



**RULES OF ORDER AND PROCEDURE
FOR THE
CITY COUNCIL
AND
CITY BOARDS AND COMMISSIONS**

**City of Oak Point, Texas
February 15, 2010
November 17, 2014 (revised)**

SECTION 1 - AUTHORITY

1.1 LOCAL GOVERNMENT CODE

Section 22.038 of the Texas Local Government Code provides that the City Council shall determine (which may be done by ordinance, resolution or otherwise) the rules of its proceedings. These rules shall be in effect upon adoption by the City Council and until such time as amended, suspended or new rules are adopted in the manner provided.

1.2 APPLICABILITY OF RULES OF ORDER AND PROCEDURE

Unless otherwise provided herein, the Rules of Order and Procedure adopted herein, as amended from time to time, shall apply to all boards, commissions, and committees of the City.

1.3 COUNCIL MEMBER APPOINTMENTS AND ASSIGNMENTS

The Mayor and City Council confirm Council Member appointments to outside agencies, committees, task forces, boards, and commissions. Council Members provide a link for representing the values, beliefs, and position of the City Council to these entities. The representative will periodically report to the City Council on the activities of these organizations.

BOARD AND COMMISSION APPOINTMENTS

In June of each year or as otherwise necessary, the City Council will commence with a process to appoint boards and commissions as follows:

- a. Prior to the City Council making appointments to boards and commissions, notice of board and/or commission positions open for appointment will be advertised. Means of advertising may include posting notice on the City's website, advertising in the City's newsletter, and posting notice on the City's marquee sign and at City Hall. The application will be available at City Hall and shall also be posted on the City's website. The City Secretary shall collect the submitted applications.
- b. The City Council may meet with potential candidates at a City Council meeting in July. The City Council will make their appointments using a candidate ranking form. Each Council Member will assign the highest number to their first choice and the lowest number to their last choice for each board and/or commission. For example, if there are five (5) candidates for a specific board, each Council Member would rank their first choice with a five (5) and their second choice with a four (4) until each candidate has been ranked. At the end of this process, each candidate's points from all Council Members will be totaled by the City Secretary and the candidate(s) with the most points will be appointed to the open position(s).
- c. In the event of a tie, Council Members will discuss the candidate(s) and a motion will be voted upon to break the tie.

- d. The new board and commission appointments will become effective immediately and board and commission members will be sworn in by the City Secretary prior to the appointee's first meeting.
- e. The Board of the Economic Development Corporation shall include two members of the City Council.

1.4 COUNCIL MEMBER PARTICIPATION IN COMMUNITY ACTIVITIES

From time to time, Council Members may choose to participate in community activities, committees, events, and task forces. When a Council Member participates in these types of activities, the Council Member is acting as an interested party rather than acting on behalf of the City Council. Acting or participating on behalf of the City Council is limited to those instances when the City Council has formally designated the Council Member as its representative for the matter.

SECTION 2 - MEETINGS

2.1 REGULAR MEETINGS

City Council

Regular meetings of the City Council shall be held on the third Monday of each month. The meetings will begin at 6:00 p.m., unless the time is otherwise modified by a posted agenda, and will be held at a location specified on the posted agenda.

Board of Adjustment, Economic Development Corporation, Parks and Recreation Commission, and Planning & Zoning Commission

Unless the time is otherwise modified by a posted agenda, regular meetings of City Boards and Commissions shall be held at 6:00 p.m. at a location specified on the posted agenda on an as-need basis as follows.

- Board of Adjustment – 2nd Monday of the month
- Economic Development Corporation – 2nd Tuesday of the month
- Parks and Recreation Commission – 4th Tuesday of the month
- Planning & Zoning Commission – 1st Tuesday of the month

The City Manager shall be responsible for determining the need for a meeting and preparing the meeting agenda. In addition to items of routine business that the City Manager places on the meeting agenda, each regular meeting agenda should include an agenda item to allow City Council members and board and commission members to request that topics be scheduled for discussion at future meetings. Because the Open Meetings Act prohibits the City Council, boards, and commissions from taking action on or engaging in any discussion regarding an item not listed on the agenda, this agenda item provides only an opportunity for any member of the City Council, boards, or commissions to propose that a topic be scheduled for a future meeting. Upon an item being proposed for discussion, the City Council, board, or commission will vote to determine its collective desire to schedule the item for discussion and/or action at a future meeting. A majority

vote of the City Council, board, or commission is required to schedule an item for discussion and/or action at a future meeting.

Agenda items concerning matters of public interest or health and safety that Council deems important, Council members may place an item on the agenda by submitting the request in writing to the City Manger at least eight (8) days before the agenda item is to be posted. The request must include at least two (2) Council Members signatures but more than two (2) would be considered a quorum and must be done as an agenda item at a future meeting to avoid violation of the Open Meetings Act.

