

RESOLUTION NO. R-2017-20

A RESOLUTION OF THE CITY OF BASTROP, CITY COUNCIL APPROVING A PUBLIC DECORUM PROTOCOL AND APPROVING AN EFFECTIVE DATE.

WHEREAS, during the work session portion of the April 11, 2017 Council meeting, the City Manager and Public Safety Director / Chief of Police indicated a commitment to ensuring that the Bastrop Police Department continues to accomplish its mission in a fair, professional, and consistent manner without becoming involved in the political process by establishing a Public Decorum Protocol; and

WHEREAS, consensus was reached by Council to formally adopt a Public Decorum Protocol for City Council and Board Member disruptions as well as audience disruptions.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS:

Section 1: *City Council and Board Member Disruptions:*

When members of the City Council or other Board Members become engaged in heated discussions that could be construed as not following parliamentary procedures; it will be the responsibility of the Presiding Officer (Mayor or Board Chair) to restore order to the meeting. In the event that order cannot be immediately restored, the Presiding Officer should call for a recess. When the recess is called, a sufficient number of the City Council or Board Members should depart the room so that a quorum is no longer present. Information Technology personnel will ensure that the microphones and audio for the television channel are turned off. The Presiding Officer will determine what action to take and will resume the meeting, when appropriate. Law enforcement personnel will not become involved unless a crime (i.e. assault, terroristic threat, etc.) is committed.

Section 2: *Audience Disruptions:*

If a member of the audience (gallery) becomes disruptive, the Presiding Officer will inform that person that their conduct is not permissible and to cease. If that person receives a second warning, the Chief of Police or his/her designee will position themselves in proximity to that person. On the third warning (when appropriate), the Presiding Officer will inform the person that their actions are disrupting this lawful meeting and they must depart immediately. The Chief of Police or his/her designee will escort the person out of the chambers and off of City property. In the event the person does not leave the chambers, the person will be subjected to arrest under Section 42.05 of the Texas Penal Code (TPC). The person will be subject to arrest under Section 30.05 TPC if the person does not leave the property. In the event the same person comes to a subsequent meeting and disrupts that meeting to the point they are requested to leave again, a criminal trespass warning can be issued.

Section 3: It should be noted that case law has determined that only using profane language in a public place does not rise to the level of Disorderly Conduct as defined in Section 42.01 TPC. The utterance of this language should rise to the level that a fight is imminent.

Section 4: This resolution shall become effective immediately upon passage.

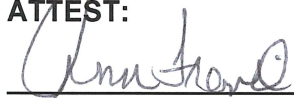
READ and ADOPTED on the 25th day of April 2017.

CITY OF BASTROP, TEXAS



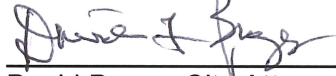
Ken Kesselus, Mayor

ATTEST:



Ann Franklin, City Secretary

APPROVED AS TO FORM:



David Bragg, City Attorney