

CITY OF PRINCETON, TEXAS

ORDINANCE NUMBER 2014-01-27

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PRINCETON, TEXAS AMENDING ORDINANCE NO. 2013-09-16-02; THE RULES OF ORDER FOR CITY COUNCIL; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Princeton, Texas is a duly organized political subdivision of the State of Texas engaged in the provision of City Government and related services for the benefit of the citizens of the City of Princeton; and

WHEREAS, the City of Princeton is a Type A General Law Municipality; and

WHEREAS, the City Council has determined that it is in the best interest of the citizens of the City of Princeton to amend such rules of proceedings in accordance with state law.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF PRINCETON, TEXAS THAT:

- Section 1:** The City Council of the City Princeton, hereinafter and attached hereto in Exhibit A – described Rules of Order shall govern the conduct of Council members.
- Section 2:** This Ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Princeton, and this Ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.
- Section 3:** If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance, or application to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance; and the City Council hereby declares it would have passed such remaining portions of the Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.
- Section 4:** The ordinance shall become effective immediately upon its passage.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF PRINCETON ON THE 27th OF JANUARY, 2014.

CITY OF PRINCETON, TEXAS


Ken Bowers,


Mayor

ATTEST:


LESIA THORNHILL
City Secretary





City of Princeton, Texas
City Council
Rules of Order and Procedure

JANUARY 27, 2014 (AMENDED)

ORDINANCE NO. 2014-01-27

**CITY COUNCIL
RULES OF ORDER AND PROCEDURE**

City of Princeton, Texas

January 27, 2014 (AMENDED)

Ordinance No. 2014-01-27

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1. AUTHORITY

1.1 TYPE A GENERAL LAW

The City Council shall determine its own rules of proceedings, order of business and procedures for meetings. ^{TLGC 22.038 (c).} These 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 AD HOC COMMITTEES

Ad Hoc Committees are formed on an as *needed* basis with a clearly defined purpose and term, as well as reporting requirements. Ad Hoc Committees will consist of up to two Council members recommended by the Mayor with concurrence through a motion of the full City Council.

1.3 COUNCILMEMBER APPOINTMENTS AND ASSIGNMENTS

The Mayor nominates and the City Council confirms Councilmember appointments to outside agencies, committees, task forces, boards and commissions. Councilmembers 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.

1.4 MAYOR TO ACT AS COUNCIL CEREMONIAL REPRESENTATIVE

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. In both the Mayor's and Mayor Pro Tem's absence, the Mayor will appoint another Councilmember to assume the responsibility.

1.5 COUNCILMEMBER PARTICIPATION IN COMMUNITY ACTIVITIES

From time to time, Council members may choose to participate in community activities, committees, events and task forces. When a Councilmember participates in these types of activities, the Councilmember 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 Councilmember as its representative for the matter.

1.6 ELECTION OF MAYOR PRO TEMPORE

At the first meeting after City Council elections are final and all members are sworn in, the City Council shall annually elect a Mayor Pro Tempore from among its members. The Mayor Pro Tempore shall act in the absence or illness of the Mayor or failure or refusal of the Mayor to act consistent with state law.

1.7 DRESS CODE

The dress code for all meetings shall be business casual.

2. COUNCIL MEETINGS

2.1 REGULAR MEETINGS

Regular meetings of the City Council shall be held on the second and fourth Monday of each month. The meetings are held in the City Council Chambers at the City Hall located at 123 W. Princeton Drive and begin at 7:00 p.m. Provided, however, the Council may discuss an alternate schedule for June, July and August and holidays.

a. Other Locations

The City Council may, occasionally, elect to meet at other locations and, upon such election, shall give public notice of the change of location in accordance with provisions of State law.

b. Location During Local Emergency

If by reason of fire, flood or other emergency, it is unsafe to meet in the City Council Chambers, the meetings may be held for the duration of the emergency at such other place as may be designated by the Mayor or, in the Mayor's absence by the Mayor Pro Tem or the City Manager.