The City Secretary shall be responsible for posting the meeting agenda.

2.2 SPECIAL AND EMERGENCY MEETINGS

City Council

Special meetings of the City Council may be called at any time by the Mayor or on the application of three (3) Council Members, consistent with Section 22.038(b) of the Texas Local Government Code. Each member of the governing body, the City Secretary, and City Attorney must be notified of the special meeting. The notice may be given personally or left at the person's usual place of residence. The City Secretary shall also post notice thereof as provided by State law. Special meetings may be held at any location in the City as long as such meetings are conducted in accordance with State law.

In case of an emergency or urgent public necessity which shall be expressed in the notice of meeting, an emergency meeting may be called, in accordance with the Texas Government Code, by the Mayor or three (3) members of City Council, and it shall be sufficient if the notice is posted two hours before the meeting is convened. Diligent effort to notify all Council Members shall be made prior to the emergency meeting. (Texas Government Code, Section 551.045)

Board of Adjustment, Economic Development Corporation, Parks and Recreation Commission, and Planning & Zoning Commission

Special meetings of City Boards and Commissions may be called by the Chair or a by a majority of the Board and Commission members who are serving duly appointed terms of office at the time the meeting is called.

2.3 EXECUTIVE SESSIONS (CLOSED MEETINGS)

The City Council, Boards, and Commissions may meet in Executive Session during any regular or special meeting, or anytime otherwise authorized by State law, to consider or hear any matter which is authorized by State law to be heard or considered in Executive Session.

- a. The City Council, Boards, and Commissions may exclude from any such Executive Session any person or persons which it is authorized by State law to exclude from such sessions.

- b. The general subject matter for consideration shall be expressed in an open meeting before such session is held.
- c. The City Council, Boards, and Commissions may not reveal the specific nature of discussion from a closed session unless required by State law.

2.4 NOTICE OF MEETINGS

Notice of meetings and the agenda for all City Council, Boards, and Commission meetings shall be posted by the City Secretary in a public location at City Hall and on the City's website pursuant to the requirements of the Texas Open Meetings Act, Sections 551.050 and 551.056 of the Texas Government Code. In addition, the City will make a concerted effort to place the day and time of meetings on the City's marquee sign at 100 Naylor Road.

2.5 QUORUM

City Council

Pursuant to Section 22.039 of the Texas Local Government Code, three (3) City Council members (excluding the Mayor) shall constitute a quorum for the purpose of transaction of business. No action of the City Council shall be valid or binding unless adopted by the affirmative vote of a majority of the City Council present at a meeting at which a quorum is present, except as required or authorized by State law. However, at a called meeting or at a meeting to consider the imposition of taxes, four (4) City Council members (excluding the Mayor) constitute a quorum unless otherwise provided by law and consistent with Section 22.039 of the Texas Local Government Code.

Should a quorum for a meeting of the City Council not be present within 15 minutes of the scheduled meeting, the meeting is canceled unless otherwise determined by the presiding officer.

Board of Adjustment, Economic Development Corporation, Parks and Recreation Commission, and Planning & Zoning Commission

A majority of the Board or Commission members shall constitute a quorum for the purpose of transaction of business. No action of the Board or Commission shall be valid or binding unless adopted by the affirmative vote of a majority of the Board or Commission present at a meeting which a quorum is present, except as otherwise required or authorized by State law. Each case before the board of adjustment is required to be heard by seventy-five percent (75%) of its members, or four (4) of the five (5) member board, consistent with Section 211.008(d) of the Texas Local Government Code, except as otherwise required or authorized by State law.

Should a quorum for a Board or Commission meeting not be present within 15 minutes of the scheduled meeting, the meeting is canceled unless otherwise determined by the presiding officer.

2.6 CHAIR (PRESIDING OFFICER) AND VICE CHAIR

City Council

- a. **Mayor.** The Mayor shall preside over all meetings of the governing body of the municipality. The Mayor shall participate in the discussion of all matters coming before the City Council, but shall not vote on matters before the City Council unless his/her vote is needed to break a tie.

The Mayor has been delegated the responsibility to act as the City Council's ceremonial representative at public events and functions. In the Mayor's absence, the Mayor Pro-Tem assumes this responsibility.

The Mayor shall have the authority to preserve order at all City Council meetings, to enforce the rules of the City Council and to determine the order of business under the rules of the Council. The Mayor shall also have the power to administer oaths.

