



**MEETING OF THE
SALADO BOARD OF ALDERMEN
MUNICIPAL BUILDING - 301 NORTH STAGECOACH
BOARD OF ALDERMAN CHAMBERS**

THURSDAY, DECEMBER 11, 2014, 6:30 P.M.

I. CALL TO ORDER

1. Invocation / Moment of Silence
2. Pledge of Allegiance, Texas Pledge of Allegiance
3. ("Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.")

II. REPORTS

Announcements concerning items of community interest. No action will be taken or discussed.

Mayor's Report:

Aldermen Updates:

- Chamber of Commerce/CVS Supervisory Board update
- Community Organization Updates

Staff Report(s)

- Cpl Bobby McLean escorts lung transplant recipient (Village Administrator Foutz)
- Police Report (Chief Hensley)
- Financial Report (Dan Nixon)

III. PROCLAMATIONS – n/a

IV. PUBLIC COMMENTS

4. Citizens who desire to address the Board of Alderman on any matter may sign up to do so prior to this meeting. Public comments on issues not listed on the agenda will be received during this portion of the meeting. Comments related to items on the agenda will be received during consideration of the individual agenda item. Please limit

comments to 3 minutes. No discussion or final action will be taken by the Board of Alderman.

V. CONSENT AGENDA

All items listed under this section, Consent Agenda, are considered to be routine by the Board of Alderman and may be enacted by one motion. If discussion is desired by the Council, any item may be removed from the Consent Agenda at the request of any Alderman and will be considered separately.

5. Consider approving the Consent Agenda items:

Minutes

- (A) November 13, 2014 Regular Meeting

VI. REGULAR AGENDA

Resolutions – n/a

Public Hearings / Ordinances

6. PUBLIC HEARING - Consider adopting an ordinance authorizing amendment to Zoning Ordinance 2013.08, Section 2.2 Planning and Zoning Commission, and Section 2.3 Zoning Board of Adjustments.
7. PUBLIC HEARING - Consider adopting an ordinance authorizing amendment to Ordinance 2009.09, Rules of Procedure for Board of Aldermen Meetings, Section 4C(5), Ordinances in General.

Miscellaneous

8. Consideration and possible action on a Chapter 380 Grant Agreement between the Village of Salado and JES Dev. Co. for a residential senior housing project at the intersection of Mary Jane and Vanessa Drive.
9. Consideration and possible action on an Interlocal Cooperation Agreement with Bell County for the construction of road improvements in the amount of \$60,230; acquisition of rejuvenated cold mix (RAP) in the amount of \$3,441; and pavement striping.

VII. EXECUTIVE SESSION

10. Discuss the proposed Sanctuary Development and related economic development incentives
11. Discuss appointment of an Associate Judge
12. Consultation with Village Attorney regarding legal considerations involving comprehensive

plan updates, strategic planning for the extraterritorial jurisdiction, and capital improvement plan.

VIII. REGULAR SESSION

13. Consider approving appointment of an Associate Judge

The Village of Salado reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations regarding Real Property), 551.073 (Deliberations regarding Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations regarding Security Devices) and 551.087 (Economic Development).

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the Village Secretary's office at (254) 947-5060 for further assistance.

I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 5:30 p.m., on Friday, December 5, 2014.

Randy A. Stonerod, Village Secretary

Removed from display: _____

SALADO POLICE DEPARTMENT
October 2014 Activities

Calls for service 302

Percentage in the city 94 %
 Percentage out of the city 6 %

Offenses 12

Average response time 3:46

Arrest 3

Motor Vehicle Accidents 6

Alarm calls 6

Residential: 5
 Business: 1
 Medical: 0

Total Citations: 57

Citations:	Charge	Location
10	Speed	Main
2	No DL	"
2	Expired MVI	"
3	No Insurance	"
2	Defective Equipment	"
1	Ran Stop Sign	Mill Creek at Main
1	Disregard Traffic control	Stagecoach
1	Speed	"
1	Public Intox	"
3	Speed	"
1	No Driver's License	"
6	Speed	West Village
1	Public Intox	"
1	Expired MVI	Robertson
6	Speeding	"
15	Speed	I-35
1	Disregard stop sign	Stagecoach at 2484

Update on Electronics and Record Management System:

- Cameras are being installed and will be tied into the controls
- All equipment for the vehicles has been ordered
- The data is being gathered that will be entered into the system that will allow it to be Salado / Bell County specific
- We are working with the Department of Public Safety getting authorization to have access to NCIC / TCIC and other databases.
- Training is ongoing , with half of the department having received the training

Financial Report

Village of Salado

Overview of Cash and Investments
September 30, 2014

Ready Cash

Institution	Account	Type Account	Entity	Balance	Rate	Matures
FSB - Central Texas	PF-23002	Checking	Village	67,672.20		
FSB - Central Texas	PF-23440	Checking	Tourism	117,988.65		
FSB - Central Texas	SMCM-0064	Credit Card	Village	8,938.50		

