

DRAFT

ARTICLE II. CITY COUNCIL¹ ***DIVISION 2. RULES OF PROCEDURE***

Sec. 2-51. Meetings to be public.

All meetings of the city council shall be open to the public as provided in the City Charter, Article XVIII, Section 4, and Texas Government Code § 551.001 et seq.

(Code 1975, § 2-18(a))

Sec. 2-52. Quorum.

Four members of the city council shall constitute a quorum.

(Code 1975, § 2-18(b))

Sec. 2-53. Minutes of meetings.

An account of all proceedings of the council shall be kept by the city secretary and shall, upon approval by city council, constitute the official record of the city council.

(Code 1975, § 2-18(c))

Sec. 2-54. Questions to contain one subject.

All questions submitted for a vote shall contain only one subject. If two or more points are involved, any member may require a division, if the question reasonably admits of a division.

(Code 1975, § 2-18(d))

Sec. 2-55. Right of floor.

Any member desiring to speak shall be recognized by the chair and shall confine his or her remarks to the subject under discussion or to be discussed. No member shall be allowed to speak more than once on any one subject until every member wishing to speak shall have spoken.

(Code 1975, § 2-18(e))

¹Charter reference(s)—City council, arts. V, VI.

Sec. 2-56. City manager.

The city manager shall attend all city council meetings unless expressly excused. The city manager may make recommendations to the city council and shall have the right to take part in all discussions of the council, but shall have no vote.

(Code 1975, § 2-18(f))

Sec. 2-57. City attorney.

The city attorney shall attend all meetings of the city council unless expressly excused and shall upon request give an opinion, either written or oral, on questions of law. The city attorney shall act as the city council's parliamentarian.

(Code 1975, § 2-18(g))

Sec. 2-58. City secretary.

The city secretary shall attend all meetings of the city council unless expressly excused, and shall keep the official minutes and perform such other duties as may be requested by the council.

(Code 1975, § 2-18(h))

Sec. 2-59. Officers and employees.

Any officer or employee of the city, when requested by the city manager, shall attend any meeting of the city council. If requested to do so by the city manager, they may present information relating to matters before the city council.

(Code 1975, § 2-18(i))

Sec. 2-60. Rules of order.

Robert's Rules of Order, Newly Revised, shall govern the proceedings of the city council in all cases unless they are in conflict with federal or state law, the city Charter, city Code or these rules. The application of Robert's Rules of order may be temporarily modified or suspended by a two-thirds (2/3) vote of all members of the city council present and voting.

(Code 1975, § 2-18(j))

Sec. 2-61. Suspension of rules.

Provisions of section 2-70 shall not be suspended. Any other provisions of these rules not governed by federal or state law, the city Charter, or city Code may be temporarily suspended by a two-thirds vote of all members of the city council present and voting.

(Code 1975, § 2-18(k))

Sec. 2-62. Amendment of rules.

These rules may be amended, or new rules adopted by a majority vote of all members of the city council, provided that the proposed amendments or new rules shall have been introduced into the record at a previous meeting of the city council.

(Code 1975, § 2-18(l))

Sec. 2-63. Types of meetings.

- (a) *Regular meetings.* The city council shall meet in the council chamber of the city hall on the second and fourth Monday of each month at 7:00 p.m. unless otherwise officially established by the city council. The call for and conduct of all meetings of the city council, shall be in accordance with Texas Government Code Ch. 551, known as the Texas Open Meetings Act. This change shall be in full force and effect from its date of passage and approval.
- (b) *Special meetings.* Special meetings may be called by the mayor or any four members of the city council. The call for a special meeting shall be filed with the city secretary in written form, and any notice of such meeting shall be posted by the city secretary in accordance with the Texas Open Meetings Act.
- (c) *Recessed meetings.* Any meeting of the city council may be recessed to a later time provided that no recess shall be for a longer period than the following regular business day, unless such meeting notice is posted again in accordance with the Open Meetings Act
- (d) *Emergency meetings.* An emergency meeting of the city council may be called by the mayor or any three members of the city council if an emergency or urgent public necessity exists as defined by the Open Meetings Act, and that requires immediate action of the city council. Notice of such meeting is sufficient if it meets the requirements of the Open Meetings Act and is posted for at least one hour before the meeting is convened.

(Code 1975, § 2-19)

Sec. 2-64. Meeting Agendas.

- (a) *Generally.* This section shall set forth the process by which meeting agendas are set for all meetings of the city council.
- (b) *Work session meetings.* Work session meetings shall be held prior to the regular city council meeting and shall be conducted in public pursuant to a posted agenda approved by the city manager. The city council shall be free to fully discuss each item on the work session meeting agenda, to question each other and to question the staff, inquire into reasons for recommendations and to inquire as to the opinion of other council members. Each council member shall be entitled to state his or her position on each work session meeting agenda item.