- b. **Absence of the Mayor.** The City Council shall elect from among the Council Members a Mayor Pro-Tem at the first regular meeting after each election of Council Members and/or Mayor for a term of one year. The Mayor Pro-Tem shall act as Mayor during the disability or absence of the Mayor and in this capacity shall have the rights conferred upon the Mayor.
- c. **Absence of Mayor and Mayor Pro-Tem.** The Deputy Mayor Pro-Tem shall be a Council Member elected by the City Council at the first regular meeting after the election of Council Members and/or Mayor. The Deputy Mayor Pro-Tem shall act as Mayor during the disability or absence of the Mayor and Mayor Pro-Tem, and in this capacity shall have the rights conferred upon the Mayor.

Board of Adjustment

The Board of Adjustment shall elect its own Chair from the members of the Board at the first meeting following annual appointments. The Chair shall serve for a period of one year and may be reappointed for additional terms. In the absence of the Chair, an acting member shall be chosen by the Board from among the Board members present.

Economic Development Corporation

The officers of the Corporation shall be the President, the Vice President, a secretary, a treasurer, and such other officers as the City Council may from time to time elect or appoint. One person may hold more than one office, except that one person shall not concurrently hold the offices of President and Secretary. The term of office for each officer shall be one (1) year with the term of office expiring on June 30 of each year. Officers may be re-elected.

At all meetings of the Board, the President shall preside, and in the absence of the President, the Vice President shall preside. In the absence of the President and the Vice President, an acting presiding officer shall be chosen by the Board from among the Directors present.

Parks and Recreation Commission (PARC)

The Parks and Recreation Commission shall elect its own Chair and Vice Chair. The Chair and Vice Chair shall serve for a period of one year or until his successor is elected.

The Chair shall preside at all meetings where he/she is present. The Vice Chair shall assist the Chair in directing the total affairs of the Committee. In the absence of the Chair, the Vice Chair shall assume all duties of the Chair.

Planning & Zoning Commission

The Planning & Zoning Commission shall elect its own Chair from the members of the Commission at the first meeting following annual appointments. The Chair shall serve for a period of one year and may be reappointed for additional terms. In the absence of the Chair, an acting member shall be chosen by the Commission from among the Commission members present.

2.7 ATTENDANCE BY THE PUBLIC

All City Council, Board, and Commission meetings shall be open and public in accordance with the terms of provisions of the Texas Open Meetings Act except the Executive Session or closed meetings authorized by State law. (Texas Government Code, Section 551.002)

2.8 MINUTES

Minutes of City Council meetings and of all other Board and Commission meetings will be kept by the City Secretary or his/her designee. Minutes will include final motions with votes. The minutes will also reflect the names of public speakers. (Texas Government Code, Section 551.021) Efforts will be made to document the dollar amount of any expenditure authorized by the City Council, a board, or commission.

Minutes of meetings are generally submitted to the City Council, Board, or Commission for approval at the next regular meeting of the City Council, Board, or Commission.

2.9 ATTENDANCE POLICY FOR BOARDS AND COMMISSIONS

Any member of a board or commission who is absent from three (3) consecutive regular meetings or twenty-five percent (25%) of regularly scheduled meetings during the twelve (12) month period immediately preceding and including the absence in question, without an explanation acceptable to the City Council, shall forfeit his or her position on the board or commission and the City Council shall promptly appoint a replacement.

2.10 BOARD AND COMMISSION MEMBERSHIP

Any member of a board or commission that becomes ineligible to hold a position on the board or commission on which they serve due to a change in residency or any statutory reason shall forfeit their position and the City Council shall promptly appoint a replacement.

SECTION 3 - ORDER OF BUSINESS

3.1 GENERAL ORDER

City Council

City Council meetings will be generally conducted in the following order, unless otherwise specified. An Executive Session may be held at any time during a meeting consistent with applicable State law.

REGULAR MEETING AGENDA

- Call to order and announce a quorum is present (City staff will announce the reason a Council Member is not in attendance of a meeting if requested beforehand by the absent Council Member)
- Pledge of Allegiance
- Citizen Presentations and Public Input
- Announcements/Public Recognition
- Presentations
- Consent Agenda/Approval of Minutes
- Public Hearings
- Regular Agenda
- Executive Session (if applicable)
- Scheduling of Future Agenda Items
- Adjournment

Note: When the agenda of a City Council meeting includes an ordinance to canvass the results of an election, Statements of Elected Official, Oaths of Office, and Certificates of Election, these items will be scheduled for action immediately after the Pledge of Allegiance.

Board of Adjustment, Economic Development Corporation, Parks and Recreation Commission, and Planning & Zoning Commission

Board and Commission meetings will be generally conducted in the following order, unless otherwise specified. An Executive Session may be held at any time during a meeting consistent with applicable State law.

REGULAR MEETING AGENDA

- Call to order and announce a quorum is present (City staff will announce the reason a Board or Commission Member is not in attendance of a meeting if requested beforehand by the absent Board or Commission Member)
- Pledge of Allegiance
- Presentations
- Consent Agenda/Approval of Minutes
- Public Hearings

- Regular Agenda
- Executive Session (if applicable)
- Scheduling of Future Agenda Items
- Adjournment

3.2 NUMBERING AND INDEXING OF AGENDA ITEMS

All items of any nature shall be numbered consecutively for purposes of consideration on the agenda. Upon passage, the City Secretary shall index all ordinances and resolutions.