Investments				Balance	Rate	Matures	Rate x Balance	Days to Maturity	Days to Maturity x Balance
FSB - Central Texas	CD-7901	CD	Tourism	50,000.00	0.5500%	1/18/15	275.00	110	5,500,000
FSB - Central Texas	CD-7902	CD	Village	150,000.00	0.5500%	1/18/15	825.00	110	16,500,000
FSB - Central Texas	CD-0478	CD	Village	-	0.5500%	8/23/14	-	-38	-
FSB - Central Texas	CD-0479	CD	Village	100,000.00	0.5500%	2/19/15	550.00	142	14,200,000
FSB - Central Texas	CD-0480	CD	Village	100,000.00	0.5500%	2/19/15	550.00	142	14,200,000
FSB - Central Texas	CD-0481	CD	Village	100,000.00	0.5500%	8/28/15	550.00	332	33,200,000
FSB - Central Texas	CD-0528	CD	Village	100,000.00	0.5500%	8/28/15	550.00	332	33,200,000
TexPool	449/7875400001	MM	Village	4,151.04	0.0239%	9/30/14	0.99	0	-
TexPool	449/7875400002	MM	Tourism	53,880.01	0.0239%	9/30/14	12.88	0	-
Texas Star Bank	37000106	MM	Village	115,118.38	0.2000%	9/30/14	230.24	0	-
Union State Bank	66000475	MM	Village	247,434.32	0.3160%	9/30/14	781.89	0	-
Nationwide Bank	100002215443	MM	Village	-	0.3000%	9/30/14	-	0	-
				1,020,583.75			4,326.00		116,800,000

Weighted Average Yield **0.42%**

Weighted Average Yield is calculated by multiplying the effective interest rate times the account balance and averaging the results.

Weighted Average Maturity **114 days**

Weighted Average Maturity is calculated by multiplying the account balance times the days to maturity for the account, and averaging the results.

Respectfully Submitted by
J. Dan Nixon, Investment Officer

Village Board of Aldermen
Regularly Scheduled Board of Aldermen
Meeting Minutes
Municipal Building, 301 N. Stagecoach Rd.
Thursday, 13, 2014 6:30pm

Members present: Skip Blancett, Fred Brown, Michael McDougal, Amber Preston Dankert, Frank Coachman

Members Absent: Hans Fields

Others Present: Kim Foutz - Village Administrator, Randy Stonerod - Village Secretary, Lyndsey Barrett – Administrative Assistant, Jack Hensley - Chief of Police

I. Call To Order : Mayor Blancett called the meeting to order at 6:34pm, quorum present.

1. Mayor Blancett lead the invocation.
2. Pledge of Allegiance and Texas Pledge of Allegiance were recited.

II. Reports:

Mayor's Report: The Mayor discussed the sculpture park; meeting (session 2) to discuss the Sanctuary Development to be held at 301 Stagecoach on November 18, 2014 at 6:00 p.m., the pending completion of the FM 2484 bridge; the future (January 2015) closure of the Holland Road bridge; and the July - August 2015 anticipated completion of Salado Plaza.

Aldermen Updates:

- **Alderman McDougal:** — Roads Committee announces all crack & seal equipment has been ordered and work will begin as soon as the weather gets above 40 degrees. Also, the Village seeks an engineering agreement to reconstruct Mill Creek, Salado Plaza and Thomas Arnold Road.

- **Alderman Coachman:** Volunteer, Dave Williams has completed comparing Village of Salado ordinances with those of surrounding cities. This work was done as a basis for the Ordinance Committee to bring a revised Code of Ordinances before the Board of Aldermen in the near future.

- **Mayor Pro Tem Brown:** Lights have gone up around the Village (visitor center, civic center). Businesses expressed desire to join in and put up lights on their buildings. Texas A&M will have team working on our project and complete plan should be completed by end of spring term including all aspects of downtown beautification.

- **Alderman Dankert:** Village is looking at alternative methods for cleaning out the low water crossing at Mill Creek. The Village applied for a grant to build a berm to protect salamander habitat and a spring. Finally, the new lights installed on Village buildings are environmentally friendly..

III. Proclamations: N/A

IV. Public Comments: N/A

VI. Consent Agenda:

4. Alderman McDougal moved to approve the consent agenda. Alderman Dankert seconded that motion. A vote was taken and the vote unanimously passed. The Consent Agenda contained the following items: (A) Minutes of November 6, 2014 Board of Aldermen/Zoning Board of Adjustment meeting; (B) Resolution 2014-106-R, Professional Agreement between Village of Salado & SAMCO for financial advisory services; (C) Resolution 2014-107-R - agreement with Andrews Kurth LLP to serve as bond counsel; and (D) Considering an interlocal agreement between Village of Salado and Central Texas Council of Governments to receive funds for public works projects.

VI. Regular Agenda:

5. Mayor Pro Tem Brown moved to approve an elections report provided by Mr. Eldon Miller of the Bell County Elections Department regarding Salado Proposition 1 (Sewer Bond) and Proposition 2 (Wine & Beer Sales). Both Proposition 1 and 2 passed. Motion was seconded by Alderman McDougal. A vote was taken and the motion passed unanimously.

6. Alderman Dankert moved to approve a lease agreement between the Village of Salado , Presbyterian Church of Salado & Salado Storage, LLC for property at 113 Salado Plaza Drive. Mayor Pro Tem Brown seconded the motion. A vote was taken and the motion passed unanimously.

7. Mayor Pro Tem Brown moved to approve a sublease agreement between The Village of Salado, Keep Salado Beautiful & the Public Art League of Salado for property located at 113 Salado Plaza Drive. Alderman Dankert seconded the motion. A vote was taken and the motion passed unanimously.

8. Alderman Dankert moved to consider approving a license for use of Village-owned property for use by the Public Art League of Salado and Keep Salado Beautiful. Alderman Coachman seconded the motion. A vote was taken and the motion passed unanimously.

