no	no	4
Adjourn	no	no	4

(Ord. No. O-2015-769 , § 6.0, 6-11-2015; Ord. No. O-2016-804 , § 6, 12-15-2016; Ord. No. O-2022-911 , § 2, 4-28-2022)

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§ 30.07 CITY COUNCIL MEMBERS DECORUM AND DEBATE.

In support of and respect for open, fair, and informed decision-making process, the City Council, Committees and Boards recognize that:

- Civil, respectful, and courteous discourse and behavior are conducive to the democratic and harmonious airing of concerns and decision making; and
- Uncivil discourse and/or discourteous and inappropriate behavior have a negative impact on character and productivity of the decision-making process.
- In an effort to preserve the intent of open government and maintain a positive environment for citizen input and City Council, Boards, Commission, Committees decision-making, the following Meeting Protocol and Rules of Decorum have been adopted.

Compliance with the meeting protocol is expected and will be enforced. A printable version of the Meeting Protocol will be made available on the City of Kirby website.

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A.) Speaking. When a measure is presented for consideration to the Council, the presiding officer shall recognize the appropriate individual to present the matter. When 2 or more members wish to speak, the presiding officer shall name the member who is to speak first. No member of the Council shall interrupt another while speaking, except to make a point of order. The presiding officer shall not be obligated to recognize any Council member for a second comment on the subject or amendment until every Council member wishing to speak has been allowed a first comment. Council members shall also have the right to yield the floor to another member.

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A.) Motion to Move The Question. If, during debate upon any ordinance, resolution, motion or other matter before the Council, any member moves that the subject under discussion be put to a vote without further debate, and the motion is seconded, the presiding officer shall immediately and without debate put the question, "Shall the subject being discussed be put to a vote?" to a vote of the Council, and if 2/3 of the Council members present vote in favor of ordering the vote, debate on the question shall be closed and a vote on the ordinance, resolution, motion or other measure shall be taken immediately.

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B.) Etiquette. Council members should not indulge or engage in anger, rudeness, ridicule, personal attacks, use personally offensive language obscene or profane language, arraign motives of Council members or staff, charge deliberate misrepresentation of the City or staff, or use language tending to hold a member of the City Council or staff up to contempt.

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C.) Seating. All persons attending a Public Meeting shall remain seated in the seats provided, unless addressing the body at the podium or entering or leaving the meeting.

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~~If a Council member is transgressing the rules of the Council, the presiding officer shall, or any Council member may call such member to order, in which case such member shall immediately be quiet unless permitted to explain. The Council shall, if appealed to, decide the matter by a vote of at least 4 members of the City Council without debate. If the decision is in favor of the member called to order, such member shall then be at liberty to proceed, but not otherwise, and in any event only in compliance with these rules.~~

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D.) Council Addressing City Business. No member shall speak more than 5 minutes on any question of amendment or amendment to the question except as further provided in this rule.

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No member shall speak more than the time limits provided on any subject or amendment, but such member may use such member's time in any combination, in separate speech or comments totaling the number of minutes permitted.

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Any member deciding to speak more than 5 minutes on any question or more than 5 minutes on any amendment to the question shall be accorded the privilege only upon motion supported by a vote of at least 4 members of the Council.

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E.) Enforcement. If a member is speaking without being recognized or otherwise violating any of the rules of the Council, the presiding officer shall, or any Council member may, call such member to order in which case such member shall immediately be quiet unless permitted to explain. The Council shall, if appealed to, decide the matter without debate. If the decision is in favor of the member called to order, such member shall be at liberty to proceed, but not otherwise, and if the disruption continues, such member shall be liable to censure or to such punishment as the Council deems proper and consistent with applicable State statutes or city ordinances.

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~~If a Council member is transgressing the rules of the Council, the presiding officer shall, or any Council member may call such member to order, in which case such member shall immediately be quiet unless permitted to explain. The Council shall, if appealed to, decide the matter by a vote of at least 4 members of the City Council without debate. If the decision is in favor of the member called to order, such member~~

shall then be at liberty to proceed, but not otherwise, and in any event only in compliance with these rules.

If a City Council member continues to disrupt or fails to follow the rules of decorum, the council member may be ejected from the meeting by the Mayor or by a vote at least 4 members of the City Council without debate.

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In accordance with Robert's Rules of Order, the City Council may override any decision of the presiding officer regarding the conduct and handling of the Council meeting. In order for a decision of the presiding officer to be overruled, there must be a motion, a second, and a vote by at least 4 members of the City Council overruling the decision of the presiding officer.