3.3 ANNOUNCEMENTS AND PUBLIC RECOGNITION

All special presentations and announcements will be calendared and coordinated through the City Secretary. A period of time, generally not to exceed fifteen (15) minutes, will be set aside for public recognition, announcements, or special presentations at each City Council meeting. Members of the City Council have the opportunity to notify others of community events, functions, and other activities.

3.4 CONSENT AGENDA

The Consent Agenda shall contain routine, non-controversial items that require action, but generally no deliberation.

Agenda items removed from the Consent Agenda, by the request of City Council, Board, or Commission Members or staff, will be considered after approval of the remaining Consent Agenda.

3.5 STANDARD ADJOURNMENT

11:30 p.m. is established as the hour of adjournment and meetings will not continue beyond that time without a majority vote of the City Council, Board, or Commission. To assist in making the determination to continue an item under consideration, the City Council, Board, or Commission should find that discussion, deliberation, and action, on the item could be concluded by 12:00 midnight. If agenda items remain after the 11:30 p.m. adjournment, a special meeting may be scheduled or the items deferred until the next regular meeting.

SECTION 4 - RULES OF CONDUCT

4.1 GENERAL PROCEDURE

In addition to these Rules of Order and Procedure, State law and any applicable City ordinance, statute or other legal requirement, shall govern the proceedings of the City Council, Board, or Commission.

4.2 AUTHORITY OF THE CHAIR

Subject to an appeal by the majority of the full City Council, Board, or Commission, the Chair shall have the authority to prevent the misuse of motions, the abuse of privilege, or the obstruction of the business of the City Council, Board, or Commission by ruling any such matter out of order. In so ruling, the Chair shall be courteous and fair and should presume that the moving party is acting in good faith. The authority of the Chair shall include the ability to order the removal of an individual who attempts to prevent or disrupt a lawful meeting through physical action or verbal utterance.

4.3 CHAIR TO FACILITATE MEETINGS

In the role of facilitator, the Chair will assist the City Council, Board, or Commission in focusing on agenda discussions and deliberations.

4.4 RULES OF DECORUM FOR CITY COUNCIL, BOARD, AND COMMISSION MEETINGS

City Council, board, and commission meetings shall be conducted in an orderly manner to ensure that the public has full opportunity to be heard within the time constraints set by the City Council, boards, and commissions and that the deliberative process of the City Council, boards, or commissions continues.

- a. Council, Board, and Commission Members. Council, Board, and Commission members shall refrain from interrupting other speakers; making personal comments not germane to the business at hand and posted on the agenda, or otherwise interfere with the orderly conduct of meetings. Council, Board, and Commission members shall refrain from abusive conduct, shouting, argumentative/aggressive behavior, personal charges, or verbal attacks upon the character or motives of other Council, Board, and Commission members; City staff members; or members of the general public. The presiding officer of the City Council, Board, or Commission shall be responsible for maintaining order and decorum at their respective meeting.
- b. City Staff. City staff shall observe the same rules of order and decorum as those which apply to City Council, Board, and Commission members.
- c. Persons Addressing the City Council, Board, or Commission. Persons addressing the City Council, Board, or Commission shall do so in an orderly manner from the podium or other location identified by the presiding officer without making personal, impertinent, slanderous, or profane remarks about any Council, Board, and Commission member; City staff member; or a member of the general public. Speakers shall address the Council, Board, and Commission and staff respectfully and no shouting will be tolerated. Any person who makes such remarks or engages in any other disorderly conduct which disrupts or otherwise impedes the orderly conduct of any City Council, Board, and Commission meeting shall, at the discretion of the presiding officer or majority of the City Council, Board, and Commission, be barred from addressing the City Council, Board, and Commission or from further attendance at the meeting.

- d. Members of the Audience. No person in the audience at a meeting of the City Council, Board, or Commission shall engage in disorderly or boisterous conduct, including the utterance of loud, threatening, or abusive language, whistling, stamping of feet, or other acts which disturb, disrupt, or otherwise impede, the orderly conduct of any City Council, Board, and Commission meeting. Any person who conducts himself in such a manner shall, at the discretion of the presiding officer or a majority of the Council, Board, and Commission members, be barred from addressing the City Council, Board, and Commission or from further attendance at the meeting.

