INFORMAL STAFF REPORT
TO MAYOR AND CITY COUNCIL

SUBJECT:
Creation of a Citizens' Committee of Art and Culture

SUMMARY:
On July 13, 2026, Mayor Watts submitted a two-minute pitch to consider establishing a Citizens' Committee of Art and Culture. On July 21, 2026, the City Council gave direction to proceed with the two-minute pitch proposal as outlined in Ordinance 24-1725.

BACKGROUND:

Current Art-Related Committees and Structures

City of Denton Public Art Committee
The City of Denton Public Art Committee was created to advise the City on matters related to public art, including the commissioning, placement, and maintenance of artworks, as well as oversight of cultural districts. The committee consists of nine members, seven appointed by each respective Council Member, and two nominated by the Greater Denton Arts Council (GDAC), and meets bi-monthly.

Public Art Funds and GDAC's Role
The City's Public Art Policy dedicates a percentage of Hotel Occupancy Tax (HOT) funds to public art. Historically, Parks and Recreation used this funding for City-managed public art projects. In recent years, HOT funds shifted to the GDAC through the Community Partnership Committee's HOT allocation process.

At that time, staff communicated that Parks would be receiving funding from the 2023 Bond Program for public art for all vertical construction projects, including Fire Stations 5 and 6, the Animal Care and Adoption Center, the Library, and the Senior Center. With those funding sources available, staff was comfortable supporting a transition in HOT fund distribution toward GDAC to expand public art opportunities in the community.

Relevant Findings from 2026-016 Boards and Commissions Informal Staff Report
Over time, the Public Art Committee's scope has become less defined. Members have occasionally proposed artistic concepts that exceed the City's operational resources or fall outside the committee's intended purpose. The report noted that Council may wish to re-evaluate the committee structure and consider whether GDAC, which operates under contract with the City and as noted above, receives

HOT funds through the City's allocation process for community art, could support certain responsibilities more effectively.

GDAC has established infrastructure, professional expertise, and strong connections within the arts community. These attributes position GDAC to support community-driven art initiatives more sustainably than City staff alone, while still allowing Council to provide input on projects through bond programs and HOT fund allocations.

DISCUSSION

The proposal to establish a Citizen's Committee of Art and Culture presents several considerations for Council:

1. **Purpose and Charge**
   A Citizen's Committee of Arts and Culture could be created by ordinance to conduct an evaluation of the current state of arts and culture in Denton. The evaluation could explore existing programs, structure, gaps, community needs, and opportunities. The committee could be given a time-bound charge to recommend strategies, priorities, or potential restructuring of the City's arts ecosystem to City Council. For example, the committee's charge could be limited to a one- to two-year term, following which the committee would be dissolved.

2. **Committee Structure and Scope**
   To ensure alignment with its evaluative mission, the committee's scope could include:
   - Gathering input from community stakeholders, local artists, and arts organizations;
   - Assessing the effectiveness of current City-managed art programs;
   - Identifying opportunities to strengthen coordination, accessibility, and community engagement in arts and cultural programming;
   - Preparing a summary report of findings and recommendations for Council consideration.

   The committee would not have decision-making authority over funding or policy but would provide advisory input intended to guide Council's long-term arts and cultural goals.

3. **Potential Exemption from Texas Open Meetings Act (TOMA)**
   A Citizens' Committee of Art and Culture could be structured as an advisory-only body with no supervision or control over public policy. While Council has the authority to exempt certain advisory bodies from TOMA through ordinance, it is important to note that historically, City of Denton boards, commissions, and committees are subject to the Texas Open Meetings Act pursuant to Council Rules of Procedure Section 2-29(h)(1) and (2) with few exceptions.

If Council elected to pursue a TOMA exemption, the City could continue transparency practices such as posting agendas in advance or providing mechanisms for public comment (e.g., through written submissions or periodic summary reports).

4. Administrative Structure

In considering how a Citizens' Committee of Art and Culture might operate, several administrative approaches are available beyond a traditional City-staff-supported model.

- GDAC Administered Committee: In this structure, the City would establish the committee and define its scope, but GDAC would facilitate meetings, coordinate stakeholder engagement, support the committee's evaluative work, and prepare recommendations for Council.

- City of Denton and GDAC Coordinated: Under this arrangement, City staff would continue to manage statutory obligations such as agenda posting, records coordination, or periodic updates to Council, while GDAC would support meeting facilitation, research activities, and community outreach. This arrangement maintains City oversight while distributing operational workload to an organization already deeply connected to the arts community.

- Consultant Facilitated Committee: The City could retain a third-party arts consultant to guide the committee′s process, conduct the necessary research, manage stakeholder interviews, and support the committee in developing final recommendations. Because the use of an outside consultant requires dedicated funding, this approach would need to be considered through the City's standard budget process. Funding would need to be identified either through departmental operating budgets, a supplemental budget request, or another Council-approved allocation before consultant services could be obtained. City staff involvement would be limited primarily to contractual oversight and ensuring alignment with Council expectations.

- Minimal City Staff Supported Committee: The committee could also be structured such that City staff provide support only where needed to meet basic procedural requirements. Staff could handle agenda posting and meeting coordination while allowing the committee members or a designated volunteer chair to manage facilitation, minute-taking, and outreach. This model reduces the City's administrative workload while still providing structural accountability.

- Time-Limited Task Force: Finally, Council may wish to consider establishing the group as a time-limited task force rather than a standing committee. Under this model, the administrative structure would be tailored to the duration and intensity of the work. The task force would sunset upon delivery of its final report, making this option

suitable if the primary objective is a comprehensive, one-time evaluation of Denton's arts and cultural landscape.

5. **Relationship to Existing Committees**
   If established, Council may also wish to revisit the structure and mission of the Public Art Committee to ensure clarity between the two bodies. The Citizens' Committee of Art and Culture could focus on broad cultural evaluation and big-picture strategy, while the Public Art Committee continues in its project-focused advisory role. Alternatively, findings from the new committee could inform future restructuring of arts-related advisory functions.

