

**ORDINANCE NO. 318**

**AN ORDINANCE OF THE CITY OF UHLAND, TEXAS, PROHIBITING INDIVIDUAL RECORDINGS OF CLOSED SESSIONS; PROVIDING FOR PENALTIES; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Uhlund (“City”) is a General Law Type A City under the statutes of the State of Texas; and

**WHEREAS**, the Legislature, in Section 551.023 of the Government Code, requires the allowance of individual recordings of open sessions, but provides no such requirement for closed sessions; and

**WHEREAS**, according to Section 551.103 of the Government Code, governmental bodies are required either keep a certified agenda or make a recording of each closed session proceeding, except for proceedings held under Section 551.071; and

**WHEREAS**, the certified agenda or recording of a closed session is available to the public only under a court order issued in accordance with Chapter 551 of the Government Code; and

**WHEREAS**, a member of a governmental body may review the certified agenda or recording of a closed session after the meeting where the closed session occurred; and

**WHEREAS**, unsecured individual copies of recordings of closed sessions place the governmental body and individuals at risk of improper disclosure of confidential information and associated criminal penalties; and

**WHEREAS**, because individuals may review the certified agenda or recording of a closed session after the meeting where a closed session occurred and the risks associated with unsecured individual copies of recordings of closed sessions, the City Council of Uhlund desires to prohibit individual recordings of closed sessions and create a penalty for violations of that prohibition.

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

**Section 1.** The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the City Council.

**Section 2.** The City Council of the City of Uhlund, Texas hereby adopts a Prohibition of Recordings of Closed Sessions as follows:

Prohibition of Individual Recordings of Closed Sessions.

Individual Board, Commission, or Council members are prohibited from making personal recording of closed session meetings.

To ensure compliance with this provision, prior to any discussions during a closed session, Board, Commission, and Council members will be asked to place their phones and others recording devices in a designated location. Phones and other recording devices may be retrieved at the end of the closed session.

Offense:

- (a) An individual commits an offense if they record the closed session of any Board, Commission, or Council meeting.
- (b) An offense under this article is a Class "C" misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00).

**Section 3.** All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

**Section 4.** If any provision of this Ordinance is illegal, invalid, or unenforceable under present or future laws, the remainder of this Ordinance will not be affected and, in lieu of each illegal, invalid, or unenforceable provision, a provision as similar in terms to the illegal, invalid, or unenforceable provision as is possible and is legal, valid, and enforceable will be added to this Ordinance.

**Section 5.** This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

**Section 6.** It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Texas Open Meetings Act, Chapter 551, Texas Government Code, as amended.

**Section 7.** This Ordinance shall take effect immediately from and after its passage and the publication of the caption as the law provides.

**APPROVED, PASSED, AND ADOPTED** by the City Council of the City of Umland, Texas on the 7<sup>th</sup> day of August, 2024.

APPROVED: *Lacey Duke*

Lacey Duke, Mayor

ATTEST:

*Kimberly Weatherford*

Kimberly Weatherford, City Secretary