c. Cancellation of Meetings

When the day for any regular meeting falls on a legal holiday, or may not be held due to a lack of a quorum, inclement weather or a matter beyond the City Council's control, the regularly scheduled meeting for such day shall be deemed canceled unless otherwise specified by the City Council. Meetings canceled due to holidays, lack of a quorum, inclement weather or other matters beyond the City Council's control may be rescheduled for another date, at the election of the Mayor or at least three members of the City Council, and posted in accordance with the Open Meetings Act.

d. A council member shall be fine \$3.00 for each meeting that the councilmember fails to attend unless the absence is caused by the councilmember's illness or the illness of a family member. TLGC 22.038(d).

e. Consistent with state law, if a member of the City Council is absent for three regular consecutive meetings, the member's office is considered vacant unless the member is sick or has first obtained a leave of absence at a regular meeting. TLGC 22.041(b)

2.2 PRE-COUNCIL MEETING WORKSHOPS

WORKSHOP MEETINGS. Workshop meetings may be called by the Mayor or on application of three members of the City Council upon written notice. TLGC 22.038(b). The time, place, and purpose of such meetings shall be stated in each instance in

accordance with law. Workshop meetings shall be to discuss in detail, or explore in depth, matters of particular interest to the City or City Council. The public and staff may not participate in the discussions at a workshop meeting unless invited to do so. No formal Council action shall be taken at a workshop meeting.

2.3 SPECIAL MEETINGS AND EMERGENCY MEETINGS

SPECIAL MEETINGS. TLGC 22.038. Special meetings may be called by the Mayor or on application of three members of the City Council upon independent written notice to the Mayor, City Secretary or City Manager. Notice of special meetings shall be given by the City Secretary or designee to each member of the Council including the Mayor, City Attorney and the City Manager, providing notice by way of email, voice mail message, or notice left at residence. The time, place, and purpose of such meetings shall be stated in each instance in accordance with law. A special meeting, by definition, is not a regularly scheduled meeting, or a meeting to make-up for a regularly called meeting that was re-scheduled due to one of the conditions enumerated in Section 2.1(c) above. City staff shall not contact or solicit one or more of the members of City Council to establish the application to call a Special Meeting.

2.4 ADJOURNED MEETINGS

The City Council may adjourn any regular or special meeting to a time and place specified in the order of adjournment pursuant to the provisions of the Texas Open Meetings Act. (Texas Government Code, Section 551)

2.5 EXECUTIVE SESSIONS

The City Council 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 may exclude from any such Executive Session any person or persons which it is authorized by State law to exclude from such sessions. A council member may be excluded if it is established by a majority of Council that the member's interest is adverse to that of the City on the matter to be discussed in Executive Session, only for that item.
- b. The general subject matter for consideration shall be expressed in an open meeting before such session is held.
- c. Council members shall not reveal the nature of discussion from a closed session unless required by State law. Council members, or any person in attendance in closed session as authorized by law, shall not independently record and/or distribute to any third person information disseminated during the closed session.

- d. Executive sessions shall be noticed and held in accordance with state law, as it may be amended.

2.6 NOTICE OF MEETINGS

Notice of meetings and the agenda for all City Council meetings shall be posted by the City Secretary or designee on the City's official bulletin board pursuant to the requirements of the Texas Open Meetings Act. (Texas Government Code, Section 551)

2.7 QUORUM

Three members of the five member City Council shall constitute a quorum to do business and the affirmative vote of a majority of those present shall be necessary to adopt any ordinance or resolution, except as required by State law. At a called meeting, or at a meeting to consider the imposition of taxes, two-thirds (4 of 5) of the number of council constitutes a quorum unless provided otherwise. TLGC 22.039.

2.8 CHAIR

The Mayor shall preside at all meetings of the Council. The Mayor may participate in the discussion of all matters coming before the City Council.