CONCLUSION:

Upon receipt of the Informal Staff Report, Mayor Watts may indicate if the information provided satisfies his request. Should the request not be satisfied, the item will be considered by the Agenda Committee for placement on a future Work Session agenda or routing through an appropriate board, commission, or committee.

ATTACHMENTS:

Exhibit 1 – Council Rules of Procedures Section 2-29

STAFF CONTACT:

Kristi Fogle
Chief of Staff
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REQUESTOR: Mayor Watts

STAFF TIME TO COMPLETE REPORT: 4 hours

PARTICIPATING DEPARTMENTS: City Secretary's Office, Parks and Recreation

Sec. 2-29. City council rules of procedure.

(a) *Authority.*

(1) *Charter:* Pursuant to the provisions of Section 2.07 of the Charter of the City of Denton, Texas, the City Council hereby enacts these rules of procedure for all meetings of the City Council of the City of Denton, Texas.

During any meeting, a reasonable opportunity shall be given for citizens to be heard under these rules. These Rules of Procedure are enacted as guidelines to be followed by all persons in the Council Chamber including the city administrative staff, news media, and visitors.

(b) *General rules.*

(1) *Meetings to be public:* All official meetings of the Council and Council committees and subcommittees, except closed meetings permitted by the provisions of the Texas Open Meetings Act, V.T.C.A. Government Code Ch. 551, (Vernon 2014), as amended, shall be open to the public.

(2) *Quorum:* Four (4) members of the council shall constitute a quorum for the transaction of business. (Charter, Section 2.06)

(3) *Compelling attendance:* No member shall be excused from attendance at a council meeting except for good and valid reasons. It will be the duty of the council member to notify the city secretary prior to the meeting at which he or she is going to be absent. The city secretary will record each council member as being present or absent as a part of the minutes prepared for each council meeting.

(4) *Misconduct:* The council may punish its own members for misconduct consistent with any ethics policy adopted by the council.

(5) *Minutes of meetings:* An account of all proceedings of the council shall be kept by the city secretary and shall be entered in a book constituting the official record of the council. A certified agenda shall be prepared and shall be approved by the mayor for all closed meetings for which a certified agenda is required to be kept in accordance with the Texas Open Meetings Act.

(6) *Questions to contain one subject:* All questions submitted for a vote shall contain one subject, except the city council may approve all items which are on the consent agenda in one motion, regardless of how many subjects are contained in the consent agenda, so long as all items have been properly posted in accordance with the Texas Open Meetings Act and have not been removed from the consent agenda by a council member. If two or more points are involved, any member may require a division, if the question reasonably admits of a division.

(7) *Right to floor:* Any member desiring to speak shall be recognized by the chairperson, and shall confine his or her remarks to the subject under consideration or to be considered. No member shall be allowed to speak more than once on any one subject until every member wishing to speak shall have spoken.

(8) *City manager:* The city manager, or acting city manager, shall attend all meetings of the council unless excused. He or she may make recommendations to the council and shall have the right to take part in all discussions of the council, but shall have no vote. (Charter, Section 5.03(d))

(9) *City attorney:* The city attorney, or acting city attorney, shall be available upon request for all meetings of the council unless excused and shall, upon request, give an opinion, either written or oral, on questions of law. The city attorney shall act as the council's parliamentarian.

(10) *City secretary:* The city secretary, or acting city secretary, shall attend all meetings of the council unless excused, and shall keep the official minutes and perform such other duties as may be requested by the council.

(11) *Officers and employees:* Any officer or employee of the city, when requested by the city manager, shall attend any meeting of the council. If requested to do so by the city manager, such employee may present information relating to matters before the council.

(12) *Rules of order:* These rules govern the proceedings of the council in all cases, except that where these rules are silent, the most recent Edition of Robert's Rules of Order shall govern.

(13) *Suspension of rules:* Any provision of these rules not governed by the City Charter or other City Code provisions may be temporarily suspended by the affirmative vote of four (4) members of the council. The vote on any such suspension shall be taken by yeas or nays and entered into the minutes of the council.

(14) *Amendment of rules:* These rules may be amended, or new rules adopted by the affirmative vote of four members of the council, provided that the proposed amendments or new rules shall have been introduced before the city council at a prior council meeting.

(15) Attendance under this subsection may be in-person or via videoconference or teleconference.

(c) *Code of conduct.*

(1) *Council members:*

a. During council meetings, council members shall preserve order and decorum and shall neither by conversation or otherwise delay or interrupt the proceedings nor refuse to observe the rules of the council.

b. A council member, once recognized, shall not be interrupted while speaking unless called to order by the mayor or presiding officer, unless a point of order is raised by another member or the parliamentarian, or unless the speaker chooses to yield to questions from another member. If a council member is called to order while he or she is speaking, he or she shall cease speaking immediately until the question of order is determined. If ruled to be in order, he or she shall be permitted to proceed. If ruled not to be in order, he or she shall remain silent or shall alter his or her remarks so as to comply with rules of the council.

(2) *Administrative staff:*

a. Members of the administrative staff and employees of the city shall observe the same rules of procedure and decorum applicable to members of the council, and shall have no voice unless and until recognized by the chair.

b. While the presiding officer shall have the authority to preserve decorum in meetings as far as staff members and city employees are concerned, the city manager also shall be responsible for the orderly conduct and decorum of all city employees under his or her direction and control.

c. The city manager shall take such disciplinary action as may be necessary to insure that such decorum is preserved at all times by city employees in council meetings.

d. All remarks and questions addressed to the council shall be addressed to the council as a whole and not to any individual member thereof.

e. No staff member, other than a staff member having the floor, shall enter into any discussion either directly or indirectly without permission of the presiding officer.