(Ord. No. O-2015-769 , § 7.0, 6-11-2015; Ord. No. O-2022-911 , § 2, 4-28-2022)

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§ 30.08 DUTIES OF PRESIDING OFFICER.

At all meetings it is the responsibility of the presiding officer to use the rules of procedure appropriately so that good order and reasonable decorum are maintained and the business of the meeting goes forward. The presiding officer's duties include:

- (1) Calling the meeting to order at the time set.
- (2) Following the agenda and clarifying to the members what is being voted on at all times.
- (3) Ensuring that the rules and procedures for the conduct of meetings are followed.
- (4) Dealing firmly with whispers, commotion, disruptions, and frivolous motions.
- (5) Ensuring that debate is confined to the merits of the question and that personal comments are avoided.
- (6) Ensuring that the rules for citizen participation are followed.
- (7) Remaining calm and dealing fairly with all sides of an issue, regardless of personal opinion.
- (8) Ensuring that City business is handled expeditiously during Council meetings.

(Ord. No. O-2015-769 , § 8, 6-11-2015; Ord. No. O-2022-911 , § 2, 4-28-2022)

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§ 30.09 CONDUCT OF MAYOR AND COUNCIL MEMBERS.

Any member of the City Council including the Mayor, who fails to observe decorous and orderly behavior during a meeting or who disturbs a meeting of Council with such disorderly conduct is subject to being expelled from such meeting upon motion passed by a vote of at least 4 members of the City Council at such meeting. Any member reprimanded by motion or expelled from a meeting by motion who thereafter commits another breach of decorous and orderly behavior during a subsequent meeting and again disturbs any meeting of the Council by such disorderly conduct shall be subject to the same power of Council to reprimand him/her, expel him/her from the meeting, or submit such member to complaint or investigation of official misconduct.

No member of the Council, including the Mayor, shall be permitted to address the Council during a public hearing held by the Council or to address any Board or Commission of the City during a public hearing held by such Board or Commission.

A Council member prevented from voting by a conflict of interest shall not vote on the matter, shall not participate in discussions regarding the matter or attempt to influence the Council's deliberation of the matter in

any way, shall not attend executive sessions regarding the matter, and shall otherwise comply with the State law and city ordinances concerning conflicts of interest including Chapter 171 of the Texas Local Government Code.

(Ord. No. O-2015-769 , § 9, 6-11-2015; Ord. No. O-2022-911 , § 2, 4-28-2022)

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§ 30.10 CITIZEN PARTICIPATION AT MEETINGS.

(A) *Rules for speakers.* Citizens will be allowed to speak at a meeting; ~~provided,~~provided, they have signed the Citizen Participation form utilizing their first and last name, home address including City and State, and listed the specific agenda items to be addressed, however, before a member of the public may address City Council or speak at a meeting, the presiding officer must first recognize the member of the public who wishes to speak and announce that the person may proceed. If the Citizen Participation Form is found to be incomplete, the citizen shall not be recognized to speak at the podium during Citizen's Participation.

1. All guests and other persons who are to speak to the City Council, including staff members, other than the City Manager, City Attorney, or City Secretary, shall wait in the audience until recognized. When called by the presiding officer for an opportunity to be heard, that person shall move immediately to the podium and make their comments. ~~Impromptu personal points of order, comments, objections or questions shall not be recognized, and if they persist, after the Presiding Officer has warned of the offense, a member of the public engaging in such conduct shall, at the discretion of the Presiding Officer or a majority of the City Council, be subject to ejection from the meeting.~~

2. The purpose of addressing the City Council is to formally communicate to the Council on matters relating to City business or citizen concerns. Persons addressing the City Council on an agenda item shall confine the subject matter of their remarks to the particular matter before the Council.

3. No person except City Officials shall be permitted within the platform area in front of Council dais without the prior consent of the Presiding Officer or City Manager.

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3. Behavior. No person attending Public Meetings shall engage in disorderly or boisterous conduct including but not limited to applause, whistling, stomping of feet, booing, or making any loud, threatening, profane, abusive, racist, sexist, obscene, personal, impertinent, or slanderous utterance—that disturbs, disrupts, or otherwise impedes the orderly conduct of the meeting. No person shall engage in defamation, intimidation, personal affronts, or threats of violence.

4. Remarks. All remarks by members of the public shall be addressed to the council or the governmental body and not to any specific Council, Board or Commission Member.

(B) *Noise In the Lobby or Outside.* Noise emanating from the lobby outside the City Council Chambers which is audible within the City Council Chambers shall not be permitted. The Kirby Police Department is authorized to enforce this rule by requesting those in the lobby to remain silent or leave the area.