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.

a. Absence of Mayor

The Mayor Pro Tempore shall act in the absence or illness of the Mayor or failure or refusal of the Mayor to act, consistent with state law. The Mayor Pro Tem shall have the powers of the Mayor for the duration of the meeting, or until such time as the Mayor appears at the meeting.

b. Absence of Mayor and Mayor Pro Tem

When the Mayor and the Mayor Pro Tem are absent from any meeting of the Council, the members present shall choose another member to act as Mayor Pro Tem, and that person shall, for the duration of the meeting, or until such time as the Mayor or the Mayor Pro Tem appear at the meeting, have the powers of the Mayor.

2.9 ATTENDANCE BY THE PUBLIC

All meetings of the City Council shall be open and public in accordance with the provisions of the Texas Open Meetings Act except the Executive Session or closed meetings allowed by State law.

Citizens and other visitors attending City Council meetings shall observe the same rules of propriety, decorum and good conduct applicable to members of the City Council.

2.10 MINUTES

Action minutes of City Council meetings will be kept. Action minutes will include final motions with votes. The minutes will also reflect the names of public speakers.

a. City Council Approval of Minutes

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

b. Recording of Meetings

Tape recordings of proceedings are maintained by the City Secretary's office for ninety (90) days after approval by the City Council. Tape recordings of workshop sessions are retained permanently by the City Secretary's office.

3. AGENDAS AND ORDER OF BUSINESS

3.0 AGENDAS

- a. The Mayor shall preside at all meetings and determine the Agenda.
- b. The Agenda shall be set by the Mayor with the assistance of the City Manager. Items placed on the Agenda that require Council action, such as contracts, budget expenditures, applications for annexation, zoning and subdivisions, shall be placed on Agendas in accordance with state statutes and local ordinances.
- c. Additional items may be placed on the Agenda by the Mayor or on application of a council member, whether prior to a meeting, consistent with the Texas Open Meetings statute, or during Future Agenda items.

3.1 GENERAL ORDER

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. The Council, by simple majority vote, at the beginning of a meeting or at any time during a meeting, may overrule the Mayor's decision on a procedural matter; require a separate action to take up an Agenda item for consideration, to take a matter out of order, or to change the order of the Agenda items.

WORKSHOP AGENDA (If Scheduled)

CALL TO ORDER, ROLL CALL AND ANNOUNCE A QUORUM IS PRESENT
QUESTIONS ON CURRENT AGENDA
ITEMS OF INTEREST
ADJOURN TO REGULAR MEETING

REGULAR MEETING AGENDA

CALL TO ORDER, ROLL CALL, AND ANNOUNCE A QUORUM IS PRESENT
INVOCATION
PLEDGE OF ALLEGIANCE
CITIZEN APPEARANCE
CONSENT AGENDA/APPROVAL OF MINUTES
REGULAR AGENDA
FUTURE AGENDA
REPORT AGENDA
ITEMS OF COMMUNITY INTEREST
EXECUTIVE SESSION (*AS NEEDED*)
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 separately index all ordinances and resolutions.

3.3 PUBLIC RECOGNITION

All special presentations and announcements will be calendared and coordinated through the City Secretary. A period of time, not to exceed fifteen minutes, will be set aside for public recognition at each City Council meeting.

3.4 CONSENT AGENDA

The Consent Agenda shall contain routine, non-controversial items that require City Council action but need little or no City Council deliberation. Approval shall be by motion, second and a single vote.

If a council member objects to a consent item, or staff requests removal, it is removed from the list. Agenda items removed from the Consent Agenda by the request of Council members or staff will be considered after approval of the entire Consent Agenda.

3.5 FUTURE AGENDA ITEMS

- a. Additional items may be placed on future Agenda's by the Mayor or on application of a council member during Future Agenda items.

3.6 REPORT AGENDA

- a. The City Manager shall provide reports on projects, city departments and other matters that do not necessarily require council deliberation or action and shall be posted consistent with the Open Meetings Act.

3.7 ITEMS OF COMMUNITY INTEREST

The Mayor and City Council have the opportunity to inform those in attendance of community events, functions and other activities during the community interest portion of the agenda, consistent with the Texas Open Meetings Act. There shall be no discussion of items raised consistent with state law.