(c) *Placing items on a meeting agenda.*

- (1) The city manager is responsible for creating the agenda and agenda packet materials for city council meetings as directed by the city council, and in accordance with this Code and applicable state law.
- (2) The city manager shall place a standing item on the work session meeting agenda to allow the mayor and council members to bring forward items they wish to discuss at a future meeting. In accordance with the Texas Open Meetings Act, any discussion shall be limited to a proposal to place the item on a future agenda. If the item is to be placed on a future agenda, the city council may direct the city manager to place the item on a future work session agenda or a regular meeting agenda of the city council. The city council shall not vote or take any action on the item during the work session meeting. The mayor or any council member may request informational reports from city staff to be provided during the work session meeting.

d Items scheduled for discussion or action on the regular city council meeting agenda. During the work session meeting, the mayor or any council member may ask clarifying questions of the staff and ask for staff evaluation of any item that is listed on the upcoming regular city council meeting agenda for discussion or action.

- (e) *Vote on items of procedure.* The council shall be entitled to vote on items of procedure pertaining to the work session meeting.

(Code 1975, § 2-20)

Sec. 2-65. Chair and duties.

- (a) *Chair.* The mayor, if present, shall preside as chair at all meetings of the council. In the absence or disability of the mayor, the mayor pro tem shall preside. There shall be a deputy mayor pro tem, who shall preside in the absence or disability of both the mayor and the mayor pro tem. There shall also be an associate mayor pro tem, who shall preside in the absence or disability of the mayor, the mayor pro tem, and the deputy mayor pro tem. The deputy mayor pro tem and the associate mayor pro tem shall be selected from among the members of the council: (i) at the first regular meeting following the general city election; (ii) following the swearing in of council members upon declaration of members elected; or (iii) upon action of the city council in the event of a vacancy in either position. For meetings or events in which there exists the absence or disability of the mayor, the mayor pro tem, the deputy mayor pro tem, and the associate mayor pro tem, the city council shall elect a chair to preside until the end of the meeting or for the duration of the event.
- (b) *Call to order.* The meetings of the city council shall be called to order by the mayor, or in his absence or disability, by the mayor pro tem. In the absence or disability of both the mayor and mayor pro tem, the meeting shall be called to order by the deputy mayor pro tem. In the absence or disability of the mayor, the mayor pro tem, and the deputy mayor pro tem, the

meeting shall be called to order by the associate mayor pro tem. In the absence or disability of the mayor, the mayor pro tem, the deputy mayor pro tem and the associate mayor pro tem, the meeting shall be called to order by the city secretary.

- (c) *Preservation of order.* The chair shall preserve order and decorum, prevent clash of personalities or the impugning of members' motives to occur and confine members in debate to the question under discussion.
- (d) *Points of order.* The chair shall determine all points of order, subject to the right of any member to appeal to the city council. If any appeal is taken, the question shall be, "Shall the decision of the chair be sustained?"
- (e) *Questions to be stated.* The chair shall state all questions submitted for a vote and announce the result.
- (f) *Substitution for chair.* The chair may call any other member to take his place in the chair, such substitutions not to continue beyond adjournment.

(Code 1975, § 2-21; Ord. No. 3642 , § 2, 3-26-20)

Sec. 2-66. Appeal of rulings of the chair.

Appeal of any ruling of the chair by any council member, at any meeting, may be instituted by the words "I appeal the ruling of the chair to the council." Such member shall then state his position on the ruling of the chair. At that point the chair shall immediately call for a vote of the council upon the appeal of the chair's prior ruling. The appeal shall prevail if it passes by a majority vote of those members voting on the question and the position of the objecting member shall prevail. If the chair fails to immediately call for a vote on the appeal, the mayor pro tem shall call for a vote on the appeal and the mayor pro tem shall be entitled to a vote on the appeal. In this event, if the appeal carries, the mayor pro tem shall preside during that portion of the meeting devoted to the appealed item and may vote on any substantive or procedural motion made. These rules regarding appeal shall apply to all meetings of the city council.

(Code 1975, § 2-22)

Sec. 2-67. Order of business for regular or special meetings.

