

ORDINANCE NO. 2009-O-6F

AN ORDINANCE OF THE CITY OF ANGLETON, TEXAS AMENDING CHAPTER 2 OF THE CITY OF ANGLETON CODE OF ORDINANCES “ADMINISTRATION” TO PROVIDE FOR THE KEEPING OF RECORDS OF OPEN MEETINGS AND EXECUTIVE SESSIONS OF THE CITY COUNCIL IN ACCORDANCE WITH THE TEXAS OPEN MEETINGS ACT AND OTHER APPLICABLE LAWS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN OPEN MEETINGS CLAUSE; PROVIDING AN EFFECTIVE DATE CLAUSE AND PROVIDING FOR OTHER PURPOSES.

WHEREAS, the City Council wishes to provide for the preservation of records of its open and closed meetings in accordance with the requirements of the Texas Open Meetings Act, Chapter 551 of the Texas Govt’. Code, and all other applicable laws; and

WHEREAS, the City Council finds in the public interest to enact this Ordinance:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ANGLETON, TEXAS:

SECTION 1. FINDINGS: The forgoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part of this Ordinance for all purposes as findings of fact.

SECTION 2. AMENDMENT: That Section 2 – 37. “Audio tape recording of council meetings.” of Division 2. “Meetings” of Article II. “City Council” of Chapter 2 “Administration” of the Code of Ordinances of the City of Angleton, Texas is hereby amended to read as follows:

Section 2 – 37. Records of council meetings.

“(a) Records of all open meetings shall be kept by audio tape recording and by minutes in accordance with the requirements of the Texas Open Meetings Act, Chapter 551, Texas Gov’t Code, hereinafter referred to as the Act. Records of all closed executive sessions shall be kept either by a certified agenda or an audio tape recording for all closed sessions for which such records are required to be kept by the Act and in accordance with all the requirements of the Act.

(b) Prior to going into an executive session, the presiding officer shall announce that an executive session will be held, identify the section or sections of the Act under which the executive session will be held and, at the beginning and end of each executive session, announce the date and time.

(c) All records of open meetings shall be kept for the minimum record retention periods and as otherwise required by Chapters 201 through 205 of the Texas Local Gov’t Code, Article VIII of this Chapter and as may be required by other applicable laws.

(d) All records of closed executive sessions shall be kept for at least two years or, in the case of pending litigation or similar matters, for longer periods as required by the Act and other applicable law. Such records are confidential, shall be segregated from other records of the city, kept in a secure location and shall not be disclosed except in accordance with the Act.”

SECTION 3. SEVERABILITY. If any provision of this Ordinance is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected, the remaining provisions shall remain in full force and effect and the provisions of this Ordinance are declared to be severable.

SECTION 4. SAVINGS AND REPEALER. All provisions of the Code of Ordinances of the City of Angleton, Texas that are in conflict with the provisions of this Ordinance are repealed to the extent of that conflict only. All remaining provisions of the Code of Ordinances that are not in conflict with the Ordinance shall remain in full force and effect.

SECTION 5. OPEN MEETINGS. The City Council has found and determined that the meeting at which this Ordinance was considered was open to the public as required and that public notice of the time, place and purpose of this meeting was given as required by the Texas Open Meetings Act, Chapt. 551, Tex. Gov’t Code, as amended, and that a quorum was present.

SECTION 6. EFFECTIVE DATE. This Ordinance shall be effective not less than ten days from the date of its passage in accordance with the City Charter.

PASSED AND APPROVED on the _____ day of _____, 2009.

CITY OF ANGLETON, TEXAS:

By: _____
J. Patrick Henry, Mayor

ATTEST:

By: _____
Shelly Deisher, City Secretary

APPROVED AS TO FORM:

By: _____
Herbert L. Prouty, Interim City Attorney