3.8 STANDARD ADJOURNMENT

The City Council establishes 11:30 p.m. as the hour of adjournment and will not continue beyond that time without a majority vote of the City Council. To assist in making the determination to continue an item under consideration, the City Council 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. standard adjournment time, the meeting may continue to the next day, a special meeting may be scheduled or the items deferred until the next regular meeting, consistent with the Texas Open Meetings Act. Deferred items will appear first on the regular agenda of the next regular or called meeting.

4. RULES OF CONDUCT

4.1 GENERAL PROCEDURE

These rules, consistent with the Texas Municipal League recommendations, any applicable city ordinance, statute or other legal requirement, shall govern the proceedings of the City Council.

4.2 AUTHORITY OF THE CHAIR

Subject to appeal to the full City Council, the Mayor shall have the authority to prevent the misuse of motions, the abuse of any privilege, or the obstruction of the business of the City Council by ruling any such matter out of order. In so ruling, the Mayor shall be courteous and fair and should presume that the moving party is acting in good faith.

Any member of the City Council may move to require enforcement of the rules, and the affirmative vote of a majority of the City Council shall require the presiding officer to act. The Mayor, with the concurrence of City Council, and/or consistent with state law, may remove a person from the meeting for legal cause or disruption, as defined by state law.

4.3 MAYOR TO FACILITATE COUNCIL MEETINGS

In the role of facilitator, the Mayor will assist the City Council in focusing agenda discussions and deliberations. The Mayor will read aloud the caption of each agenda item, which will allow for Council discussion.

4.4 COUNCIL DELIBERATION AND ORDER OF SPEAKERS

The Mayor has been delegated the responsibility to control the debate and the order of speakers. Speakers will generally be called upon in the order of the request to speak. With the concurrence of the Mayor, a Councilmember holding the floor may address a question to another Councilmember and that Councilmember may respond while the floor is still held by the Councilmember asking the question. A Councilmember may opt not to answer a question while another Councilmember has the floor.

4.5 LIMIT DELIBERATIONS TO ITEM AT HAND

Councilmembers will limit their comments to the subject matter, time or motion being currently considered by the City Council.

4.6 LENGTH OF COUNCIL COMMENTS

Councilmembers will govern themselves as to the length of their comments or presentation. As a courtesy, the Mayor will signal by hand to a Councilmember who has been speaking for over five minutes. This procedure is not meant to limit debate or to cut comments short, but rather to assist Councilmembers in their efforts to communicate concisely.

4.7 OBTAINING THE FLOOR

Any member of the City Council wishing to speak must first obtain the floor by being recognized by the Mayor. The Mayor must recognize any Councilmember who seeks the floor when appropriately entitled to do so.

4.8 MOTIONS

Motions may be made by any member of the City Council. The opportunity for making a motion should be offered to other members of the City Council. Any member of the City Council, other than the person offering the motion, may second a motion.

4.9 PROCEDURES FOR MOTIONS

The following is the general procedure for making motions:

- a. Before a motion can be considered or debated it must be seconded.

- b. A Councilmember who wishes to make a motion should do so through a verbal request to the Mayor.
- c. A Councilmember who wishes to second a motion should do so through a verbal request to the Mayor.
- d. Once the motion has been properly made and seconded, the Mayor shall open the matter for discussion offering the first opportunity to the moving party and, thereafter, to any Councilmember properly recognized by the Mayor.
- e. Once the motion has been fully discussed and the Mayor calls for a vote, no further discussion will be allowed. Council members may be allowed to explain their vote, after roll call, for no longer than one minute per council member.

MOTION AMENDMENTS

When a motion is on the floor and an amendment is offered, the amendment should be acted upon prior to acting on the main motion. No motion of a subject different from that under consideration shall be admitted as an amendment. A motion to amend an amendment shall be in order, but one to amend an amendment to an amendment shall not be in order. Action shall be taken on the amended amendment prior to any other action to further amend the original motion.

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 by the Council for an indefinite period of time.

MOTION TO TABLE

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

MOTION TO POSTPONE INDEFINITELY

A motion to postpone indefinitely will kill or reject the item under consideration.