- (a) *Regular or special city council meeting agenda.* The order of business of each regular or special meeting of the city council shall be as contained in the city council agenda prepared by the city manager. The agenda shall be a listing by topic of subjects to be considered by the city council. The mayor or any council member may request to add an item to the regular or special meeting agenda by proceeding with the agenda setting process set forth in section 2-64 of these rules of procedure. The proposed agenda and agenda packet shall be delivered to members of the city council each Thursday preceding the Monday evening meeting to which it pertains.
- (b) *Consent agenda.* In preparing the agenda, the city manager shall give consideration to the number and degree of complexity of items to be considered by the city council for the purpose

of conserving the council's time in meetings. Items which are anticipated to be routine and require little or no consideration by the council shall be considered as a part of the "consent agenda." Prior to taking up the consent agenda, the mayor shall determine if there are any items thereon which should be removed from the consent agenda for discussion. Any council member may, upon request, remove any item from the consent agenda for discussion and individual action. Thereafter, all remaining consent agenda items may be acted upon by a single motion approving the consent agenda.

- (c) *Council communications.* The city manager shall provide the city council with a written analysis of and recommendation of items to be acted upon by the city council at its meetings. These communications shall be delivered to city council members along with the proposed agenda and agenda packet each Thursday preceding the Monday meeting at which they will be discussed, unless an emergency condition makes it necessary to deliver the communication on a subsequent day.
- (d) *Oral presentations by city manager.* Matters requiring the council's attention or action which may have developed since the deadline for delivery of the written council communication (subsection (c) of this section) may, upon approval of the city council, and after satisfying the requirements of the Open Meetings Act, be presented orally by the city manager.
- (e) *Presentations by the public.*
 - (1) *Citizens presentation.* The citizens presentation portion of the city council meeting is set for members of the public to address the city council on any item of business that is not listed on the agenda or that is not scheduled as a public hearing. Members of the public should complete a public meeting appearance form prior to the item being heard and present it to the city secretary. Such public appearance forms will state the rules for citizens presentation by the public and an acknowledgment by citizens that they understand and will adhere to the rules when addressing the city council .
 - (2) *Public comments.* Any person wishing to address the city council during a regular or special meeting about any matter listed on the agenda but that is not scheduled as a public hearing shall complete a public meeting appearance form and present it to the city secretary prior to the matter being reached. Public comments are generally permitted at the beginning of the regular meeting, after ceremonial items, as specified on the agenda. Public comments are limited to matters within the subject matter jurisdiction of the city.
 - (3) *Public hearings.* Any person wishing to address the city council during a regular or special meeting regarding an item listed on an agenda which is scheduled as a public hearing may complete a public meeting appearance form and present it to the city secretary prior to the matter being reached. Comments regarding an item scheduled as a public hearing shall be made at the time of the public hearing for that item..
 - (4) No person may speak without first being recognized by the mayor. All persons wishing to address the city council shall be limited to three (3) minutes each and a cumulative limit of thirty (30) minutes for all those speaking in favor of an item and

a like limit for those speaking in opposition. Any such time limits may be extended by majority vote of the council. The mayor may, with the concurrence of the city council, alter any of the enumerated time allocations based on the complexity of the item and the number of persons wishing to speak on the item.

- (5) In order to expedite matters and to avoid repetitious presentations, the designation of a spokesperson is encouraged. Whenever any group of individuals wishes to address the council on the same subject matter, those individuals are encouraged to designate a spokesperson to address the city council. A spokesperson speaking for ten (10) or more individuals present in the council chambers shall be limited to a ten-minute presentation. Other members of the group cannot speak. The mayor or city secretary must be advised prior to the start that a group presentation will be made. The mayor may ask group members to stand to confirm ten individuals are present.
- (6) During public hearings, no person will be permitted to speak about matters or present evidence which is not germane to the matter being considered. A determination of relevance shall be made by the mayor, but may be appealed to the full city council.
- (7) Public meeting appearance forms may be used by members of the public who do not wish to or cannot verbally address the city council during a meeting. A person may indicate his comments and support or opposition for an agenda item on a public meeting appearance form. During the public testimony regarding the item, the mayor or city secretary will indicate that the city council has received written comments from (name of persons) in support of the project or issue and from (name of persons) in opposition. The minutes will reflect the city council's receipt of written comments in support or opposition of the project or issue.
- (8) A speaker shall not present the same or substantially the same items or arguments to the council repeatedly or be repetitious in presenting their oral comments. Nothing in the foregoing precludes submission of comments to the city council in writing, for such action or nonaction as the council, in its discretion, may deem appropriate. No person may speak twice to the same item until all persons wishing to speak have been recognized. A person will only be allowed to speak a second time when there is new evidence to present and the mayor, with the concurrence of the city council, rules that there is good cause to do so.

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In compliance with the Texas Open Meetings Act, if a member of the public or a member of the city council inquires about a subject for which notice has not been given and is not listed on the meeting agenda, the mayor or the city manager, or his designee, may provide a statement of specific factual information or reference an existing policy in response to the inquiry. The city council shall not discuss, deliberate or vote on any matter not listed on the agenda, including those matters raised in citizens presentation, public comments or public hearings. Any requests or proposals for future agenda items resulting from presentations by the public shall be made by the mayor or any city council

member in accordance with Section 2-64 of these rules of procedure for placing items on meeting agendas. .