9. Village Administrator Kim Foutz briefed the Board regarding a \$61,500 professional services contract agreement with Kasberg, Patrick & Associates, LLP for engineering/design services for Salado Plaza Drive, Mill Creek Drive and Thomas Arnold Road. Alderman McDougal moved to approve the item. Alderman Coachman seconded the motion. A vote was taken and the motion passed unanimously.

10. Mayor Pro Tem Brown moved to appoint Ron Coleman to the Planning and Zoning Commission. Alderman Coachman seconded the motion. A vote was taken and the item passed unanimously.

VII. Executive Session: 11. Mayor Blancett closed the regular meeting at 7:15 p.m. The building was cleared and the Mayor opened an executive Session from 7:25 p.m. to 7:53 p.m. to discuss appointment of a Public Relations Specialist. The Mayor re-opened the Regular Meeting at 7:53 p.m. and Mayor Pro Tem Brown moved to hire Megan Seaton as Public Relations Specialist. Alderman Coachman seconded the motion. A vote was taken and the item passed unanimously.

Announcements:

Next Scheduled Board of Aldermen meeting is December 11, 2014 at 6:30 p.m.

There being no further business, the meeting was adjourned at 7:56 p.m.

APPROVED:

SKIP BLANCETT, Mayor of the Village of Salado, Texas

ATTEST:

RANDY A. STONEROAD, Village Secretary

For copies of all handouts, please contact the Village office at 947-5060.

BOARD OF ALDERMAN AGENDA ITEM MEMORANDUM

12/11/14
Item # 6
Regular Agenda
Page 1 of 2

DEPT/DIVISION REVIEW: Kim Foutz, Village Administrator

ITEM DESCRIPTION: Hold a public hearing and consider adopting an ordinance authorizing amendment to Zoning Ordinance 2013.08, Section 2.2 Planning and Zoning Commission, and Section 2.3 Zoning Board of Adjustments.

ORDINANCE COMMITTEE / STAFF RECOMMENDATION: The Ordinance Committee and Staff recommend approval.

ITEM SUMMARY AND ANALYSIS: The Ordinance Committee has reviewed and is recommending the below ordinance changes.

- Changed term of office from 3 years to 2 years
- Members may be appointed for up to 2 terms
- Members serve staggered 2-year terms
- Meetings to be cancelled if there are no applications or other business to conduct
- Corrected typo referencing ZBA
- Added rules, bylaws, activities to include: Reviewing Master Plans and Land Use and Development Ordinances; and participating in required training in conformance with all laws

In addition, earlier this year the Board of Aldermen recommended that the BOA serve as the Zoning Board of Adjustments in lieu of making separate appointments to the Board. These changes would eliminate problems with attendance and training and streamline ZBA cases. Because the ZBA is referenced in the zoning ordinance and was established by separate ordinance, a future agenda item will be brought forth repealing the original ordinance. See attached redline changes.

FISCAL IMPACT: n/a

ATTACHMENTS:
Redlined ordinance

Ordinance No. _____
Village of Salado
County of Bell
State of Texas

**PLANNING AND ZONING COMMISSION AND ZONING BOARD OF ADJUSTMENT
MEMBERSHIP AND AUTHORITY AMENDMENTS**

AN ORDINANCE OF THE VILLAGE OF SALADO, TEXAS, AMENDING ARTICLE II, SECTIONS 2.2 AND 2.3 OF ORDINANCE NO. 2013.08, ZONING ORDINANCE, TO REVISE THE PLANNING AND ZONING COMMISSION MEMBERSHIP REQUIRMENTS, AND TO ALLOW THE VILLAGE BOARD OF ALDERMEN TO ACT AS THE ZONING BOARD OF ADJUSTMENT; PROVIDING FOR FINDINGS OF FACT, ENACTMENT, SEVERABILITY, REPEALER, CODIFICATION, AND EFFECTIVE DATE.

WHEREAS, the Village of Salado (“Village”) seeks to establish efficient regulations for the development of land in the Village limits; and

WHEREAS, the Village finds that revising the membership of the Planning and Zoning Commission and the Zoning Board of Adjustment is necessary for fair and streamlined review of land development approvals; and

WHEREAS, pursuant to Chapter 211 of the Texas Local Government Code, a general-law municipality, such as the Village, has the authority to establish a zoning commission and a board of adjustment; and

WHEREAS, pursuant to Chapter 51 of the Texas Local Government Code, the Board of Aldermen find that the amendments in this Ordinance are for the good government, peace, or order of the municipality.

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of the Village of Salado, Texas:

1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

2. ENACTMENT

Article II, Sections 2.2 and 2.3 of Ordinance No. 2013.08 are hereby amended, and after such amendment, shall read in accordance with *Attachment “A”*, which is attached hereto and incorporated into this Ordinance for all intents and purposes. Any underlined text shall be

inserted into the Code and any struck-through text shall be deleted from the Code, as stated on *Attachment "A"*.

3. REPEALER

To the extent reasonably possible, ordinances are to be read together in harmony. However, 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.

4. SEVERABILITY

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

5. CODIFICATION

The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City's Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

6. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage.

7. PROPER NOTICE & MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed 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, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED & APPROVED this, the ___ day of December 2014, by a vote of ___ (*ayes*) to ___ (*nays*) to ___ (*abstentions*) of the Board of Aldermen of the Village of Salado, Texas.