(3) *Citizens:*

a. Citizens and other visitors are welcome to attend all public meetings of the city council, and participate via any method the city makes available, including but not limited to personal appearance, telephonic participation, and email/internet submissions.

b. All meeting attendees shall conduct themselves with propriety and decorum. Conversations between or among audience members should be conducted outside the meeting room. Attendees will refrain from excessively loud private conversations while the council is in session.

c. Unauthorized remarks from the audience, stamping of the feet, applauding, whistles, yells, and similar demonstrations shall not be permitted.

d. Placards, banners, signs, pamphlets, flyers, or political materials of any type will not be permitted in the city council chamber or in any other room in which the city council is meeting. Exhibits, displays, and visual aids used in connection with presentations to the city council, however, are permitted.

e. Audience members may not place their feet on any chairs in the city council chamber or other room in which the city council is meeting.

f. Only city council members and city staff may step onto the dais.

g. All people wishing to address the city council shall first be recognized by the presiding officer and shall limit their remarks to the matter under discussion.

h. All remarks and questions addressed to the city council shall be addressed to the city council as a whole and not to any individual members.

i. Any person addressing the city council in the city council chamber shall do so from the lectern unless physically unable to do so. People addressing the city council shall not be permitted to approach the dais. If they wish to hand out papers or other materials to the city council, they should express that desire to the presiding officer, and the city manager shall direct a staff member to hand out the materials. Electronic materials should be submitted through a dedicated email account at least four hours prior to the start of the meeting.

j. When the time has expired for a presentation to the city council, the presiding officer shall direct the person speaking to cease. A second request from the presiding officer to cease speaking shall be cause of the removal of the speaker if that person continues to speak.

k. Equipment, apparatus, or paraphernalia such as camera tripods, easels, or wheelchairs shall not obstruct, block, or otherwise be located in the doorway, entranceway, or walkways of the city council chambers or of any other room in which the city council may choose to meet. Representatives of the electronic media may set up cameras and other equipment only in the back of the room. It is permissible for television camera operators to film for short periods of time (several minutes) from the entranceway to the city council chambers. Any radio station, which broadcasts the regular city council meetings live, may hook their equipment up at the front of the room as long as it remains out of sight and out of the way.

l. There will be a uniformed City of Denton police officer present at all regular meetings of the city council. This police officer shall act in the capacity of a security officer/sergeant-at-arms, and shall enforce the meeting rules and act upon the direction of the presiding officer.

m. Any person making personal, impertinent, profane, or slanderous remarks, or who becomes boisterous while addressing the city council or who otherwise violates any of the above-mentioned rules while attending a city council meeting shall be removed from the meeting at the direction of the presiding officer, and the person shall be barred from further audience and participation before the city council during that session of the city council. If the presiding officer fails to act, any member of the city council may move to require the offending person's removal, and the affirmative vote of a majority of the city council shall require the presiding officer to act. The sergeant-at-arms, if so directed by the presiding officer or an affirmative vote of the majority of the city council, shall remove the offending person from the meeting.

(4) *Enforcement:* The city manager, in the absence of a designated law enforcement officer, shall act as sergeant at arms for the council, and shall furnish whatever assistance is needed to enforce the rules of decorum herein established.

(5) *Seating arrangement:* The city secretary, city manager and city attorney shall occupy the respective seats in the council chamber assigned to them by the mayor, but any two (2) or more members of the council may exchange seats.

(6) *Videoconferencing:* City council members may elect to participate in a city council meeting by videoconference in the event the member is traveling or unable to attend a meeting due to illness or declaration of disaster or emergency.

a. Procedures for meeting by videoconference if a quorum will be in one physical location:

The council meeting notice shall specify where the quorum of the governmental body will be physically present, and the intent to have a quorum present at that location. The video and audio feed of a remote councilmember or employee shall be broadcast live at the meeting. Each portion of the meeting held by videoconference call that is required to be open to the public shall be visible and audible to the public at the location where the quorum is present. The location at which the quorum is present, and each remote location from which a member of the governmental body participates, shall have two-way audio and video communication with each other location during the entire meeting. Each participant's face in the videoconference call, while speaking, shall be clearly visible and audible to each other participant and, during the open portion of the meeting, to the members of the public in attendance at the location where a quorum is present, and at any other location of the meeting that is open to the public. The audio and video signals perceptible by members of the public at each location of the meeting shall meet or exceed minimum standards established by Texas Department of Information Resources (DIR) rules. The audio and video signals perceptible by members of the public at the location where the quorum is present and, any other location open to the public, shall be of sufficient quality so that members of the public at each location can observe the demeanor and hear the voice of each participant in the open portion of the meeting. If a problem occurs that causes a meeting to no longer be visible and audible to the public at the location where a quorum is present, the meeting shall be recessed until the problem is resolved, and if the problem is not resolved in six hours or less, the meeting shall be adjourned. The city shall make at least an audio recording of the meeting, and the recording shall be made available to the public.

b. Procedures for meeting by videoconference if a quorum will not be in one physical location:

The city shall make available to the public at least one suitable physical space in the city that is equipped with videoconference equipment that provides an audio and video display, as well as a camera and microphone, by which a member of the public can provide testimony or otherwise participate in the meeting. The member of the governmental body presiding over the meeting shall be present at this site, and the location must be open to the public. The meeting notice shall specify the physical space provided, and shall also specify the intent to have the presiding officer present at the location. Any member of the public present at this location shall be provided the opportunity to participate in the meeting by means of a videoconference call in the same manner as a person who is physically present at a meeting of the governmental body that is not conducted by videoconference.