(10) The mayor should announce at the beginning of each meeting the need to maintain proper decorum in order to hear all view points and to refrain from speaking while others are speaking, clapping, etc. to express support or opposition to comments made.

(11) No member of the public shall be permitted to conduct any verbal personal attack on the mayor, any member of the council, city staff, or member of any city board or commission. Any such attack or attempted attack may be challenged with a point of order or the mayor may interrupt an offending speaker to enforce this rule.

(Code 1975, § 2-23; Ord. No. 2720, § 1, 7-28-2003; Ord. No. 2836, §§ 2, 3, 6-27-2005; Ord. No. 3120, § 1, 12-13-2010)

Sec. 2-68. Consideration of ordinances, resolutions, and motions.

- (a) *Printed or typewritten form.* All ordinances and resolutions shall be presented to the city council only in writing.
- (b) *City attorney to approve.* All ordinances and resolutions shall be approved as to form and legality (see Charter Article VI, section 6) by the city attorney.
- (c) *Ordinances, when effective.* Unless otherwise provided by applicable law, all ordinances, except those prescribing a fine or penalty, shall be effective from and after the date of passage, which may be upon one reading only; any ordinance prescribing a fine or penalty shall be effective from and after the publication thereof in the officially designated newspaper of the city.
- (d) *Distribution of ordinances.* The city secretary shall prepare copies of all proposed ordinances for distribution to all members of the city council at the meeting at which the ordinance is introduced, or at such earlier time as is expedient.
- (e) *Recording of votes.* The vote of each council member shall be taken upon the passage of all ordinances and resolutions and entered upon the official record of the city council.
- (f) *Majority vote required.* Approval of every ordinance, resolution, or motion shall require the affirmative vote of a majority of all members of the city council present at the meeting at which the vote is taken, except as otherwise provided for in these rules or by state law.
- (g) *Tie vote.* In the event of a tie vote on any motion, the mayor shall vote to break the tie.
- (h) *Voting required.* No member shall be excused from voting except on matters involving the consideration of his own official conduct, or where his financial interests are involved, or unless excused by the mayor for other valid reasons.
- (i) *Order of precedence of motions.* The following motions shall have priority in the order indicated:
 - (1) Adjourn (when privileged).
 - (2) Take a recess (when privileged)*.

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- (3) Raise a question of privilege.
 - (4) Lay on table.
 - (5) Previous question (two-third vote required).
 - (6) Limit or extend limits of debate (two-thirds vote required)*.
 - (7) Postpone to a certain time*.
 - (8) Commit or refer*.
 - (9) Amend*.
 - (10) Postpone indefinitely.
 - (11) Main motion*.

*Can be amended, others cannot.

- (j) *Reconsideration.* A motion to reconsider any action of the city council can be made not later than the next succeeding official meeting of the city council. All motions, discussions and actions to be reconsidered shall be submitted to the city manager to be listed on the agenda at the formal official meeting. The city manager shall not be authorized to list same on the work session agenda. A motion to reconsider can only be made by a member who voted with the majority. It can be seconded by any member. The motion to reconsider shall require a majority vote to carry. If the motion to reconsider passes, the city council shall reconsider and take action on the corresponding item. No question shall be reconsidered twice except by unanimous consent of the city council, except that action relating to any contract may be reconsidered at any time before the final execution thereof.
- (k) *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 be no further amendment or debate; but 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 city council. An affirmative vote of two-thirds of the city council shall be required to move the previous question.
- (l) *Withdrawal of motions.* A motion may be withdrawn, or modified by its mover without asking permission until the motion has been stated by the chair. If the mover modifies his motion, the seconder may withdraw his second.

After the question has been stated, the mover shall neither withdraw it nor modify it without the consent of the council.

- (m) *Amendments to motions.* No motion or proposition of a subject different from that under consideration shall be admitted under color of amendment. A motion to amend an amendment shall be in order, but more than one amendment to an amendment shall not be in order.
- (n) *Appropriation of money.* Before formal approval by the city council of motions providing for the appropriation of money, information must be presented to the city council showing the purpose of the appropriation and the account to which it is to be credited. In addition, before

finally acting on such an appropriation, the city council shall obtain a report from the city manager as to the availability of the appropriation.

- (o) *Transfer of appropriations.* Upon written recommendation of the city manager, the city council may at any time transfer an unencumbered balance of an appropriation made for the use in one department or division to any other department or division.

(Code 1975, § 2-24)