



Maya Sanchez
Mayor

Leticia Miranda
Alderson Place 1

David Cantu
Alderson Place 2

Miguel Najera Jr.
Alderson Place 3

Rebecca Martinez-Juarez
Alderson Place 4

George Almanzar
Alderson Place 5

ORDINANCE NO. 1801.03A

LIMITED PUBLIC FORUM

AN ORDINANCE CREATING AND REGULATING THE CITY HALL PATIO AS A LIMITED PUBLIC FORUM FOR USE BY CITY ELECTION CANDIDATES DURING ELECTION TIME; PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT, ADOPTION, ENACTMENT, REPEALER, SEVERABILITY, EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.

WHEREAS, the City of San Elizario (“City”) is holding its first election since the inaugural City Council of San Elizario (“City Council”) was elected in 2014; and

WHEREAS, the City has experienced requests to use the City Hall Patio (“Patio”) as the location for a public forum discussion between election candidates; and

WHEREAS, it is in the interest of the City’s citizens to be as informed as possible of the viewpoints and goals of the City’s candidates for public office; and

WHEREAS, the Supreme Court of the United States has acknowledged a municipality’s authority to create a limited, or designated, public forum for expressive activities subject to strict scrutiny for any content-based speech restrictions; and

WHEREAS, the City Council finds it in the interest of good governance to create a policy establishing the Patio as a limited public forum to be used only during elections, on a set date and for a set timeframe on such date, as a platform for election candidates; and

WHEREAS, the City does not seek to regulate the content of the speech allowed during these set dates and times; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good

government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, the City Council finds that it is necessary and proper for the good government, peace, or order of the City to adopt an ordinance regulating the time and manner of use of the Patio as a limited public forum to be used by election candidates during election times.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of San Elizario:

ARTICLE I. FINDINGS OF FACT

The foregoing recitals are adopted as facts and are incorporated fully herein.

ARTICLE II. ADOPTION AND ENACTMENT

The City Council hereby adopts and enacts the Ordinance regarding "Limited Public Forum Policy," attached hereto as "Attachment A" and incorporated fully herein this Ordinance for all intents and purposes.

ARTICLE III. REPEALER AND SEVERABILITY

REPEALER: All ordinances, or parts thereof, that 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 regulated, herein.

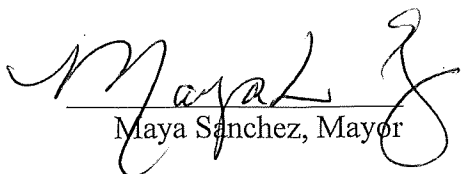
SEVERABILITY: Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not construed to affect any other valid portion of this Ordinance.

ARTICLE IV. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage and publication.

PASSED AND APPROVED this, the 27th day of March, 2018, by a vote of 4 (ayes) to 0 (nays) to 1 (abstentions) of the City Council of San Elizario, Texas.

CITY OF SAN ELIZARIO, TEXAS


Maya Sanchez, Mayor

ATTEST:

Nancy Montes

Nancy Montes, City Clerk

CITY CLERK



CITY OF SAN ELIZARIO

ORDINANCE NO. 1801.03A

LIMITED PUBLIC FORUM POLICY

The City designates the City Hall Patio as a limited public forum to be used during election times for organized forums featuring election candidates. Any forum to take place on the City Hall Patio must take place within a set timeframe on a set date within election season only. All candidates shall be eligible to participate. No candidate who wishes to participate may be excluded on the basis of their viewpoints or the content of their speech.