

Rick Schroder

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From: Elizabeth Elleson
Sent: Thursday, October 13, 2022 2:20 PM
To: Rhonda Stell; Rick Schroder
Subject: Council Meeting Request

Mayor,

Section 1.03.034 of Article 1.03 of the City Council Rules and Procedures permits a city attorney to request an agenda item. Pursuant to that section, this is to formally request that the following item be placed on the next city council agenda for consideration:

Amendment of Section 1.03.032(1) of Article 1.03 of the City Code of Ordinances Meetings and Rules of Procedure to include the underlined text as follows:

(1)

Regular meeting.

Regular meetings will be held on the first and third Tuesday of each month at 6:00 p.m. CST in the council room at city hall. Regular meetings shall be open to the public, unless designated for a confidential executive session in accordance with the Texas Open Meetings Act, Texas Government Code chapter 551. Notice of the meeting and agenda must be posted in accordance with state law, and minutes of such meetings will be maintained. The public is welcome to attend; however, the public will not participate in discussions, unless invited by the mayor or councilmembers or during a public hearing or citizens to be heard. The council may hear reports, but it may not deliberate or take action on any matter unless that matter is posted on an agenda as an item for consideration.

Business needing council approval has increased substantially for the Council. This has led to an increase in the number of items placed on recent agendas. While necessary, compiling this much information into one council agenda does not permit for adequate and in-depth review of each item and consideration not only by the Council, but also by the undersigned.

An example of this is the BlueConduit contract approved at the last meeting. Typically, legal review and editing of contracts take a two-week turnaround. The company sent the draft contract to the City the Wednesday before the meeting. This contract required some editing and negotiation of some terms with the company counsel. This could not be concluded prior to the Council meeting. While the preliminary approval given by Council is sufficient, it could be problematic if the company disagrees with the final suggested edits. At that point, the contract could not be brought back to Council until the following month. This would impact timing and result in postponement of this essential project. A two-meeting a month would remedy this.

In addition, setting two regular meetings removes the necessity of obtaining a four-member quorum required for a special called meeting.

Thank you for your consideration of this request.

Elizabeth Elleson
City Attorney
City of Johnson City
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CITY OF JOHNSON CITY

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 1.03.032 OF CHAPTER 1 GENERAL PROVISIONS, ARTICLE 1.03 CITY COUNCIL, OF THE CITY OF JOHNSON CITY CODE OF ORDINANCES; SETTING REGULAR MEETING DATES OF THE CITY COUNCIL; AND PROVIDING FOR AN EFFECTIVE DATE

RECITALS

- WHEREAS, on November 2, 2021, the City Council of the City of Johnson City (“City”) revised Section 1.03.032 of Chapter 1 General Provisions, Article 1.03 City Council, of the City Code of Ordinances; and
- WHEREAS, Section 1.03.032 sets regular Council meetings to be held only on the first Tuesday of each month; and
- WHEREAS, municipal business needing council consideration, review and approval has increased substantially for the Council which has led to an increasing number of agenda items placed on a monthly meeting agenda; and
- WHEREAS, the City Council desires to provide for two regular meetings a month to facilitate adequate and in-depth timely preparation, review and consideration of each business item by the Council and city staff; and
- WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Johnson City:

ARTICLE I. FINDINGS OF FACT

The foregoing recitals are adopted as facts and are incorporated fully herein.

ARTICLE II. AMENDMENT, ADOPTION AND ENACTMENT

The City Council of the City of Johnson City hereby amends and enacts the amendment to Section 1.03.032 Types of Meetings of Chapter 1 General Provisions, Article 1.03 City Council, of the City’s Code of Ordinance, as depicted below and incorporated fully herein for all intents and purposes. The section is hereby revised with underlined text constituting new text, and to read as follows:

Section 1.03.032 Types of meetings.

Four types of meetings are recognized:

- (1) Regular meeting. Regular meetings will be held on the first and third Tuesday of each month at 6:00 p.m. CST in the council room at city hall. Regular meetings shall be open to the public, unless designated for a confidential executive session in accordance with the Texas Open Meetings Act, Texas Government Code chapter 551. Notice of the meeting and agenda must be posted in accordance with state law, and minutes of such meetings will be maintained. The public is welcome to attend; however, the public will not participate in discussions, unless invited by the mayor or councilmembers or during a public hearing or citizens to be heard. The council may hear reports, but it may not deliberate or take action on any matter unless that matter is posted on an agenda as an item for consideration.

ARTICLE III. REPEALER AND SEVERABILITY

REPEALER: All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

SEVERABILITY: Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

ARTICLE IV. EFFECTIVE DATE

A. This Ordinance shall be effective immediately upon passage and approval.

B. Meetings, as amended, shall commence _____, 20____.

PASSED AND APPROVED this, the _____ day of _____, 2022,
by a majority vote of the City Council of Johnson City, Texas.

CITY OF JOHNSON CITY, TEXAS

Rhonda Stell, Mayor

Attest:

Whitney Walston, City Secretary