THE VILLAGE OF SALADO, TEXAS:

by: _____
Mayor Skip Blancett

ATTEST:

Randy Stonerod, City Secretary

VILLAGE OF SALADO
VILLAGE ORDINANCES
Zoning Ordinance, no. 2013.08

Article II: Zoning Procedures and Administration

Section 2.2: Planning and Zoning Commission

A. General:

1. The Planning and Zoning Commission (also referred to as the "Commission") shall function according to the following criteria that establish membership and operating procedures.

B. Created; Membership; Officers; Rules & Bylaws:

1. There is created, in accordance with Chapter 211 of the Texas Local Government Code, the "Planning and Zoning Commission", hereafter sometimes referred to as the "Commission", which shall consist of five (5) people residing within the Village of Salado ~~or in the Village's ETJ. At least three (3) members of the Commission must reside within the Village of Salado.~~ There ~~shall~~ may be two (2) alternates made up of residents who reside within the Village limits.
2. Members shall be nominated by the Aldermen of the Village of Salado, and each person so nominated must be approved by a simple majority vote of the Board of Aldermen before being appointed as a member of the Commission.
3. All appointments to the Commission shall serve as a member of the Commission for a term of office of ~~two (2) three (3) years, except as noted below.~~ Members may be reappointed for up to a total of two (2) with no limitation on the number of terms one member may serve. ~~Upon adoption of this ordinance, the Board of Aldermen shall appoint two (2) members to two (2) year terms, and three (3) members to three (3) year terms. After the initial terms expire, all members shall serve three (3) year terms.~~ Members may serve staggered 2-year terms.
4. Any vacancy(s) on the Commission shall be filled via appointment by a simple majority vote of the Board of Aldermen.

5. Members of the Planning and Zoning Commission may be removed from office at any time by a simple majority vote of the full Board of Aldermen either upon its own motion or upon recommendation of the Planning and Zoning Commission. Failure to attend three (3) consecutive scheduled meetings shall be deemed as neglect and cause for removal from office, unless such absences were due to unusual circumstances beyond the member's control such as sickness of the member or someone within the member's immediate family. A vote to remove a Commission member shall be placed on the appropriate agenda as a regular item, and shall be voted upon accordingly.
6. The members of the Commission shall regularly attend meetings and public hearings of the Commission, shall serve without compensation, and shall not hold any other office within, or serve as an employee of, the Village while serving on the Commission. The Commission shall meet a minimum of once per month at a time established by the Board of Aldermen. If there have been no applications filed for review by the Commission and there is no other business to be discussed, the Village Administrator may direct the Village Secretary ~~shall~~ to notify the Chairman and no meeting ~~shall~~ will be required for that month.
7. The Chairperson and a Vice-Chairperson shall be appointed by the Commission membership, and each officer shall hold office for one (1) year or until replaced by a simple majority vote of the full ~~ZBA Commission~~ or full Board of Aldermen. The Mayor/Village Administrator's designee shall serve as Secretary to the Commission, and shall keep minutes of all meetings held by the Commission as well as the full record of all recommendations made by the Commission to the Board of Aldermen.
8. The Commission shall have the power to make rules, regulations and bylaws for its own governance, which shall conform with those set forth by the Board of Aldermen, and such rules, regulations and bylaws shall be subject to approval by the Board of Aldermen. Such rules and bylaws shall include, among other items, provisions for the following:
 - a. Regular and special meetings, open to the public;
 - b. A record of its proceedings, to be open for inspection by the public;
 - c. Reporting to the Board of Aldermen and the public, ~~from time to time and bi-~~ annually; ~~and~~
 - d. Reviewing the Comprehensive Plan annually with a full update every five years.;
 - e. Reviewing Master Plans and Land Use and Development Ordinances; and
 - f. Required training in conformance with all laws.

Section 2.3: Zoning Board of Adjustments

A. Creation

1. There is hereby created a Zoning Board of Adjustments, hereafter referred to as the "ZBA", for the purpose, in appropriate cases and subject to appropriate conditions and

safeguards, to make special exceptions to the terms of this Ordinance that are consistent with the general purpose and intent of this Ordinance. The ZBA may be composed of the members of the Board of Aldermen of the Village of Salado as authorized by Chapter 211.008(g) of the Local Government Code.

B. Members; Terms of Office

1. The Zoning Board of Adjustments may consist of members of the Board of Aldermen, and shall operate in accordance with Sections 211.008 through 211.011 of the Texas Local Government Code, as amended. The Board of Aldermen may also choose by a simple majority vote to appoint Zoning Board of Adjustments members.

The ZBA shall consist of the five (5) people residing within the Village of Salado Board of Aldermen and the Mayor. Up to 4 alternate members may be appointed to serve in the absence of one or more of the regular board members on an Alternating basis such that all alternate members have equal opportunities to serve on the board. Alternate members shall be appointed in the same manner as regular members, by the Board of Aldermen by a simple majority vote. The city administrator may also designate alternate board of adjustment members to participate in a particular board of adjustment meeting in the absence of members of the board of adjustment. Alternate board of adjustment members shall count toward the establishment of a quorum, and have full voting rights during the meeting for which the alternate is designated.