(C) *Electronics Noise.* Within the City Council Chambers, all cell phone and pager ringers shall be turned off; no talking on cell phones is allowed; and all electronic equipment or electronic devices shall be operated in a manner which does not emit sound or disturb other members of the public or disrupt the orderly conduct of the meeting.

(D) *Signs.* No placards, banners, or signs will be permitted in the City Council chamber or in any other room in which the City Council is meeting. Exhibits, displays, and visual aids used in connection with presentation to the City Council are permitted.

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(EB) *Time limit.* The presiding officer, or the City Council by a vote of at least 4 members of the City Council, may set a reasonable time limit for any citizen or person in attendance who desires to address the Council or speak at a meeting.

Total time for public comment on any subject under Citizen Participation shall be 5 minutes per speaker except as indicated in Subparts H and I hereof. All persons are only allowed to speak once and their time allotted shall not be transferred to another individual to accumulate their speaking time. By an affirmative vote of at least 4 members of the City Council, the time limitations of this rule may be extended.

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(EC) *identification.* All members of the public speaking before Council shall preface their statements with their name and home address for the record.

(GB) *Speaking from the podium.* The speaker shall remain at the podium until the Mayor has dismissed the speaker. Speaking from the podium will assure that the recording equipment picks up the presentation.

(HE) *Spokesperson.* Speakers with similar or common interests are encouraged to select someone to act as a spokesperson in order to move the proceedings along. The presiding officer may urge the implementation of this rule at anytime.

(IF) *Public comments and receipt of petition.* ~~The public comment period will not be used to air personal grievances, nor to make political endorsements or for political campaign purposes. Speakers shall address all comments to the government body and not to individual council members. Discussions between speakers and members of the audience shall not be allowed.~~ Any person desiring to be heard by the City Council on any matter shall be heard during that part of the meeting reserved for Citizen Participation or public comments, presentation of a petition or, on matters related to the subject of a public hearing, during the time scheduled for a public hearing.

(IG) *Scheduled speakers.* Speakers may request, in writing, an opportunity to be placed on the agenda to speak at a meeting concerning a specific matter, as identified in their written request. A written request to be placed on the agenda to speak must be delivered to the City Secretary, or the City Secretary's designee, by noon on Wednesday the week preceding the regular, special, or workshop meeting of the City Council. In the event that the number of speakers who request to be scheduled on the agenda indicates that the comments will be lengthy or repetitious, the presiding officer may schedule such matter for a public hearing or make other appropriate arrangements to ensure that the conduct of the City's business is not unduly impeded. The City Manager or the Mayor shall determine whether to put a specific item on an agenda as requested by a speaker.

(KH) *Citizen participation.* Citizen comments may be made ~~either (1) during the "citizens participation" portion of the meeting or (2) during the specific agenda item that the citizen wishes to address.~~ Any person wishing to address the council must sign the register which will be provided ~~and must specify whether they will speak during "citizen participation" portion of the meeting or during a specific agenda item.~~ Citizen comments shall be limited to ~~three (3)~~ 35 minutes per speaker unless otherwise specified by the chair. Notwithstanding the foregoing, so long as the City does not have simultaneous translation equipment that allows the governmental body to hear translated testimony simultaneously, the time limit for a member of the public who requires the assistance of a translator to address the governmental body and addresses the governmental body through a translator shall be limited to 10 minutes. Time allotted per speaker may not be transferred to another individual to accumulate their speaking time.

(LI) The time limitations set forth herein for remarks by citizens may be extended only by the affirmative vote of at least 4 of the members of the City Council.

(MJ) *Public criticism.* The City Council may not prohibit criticism of the City Council, including criticism of any act, omission, policy, procedure, program, or service. This subsection does not apply to public criticism that is otherwise prohibited by law.

(NK) Camera Recordings. Citizens may record proceedings of the City Council. To avoid disruption of proceedings, persons recording meetings using camcorders, tripods, or similar equipment shall do the recording from the ~~first row of the right side of the audience area~~ last row to the left side of the City Council Chambers being the area behind the railing separating the audience area from the area where members of the City Council are seated. Persons recording meetings using a handheld cell phone may record from other parts of the public seating area at City Hall so long as they do not obstruct the view of others attending the Council meeting.

(OL) Persons Needing a Translator. Persons needing a translator must notify the City Secretary in writing of their request for a translator at least 48 hours prior to the start time of the meeting at which they intend to speak to the City Council. The request must specify the language that is to be translated into English. The City is not obligated to provide a translator.

(P) Enforcement of the Rules of Decorum for Meetings

1. The Presiding Officer shall be responsible for Maintaining the decorum at the Public Meeting and uniformly enforcing the Rules of Decorum.