Each portion of the meeting held by videoconference call that is required to be open to the public shall be visible and audible to the public. The video and audio feed of a remote councilmember or employee shall be broadcast live at the meeting. The site provided in the city and each remote location from which a member participates, shall have two-way audio and video communication with each member who is participating by videoconference during the

entire meeting. Each participant's face in the videoconference, while speaking, must be clearly visible and audible to each other participant and, during the open portion of the meeting, to the members of the public in attendance at the meeting location in the city, and at any other location of the meeting that may be open to the public. The audio and video signals perceptible by members of the public at each location of the meeting shall meet or exceed minimum standards established by DIR rules. The audio and video signals perceptible by members of the public at each location of the meeting that is open to the public, and each remote location, must be of sufficient quality so that members of the public at each location can observe the demeanor and hear the voice of each participant in the open portion of the meeting. If a problem occurs that causes the meeting to no longer be visible and audible to the public at the meeting site in the city, the meeting must be recessed until the problem is resolved, and if the problem is not resolved in six hours or less, the meeting shall be adjourned. The city shall make at least an audio recording of the meeting, and the recording shall be made available to the public.

c. Council members wishing to participate in a meeting by videoconference shall provide notice to the city manager and the agenda committee not less than four (4) days prior to the meeting.

(d) *Types of meetings.*

(1) *Regular meetings:* The council shall meet on the first and third Tuesday of each month, at such time as may be set by the city council, unless the meeting is postponed or cancelled for valid reasons. All regular meetings of the council will be held in City Hall at 215 East McKinney Street, Denton, Texas or at such other location as the city council may, from time to time by proper posting under the Open Meetings Act and so long as the meeting is available to the public, designate. In the event a regular meeting falls on a day the city observes a paid holiday, or the day after, no regular meeting shall be scheduled. Furthermore, no regular meetings shall be held the first two weeks in July, nor the last two weeks of November and December. The limitations in this provision do not apply to other types of meetings which may be called under section 2-29(d).

(2) *Special meetings:* Special meetings may be called by the mayor, the city manager, or by any three (3) members of the council. The city secretary shall post notice thereof as provided by the Texas Open Meetings Act. The mayor, city manager, or three (3) of the council members may designate a location for the special meeting other than City Hall, as long as the location is open to the public.

(3) *Workshop meetings:* Workshop meetings (also referred to as "work sessions") may be held on the first and third Tuesday of each month at such time as may be set by the city council, or on such other day as the city council may designate and at such time as may be set by the city council, to discuss near to mid or long range issues and to answer city council questions concerning all agenda items. Workshops or work sessions may be called using the same procedure required for special meetings as provided for in subsection (2) above. The purpose of the workshop meeting is to discuss or explore matters of interest to the city, to meet with city boards, commissions, or committee members, city staff or officers of civic organizations, governing bodies or individuals specifically invited to the session by the mayor, council or city manager. These meetings are informational and normally no final action shall be taken unless the posted agenda indicates otherwise. However, the city council may, by consensus, provide general direction to staff with regard to matters of interest or concern, understanding such matters ultimately may require a formal vote of the council for implementation.

(4) *Luncheon meetings:* Luncheon workshop or work session meetings may be held on the first Monday of each month at such time as may be set by the city council, or on such other day as the city council may designate. Such meetings may be called using the same procedure required for special meetings as provided for in subsection (2) above. The purpose of the luncheon meeting is to discuss or explore matters of interest to the city, to meet with city boards, commissions, or committee members, city staff or officers of civic organizations, governing bodies or individuals specifically invited to the session by the mayor, council or city manager. These meetings are informational and normally no final action

shall be taken unless the posted agenda indicates otherwise. However, the city council may, by consensus, provide general direction to staff with regard to matters of interest or concern, understanding such matters ultimately may require a formal vote of the council for implementation.

(5) *Emergency meetings:* In case of emergency or urgent public necessity, which shall be expressed in the notice of the meeting, an emergency meeting may be called by the mayor, the city manager or by three members of the council, and it shall be sufficient if the notice is posted one hour before the meeting is convened. Council members shall notify staff as soon as possible if they will participate in an emergency meeting via videoconference.

(6) *Closed meetings:* The council may meet in a closed meeting pursuant to the requirements of the Texas Open Meetings Act.

(7) *Recessed meetings:* Any meeting of the council may be recessed to a later time, provided that no recess shall be for a longer period than until the next business day.

(8) *Notice of meetings:* The agenda for all meetings, including council committee or subcommittee meetings, shall be posted by the city secretary on the city's official bulletin board and notice of all meetings shall be given by the city secretary pursuant to the requirements of the Texas Open Meetings Act.

(e) *Presiding officer and duties.*

(1) *Presiding officer:* The mayor, or in the absence of the mayor, the mayor pro-tem, shall preside as chairman, or presiding officer at all meetings of the council. In the absence of the mayor and the mayor pro-tem, the council shall elect a temporary presiding officer. (Charter, Section 2.03)

(2) *Call to order:* The meetings of the council shall be called to order by the mayor, or in his or her absence, by the mayor pro-tem. In the absence of both the mayor and the mayor pro-tem, the meeting shall be called to order by the city secretary, and a temporary presiding officer shall be elected as provided above.

(3) *Preservation of order:* The presiding officer shall preserve order and decorum, and confine members in debate to the question under discussion. The presiding officer shall call upon the sergeant-at-arms as necessary to enforce compliance with the rules contained herein.

(4) *Points of order:* The presiding officer shall determine all points of order, subject to the right of any member to appeal to the council. If any appeal is taken, the question shall be, "Shall the decision of the presiding officer be sustained?" If a majority of the members present vote "No," the ruling of the chair is overruled; otherwise, it is sustained.

(5) *Questions to be stated:* The presiding officer shall state all questions submitted for a vote and announce the result. A roll call vote shall be taken upon the request of any member, and upon the passage of all ordinances and resolutions.

(6) *Substitution for presiding officer:* The presiding officer may call any other member to take his or her place in the chair, such substitution not to continue beyond adjournment.

(7) *Call for recess:* The presiding officer may call for a recess of up to fifteen (15) minutes at regular intervals of approximately one hour at appropriate points in the meeting agenda, or if requested by any two (2) members.

(f) *Order of business.*

(1) *Agenda:* The order of business of each meeting shall be as contained in the agenda prepared by the city manager, which shall be reviewed and approved by an agenda committee composed of the mayor, the mayor pro-tem, and the city manager. When items are removed from the consent agenda and placed on the regular agenda by members of the council, the removed items shall be taken up in the

order of removal right after the consent agenda. Placement of items on the agenda shall be governed by this ordinance; provided that if a council member has an "emergency" item that the council member believes should be placed on the next regular or special meeting agenda, the placement must be approved by two members of the agenda committee or at the direction of a majority of the council. Conduct of business at special meetings will likewise be governed by an agenda and these rules of procedure.