- ~~2. Each person nominated by the Board of Aldermen to be a ZBA member must be approved by a simple majority vote of the Board of Aldermen before being appointed as a member of the Commission.~~
2. Members of All appointments to the ZBA shall serve as a member for a term of office of two (2) years. Members may be reappointed with no limitation on the number of terms one member may serve, to run concurrently with the member's term of office as members of the Board of Aldermen. The Zoning Board of Adjustments shall elect a Chairperson and a Vice-Chairperson from among its membership, and each officer shall hold office until replaced by a simple majority vote of the full ZBA. The Mayor/Village Administrator's designee shall serve as Secretary to the Zoning Board of Adjustments, and shall keep minutes of all meetings held by the ZBA.
3. The Zoning Board of Adjustments shall have the power to make the rules, regulations and bylaws for its own government.

BOARD OF ALDERMAN AGENDA ITEM MEMORANDUM

12/11/14
Item # 7
Regular Agenda
Page 1 of 1

DEPT/DIVISION REVIEW: Kim Foutz, City Administrator

ITEM DESCRIPTION: Hold a public hearing and consider adopting an Ordinance authorizing amendment to Ordinance 2009.09, Rules of Procedure for Board of Aldermen Meetings, Section 4C(5), Ordinances in General relating to the two reading requirement of general ordinances.

STAFF RECOMMENDATION: Staff recommends approval.

ITEM SUMMARY AND ANALYSIS: This amendment eliminates the requirement for two readings of an ordinance, except in cases where the Local Government Code requires otherwise.

FISCAL IMPACT: n/a

ATTACHMENTS:
Redlined Ordinance

Ordinance No. ~~2009.09~~ 2014.09
Village of Salado County of Bell
State of Texas ~~October 1,~~
~~2009~~ December 11, 2014

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Rules of Procedure for Board of Aldermen Meetings

AN ORDINANCE OF THE VILLAGE OF SALADO, TEXAS AMENDING ORDINANCE NO. 2009.09² ESTABLISHING POLICIES AND PROCEDURES FOR BOARD OF ALDERMEN MEETINGS, INCLUDING PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; PURPOSE; DEFINITIONS; GENERAL RULES OF PROCEDURE AT MEETINGS; DISRUPTIVE OR DISORDERLY CONDUCT; INDIVIDUALS WITH DISABILITIES; RECORDING OF MEETINGS; ENFORCEMENT; RELATION TO OTHER ORDINANCES; SEVERABILITY; PROPER NOTICE AND MEETING

WHEREAS, the Board of Aldermen of the Village of Salado seeks to provide for the efficient administration of Village business; and

WHEREAS, the Board of Aldermen seeks to maintain order and decorum at Board of Aldermen Meetings; and

WHEREAS, the Board of Aldermen finds that the promulgation of procedural rules for Board meetings furthers the effective and efficient administration of Village business and encourage orderly public participation in the democratic process; and

WHEREAS, the Board of Aldermen finds that disorderly or disruptive behavior during the course of its meetings unreasonably interferes with the conduct of Village business; creates confusion and dismay among meeting participants, observers, and the general public; and stifles public comment and participation in the democratic process; and discourages the majority of meeting attendees who conduct themselves appropriately; and

WHEREAS, the Board of Aldermen finds that the unreasonably obtrusive use of a tape recorder, video camera, or other means of aural or video reproduction may disrupt the effective and efficient administration of Board of Aldermen meetings; may cause undue anxiety to those persons in attendance; and may discourage public participation in the democratic process; thus making it necessary to adopt reasonable rules relating to the location of recording equipment and the manner in which the recording is conducted; and

WHEREAS, the Board of Aldermen finds it to be in the best interest of the public safety, health and general welfare to adopt reasonable rules and regulations to maintain order and to regulate conduct at its meetings; and

WHEREAS, the Board of Aldermen is authorized to adopt such rules and regulations by virtue of section 22.038 of the Texas Local Government Code and by section 551.023 of the Texas Government Code; and

WHEREAS, the Board of Aldermen has carefully reviewed the rules and regulations established by this Ordinance; and

WHEREAS, the Board of Aldermen has received public input by and through a public meeting at which the ordinance was adopted; and

WHEREAS, the Board of Alderman previously enacted Ordinance No. 2009.029 on October 1, February 19, 2009; and

WHEREAS, the Board of Alderman deems it in the best interest of the Village of Salado to amend Ordinance No. 2009.029 in its entirety and for said Ordinance to be replaced in its entirety as follows:

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE VILLAGE OF SALADO, COUNTY OF BELL, STATE OF TEXAS:

SECTION 1. The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

SECTION 2. Ordinance No. 2009.029 is amended in its entirety and shall read as provided in Attachment "A" attached hereto and incorporated herein as if fully set forth for all purposes.

SECTION 3. That this Ordinance shall become effective after its passage.

SECTION 4. This Ordinance, upon its enactment and effective date, shall repeal all conflicting provisions that may be contained in other Village ordinances or regulations. Except to the extent they apply to obligations and violations arising prior to the enactment of this Ordinance.

SECTION 5. All rights and remedies of the Village are expressly saved as to any and all violations of the provisions of any previous ordinances which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 6. In the event that any one or more of the provisions, clauses, or words of this ordinance or the application thereof to any situation or circumstance shall for any reason be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect any other provisions, clauses, or words of this ordinance or the application thereof to any other situations or circumstance and it is intended that this ordinance shall be severable and that it shall be construed and applied as if such invalid or unconstitutional clause, section, provision, or word had not been included herein.

SECTION 7. That the meeting at which this Ordinance was enacted, was open to the public as required by the Texas Open Meetings Act, and that notice of the time, place, and subject matter of the meeting was given as required by the Texas Open Meetings Act.

