

# A Resolution

NO. \_\_\_\_\_

**AMENDING SECTION 3.5, ATTENDANCE AT MEETINGS BY VIDEOCONFERENCE CALL, OF THE CITY COUNCIL RULES OF PROCEDURE TO PROVIDE FOR ATTENDANCE AT CITY COUNCIL COMMITTEE MEETINGS BY VIDEOCONFERENCE CALL AND TO EXPAND THE TYPE OF MEETINGS THAT MAY MEET BY VIDEOCONFERENCE CALL TO INCLUDE ALL MEETINGS BY THE GOVERNMENTAL BODY AS NEWLY DEFINED; AND AMENDING SECTION 5.4.2, SPEAKING AT COUNCIL MEETINGS, TO REVISE SUBSECTION A TO STATE THAT PUBLIC COMMENTS WILL NOT BE HEARD FOR POSTED AGENDA ITEMS THAT HAVE BEEN WITHDRAWN FROM THE AGENDA FOR CONSIDERATION**

**WHEREAS**, Chapter III, Section 5 of the City Charter provides that the City Council shall determine rules of procedure for its meetings; and

**WHEREAS**, the City Council adopted its current rules of procedure on January 8, 1960, and has amended the rules from time to time; and

**WHEREAS**, on May 19, 2015, the City Council adopted Resolution No. 4457-05-2015 to amend the rules of procedure and provide for attendance at City Council meetings by videoconference, which rule is currently set forth in section 3.5; and

**WHEREAS**, the City Council desires to further amend the rules as set forth herein to revise the videoconference rule to expand the type of meetings that may meet by videoconference call to include City Council committee meetings and all other meetings by the Governmental Body, as newly defined, which revisions are specifically set forth in Exhibit A; and

**WHEREAS**, Section 5.4.2.a of the rules of procedure states that speakers may address the City Council “on any posted agenda item when the item is called for consideration”; and

**WHEREAS**, items that are withdrawn from a previously posted agenda are not called for consideration and therefore not subject to public comment; and

**WHEREAS**, the City Council desires to clarify that public comments will not be heard on agenda items that have been withdrawn from the agenda for consideration; and

**WHEREAS**, the proposed amendments to the rules in the attached Exhibit A were introduced at the City Council’s meeting of August 24, 2021.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS, THAT:**

1. That the Rules of Procedure, City Council of the City of Fort Worth, (adopted 1/8/1960), as amended) are hereby amended as set forth in Exhibit "A".
2. That the Resolution shall take effect on September 1, 2021.
3. That the City Attorney and City Secretary are directed to prepare a new printing of the Rules of Procedure as amended, and distribute same to members of the City Council and to the City Manager.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

ATTEST:

By: \_\_\_\_\_

Ronald P. Gonzales, Acting City Secretary

## EXHIBIT A

### 3.5 Attendance at Meetings by Video Conference Call:

#### a. Definitions.

- i. ~~Designated-Remote Meeting Location~~ means the ~~meeting~~ location ~~where a meeting takes place and~~ a Council Member or members of the public are present ~~at the location~~ other than the Physical Meeting Location and participate remotely in the meeting of the ~~Council~~ Governmental Body by means of a videoconference call that meets the requirements of Texas Government Code §551.127.
- ii. Governmental Body means the Fort Worth City Council or a Council Committee, Council-created Citizen Board, Commission, Committee, Task Force, or any other advisory group or board.
- iii. Member means, for the purposes of Section 3.5, an elected official or a person serving on a Council-created Board, Commission, Committee, Task Force, or other advisory group.
- iv. Physical Meeting Location means the meeting location where a meeting takes place in a physical space, the member of the Governmental Body presiding over the meeting is present at the physical space and the meeting meets the requirements of Texas Government Code § 551.127.

#### b. Notice Requirements.

- i. The notice of a meeting to be held by videoconference call must specify the Physical Meeting Location and specify the intent to have the member of the Governmental Body presiding over the meeting at the Physical Meeting Location; and
- ii. If members of the public will ~~be present~~ participate from a ~~at a Designated-Remote Meeting Location via videoconference call,~~ the notice must specify the videoconference call information ~~remote meeting location~~ and be posted in compliance with the Texas Open Meetings Act and other applicable laws.

#### c. Meetings by Videoconference Call.

- i. Videoconference Call by Individual Council Member(s). A ~~Council~~ Member may individually participate remotely in a meeting of the ~~City Council~~ Governmental Body by means of a videoconference call if:

- 1) the video and audio feed of the ~~Council~~ Member's participation is broadcast live at the Physical Meeting Location and complies with the provisions of this section and state law;
- 2) the ~~Council~~ Member, while speaking, is clearly visible and audible to each ~~Council~~ Member participating in the meeting at the Physical Meeting Location; and
- 3) the ~~Council~~ Member, while speaking, is clearly visible and audible to the members of the public in attendance at the Physical Meeting Location during the open portion of the meeting; ~~and~~
- 4) ~~no members of the public are present at the Designated Remote Meeting Location.~~

ii. ~~Designated Remote Meeting Location.~~ If a ~~Council~~ Member or members of the public are present at ~~the~~ a Designated Remote Meeting Location, the ~~Council~~ Member or members of the public may participate remotely in a meeting of the ~~City Council~~ Governmental Body by means of a videoconference call if:

- 1) the video and audio feed of the ~~Council~~ Member or the members of the public participation is broadcast live at the Physical Meeting Location and complies with the provisions of this section and state law;
- 2) the ~~Council~~ Member or members of the public, while speaking, are clearly visible and audible to each ~~Council~~ Member participating in the meeting at the Physical Meeting Location;
- 3) the ~~Council~~ Member or the members of the public, while speaking, are clearly visible and audible to the members of the public in attendance at the Physical Meeting Location during the open portion of the meeting;
- 4) the members of the public at the remote meeting location are provided the opportunity to participate in the meeting in the same manner as a member of the public who is physically present at a meeting of the Governmental Body that is not conducted by videoconference call; and
- 5) the ~~Designated Remote Meeting Location~~ videoconference call information was posted in compliance with the Texas Open Meetings Act and other applicable laws.

d. Quorum:

i. Videoconference Call by Individual ~~Council~~ Member.

- 1) If a quorum of the ~~City Council~~ Governmental Body is present at the Physical Meeting Location, and one (1) or more of the ~~Council~~ Member(s) attending the meeting via videoconference call is no longer visible and audible to those in attendance at the Physical Meeting Location, the meeting may continue in accordance with the Texas Open Meetings Act.

- 2) If a quorum of the ~~City Council~~ Governmental Body is not present at the Physical Meeting Location, and one (1) or more of the ~~Council~~ Member(s) attending the meeting via videoconference call is no longer visible and audible to those in attendance at the Physical Meeting Location, and that causes the loss of the quorum, the meeting at the Physical Meeting Location shall be recessed until the problem can be resolved. If the problem cannot be resolved in one (1) hour, the meeting shall be recessed to the following business day or reposted for a meeting at a later date in compliance with the Texas Open Meetings Act. If the quorum is not lost, the meeting may continue.

ii. Designated Remote Meeting Location.

- 1) If technical issues prevent all members of the public attending the meeting via videoconference call at a ~~Designated~~ Remote Meeting Location ~~are no longer from being~~ visible and audible to those in attendance at the Physical Meeting Location, the meeting at the Physical Meeting Location shall be recessed until the problem is resolved. If the problem cannot be resolved in one (1) hour, the meeting shall be recessed to the following business day or reposted for a meeting at a later date in compliance with the Texas Open Meetings Act.
- 2) If the ~~Council~~ Member attending the meeting via video conference call at a ~~Designated~~ Remote Meeting Location is no longer visible and audible to those in attendance at the Physical Meeting Location, and that causes the loss of the quorum, the meeting at the Physical Meeting Location shall be recessed until the problem can be resolved. If the problem cannot be resolved in one (1) hour, the meeting shall be recessed to the following business day or reposted for a meeting at a later date in compliance with the Texas Open Meetings Act. If the quorum is not lost, the meeting may continue.

e. Executive/Closed Sessions:

- i. The ~~City Council~~ Governmental Body may conduct a closed meeting by videoconference call provided that the closed meeting complies with the provisions of this section and the Texas Open Meetings Act. A ~~Council~~ Member participating in a closed meeting must be in a closed room and must be alone to protect the confidentiality of the closed meeting and to preserve attorney client privilege.

f. General Provisions:

- i. ~~Council~~ Members shall notify the City Secretary of their intent to utilize videoconferencing, which includes members of the public participating at a ~~Designated~~ Remote Meeting Location, by 5:00 PM on the Tuesday one week prior to the regularly

scheduled ~~Council M~~-meeting. All other requests to utilize videoconferencing should be submitted by the same deadline or as soon as practicable.

- ii. A ~~Council~~ Member participating in a videoconference call meeting shall be counted as present at the meeting for all purposes while visible and audible; if a Member temporarily loses audio or video, that Member shall be considered absent until both audio and video are restored.
- iii. Request to participate in a meeting via videoconference call will be taken on a first-come/first-serve basis. There must be a sufficient number of video feeds to meet the requirements of the Texas Open Meetings Act.
- iv. Remote meetings by videoconference call with members of the public present will not be available for the budget-related hearings or meetings unless sufficient notice is given to meet the notice requirements as set forth in the City Charter, the Texas Local Government Code, and the Texas Property Tax Code.
- v. This Section ~~3.51.1~~ shall ~~only~~ apply to meetings of the City Council and any other Governmental Body. ~~shall not apply to meetings of the Council Committees, Citizen Boards, Commissions, Committees, Task Forces, or any other citizen advisory groups or boards.~~

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#### **5.4.2. Speaking at City Council Meetings:**

##### **a. Posted Agenda Items for Consideration**

Speakers may address the City Council at a City Council Meeting on any posted agenda item when the item is called for consideration **or** may speak on any matter related to City business or affairs that is in the scope of the authority and legislative functions of the City Council during the Public Presentations portion of the City Council Meeting.

Items that are withdrawn from consideration from the posted agenda will not be called and therefore will not be subject to public comments. No speaker will be permitted to speak on any agenda item that has been withdrawn for consideration. An individual who signed up to speak on a withdrawn agenda item may address the City Council under Public Presentations only if the individual timely registers to speak at the Public Presentation portion of the Council agenda.

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