4.5 RULES OF ENFORCEMENT OF RULES OF DECORUM

The Mayor or the presiding officer shall request that a person who is breaching the Rules of Decorum cease the disruptive conduct. If, after receiving a warning from the Mayor or the presiding officer, a person persists in disturbing any City Council, Board, and Commission meeting, the Mayor or the presiding officer shall order the person to leave the City Council, Board, and Commission meeting. If such person does not remove himself, the Mayor or the presiding officer shall order any law enforcement officer who is on duty to remove that person from the meeting room.

Any law enforcement officer who is on duty shall carry out all orders and instructions given by the Mayor or the presiding officer for the purpose of maintaining order and decorum at a City Council, Board, or Commission meeting. A Council, Board, or Commission member may only be removed from the City Council, Board, or Commission meeting after a vote is taken of the City Council, Board, or Commission as to whether the Council, Board, or Commission member has violated the Rules of Decorum. If the vote is in favor of the Council, Board, or Commission member, the Council, Board, or Commission member shall be at liberty to proceed.

If a Council, Board, or Commission member feels that the Mayor or the presiding officer has breached the Rules of Decorum, the Council, Board, or Commission member may request that the Mayor or the presiding officer cease the disruptive conduct. If, after the initial request, the Mayor or the presiding officer continues with the perceived disruptive conduct, a Council, Board, or Commission member may request that a vote be taken of the City Council, Board, or Commission to determine if the Mayor or the presiding officer has violated the Rules of Decorum. If through the vote it is determined that the Mayor or the presiding officer has violated the Rules of Decorum, the Mayor or the presiding officer shall exit the meeting room and be barred from further attendance at the meeting. If such person does not immediately exit the meeting room, the Mayor Pro Tem, Vice Chair, or next presiding officer shall order any law enforcement officer who is on duty to remove that person from the meeting room. If through the vote it is determined that the Mayor or the presiding officer has not violated the Rules of Decorum, the Mayor or the presiding officer shall be at liberty to proceed.

4.6 DELIBERATION AND SPEAKERS ORDER

The Chair has been delegated the responsibility to control the debate and speaking order of the City Council, Board, or Commission meetings. City Council, Board, or Commission members will generally be called upon by the Chair in the order of the request to speak or by seating order.

With the concurrence of the Chair, a City Council, Board, or Commission Member holding the floor may address a question to another City Council, Board, or Commission Member and that City Council, Board, or Commission Member may respond while the floor is still held by the City Council, Board, or Commission Member asking the question. A City Council, Board, or Commission Member may opt not to answer questions while another City Council, Board, or Commission Member has the floor.

4.7 LIMIT DELIBERATIONS TO ITEM AT HAND

City Council, Board, or Commission Members will limit their comments to the subject matter or motion being currently considered by the City Council, Board, or Commission.

4.8 LENGTH OF COMMENTS

City Council, Board, and Commission Members will govern themselves as to the length of their comments or presentation. As a courtesy, the Chair will signal by hand to a City Council, Board, or Commission Member who has been speaking for over five (5) minutes. This procedure is not meant to limit debate or to cut comments short, but rather to assist City Council, Board, and Commission Members in their efforts to communicate concisely.

4.9 OBTAINING THE FLOOR

Any member of the City Council, Board, or Commission wishing to speak must first obtain the floor by being recognized by the Chair. The Chair must recognize any City Council, Board, or Commission Member who seeks the floor when appropriately entitled to do so.

4.10 MOTIONS

Motions may be made by any member of the City Council, Board, or Commission, including the Chair, provided that before the Chair offers a motion, the opportunity for making a motion should be offered to other members of the City Council, Board, or Commission. Any member of the City Council, Board, or Commission, other than the person offering the motion, may second a motion.

4.11 PRODECURES FOR MOTIONS

The following is the general procedure for making motions:

- a. A City Council, Board, or Commission Member who wishes to make a motion should do so through a verbal request to the Chair.
- b. A City Council, Board, or Commission Member who wishes to second a motion should do so through a verbal request to the Chair.

- c. Once the motion has been properly made and seconded, the Chair shall open the matter for discussion offering the first opportunity to the moving party and, thereafter, to any City Council, Board, or Commission Member properly recognized by the Chair.
- d. Once the matter has been fully discussed and the Chair calls for a vote, no other discussion will be allowed, provided, however, City Council, Board, or Commission Members may be allowed to explain their votes.

MOTION TO CONTINUE

A motion to continue will leave the motion in its present condition for consideration on a date and time certain.

MOTION TO REMOVE

A motion to remove will take the matter off the agenda and will not be considered for a period of time to be specified in the motion.

MOTION TO TABLE

A motion to table will delay consideration of the item being discussed.

MOTION TO TABLE (public hearing)

Before a motion to table a public hearing may be made, a motion to open the public hearing must be made and seconded. Once the public hearing is open, a motion to table and continue the public hearing to a date specific meeting may be made and seconded.

MOTION TO POSTPONE

A motion to postpone will kill or reject the item under consideration for a period of 180 days.