(2) *Pledge of Allegiance:* Each agenda shall provide an item for the recital of the "Pledge of Allegiance" at the regularly scheduled city council meetings. This item shall begin with the recital of the pledge of allegiance for the United States flag and shall follow with a recital of the pledge of allegiance for the Texas state flag in accordance with V.T.C.A. Government Code § 3100.101.

(3) *Presentations by members of council or city manager:* The agenda shall provide a time when the mayor or any council member may bring before the council any business that he or she feels should be deliberated upon by the council at a future council meeting. These matters need not be specifically listed on the agenda, but discussion and formal action on such matters shall be deferred until a subsequent council meeting. Any member may suggest an item for discussion at a future work session. The city manager or city staff shall only respond preliminarily on this item at the work session. If the city council believes the item requires a more detailed review, the council will give the city manager or city staff direction to place the item on a future regular meeting agenda and advise staff as to the background materials to be desired at such meeting. The city council may receive from the city manager or city staff or a member of the city council reports about items of community interest including expressions of thanks, congratulations, or condolence; information regarding holiday schedules; an honorary or salutary recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in the status of a person's public office or public employment is not an honorary or salutary recognition for purposes of this subdivision; a reminder about an upcoming event organized or sponsored by the governing body; information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; and announcements involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda so long as authorized by the Texas Open Meetings Act.

(4) *Presentations from members of the public:*

a. *Reports from members of the public:* Reports from members of the public shall be received through either of two (2) methods: 1) prior registration or 2) open microphone. A total of up to seven (7) speakers are permitted to provide public comment and may include any combination of prior registration and open microphone speakers. Public comment is provided during regular meetings of the city council, which typically occur on the first and third Tuesday of each month. Presentations made in accordance with this section may be made via teleconference or videoconference technology as specified by the city on its website or meeting notice.

1) *Prior registration.* Any person who wishes to place a subject on the council agenda at regular council meetings shall advise the city manager's office of that fact and the specified subject matter which he or she desires to place on the agenda no later than 12:00 p.m. Thursday prior to the council meeting at which he or she wishes the designated subject to be considered. Such reports shall be heard at the beginning of the regular meeting of the city council pursuant to an agenda posting allowing a period of public comment.

Each speaker providing a report shall speak for no longer than four (4) minutes. At the conclusion of each report, council may pose questions to the speaker concerning his or her report. Council may also engage in discussion concerning each report. If the city council believes that a speaker's report requires a more detailed review, the council will give the

city manager or city staff direction to place the item on a future work session or regular meeting agenda and advise staff as to the background materials to be desired at such meeting.

2) *Open microphone.* At the beginning of the regular meeting of the city council, persons who have not registered to speak as above described may make comments through the open microphone procedure. Such person(s) shall have filed a "Blue Card" requesting to speak during this period prior to the calling of this agenda item. Prior to the beginning of the regular meeting of the city council, persons who wish to participate remotely shall register via any manner specified by the city on its website or meeting notice. At the time the city council calls the open microphone comment period, a person may present himself or herself and make public comments regarding public business; provided however, such persons shall not be allowed to speak to items on the current agenda in light of other established procedures for taking such comments as specified in these rules. No person may submit a "request to speak" form in order to speak or comment on another person's report, which is given at the same council meeting. An announcement may be made, prior to the time for reports from members of the public on the agenda, summarizing the main portions of the rules and the "code of conduct" as they may apply to members of the public speaking to the council. Any speaker providing a report shall speak for no longer than four (4) minutes on all items that he or she may bring before the council at each meeting.

b. *Work session or workshop items:* As it concerns the workshop agenda, citizens or other interested persons may not participate in the session unless invited to do so by the mayor. If the mayor invites citizens to participate in a work session, their participation will cease at the point the mayor closes the session to public input to allow the council to give city staff direction as to needed information for the possible future meeting on the item. Citizens should be advised of the nature of the work session, but that their input on these items is premature until such item is placed upon a city council agenda for final action. The purpose of this procedure is to allow the citizens attending the regular meeting the opportunity of hearing the views of their fellow citizens in a more formal setting. Any citizen may supply the city council a written statement or report regarding the citizen's opinion on a matter being discussed in a work session.

c. *Commenting on consent and regular agenda items:* Any person who wishes to address the council regarding a non-public hearing regular or consent agenda item that is on the council's agenda, shall complete a "request to speak" form asking to speak regarding the item and shall return it to the city secretary. On consent items, the request to speak card shall be submitted prior to the citizen comment on consent agenda items at the beginning of the city council meeting. On regular agenda items, the request to speak card shall be submitted prior to the time the city council considers the item. The mayor will call upon the person who desires to speak. Comments may also be submitted via web form at the link provided on the agenda or by telephonic participation. For both consent and regular agenda items, web comments must be received at least one (1) hour prior to the posted time of the start of the meeting, and will be provided to council prior to consideration of any item to which a comment pertains.

1) *Consent agenda items:* When consent agenda items are posted on an agenda, citizens or other interested persons will be allowed to make citizen comment immediately after the opening of the city council meeting and prior to workshop or work session items on the agenda by filling out a "request to speak" card (aka a "blue card") asking to speak on any or all consent agenda items and returning the form to the city secretary. In the event a person is unable to attend the city council workshop or work session, he or she may contact the city secretary prior to the opening of the meeting and request that a consent agenda item be pulled from the consent agenda in order to allow comment as an individual item at the regular meeting of the city council. The city secretary shall make any such request known

to the city council. Consent agenda items are generally routine nature, so comment at this time facilitates the regular council meeting where no citizen comment on consent agenda items will be permitted, unless the item is removed from the consent agenda by a member of the council to be considered as an individual item during the regular meeting. Speakers will be allowed three (3) minutes per speaker and may comment on any or all consent agenda items so long as any speaker's time does not exceed a total of three (3) minutes.