PASSED AND APPROVED this, the 11th day of December 2009, by a _____ (ayes) to _____ (nays) and _____ (abstentions) vote of the Board of Aldermen of Salado, Texas.

VILLAGE OF SALADO:

Skip Blacett, Mayor

ATTEST:

Randy A. Stonerod, Village Secretary

SECTION 1. FINDINGS OF FACT

The Board hereby finds all of the above premises to be true and correct legislative and factual findings of the Village of Salado, and, so finding, the Board hereby incorporates them into the body of this Ordinance as if copied in their entirety.

SECTION 2. PURPOSE

This Ordinance is adopted so that the Board of Aldermen may promote the public health, safety, morals and general welfare within the Village through the enactment of reasonable procedures and rules designed to facilitate the orderly and efficient conduct of Board of Aldermen meetings in a manner that promotes a positive Village image reflecting order, harmony and pride, thereby strengthening the economic stability of the Village. By and through this Ordinance, the Board of Aldermen additionally seeks to establish fair, reasonable, and efficient guidelines for maintaining order and promoting effective public participation at Board of Aldermen meetings.

SECTION 3. DEFINITIONS

A. General

Words and phrases used in this Ordinance shall have the meanings set forth in this Section. Words and phrases that are not defined in this Ordinance but are defined in other ordinances of the Village of Salado shall be given the meanings set forth in those ordinances. Other words and phrases shall be given their common, ordinary meaning unless the context clearly requires otherwise. Headings and captions are for reference purposes only, and shall not be used in the interpretation of this Ordinance.

B. Specific Definitions

(1) "Board" means the Board of Aldermen (i.e., the governing body) of the Village of Salado, Texas.

(2) "Board of Aldermen meeting" means any public meeting held by the Board of Aldermen of the Village of Salado as authorized or required by the Texas Constitution and applicable state law.

(3) "Board Room" means the meeting space designated for Board of Aldermen meetings located in Village Hall at 301 North Stagecoach Road, Salado, Texas 76571.

(4) "Closed Meeting" means a meeting to which the public does not have access (i.e., executive session).

(5) "Conduct" means an act or omission and its accompanying mental state.

(6) "Deliberation" means a verbal exchange during a meeting by a quorum of the Board of Aldermen, or between a quorum of the Board of Aldermen and another person, concerning a public issue within the jurisdiction of the Board of Aldermen.

(7) "Designated recording area" means that area of the Board Room clearly marked as a space for all persons wishing to operate tape recorders, video cameras, or other means of aural or visual reproduction, within which such persons may operate such electronic recording devices during Board of Aldermen meetings.

(8) "Electronically record" means to capture aural or visual sounds and/or images through the use of a tape recorder, video camera, or other means of aural or visual reproduction.

(9) "Intentional" means the culpable mental state of "intent" as defined by Section 6.03 of the Texas Penal Code. A person acts intentionally, or with intent, with respect to the nature of his or her conduct or to a result of his or her conduct when it is his or her conscious objective or desire to engage in the conduct or cause the result.

(10) "Meeting" means any official proceeding of the Board. This term includes, but is not limited to, all Regular, Special (i.e., "called"), Emergency and Executive Session (i.e., "closed") Meetings.

(11) "Misdemeanor" means an offense so designated by law or punishable by fine, by confinement in jail, or by both fine and confinement in jail.

(12) "Official proceeding" means any type of administrative, executive, legislative or judicial proceeding that may be conducted before a public servant.

(13) "Official tape recording" means any audio recording made by the Village Secretary or other village official or employee at the direction of the Board of Aldermen and as part of that village official's or employee's official duties.

(14) "Open" means the public is allowed to attend.

(15) "Person" means a human individual.

(16) "Public servant" means a person elected, selected, appointed, employed or otherwise designated as one of the following, even if that person has not yet qualified for office or assumed his or her duties:

- (a) An officer, employee, or agent of the Village;
- (b) An attorney at law or notary public when participating in the performance of a governmental function;
- (c) A candidate for nomination or election to public office; or
- (d) A person who is performing a public function under a claim of right although he or she is not legally qualified to do so

(17) "Quorum" means a majority of the Board of Aldermen for regular meetings, and two-thirds of the aldermen for special meetings and meetings to consider the imposition of taxes.

(18) "Recklessly" means the culpable mental state of "recklessness" as defined by Section 6.03 of the Texas Penal Code. A person acts recklessly, or is reckless, with respect to the circumstances surrounding his or her conduct or the result of his or her conduct when he or she is aware of but consciously disregards a substantial and unjustifiable risk that the circumstances exist or the result will occur. The risk must be of such a nature and degree that its disregard constitutes a gross deviation from the standard of care that an ordinary person would exercise under all the circumstances as viewed from the actor's standpoint.

(19) "Unlawful" means criminal or tortious or both and includes what would be criminal or tortious but for a defense not amounting to justification or privilege.

(20) "Use of a tape recorder, video camera, or other means of aural or visual reproduction" means the use of any device used to capture and record and/or transmit and replay sounds and/or images. This term includes, but is not limited to, tape recorders, video cameras, digital cameras, web cameras, and live video streaming devices.

(21) "Village" means the Village of Salado, a duly incorporated, Type B Texas municipality located in Bell County.

SECTION 4. GENERAL RULES OF PROCEDURE AT MEETINGS

A. Time and Place for Meetings

(1) The Board of Aldermen shall hold regular meetings on the first and third Thursdays of each month at 6:00 p.m.