MOTION TO REFER

A motion to refer forwards the item under consideration to the named group, committee, or board for further study.

MOTION TO LAY ON THE TABLE

A motion to lay on the table allows the item to be temporarily set aside under discussion.

MOTION TO TAKE FROM THE TABLE

A motion to take from the table allows the matter to be discussed again and would only be used in conjunction with a motion to lay on the table at the same meeting.

WITHDRAWAL OF MOTION

A withdrawal of motion indicates a motion may be withdrawn or modified by the City Council, Board, or Commission Member who originally made the motion at any time prior to its passage. If the motion is modified, the City Council, Board, or Commission Member who seconded the motion may withdraw his/her second.

MOTION FOR RECONSIDERATION

A motion for reconsideration may be made at the same meeting (or at the next succeeding meeting following a City Council, Board, or Commission action) as long as the reconsideration request complies with the requirements of the Texas Open Meetings Act.

A motion for reconsideration may only be made by a City Council, Board, or Commission Member who voted with the majority of the City Council, Board, or Commission on the action proposed to be reconsidered by the City Council, Board, or Commission. Any member of the City Council, Board, or Commission may second a motion for reconsideration.

4.12 VOTING

- a. If any voting member of the City Council, Board, or Commission abstains because of a legal conflict, he/she is not deemed to be “voting” for purposes of determining whether there has been a “majority vote of those voting and present”, unless otherwise provided by State law.
- b. When a voting member of the City Council, Board, or Commission abstains or excuses himself/herself from a portion of a City Council, Board, or Commission meeting because of a legal conflict of interest, the member must briefly state, on the record, the nature of the conflict and comply with any other State law requirements.
- c. Should any voting member of the City Council, Board, or Commission choose to abstain (including any member momentarily or temporarily excusing themselves from any portion of the meeting without a formal recess) from voting on any question before the City Council, Board, or Commission where no conflict of interest exists, the member’s vote shall be recorded as a negative vote in the official minutes of the meeting.

Tie Votes

Unless a tie vote can be broken by the mayor, a tie vote results in a lost motion. In such an instance, any member of the City Council, Board, or Commission may offer a motion for further action. If there is not an affirmative vote, the result is no action. If the matter involves an appeal and an affirmative vote does not occur, the decision appealed stands as decided by the decision making person or body from which the appeal was taken.

Statute Voting Requirements

Some actions taken by the City Council require more than a simple majority vote of approval as required by State statutes.

a. Protested Changes in Zoning Ordinance – Three-fourths Vote

A request recommended for denial by the Planning & Zoning Commission shall require a 3/4 majority vote of the City Council for approval.

Any proposal against which the owners of at least 20% of the affected land area (within 200 feet) or 40% of numerical property owners of said affected land area have filed a duly signed protest shall require a 3/4 majority vote of the City Council for approval.

4.13 NON-OBERVANCE OF RULES

Rules adopted to expedite and facilitate the transaction of the business of the City Council, Board, or Commission in an orderly fashion shall be deemed to be procedural only, and the failure to strictly observe any such rules shall not affect the jurisdiction of, or invalidate any action take by the City Council, Board, or Commission.

SECTION 5 - PUBLIC HEARINGS

5.1 GENERAL PROCEDURE

The order of procedure for Public Hearings is generally as follows:

- a. City staff presents its reports.
- b. City Council, Board, or Commission Members may ask questions of City staff.
- c. The applicant or appellant will then be provided the opportunity to present comments, testimony, or arguments. In the case of an appeal when the appellant is different from the applicant, the appellant should be called upon first to provide comments or testimony. The applicant or appellant shall have a total of fifteen (15) minutes for a presentation when recognized by the Chair. The initial comments or presentation shall be limited to ten (10) minutes and their rebuttal or concluding comments shall be limited to five (5) minutes unless extended by a majority vote of the City Council, Board, or Commission.
- d. City Council, Board, or Commission Members may ask questions of the applicant and/or appellant.
- e. Upon a favorable motion of the City Council, Board, or Commission, the Chair opens the Public Hearing. (See Section 5.3)

- f. Members of the public are provided with the opportunity for rebuttal or concluding comments. In the case of an appeal when the appellant is different from the applicant, both are given the opportunity for closing comments.
- g. Upon a favorable motion of the City Council, Board, or Commission, the Public Hearing will be closed.
- h. The City Council, Board, or Commission deliberates on the issue.
- i. If the City Council, Board, or Commission raises new issues through deliberation and seeks to take additional public testimony, the Public Hearing must be reopened. At the conclusion of the public testimony, the Public Hearing must be closed.
- j. The City Council, Board, or Commission deliberates, makes motions, if any, and takes action.
- k. The Chair announces the final decision of the City Council, Board, or Commission.