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 by the Council member who originally made the motion at any time prior to its passage. If the motion is withdrawn, the Council 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 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 Councilmember who voted with the majority of the City Council on the action proposed to be reconsidered by the City Council. Any member of the City Council may second a motion for reconsideration.

4.10 VOTING

Abstention

- a. If a Councilmember abstains because of a legal conflict, he/she is not counted as present for quorum purposes and is not deemed to be "voting" for purposes of determining whether there has been a "majority vote of those voting and present."
- b. When a Councilmember abstains or excuses himself/herself from a portion of a Council meeting because of a legal conflict of interest, the Councilmember must briefly state, on the record, the nature of the conflict and fill out the prescribed form with the City Secretary prior to the meeting. State law requires the inclusion of this information in the public record.
- c. A council member who abstains from the vote shall be allowed to remain seated but must refrain from all discussion. It is recommended that the member vacate the seat during such deliberation to avoid any appearance of participation as prohibited by state law.

Tie Votes

In the event of a tie vote between the voting council members, the Mayor will be allowed to cast his/her vote in order to break the tie. The vote by the Mayor will be counted as valid except where a three-fourths vote is required to pass the item under consideration.

Voting

At the end of discussion, the Mayor will call for a vote, and every member shall vote, unless noted for the record as an abstention.

4.11 NON-OBSERVANCE OF RULES

Rules adopted to expedite and facilitate the transaction of the business of the City Council 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 taken by the City Council.

4.12 USE OF ELECTRONIC DEVICES

- a. City Council members are encouraged not to text or use social media during the course of a meeting.
- b. City Council members shall not communicate, or participate in a discussion with a quorum of the city council relative to city business via email, text or other social media.
- c. City council members are encouraged to only use city issued email addresses for any official business. Use of personal emails, cell phones or computers may subject both to Public Information Act disclosure requirements.

5. PUBLIC HEARINGS

5.1 GENERAL PROCEDURE

The City Council procedure for the conduct of Public Hearings is generally as follows:

- a. Staff presents its report.
- b. Councilmembers may ask questions of staff.
- c. The applicant or appellant then has 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 minutes for a presentation when recognized by the Mayor or presiding officer.

The initial comments or presentation shall be limited to ten minutes and the rebuttal or concluding comments shall be limited to five minutes.

- d. Councilmembers may ask questions of the applicant and/or appellant.
- e. The Mayor opens the Public Hearing.
- f. Members of the public are provided the opportunity to ask questions of an informational nature, and speak in favor or in opposition of the agenda item, at the direction of the Mayor.
- g. In the case of an appeal when the appellant is different from the applicant, both are given the opportunity for rebuttal or closing comments.
- h. The Public Hearing is closed.
- i. The City Council deliberates on the issue.
- j. If the City Council 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 is again closed.
- k. The City Council deliberates and takes action.
- l. The Mayor announces the final decision of the City Council.

5.2 CONTINUANCE OF HEARINGS

Any Public Hearing being held, noticed or ordered to be held by the City Council 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, the Mayor will open the Public Hearing. Upon opening the Public Hearing and before any motion is adopted related to the merits of the issue to be heard, the Mayor 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 beginning of the City Council Meeting, and present it to the City Secretary. Upon being recognized by the Mayor, the person may speak or present evidence relevant to the matter being heard. No person may speak without first being recognized by the Mayor. All persons wishing to speak on the matter shall be limited to three minutes each and

there shall be a cumulative limit of sixty minutes for all those speaking in favor of an item or in opposition. The time limit may be extended by a majority vote of the City Council.

b. Time Limits

The Mayor, with the concurrence of the City Council, 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 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 Mayor. Interaction with the speaker shall be limited to a question or questions, rather than an ongoing dialogue.

d. Materials for Public Record

All persons interested in the matter being heard by the City Council 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 Mayor, but may be appealed to the full City Council.

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 Mayor. A reading in full shall take place if requested by any member of the City Council.

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.

