

To: Bryan City Secretary
From: Councilmembers Southerland and Pena
Subject: Agenda Item Titled: Ordinance Committee



Please place the following item on the Bryan City Council Regular Agenda for the meeting of February 10, 2015:

Discussion, consideration, and possible action to:

Established a Council Committee to develop an ordinance for council review to implement the three Charter Amendments passed by the citizens in the Nov 2014 election. This committee should be composed of Council Members Mike Southerland, the amendments writer, Rafael Peña developer and circulator and Al Saenz developer and circulator. Staff support shall be provided by the City Auditor's Office.

Background:

"The most common themes to remember when drafting constitutional ordinances to accomplish this fit are:

- Remember to include legislative findings (both factual determinations and policy decisions)
 - Remember to support your legislative findings with some back-up
 - Remember to tailor your ordinance to accomplish its stated purpose
 - Use common terms to avoid vagueness issues
 - Avoid granting unbridled discretion to city staff or enforcement personnel
- While the above bullets are by no means all inclusive, they give a good starting point to avoid constitutional challenges to your ordinances.

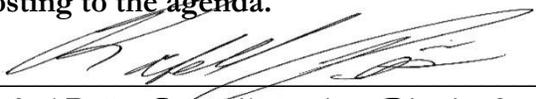
The city controls the foundation of an ordinance."

From "Drafting Ordinances to withstand Constitutional Challenges" by Ryan Henry. (attached)

Presentations: Councilmembers Peña, and Southerland

This agenda item placement is in accordance with the Bryan City Charter (j) (1) a. 2. Also the Texas Attorney General Opinion Number DM-228 (1993) states no policy can preclude a councilmember from placing an item on the agenda for public discussion.

Any changes to this agenda item must be approved in writing by both under signs prior to posting to the agenda.


Date: 2/3/2015
Rafael Peña, Councilmember, District 2, rpena@bryantx.gov, 979-402-9164


Date: 2/3/2015
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