2) *Regular agenda items:* During the regular session of the city council meeting, any citizen or interested person may comment on an item posted on the agenda for final action. Any person who wishes to address the council regarding a non-public hearing item that is on the council's agenda, shall complete a "request to speak" form asking to speak regarding the item and shall return it to the city secretary before the council considers the item. This procedure applies to speakers desiring to speak to items for individual consideration on the agenda during the regular meeting of the city council. The mayor will call upon the person to speak. Speakers will be allowed three (3) minutes per speaker as to any particular agenda item being considered by the city council.

d. *Public hearings:*

1) Any person who wishes to address the council at a public hearing is encouraged to complete a "request to speak" form and return it to the city secretary or online, or by calling the phone number provided in the meeting notice before the applicable hearing or at a time set by the city. The mayor will call upon the person to speak. Speakers will be allowed an initial four (4) minutes per speaker as to any public hearing item. However, if numerous speakers desire to comment on an item, council may limit speakers to three (3) minutes per speaker. Only those speakers who previously provided input on a specific item will be permitted to provide a final rebuttal of up to two (2) minutes per speaker. Applicants and their agents on public hearing items shall be allowed to speak for no longer than ten (10) minutes per speaker with a total of twenty (20) minutes for all speakers representing the applicant. Speakers will have the opportunity to make a single, final rebuttal after hearing the applicant's rebuttal as set forth in section 2-29(f)(4)d.2)g).

2) To facilitate the public hearing process in zoning cases the following procedure will be used:

a) The mayor reads the zoning case caption, and then opens the public hearing.

b) The city manager introduces the city staff for presentation.

c) City staff presents facts relevant to the matter.

d) The applicant presents his or her case, with potential questions of the applicant from the city council.

e) The council receives input from the public, with potential questions of speakers from the city council.

f) The applicant will be given an opportunity to make rebuttal comments.

g) Members of the public who previously provided input on a specific item will have the opportunity to make a single, final rebuttal.

h) The city staff and/or the applicant will answer any questions of the city council.

i) Upon conclusion of these questions and answers, the mayor will continue or close the public hearing.

3) *Groups or organizations:* Any group or organization comprised of four (4) or more members present in the city council chambers who wishes to address the council at a public hearing or on a non-public hearing agenda item shall designate a representative to address the city council and shall limit their remarks to ten (10) minutes or less. The group or organization shall turn in a written designation to the city secretary, on cards prepared by the city secretary of a different color from cards submitted by individual speakers or via online form or email, prior to the commencement of the meeting identifying the representative who will address the city council on behalf of the group or organization. At the time the representative is recognized by the mayor to speak, the group or organization present in the meeting room will be asked to stand to be recognized prior to the receipt of comments by the representative.

e. *Discretionary time:* At the discretion of the presiding officer or a majority of the city council, any speaker may be granted an extension of time to speak.

f. *Audio/Visual aids:* Any citizen desiring to use audio/visual aids during presentations to council shall submit such presentation to the city secretary twenty-four (24) hours prior to the meeting where the presentation will occur.

(5) *Presentation of proclamations:* The agenda may provide a time for the presentation of proclamations. The mayor or presiding officer may deliver and present proclamations upon the request of citizens. Proclamations may encompass any activity or theme except that proclamations with a theme religious or partisan in nature shall not be presented. Moreover, proclamations shall not be used for any commercial or advertising purpose.

(g) *Consideration of ordinances, resolutions, and motions.*

(1) *Printed or typewritten form:* All ordinances and resolutions shall be presented to the council in printed, typewritten or electronic form. The council may, by proper motion, amend any ordinance or resolution presented to it at the meeting at which it is presented or direct that the amended ordinance be placed on the next or any future council agenda for adoption.

(2) *City attorney to approve:* All ordinances, resolutions, and contracts and amendments thereto, shall be approved as to form and legality by the city attorney, or he or she shall file a written opinion on the legality of such ordinance, resolution or contract prior to submission to the council. (Charter, Section 6.02)

(3) *Distribution of ordinances and resolutions:* The city manager shall prepare copies of all proposed ordinances and resolutions for distribution to all members of the council at the meeting at which the ordinance or resolution is introduced, or at such earlier time as is expedient.

(4) *Recording of votes:* The yeas and nays shall be taken upon the passage of all ordinances and resolutions and the vote of each member shall be recorded in the minutes and within each respective ordinance and resolution. (Charter, Section 2.06 (b))

(5) *Majority vote required:* An affirmative vote of four (4) members is necessary to repeal any ordinance or take any official action in the name of the city except as otherwise provided in the Charter, by the laws of the State of Texas, or these rules. (Charter, Section 2.06)

a. *Tie-vote:*

1. *City council:* Matters voted on by the city council which end in a tie-vote due to absence(s) shall automatically be placed on each subsequent council meeting agenda until the full council is present or the matter does not end in a tie vote. Matters voted on by the city council when the full council is present, which end in a tie-vote due to recusal(s) shall be considered a denial.

2. *Boards, commissions, and committees:* With the exception of the planning and zoning commission, matters voted on by boards, commissions, and committees, which end in a tie-vote, regardless of the cause, shall be considered a denial. This provision applies to all task forces, ad hoc committees, or other limited duration groups established by the city council.

    i. The Denton Development Code outlines the process for city council review and decision of any recommendations made by the planning and zoning commission.

(6) *Demand for roll call:* Upon demand of any member, the roll shall be called for yeas and nays upon any question before the council, with the exception of those circumstances set forth in subsection (12), the previous question. It shall not be in order for members to explain their vote during the roll call.

(7) *Personal privilege:* The right of a member to address the council on a question of personal privilege shall be limited to cases in which his or her integrity, character, or motives are assailed, questioned, or impugned.