6.2 ORAL PRESENTATIONS BY MEMBERS OF THE PUBLIC

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

- a. Prior to the meeting, persons wishing to address the City Council should complete a Public Meeting Appearance Card and present it to the City Secretary.
- b. When called upon, the person should come to 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 as a whole, not to individual members.
- d. Questions, if any, should be directed to the presiding officer who will determine whether, or in what manner, an 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 as a Public Hearing item. Members of the public should complete a Public Meeting Appearance Card prior to the meeting 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 minutes each, but may be extended for an additional two minutes with approval of a majority of the City Council. Citizens' Comments shall be limited to a cumulative total not to exceed fifteen minutes for all speakers; however, the cumulative total may be extended by a majority of the Council present.

b. City Business

Presentations under Citizens' Comments are limited to items within the subject matter jurisdiction of the City.

c. 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 to request that 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. Brief factual responses may be made consistent with the limitations imposed by state law.

6.4 PUBLIC DECORUM AND DISORDERLY CONDUCT

The Mayor shall ensure that all comments addressed to the body be factual in nature, relative to City business. The Mayor shall require that all persons speaking address the body with respect, decorum and prevent personal and disparaging

comments. City Council may not respond to citizen comments except as provided and the Mayor shall ensure that members of the governing body address the public with respect, decorum and prevent personal and disparaging comments. The making of disparaging remarks may rise to the level of disorderly conduct and the person may be removed as allowed by law.

6.5 PUBLIC MEETING APPEARANCE CARDS

Public Meeting Appearance Cards may be used by members of the public who do not wish to or cannot verbally address the City Council during a Public Hearing. 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 Mayor 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.

6.6 REPETITIOUS COMMENTS PROHIBITED

- a. 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 non-action as the Council, in its discretion, may deem appropriate.
- b. 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. With the consent of the City Council, the Mayor may extend the time allocation for a designated spokesperson not to exceed 15 minutes.

6.7 WAIVER OF RULES

Any of the foregoing rules may be waived or suspended by a majority vote of the Councilmembers present when it is deemed that there is good cause 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, or of its presiding officer, to govern the conduct of City Council 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.

7. COUNCILMEMBER ADMINISTRATIVE SUPPORT

7.1 MAIL

All general mail will be opened and date stamped and distributed to individual Councilmembers.

a. Letters Addressed to the Mayor and City Council

All letters addressed to the Mayor and City Council requiring a response from staff are copied to all Councilmembers with a note as to which staff person will be preparing a response for the Mayor's signature. A copy of the response, along with the original letter, will be provided to each Councilmember.

Letters addressed to the Mayor and City Council that do not require a response but provide information on City Council agenda items or like matters are copied to the full City Council.

b. Letters Addressed to Individual Councilmembers

All letters addressed to individual Councilmembers requiring a response from staff are copied to all Councilmembers with a note as to which staff person will be preparing a response for the addressee's signature. Copies of the responses, along with the original letters, are provided to the full City Council.

Letters addressed to individual Councilmembers that do not require a response from staff but provide information on City Council matters are copied to the full City Council.

Cards and other Councilmember mail marked "personal" will not be opened and will not be copied to the full City Council.

7.2 CITY COUNCIL CORRESPONDENCE

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

7.3 CLERICAL SUPPORT

The City Manager's Office will coordinate the typing of correspondence requested by individual Councilmembers. All correspondence typed for Councilmembers will be on City letterhead and will reflect the position of the full City Council and will be copied to the full City Council.

7.4 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 full City Council.

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

7.5 REQUESTS FOR RESEARCH OR INFORMATION

Councilmembers may request information or research from staff, City Attorney, Consulting Engineer and Municipal Court Judge 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.

7.6 CITY COUNCIL NOTIFICATION OF SIGNIFICANT INCIDENTS

In conjunction with the City's public safety departments, the City Manager's Office will coordinate the notification to the City Council of major crime, fire or other disasters or incidents, through press releases or public information notifications. The City Manager may provide updates to the Council on the status of projects provided the same is in a form and made available to the public. Press releases may be issued that provide necessary notifications to the Council and public consistent with City policies and the Texas Open Meetings Act.