5.2 CONTINUANCE OF HEARINGS

Any Public Hearing being held, noticed or ordered to be held by the City Council, Board, or Commission may, by order, notice or motion, be continued to any subsequent meeting.

5.3 PUBLIC DISCUSSION AT HEARINGS

When a matter for Public Hearing comes before the City Council, Board, or Commission, the Chair will open the Public Hearing after a favorable motion of the City Council, Board, or Commission. Upon opening the Public Hearing and before any motion is adopted related to the merits of the issue to be heard, the Chair shall inquire if there is anyone present who desires to speak on the matter which is to be heard or to present evidence regarding the matter.

- a. **Public Member Request to Speak**

Any person wishing to speak at a Public Hearing scheduled on the agenda shall complete a Public Meeting Appearance Card prior to the matter being reached, and present it to the City Secretary. Upon being recognized by the Chair, the person may speak or present evidence relevant to the matter being heard. No person may speak without first being recognized by the Chair. All persons wishing to speak on the matter shall be limited to five (5) minutes each, and there shall be a cumulative limit of sixty (60) minutes for all those speaking in favor of an item and a like limit for those speaking in opposition. The time limit may be extended by a majority vote of the City Council, Board, or Commission.
- b. **Time Limits**

The Chair, with approval of a majority of the City Council, Board, or Commission, may 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.
- c. **Questions of Speakers**

Members of the City Council, Board, or Commission who wish to ask questions of the speakers or each other during the Public Hearing portion may do so, but only after first being recognized by the Chair. Interaction with the speaker shall be limited to a question or questions, rather than an ongoing dialog.

d. **Materials for Public Record**

All persons interested in the matter being heard by the City Council, Board, or Commission shall be entitled to submit written evidence or remarks, as well as other graphic evidence. All such evidence presented will be retained by the City Secretary's Office as part of the record of the hearing, in accordance with the requirements of State law.

e. **Germane Comments**

During the Public Hearing, 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 Chair, but may be appealed to the full City Council, Board, or Commission.

5.4 COMMUNICATIONS AND PETITIONS

Written communications and petitions concerning the subject matter of the hearing will be noted, read aloud, or summarized by the Chair. A reading in full shall take place if requested by any member of the City Council, Board, or Commission.

SECTION 6 - ADDRESSING THE CITY COUNCIL

6.1 STAFF PRESENTATIONS

Staff presentations will be concise and will provide factual background information on the item as well as a recommendation for the City Council, Board, or Commission.

6.2 ORAL PRESENTATIONS BY MEMBER OF THE PUBLIC

The following procedures will guide oral presentations by members of the public at City Council, Board, or Commission meetings:

- a. Prior to the meeting or during the meeting prior to a matter being reached, persons wishing to address the City Council, Board, or Commission shall complete a Public Meeting Appearance Card and present it to the City Secretary.
- b. When called upon, the person should approach the podium, state his/her name and address for the record, and, if speaking for an organization or other group, identify the group represented.
- c. All remarks should be addressed to the City Council, Board, or Commission as a whole, not to individual members.

- d. Questions, if any, should be directed to the Chair who will determine whether, or in what manner, a response or answer will be provided.

6.3 CITIZENS' COMMENTS

This portion of the City Council meeting is set aside for members of the public to address the City Council on any item of business that is not formally scheduled on the agenda or scheduled as a Public Hearing. Members of the public shall complete a Public Meeting Appearance Card prior to the item being heard and present it to the City Secretary.

- a. **Timing**

Citizens' Comments are generally permitted at the beginning of the regular City Council meeting, as specified on the agenda. Presentations shall be limited to three (3) minutes each, but may be extended for an additional two (2) minutes with approval of a majority of the City Council. Citizens' Comments shall be limited to a cumulative total not to exceed fifteen (15) minutes for all speakers unless extended by a majority vote of Council.

- b. **No Council Deliberations**

In compliance with the Texas Open Meetings Act, the City Council may not deliberate or vote on any matter raised in Citizens' Comments, except for the purpose of determining whether such matter should be placed on a future City Council agenda. The Mayor, however, may request the City Manager to provide additional information on a matter of general interest to the full City Council, the public at large, and to the citizen making the comment.

6.4 POWERPOINT PRESENTATIONS

- a. Members of the public may present a PowerPoint software presentation to the City Council, Board, or Commission utilizing the City's audio/visual equipment or their own equipment.
- b. All PowerPoint presentations must be submitted to the City Secretary, or appropriate staff, on a staff approved format not later than noon of the day prior to the City Council, Board, or Commission meeting to allow for virus checks and confirm compatibility with City equipment.
- c. Any CDs submitted believed to contain viruses or are unable to be scanned for viruses by City equipment will not be permitted to be used on City equipment.
- d. If compatibility or viruses is at issue, a member of the public may provide a printed hard copy of the PowerPoint presentation to the City Council, Board, or Commission and staff or run the PowerPoint presentation on their own equipment.