(8) *Dissents and protests:* Any member shall have the right to express dissent from or protest against any ordinance or resolution of the council and have the reason therefor entered upon the minutes. Such dissent or protest may be filed in writing, and presented to the council not later than the next regular meeting following the date of passage of the ordinance or resolution objected to.

(9) *Voting required:* No member shall be excused from voting except for lack of information and except on matters involving the consideration of his or her own official conduct, or where his or her personal interests are involved in accordance with V.T.C.A. Local Government Code Ch. 171 (Vernon 2014), and in these instances he or she shall abstain. Any member prohibited from voting by personal interest shall announce this at the commencement of consideration of the matter and shall not enter into discussion or debate on any such matter, shall leave the meeting, and shall file an affidavit of recusal. The member having briefly stated the reason for his or her request, the excuse from voting shall be made without debate.

(10) *Order of precedence of motions:*

a. The following motions shall have priority in the order indicated:

1. Adjourn (when unqualified) and is not debatable and may not be amended;
2. Take a recess (when privileged);
3. Raise a question of privilege;
4. Lay on the table;
5. Previous question (two-thirds (⅔) vote required);
6. Limit or extend limits of debate (two-thirds (⅔) vote required);
7. Postpone to a certain time;
8. Commit or refer;
9. Amend;
10. Postpone indefinitely;
11. Main motion.

b. The first two motions are not always privileged. To adjourn shall lose its privilege character and be a main motion if in any way qualified. To take a recess shall be privileged only when other business is pending.

c. A motion to adjourn is not in order:

1. When repeated without intervening business or discussion;

2. When made as an interruption of a member while speaking;

3. While a vote is being taken.

d. Only certain motions may be amended as provided in the most current edition of Robert's Rules of Order, revised. A motion to amend shall be undebatable when the question to be amended is undebatable.

(11) *Reconsideration:* A motion to reconsider any action of the council can be made not later than the next succeeding official meeting of the council. Such a motion can only be made by a member who voted with the prevailing side. It can be seconded by any member. In order to comply with the Texas Open Meetings Act, any council member who wishes to make such a motion at a meeting succeeding the meeting where the action was taken shall notify the city manager to place the item for reconsideration on the council agenda. No question shall be twice reconsidered, except by unanimous consent of the council, except that action related to any contract may be reconsidered at any time before the final execution thereof. A matter which was not timely reconsidered in the manner provided by this section or was reconsidered but the action originally taken was not changed by the council cannot be reintroduced to the council or placed on a council meeting agenda for a period of six (6) months unless this rule is suspended as provided for in these rules of procedure.

(12) *The previous question:* When the previous question is moved and seconded, it shall be put as follows: "Shall the main question be now put?". There shall then be no further amendment or debate; except that nothing herein shall allow the previous question to be called prior to a least one opportunity for each member of the council to speak on the question before the council. Any pending amendments shall be put in their order before the main question. If the motion for the previous question is lost, the main question remains before the council. An affirmative vote of two-thirds (⅔) of the council shall be required to move the previous question. To demand the previous question is equivalent in effect to moving "That debate now cease, and the council shall immediately proceed to vote on the pending motion". In practice, this is done with the phrase "Call for the question", or simply saying "Question".

(13) *Withdrawal of motions:* A motion may be withdrawn, or modified, by its movant without asking permission until the motion has been stated by the presiding officer. If the movant modifies his or her motion, the seconding council member may withdraw his or her second. After the question has been stated, the movant shall neither withdraw it nor modify it without the consent of the council. The subject different from that under consideration shall be admitted under color of amendment. A motion to amend an amendment shall be in order, but one to amend an amendment to an amendment shall not be in order.

(14) *Appropriations of money:* Before formal approval by the council of motions providing for appropriation of money, information must be presented to the council showing purpose of the appropriation. In addition, before finally acting on such an appropriation, the council shall obtain a report from the city manager as to the availability of funds and his or her recommendations as to the desirability of the appropriation.

(15) *Transfer of appropriations:* At the request of the city manager, at any time during the fiscal year, the council may by resolution transfer an unencumbered balance of an appropriation made for the use of one department, division, or purpose; but no transfer shall be made of revenues or earnings of any non-tax supported public utility to any other purpose.

(h) *Creation of committees, boards and commissions.*

(1) *Council committees:* The council may, by resolution and as the need arises, authorize the appointment of council committees. Any committee so created shall cease to exist when abolished by resolution of the council. Council committees shall comply with the Texas Open Meetings Act.

(2) *Citizen boards, commissions, and committees:* The council may create other citizen boards, commissions, and committees to assist in the conduct of the operation of the city government with such duties as the council may specify not inconsistent with the City Charter or Code. Creation of such boards, commissions, and committees and memberships and selection of members shall be by council resolution if not otherwise specified by the City Charter or Code. Any board, commission, or committee so created shall cease to exist when abolished by a resolution approved by the council. No committee so appointed shall have powers other than advisory to the council or to the city manager, except as otherwise specified by the Charter or Code. All citizen boards, commissions, and committees shall comply with the procedural requirements of the Texas Open Meetings Act. Any reference in this article to "citizen boards, commissions, and committees" includes citizen task forces and citizen ad hoc boards, commissions, and committees unless otherwise indicated herein.

(3) *Appointments:*

a. Individual city council members making nominations for members to citizen boards, commissions, and committees will consider interested persons on a citywide basis.

b. The city council will make an effort to be inclusive of all segments of the community in the board, commission, and committee appointment process. City council members will consider ethnicity, gender, socio-economic levels, and other factors to ensure a diverse representation of Denton citizens.

c. The city council will take into consideration an individual's qualifications, willingness to serve, and application information in selecting nominations for membership to each board, commission, and committee.

d. In an effort to ensure maximum citizen participation, city council members will continue the general practice of nominating new citizens to replace board members who have served three (3) consecutive terms on the same board per the provisions of Denton Code of Ordinances, section 2-65. This provision does not apply to citizen task forces and citizen ad hoc committees.

e. Each city council member will be responsible for making nominations for board, committee, and commission places assigned to him or her, which shall correspond to the city council member's place. Individual city council members will make nominations to the full city council for the governing body's approval or disapproval.