7.7 CITY COUNCIL MEMBER REQUESTS FOR INFORMATION

- A.** A Council member's request under this provision is not governed by the Public Information Act and as such is only enforceable by the members of the City Council.
- B.** Requests shall be for inspection only. Information produced to a council member under this provision is not deemed public but is being produced to the Council person in their official capacities subject to their fiduciary duties. Any disclosure of information produced under this section may be deemed malfeasance of office and subject the Council person to appropriate action under the Ethic provisions and/or applicable criminal, civil and injunctive proceedings.
- C.** The City Council has approved and adopted a form for use by Council members for requests under this provision, which form is attached hereto as Appendix A.
- D.** Nothing herein shall prevent a member of City Council from requesting information consistent with, in accordance with and subject to the parameters,

exceptions and limitations of the Public Information Act and procedures adopted by the City Council.

7.8 CITY COUNCIL MEMBERS INTERACTION WITH STAFF

a. City Council members shall not publicly or privately, verbally or in writing, disparage, defame, malign, or disrespect any member of City staff or City Council. Prohibited conduct includes but is not limited to threatening, intimidating or harassing conduct that creates a hostile workplace.

b. The Mayor or the City Manager may bring complaints about the behavior, treatment of staff, by one of its members to the attention of the City Council for information, investigation and possible action consistent with applicable rules and state law.

c. Nothing herein prohibits any person from seeking of the appropriate legal redress in a court of competent jurisdiction.

8. ADMINISTRATIVE PROCEDURES

8.1 BIENNIAL REVIEW OF CITY COUNCIL PROCEDURES

The City Council will review and revise the City Council Rules of Order and Procedure as needed, and at a minimum, every two years.

8.2 ADHERENCE TO PROCEDURES

During City Council discussions, deliberations and proceedings, the Mayor has been delegated the primary responsibility to ensure that the City Council, staff and members of the public adhere to the Council's adopted procedures.

8.3 CITY ATTORNEY AS PROCEDURE 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.

8.4 APPLICABILITY OF PROCEDURES

The City Council Rules of Order and Procedures shall also apply to the City Council when sitting as other entities and agencies. The role of Mayor and Mayor Pro Tem shall be interchangeable with Chair and Vice Chair, or President and Vice President when sitting as another entity.

9. RULES OF ETHICS

- 9.1 The Council is the judge and qualifications of its members. TLGC 22.033.
- 9.2 The City Council shall establish a Code of Conduct/Rules of Ethics to govern the conduct of its members.
- 9.3 To be included in the Code of Conduct/Rules of Ethics shall be enforcement of provisions of applicable ordinances, and these Rules, which mandate the manner in which the Council members comport themselves in dealing with the public, staff and themselves.
- 9.4 Due to the nature of Executive Sessions, and the receipt of information solely in their official capacity, council members may not reveal the nature of discussion from a closed session unless required by State law, as to do so would be contrary to their fiduciary obligations to the City, and a violation of the Rules of Order.

Appendix A

INFORMATION AND DOCUMENT REQUEST

Internal Use only

PERSON REQUESTING INFORMATION

NAME _____ DATE _____

I AM REQUESTING THIS INFORMATION IN MY OFFICIAL CAPACITY AS,
TITLE _____

DESCRIPTION OF PROJECT : _____

DESCRIPTION OF DOCUMENTS OR INFORMATION REQUESTED

I understand that the documents I am requesting may contain confidential information that may not be released to the public. This information is not being released under the Public Information Act, and is being released for internal viewing only. An appointment will be made through the custodian of the records for a time the documents will be available for viewing. This information is for viewing by the applicant alone and no copies or photographs may be made without the approval from the custodian of the records. If documents are copied or photographed they are determined to be public, they will be treated as public records and will follow the requirements set forth in the Public Information Act. I further understand that certain information that I have requested may be confidential by law and as such may not be released to the public or showed to any other person, and its release may subject me to criminal charges and prosecution.

Signature _____ Date _____

Documents Prepared By _____ Date _____

Time required preparing documents _____

Date requestor was notified _____