

ORDINANCE NO. 2022-23

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS AMENDING SECTION 2.044 OF SAN MARCOS CITY CODE RELATING TO PREPARATION OF THE CITY COUNCIL AGENDA; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF ANY CONFLICTING PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:

SECTION 1. Section 2.044, of the San Marcos City Code, is amended as set forth below. Added text is indicated by underlining. Deleted text is indicated by strikethroughs.

Sec. 2.044. Preparation of agenda.

(a) The city manager is responsible for processing agenda materials for city council meetings. The city manager will submit agenda materials as appropriate for review by the city attorney and the director of finance. The city secretary is responsible for preparing and posting the agenda and assembling and distributing the agenda packets.

(b) The tentative agenda for each regular city council meeting will be reviewed and approved by the mayor before finalization. The mayor may not remove an item placed on an agenda by prior direction of the council under subsection (c) below, or placed on an agenda as a discussion item by two council members under subsection ~~(e)~~(d) below.

(c) The mayor and council members will provide direction to the staff on ordinance revisions and similar matters of city council policy only after discussion by the council members at city council meetings or workshopwork sessions.

(d) The mayor or two council members may direct the staff to place a discussion item on an agenda for a regular city council meeting ~~or workshop~~. If two council members wish to direct placement of a discussion item on a regular meeting agenda, they must separately contact the staff, and the contacts must occur at least 14 days before the ~~mayor sets the agenda for~~date of the meeting. If the mayor or two council members directing placement of a discussion item want to provide background information or materials for council's consideration, they must submit it to the city clerk at least 10 days before the date of the meeting. Requests for more than one hour of staff time in preparation for a requested discussion item will result in postponement of the discussion item to a future regular meeting agenda.

(e) During council's discussion of an item at a regular meeting, council may direct the item to be placed on a future work session agenda.

(f) Three council members may direct the staff to place an item on a regular agenda for discussion in executive session by separately contacting the staff at least 14 days prior to the date of the meeting. The item shall be placed on the agenda for discussion in executive session if the city attorney determines that the subject matter qualifies for discussion in a closed meeting under one or more exceptions in the Texas Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION 2. In codifying the changes authorized by this ordinance, paragraphs, sections and subsections may be renumbered and reformatted as appropriate consistent with the numbering and formatting of the San Marcos City Code.

SECTION 3. If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

SECTION 4. All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.

SECTION 5. This ordinance will take effect after its passage, approval and adoption on second reading and publication of the caption of this ordinance in accordance with the City Charter.

PASSED AND APPROVED on first reading on March 1, 2022.

PASSED, APPROVED AND ADOPTED on second reading on March 23, 2022.

Jane Hughson
Mayor

Attest:

Approved:

Tammy K. Cook
City Clerk

Michael J. Cosentino
City Attorney