(4) *Rules of procedure:*

a. All board, commission, and committee members, including citizen board, commission, and committee members, shall comply with the provisions of article II of chapter 2 of the Code of Ordinances. All board, commission and committee members, including citizen board, commission, and committee members, shall be provided a copy of these rules of procedure and a copy of the City of Denton Handbook for Boards, Commissions and Committees, which shall govern operational procedures of all boards, commissions and committees, including citizen boards, commissions, and committees. All boards, commissions, and committees, including citizen boards, commissions and committees, shall comply with these rules as to the preparation of minutes of meetings, and such minutes shall be prepared in accordance with the policies and procedures of the city secretary.

b. All citizen board, commission, and committee members shall comply with the procedural requirements of the V.T.C.A., Texas Government Code Chapter 551, also known as the "Texas Open Meetings Act" as they appear in statute or as they may be amended or otherwise modified. Notice of all meetings shall be posted in compliance with the Texas Open Meetings Act and minutes and records will be maintained in accordance with requirements of the city secretary's office. Each citizen board, commission, and committee member shall be provided a copy of the Texas Open Meetings Act. Penalty provisions of the Texas Open Meetings Act shall only apply to citizen boards, commissions, and committees with rule making or quasi-judicial power, as set forth in the Texas Open Meetings Act and as interpreted by Texas Courts. City council and city boards, commissions and committees may operate via videoconference to the extent permitted by law and as directed by council.

c. Unless otherwise provided by law, the city council and each board, commission, or committee, shall adopt a regular meeting schedule by no later than the body's first meeting of the calendar year. All regular meeting schedules shall be sent to the city secretary's office for official record keeping purposes upon adoption. Regular meeting schedules should include all planned meetings the body intends to have during the calendar year.

(i) *Votes required.* Questions on which the voting requirement is varied by the Charter, State Statutes and these rules are listed below:

(1) *Charter and state statutory requirements:*

a. *Charter amendment—Five (5) votes:* Ordinances submitting proposed Charter amendments must be adopted by a two-thirds (⅔) vote of the council. (TEX. CONST. art. XI, § 3 and V.T.C.A. Local Government Code Ch. 9 (Vernon 2014.)) For a seven-member council, this means five (5) members must vote affirmatively.

b. *Levying taxes—Five (5) votes:* Ordinances providing for the assessment and collection of certain taxes require the approval of two-thirds (⅔) of the members of the council (V.T.C.A. Tax Code § 302.101 (Vernon 2014)).

c. *Changing paving assessment plans—Five (5) votes:* Changes in plans for paving assessment require a two-thirds (⅔) vote of the council (V.T.C.A. Transportation Code § 313.053(e) (Vernon 2014)).

d. *Changes in zoning ordinance or zoning classifications:* In cases of a written protest of a change in a zoning regulation or zoning classification by the owners of twenty (20) percent or more either of the area of the lots included in such proposed change, or of the lots immediately adjoining the same and extending two hundred (200) feet therefrom, such amendment shall not become effective except by the favorable vote of three-fourths (¾) of all members of the city council; further, three-fourths (¾) of all the members of the city council is required to override the decision of the planning and zoning commission that a zoning change be denied (V.T.C.A. Local Government Code § 211.066 (Vernon 2014)) and section 35.3.4.C.(4) Denton City Code (Development Code)). ("All" members of the city council is construed to mean all who are qualified to vote on a matter, and any legal disqualification of a member could change the requisite number of votes required for passage. City of Alamo Heights v. Gerety et al., 264 S.W. 2d 778 (Ct. App. — San Antonio (1954)).

e. *Amendment of tax abatement policy:* The guidelines and criteria adopted as the city's tax abatement policy may be amended or repealed by a vote of three-fourths (¾) of all members of the city council (V.T.C.A. Tax Code § 312.002(c) (Vernon 2014)).

(j) *Severability clause.* If any section, subsection, paragraph, sentence, clause, phrase or word in this section, or application thereof to any person or circumstances, is held invalid by any court of competent jurisdiction,

such holding shall not affect the validity of the remaining portions of this article, and the City Council of the City of Denton, Texas, hereby declares it would have enacted such remaining portions despite any such invalidity.

(Ord. No. 2001-193, § 1, 5-1-01; Ord. No. 2001-204, § 1, 5-29-01; Ord. No. 2002-018, § 1, 1-8-02; Ord. No. 2003-235, § 1, 8-5-03; Ord. No. 2003-373, §§ 1(6.3), 2; Ord. No. 2004-033, § 1(6.4b., c.), 1(6.5), 2-3-04; Ord. No. 2004-182, § 1, 7-20-04; Ord. No. 2004-298, § 2, 9-21-04; Ord. No. 2005-174, § 1, 6-21-05; Ord. No. 2006-175, § 1, 6-20-06; Ord. No. 2008-159, § 1, 7-15-08; Ord. No. 2009-174, § 1, 8-4-09; Ord. No. 2010-258, § 1, 10-19-10; Ord. No. 2010-312, § 1, 12-7-10; Ord. No. 2011-038, § 1, 3-1-11; Ord. No. 2015-231, § 1, 8-4-15; Ord. No. 2016-197, § 1, 7-19-16; Ord. No. 2018-551, § 2, 4-17-18; Ord. No. 2018-574, § 2, 4-17-18; Ord. No. 2018-1376, § 2(Att. A), 8-28-18; Ord. No. 2019-2128, § 1, 9-17-19; Ord. No. 19-2862, § 1, 1-28-20; Ord. No. 19-2863, § 1, 1-28-20; Ord. No. 19-2864, § 1, 1-28-20; Ord. No. 19-2865, § 1, 1-28-20; Ord. No. 20-229, § 1, 1-28-20; Ord. No. 21-1022, § 2, 5-25-21)