2. Breach of Decorum. In the event that any person breaches the Rules of Decorum in a manner that disturbs, disrupts, or otherwise impedes the orderly conduct of the meeting, The Presiding Officer shall first request that a person violating the rules cease such conduct. If, after receiving a request from the Presiding Officer, the person persists in violating these rules, the Presiding Officer shall order a recess, whereupon the Kirby Police Department shall have the authority to order the person ejected from the meeting, or be placed under arrest per Texas Penal Code.

5. If any person threatens by their actions or verbal utterance the safety of the public meeting, the Presiding Officer may order that person to leave the Public Meeting and shall also be removed from City Property.

6. Clearing the Room. In the event or an extreme circumstance that any meeting is interrupted by a group of persons as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of the individuals who are willfully interrupting the meeting. The presiding officer may order the council chambers to be cleared of the disruption and the meeting shall continue in session. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session.

7. Authority of Mayor. The Mayor and City Council have the authority to remove an Individual from a public meeting that poses a public safety threat to the council and/or the public.

a) The Mayor or majority-rule of City Council can prohibit an individual from participating in an in person open government meeting or a city-owned property if they are found to pose a public safety threat. The Mayor shall provide a clear warning to the individual(s) that the behavior is prohibited.

b) After warning indicated in Subsection (a) An individual that poses a public safety threat can be prohibited by the Mayor or a majority-rule of City Council, from entering an open government meeting and any city-owned property for a period of 90 days to not exceed 2 years.

c) If the Mayor or a majority-rule of City Council rules in favor of the prohibition, the individual has 5 business days to appeal the ruling with the City.

8. Authority of Law Enforcement. Law Enforcement have authority to remove any person from city-owned property that pose a public safety threat.

(Q) Violation of Texas Penal Code.

A person or persons who willfully and intentionally impair or impede the conduct of a City Council meeting by violating these rules of decorum may be prosecuted under Texas Penal Code Section 30.05 Criminal Trespass and/or 42.05 Disrupting Meeting or Procession.

{ Ord. No. O-2019-863, § 2, 8-22-2019 ; Ord. No. O-2022-911 , § 2, 4-28-2022)

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Ord. No. O-2019-863 , § 1, adopted Aug. 22, 2019, repealed the former section and enacted a new section as set out herein. The former section pertained to similar subject matter and derived from Ord. No. O-2015-769, § 10, 6-11-2015; Ord. No. O-2016-804, §§ 4, 5, 12-15-2016.

§30.11 CARRYING OF A FIREARM AND OTHER PROHIBITED WEAPONS INTO THE ROOM OR ROOMS IN WHICH ANY MEETING OF THE CITY COUNCIL OR ANY OTHER CITY BOARD OR COMMISSION IS TAKING PLACE THAT IS SUBJECT TO CHAPTER 551, TEXAS GOVERNMENT CODE (OPEN MEETINGS ACT) IS PROHIBITED

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(A) Pursuant to Section 46.03(14), Texas Penal Code, the City prohibits firearms, handguns, location-restricted knives, clubs, and prohibited weapons listed in Section 46.05(a) and as defined in Section 46.01, of the Texas Penal Code in the room or rooms where the city council or any other board or commission are holding meetings, if the meeting is an open meeting subject to Chapter 551, Government Code, and if the entity provided notice as required by that chapter.

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(B) The city council hereby directs the City Manager and City Staff to post such signage and appropriate notice in accordance with Texas Penal Code Sections 30.06 and 30.07, outside the door to the room or rooms in which any meeting of the city council or any other board or commission that is subject to Chapter 551, Texas Government Code (Open Meetings Act) is taking place prior to the meeting, and to remove the signage upon the conclusion of the meeting.

§ 30.1231 QUALIFICATIONS FOR CANDIDATES FOR MAYOR OR FOR A PLACE ON THE CITY COUNCIL OR TO SERVE AS MAYOR OR ON THE CITY COUNCIL.

In addition to any other qualifications to be a candidate for Mayor or for a place on the City Council or to serve on the City Council, a person who has been convicted of a felony, a child abuse related offense, family violence related offense, a misapplication of fiduciary property offense, or a sexually-related offense and has not been pardoned is declared ineligible to be a candidate for a place on the City Council or to serve on the City Council.

(Ord. No. O-2021-903 , § 1, 9-23-2021)

Editor's note(s)—Ord. No. O-2021-903 , § 1, adopted Sept. 23, 2021, set out provisions adding § 30.07. Inasmuch as there was already a section so designated, said provisions have been codified herein as § 30.11 at the discretion of the editor.