(2) When the day for any regular meeting falls on a legal holiday, the regularly scheduled meeting for such day shall be cancelled unless otherwise specified by the Board of Aldermen. At other times that the Mayor deems appropriate, the Mayor may cancel one or more regular meetings.

(3) The Mayor may call a special meeting on the Mayor's own motion or on the application of three Board members. Each member of the Board of Aldermen, the Village Secretary, and the Village Attorney must be notified of the special meeting.

(4) Except as otherwise provided in this paragraph, the Board of Aldermen shall conduct all meetings in the Board Room, located at 301 North Stagecoach Road, Salado, Texas. However, the Board of Aldermen may from time to time elect to meet at other locations and, upon such election, shall give public notice of the change of location in accordance with State law. If by reason of fire, flood or other emergency, it is unsafe to meet in the Board Room, for the duration of the emergency the Board may hold its meetings at such other place as the Mayor, or, in the Mayor's absence, the Mayor Pro Tem, shall designate.

(5) Meetings may be cancelled or recessed to the next business day with or without notice by the Mayor, a majority of the Board, or a majority of the members of the Board in attendance at the meeting.

B. Agenda of Meetings

(1) The Village shall comply with all notice requirements of the Texas Open Meetings Act, Chapter 551 of the Texas Government Code.

(2) The Mayor and/or the Village Secretary shall be responsible for preparing the agenda for Board meetings. The Mayor may determine which items to include in the agenda, provided that, the Mayor shall include any item requested by a Board Member. Board Members shall submit requests to the Mayor and/or the Village Secretary at least three and a half (3 1/2) business days in advance of the day of the meeting.

(3) A citizen may request inclusion on the agenda by submitting a request in writing to the Mayor at least four (4) business days in advance of the day of the meeting. The requested item may be included on the agenda at the Mayor's discretion.

(4) Upon the motion of the Mayor or any Board Member, the Board of Aldermen may elect to table an agenda item by an affirmative vote by a majority of Board Members present at the meeting.

(5) In compliance with the Texas Open Meetings Act, the Board shall not deliberate or vote on a matter not appearing on the agenda, except for purposes of presenting statements of current fact or policy or for determining whether the matter should appear on a future agenda.

C. Ordinances in General

(1) The Village shall be responsible for adopting or amending any ordinance necessary for the health, safety and welfare of its citizens, including but not limited to: any code of technical regulation; the establishment, alteration, or abolishment of any Village department(s), office(s), or agency(ies); provide for a fine or other penalty or establish a rule of regulation for violation of which a fine or other penalty is imposed; levy taxes; adopt or amend the annual budget; grant, renew, or extend a franchise; convey or lease or authorize the conveyance or lease of any lands of the Village; and amend or repair any ordinance previously adopted as provided by the Texas Local Government Code.

(2) Every proposed ordinance shall be introduced in writing and be in the form required for final adoption. Every proposed ordinance shall be placed on the Agenda of Meetings for the Village in compliance with the requirements of the Texas Open Meetings Act and contain the required publication pertinent to the type of ordinance proposed.

(3) An ordinance may be introduced by any member of the Board of Aldermen at any regular or special meeting of the Aldermen, provided it has been properly placed as an agenda item.

(4) The Alderman responsible for placement of the ordinance on the agenda, or having knowledge and information related to the ordinance, shall present the ordinance and address questions from other Aldermen and the public, if necessary, regarding the proposed ordinance.

(5) The ordinance shall be finally passed and adopted after the ordinance has been read at least ~~two (2)~~ one (1) times at any regular or special meeting of the Board of Aldermen, except for

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• ~~those instances in which additional readings are required by Law, the Board of Aldermen, through a supermajority (i.e., ¾ of those Aldermen present and voting), vote to suspend the requirements of this section. It shall be an exception to the requirement to read an ordinance at two (2) meetings if the purpose or reason for the ordinance relates to one of the following:~~

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- ~~State of Emergency or emergency related issue;~~
- ~~Required by law to be passed within a certain time frame, not permitting for two (2) separate readings;~~
- ~~Administrative, executive matters or duties;~~
- ~~Commemorative, honorary~~

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(6) Upon passage and adoption of an ordinance as provided by this subsection, the Village Secretary shall take necessary steps to finalize the implementation of the ordinance, as required by law.

D. Public Participation

(1) In accordance with the terms of the Texas Open Meetings Act, Section 551 of the Texas Government Code, all meetings of the Board of Aldermen shall be open to the public unless the Board is in Executive Session or State law otherwise allows a meeting to be closed.

(2) At the Board of Aldermen's discretion, the Board may permit a person to address the Board concerning an item on the agenda or to present a subject for the Board's consideration during the Public Comment period in accordance with the provisions of this Ordinance.

(3) Persons wishing to make public comments shall abide by the following rules:

- (a) Prior to the meeting, or during the meeting prior to discussion of a specific matter upon which a person wishes to comment, speakers who wish to address the Board of Aldermen should complete a Public Meeting Appearance Card and present it to the Village Secretary. Speakers shall indicate whether they wish to comment on a specific agenda item or on a separate matter during the Public Comment period.
- (b) When recognized, the speaker should approach the podium, state his/her name and address for the record, and, if speaking on behalf of an organization or other group, identify the group represented.
- (c) Only one person may address the Board at any one time.
- (d) Speakers should address all remarks to the Board of Aldermen as a whole, not to individual members.
- (e) Speakers should limit their presentations to no more than three (3) minutes each. There shall be no substitutions or pooling of speakers.
- (f) The Mayor or the Board may encourage speakers to not merely repeat views expressed by others.