6.5 PUBLIC MEETING APPEARANCE CARDS

Public Meeting Appearance Cards may be used by members of the public who are present, but do not wish to or cannot verbally address the City Council, Board, or Commission during a meeting. A person may indicate his/her comments and support or opposition for an agenda item on a Public Meeting Appearance Card. During the public testimony regarding the item, the Chair will indicate that the City Council, Board, or Commission 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, Board, or Commission's receipt of written comments in support or opposition of the project or issue.

6.6 REPETITIOUS COMMENTS PROHIBITED

- a. A speaker shall not present the same or substantially the same items or arguments to the City Council, Board, or Commission repeatedly or be repetitious in presenting their oral comments. Nothing in the foregoing precludes submission of comments to the City Council, Board, or Commission in writing, for such action or non-action as the City Council, Board, or Commission, in its discretion, may deem appropriate.
- b. In order to expedite matters and avoid repetitious presentations, the designation of a spokesperson is encouraged. Whenever any group of individuals wishes to address the City Council, Board, or Commission on the same subject matter, those individuals are encouraged to designate a spokesperson to address the City Council, Board, or Commission. With the consent of the City Council, Board, or Commission, the Chair may extend the time allocation for a designated spokesperson.

6.7 WAIVER OF RULES

Any of the foregoing rules may be waived or suspended by a majority vote of the City Council, Board, or Commission Members present when it is deemed that there is good reason to do so, based upon the particular facts and circumstances involved.

6.8 NON-EXCLUSIVE RULES

The rules set forth are not exclusive and do not limit the inherent power and general legal authority of the City Council, Board, or Commission, or of its Chair, to govern the conduct of City Council, Board, or Commission meetings as may be considered appropriate from time to time, or in particular circumstances, for purposes of orderly and effective conduct of the affairs of the City.

SECTION 7 - ADMINISTRATIVE REPORTING

7.1 MAIL

All general mail addressed to members of the City Council, Boards, and Commission and received at City Hall will be date stamped and distributed to individual City Council, Board, or Commission Members to which the mail is addressed in a timely basis.

7.2 CORRESPONDENCE

All City Council, Board, or Commission Member correspondence prepared with City resources (letterhead, typing, staff support, postage, etc.) will reflect the position of the full City Council, Board, or Commission, not individual City Council, Board, or Commission Member's positions.

City Council Members will be provided business cards to use reflecting their position as a Council Member.

7.3 MASTER CALENDAR

A master calendar of City Council events, functions or meetings will be maintained by the City Secretary's Office and provided to the City Council.

Functions, events or meetings to be attended by individual City Council Members will only be included on the master calendar at the request of individual City Council Members.

7.4 REQUESTS FOR RESEARCH OR INFORMATION

City Council Members may request information or research from staff on a given topic through the City Manager. Requests for policy direction will be brought to the full City Council at a regular meeting for consideration. All written products will be copied to the full City Council. The City Manager will determine if extensive staff time and resources are required to accomplish the request. If so, at his/her discretion, the City Manager may present that request to the full City Council prior to proceeding.

7.5 ACTIVITY REPORTS

The City Manager and the Director of the Department of Public Safety shall provide activity reports to the City Council on a monthly basis to inform the City Council about department occurrences, project updates, personnel changes, etc.

7.6 CITY COUNCIL NOTIFICATION OF SIGNIFICANT INCIDENTS

The Director of the Department of Public Safety, in his sole discretion, will notify the City Manager of a major crime, fire or other disasters or incidents that occur within the City or that could impact the City and provide all relevant details which he can legally release. The Director of the Department of Public Safety will also in his sole discretion coordinate the notification of the City Council and or other city staff of such incidents.

SECTION 8 - PROCEDURES ADMINISTRATION

8.1 BIENNIAL REVIEW OF CITY COUNCIL PROCEDURES

The City Council will review and revise the Rules of Order and Procedure as needed, and at a minimum, every two (2) years. The biennial review shall generally occur following each mayoral election.

8.2 ADHERENCE TO PROCEDURES

During City Council, Board, or Commission discussions, deliberations, and proceedings, the Chair has the primary responsibility to ensure that the City Council, Boards, Commissions, staff, and members of the public adhere to the adopted procedures.

8.3 CITY ATTORNEY AS PRODECURE ADVISOR

The City Attorney assists the Mayor and City Council as a resource and as an advisor for interpreting the City Council's adopted rules and procedures.

SECTION 9 - SEVERABILITY

If any provision of this Ordinance is found by a court of competent jurisdiction to be invalid or unconstitutional, or if the application of this Ordinance to any person or circumstances is found to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provision or application.