

**ORDINANCE NO. 2021-10-12-001**

**AN ORDINANCE OF THE CITY OF KEMPNER, TEXAS, ESTABLISHING THE DATES AND TIMES IN WHICH THE CITY OF KEMPNER SHALL HOLD ITS REGULAR COUNCIL MEETINGS; SPECIAL CALLED COUNCIL MEETING PROVISIONS; PROVIDING FOR A PENALTY; PROVIDING OPEN MEETINGS AND SEVERABILITY CLAUSES; ESTABLISHING AN EFFECTIVE DATE AND OTHER RELATED MATTERS.**

**WHEREAS**, the City of Kempner (the "City") is a Type A General Law Municipality, as defined by Texas Local Government Code Section 5.001;

**WHEREAS**, state law permits the governing body of the City to establish when the regularly stated meetings shall take place;

**WHEREAS**, the governing body of the City has not adopted such regular meeting schedule;

**WHEREAS**, circumstances exist which may require special called meetings to be held in order to accomplish business of the City and the will of the people it serves;

**WHEREAS**, the City's former Mayor, serving the term of May 2019 to May of 2021, prohibited members of the Council from calling a special called meeting to address issues affecting the City in which the Mayor did not want known to the public;

**WHEREAS**, the former Mayor believed he was the only person who could call a meeting of the City Council, despite state law; and

**WHEREAS**, the City Council had not adopted an ordinance that would stop the totalitarian control exhibited by the Mayor serving from 2019 to 2021.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KEMPNER, TEXAS, THAT:**

**Section 1. Regular Called Meetings Dates and Times.** The elected officials shall gather at 7:00 pm in City Hall on the second and fourth Tuesdays of each month except during the months of November and December. During November and December, the elected officials shall gather at 7:00 pm in City Hall on the second Tuesday of each month.

**Section 2. Special Called Meetings.** The City will abide by established state law regarding special called meetings. Upon the request of at least three (3) aldermen, the Mayor shall call a special called meeting. To achieve this, the Mayor shall:

- a. Inquire from those aldermen requesting the meeting the reason for such request;
- b. Assist the requesting members by formulating an item for the agenda that will permit the issue to be lawfully addressed by the Council;
- c. Create, or cause to be created, an agenda that will permit the Council to take action on the item(s) requested to be placed on the agenda;
- d. Post, or cause to be posted, the agenda on the City Hall message board and website;
- e. Preside over such meeting. If the Mayor is unable to be present at the special called meeting, the members present at the special called meeting may excuse such absence without the Mayor being in violation of this Ordinance, if the Council receives written notice as to why the Mayor is unable to attend the special called meeting; and

- f. For the purposes of this section, a Mayor who causes each of the above to be performed shall be deemed in compliance with this section.

**Section 3. Rules of the Meeting.** The Mayor shall follow the rules adopted by the Council members during the regular or special called meetings. If the Mayor refuses to follow such rules, the Mayor shall be in violation of this Ordinance provided that the failure to follow the rules adopted by the Council was due to a willful and knowing violation of such rules. The posting of this Ordinance and any such rules adopted by the Council on the City website, once approved, shall serve as notice to the Mayor of the existence of such rules. A Mayor, who by mistake, fails to follow the rules adopted by the Council and corrects their behavior during the meeting shall not be in violation of this Ordinance.

**Section 4. Penalty.** (a) Any Mayor of the City, who intentionally refuses to comply with the provisions of this Ordinance shall be punished by a fine not to exceed the sum of five hundred dollars (\$500.00).

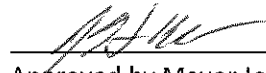
(b) Each day the Mayor intentionally refuses to comply with the provisions of this Ordinance shall constitute a new violation.

**Section 5. Severability.** Should any section or part of this Ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion of portions thereof; but as to such remaining portion or portion. The same shall be and remain in full force and effect and to this end, the provisions of this Ordinance are declared to be severable.

**Section 6. Effective Date.** This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of state law.

**Section 7. Open Meeting findings.** It is hereby officially found and determined that the meeting at with this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required the Open Meetings Act, Chapter 511 of the Texas Government Code.

PASSED AND APPROVED THIS THE 12<sup>th</sup> DAY OF October, 2021.

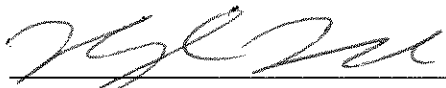
  
Approved by Mayor John (JW) Wilkerson

10/12/21  
Date

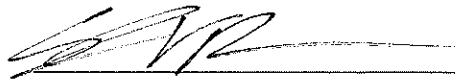
For

Against

N/A

  
Attested by City Secretary Hayleigh Talasek

10/12/21  
Date

  
Place 1 Vance Rodgers

10/12/2021  
Date

For

Against

Abstain

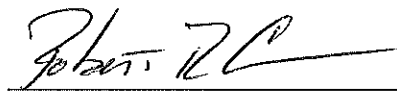
\_\_\_\_\_  
Place 2 (vacant)

\_\_\_\_\_  
Date

For

Against

Abstain

  
Place 3 Rob Green

10-12-21  
Date

For

Against

Abstain

  
Place 4/Mayor Pro-Term Dan Long

10/12/21  
Date

For

Against

Abstain

  
Place 5 Melba Vandever

10-12-21  
Date

For

Against

Abstain