- (g) Speakers must limit presentations to matters within the Village's subject matter jurisdiction.

(4) At any point during the meeting, the Board of Aldermen may opt to limit the number of speakers on a particular topic or topics not yet reached. All persons who complete a Public Meeting Appearance Card, whether or not allowed to speak, may submit written comments or exhibits to the Village Secretary for inclusion in the Record File Copy of the agenda.

E. Parliamentary Procedure

The Board may by resolution adopt rules of parliamentary procedure.

F. Presiding Officer

The Presiding Officer of the Council is responsible for conducting the meeting. When present and participating, the Mayor shall serve as presiding officer. When the Mayor is not present or if the mayor abstains from participation on a matter, the Mayor Pro-Tem shall serve as the presiding officer. If neither the Mayor nor the Mayor Pro-Tem are able to serve, the remaining Board Members may by majority vote designate a Member of the Board to preside over the meeting.

SECTION 5. DISRUPTIVE OR DISORDERLY CONDUCT

A. Hindering Proceedings by Disorderly Conduct

(1) No person shall intentionally hinder an official proceeding by noise or violent or tumultuous behavior or disturbance.

(2) No person shall recklessly hinder an official proceeding by noise or violent or tumultuous behavior or disturbance and continue after explicit official request to desist.

B. Disrupting a Meeting

No person shall prevent or disrupt a meeting, or obstruct or interfere with the meeting by physical action or verbal utterance.

C. Aldermen Attendance

Three consecutive absences from regular meetings (unless sick or received an excused absence from the Mayor in advance) will cause an automatic vacation of position on the Board of Aldermen.

SECTION 6. RECORDING OF MEETINGS

A. Location of Recording Equipment.

(1) The Board shall designate an area within the Board Room for the operation of tape recorders, video cameras, and other means of aural or visual reproduction. Operation of such equipment is limited to the designated recording area.

(2) The designated recording area shall be indicated by means reasonably calculated to provide sufficient space for all persons wishing to operate a tape recorder, video camera, or other means of aural or visual reproduction to occupy the designated recording area with reasonable comfort and sufficiently near to the proceedings to facilitate adequate recording.

(3) No person shall operate a tape recorder, video camera, or other means of aural or visual reproduction within the Board Room outside of the designated recording area.

(4) The provisions of this Section do not apply to the creation of an official tape recording of a Board of Aldermen meeting by a duly authorized Village official. Nor do these provisions apply to duly authorized closed (*i.e.*, "executive") sessions.

B. Recording of Individuals Outside of the Board Meeting

(1) Members of the news media and other interested persons may request personal interviews to be scheduled with Village officials by calling (254) 947-5060.

(2) As members of the governing body, the Mayor and members of the Board of Aldermen are the official spokespersons for the Village. The Board of Aldermen may, at its discretion, appoint other individuals to represent and communicate the interests of the Village to the media and public at-large.

SECTION 7. INDIVIDUALS WITH DISABILITIES

The Village of Salado seeks to ensure effective communication with members of the public who attend and participate in Board of Aldermen meetings. An individual who requires auxiliary aids and services or other accommodation should contact the Mayor with a request for such services. The Village encourages such individuals to submit requests at least forty-eight (48) hours in advance of a meeting so that the Village may effectively address the individuals' requests.

SECTION 8. ENFORCEMENT

A. Civil and Criminal Penalties

The Village shall have the power to administer and enforce the provisions of this Ordinance as may be required by governing law. Any person violating any provision of this Ordinance is subject to suit for injunctive relief as well as prosecution for criminal violations.

B. Criminal Prosecution

Any person violating any provision of this Ordinance shall, upon conviction, be fined a sum not exceeding five hundred dollars (\$500.00). Each instance that a provision of this Ordinance is violated shall constitute a separate offense. An offense under this Ordinance is a misdemeanor.

C. Civil Remedies

Nothing in this Ordinance shall be construed as a waiver of the Village's right to bring a civil action to enforce the provisions of this Ordinance and to seek remedies as allowed by law, including, but not limited to, the following:

(1) Injunctive relief to prevent specific conduct that violates the Ordinance or to require specific conduct that is necessary for compliance with the Ordinance; and

(2) A civil penalty up to one hundred dollars (\$100.00) when it is shown that the defendant was actually notified of the provisions of the Ordinance and after receiving notice committed acts in violation of the Ordinance or failed to take action necessary for compliance with the Ordinance; and

(3) Other available relief.

D. Authority of Presiding Officer

The Presiding Officer is hereby granted the authority to order any person removed from the meeting, or to take any appropriate legal action against any person who violates any provision of this Ordinance.

SECTION 9. RELATION TO OTHER ORDINANCES

This Ordinance shall not be construed to require or allow any act that is prohibited by any other ordinance. This Ordinance is specifically subordinate to any ordinance or regulations of the Village pertaining to building and construction safety or to pedestrian and traffic safety. Nothing in this Ordinance shall be construed to impose a duty not required by the Open Meetings Act or to relieve the Village of complying with the Open Meetings Act.

SECTION 10. SEVERABILITY

It is hereby declared to be the intention of the Board of Aldermen that the phrases, clauses, sentences, paragraphs and sections of this Ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall 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 this Ordinance, and the remainder of this Ordinance shall be enforced as written.