

CITY OF KEMPNER

COUNCIL MEETING PROCEDURES – Adopted 5/25/2021

I. PURPOSE AND PHILOSOPHY OF ADOPTED PROCEDURES:

- a. The purpose of adopting these procedures is to ensure fairness, transparency and equality in the manner in which the Council Conducts its meetings.
- b. The philosophy behind the adoption of these procedures is the goal of keeping the meetings consistent, organized and easy to participate in. The philosophy and goal should be that the independent member of the council is heard, while the will of the Majority is the action carried forward.
- c. From May of 2019 to May of 2021 this City observed a lack of clear, concise and easy to understand procedures lead to confusion, the lack of consistency and the abuse of Citizens and Council members by the Mayor serving during this term. While this city moves forward, lest we remember this difficult period as to avoid experiencing it again.

II. LEGAL REQUIREMENT FINDINGS:

- a. The City of Kempner is a Type A General Law municipality that is governed by the general laws of the State of Texas. The City does not, nor is it legally capable of adopting a "City Charter".
- b. The Texas Local Government Code requires the Governing Body to establish the rules of the meeting and charges the Mayor with enforcing the adopted rules.
- c. There is no legal requirement for any general law municipality to adopt a specific type of parliamentary procedures, such as Roberts Rules of Order. In fact, other provisions of Texas Statutes would prevent the complete adoption of Roberts Rules of Order, as this type of parliamentary procedure would permit action to be taken in a closed meeting, which is forbidden under Texas Statute.
- d. Many advisors to municipal and county governments, such as the Texas Municipal League (TML) recommend the council to adopt their own rules, following the principals of Roberts Rules of Order.

III. MEETING AGENDA CREATION

- a. The agenda shall be comprised of items the governing body has determined the need to address.
- b. Any member of the Governing body shall maintain the right to offer an item to be placed on the agenda.
- c. Deadline: If the item requested is submitted to the city manager no later than 3 working days prior to the date on which the item is to be discussed and acted on by the Council, the item shall be placed on the agenda for such meeting.
- d. Exceptions to deadline: Three members of the Council may authorize an item to be placed on the agenda after the deadline listed in subsection (c) above. This section shall not be construed as a means to circumvent statutory regulations regarding the posting of a meeting.

IV. DELIVERY OF AGENDA AND SUPPORTING DOCUMENTS:

- a. The Council agenda and supporting documents for the meeting shall be delivered to each council member and the Mayor no later than the Friday evening prior to the meeting date for all meetings occurring on the 2nd and/ or 4th Tuesday of the month.
- b. For the purposes of this section, “delivered” means the transmission of the documents to the email address on file with the City Secretary for the Council member and Mayor. If the governing body approves the fiscal liability for an email address for the council members, that email address shall be used to satisfy these requirements.
- c. Nothing in this section precludes a member of the council, or the Mayor, from obtaining a printed copy of the agenda and supporting documents. The Council member/ Mayor requesting the printed documents is responsible for picking up the documents from City Hall during normal business hours.

V. CHAIR OF THE MEETING AND DUTIES

- a. Chair defined:
 - i. The “Chair” of the meeting is the person presiding over a meeting and is responsible for calling the meeting to order, establishing and maintaining decorum, bringing matters before the council, ensuring each member of the council has an opportunity to speak on the items, calling votes, declaring results and ruling on points of order.
- b. Establishment of the Chair:
 - i. The Texas Local Government Code clearly establishes the Mayor is primary person to preside over the meeting.
 - ii. In the absence, or refusal of the Mayor to chair over the meeting, the Mayor Pro Tem shall preside over the meeting.
 - iii. In the absence of both the Mayor and Mayor Pro Tem, any council member shall preside over the meeting. In any such case where there is conflict amongst the members on who shall chair the meeting, the following guidelines shall be adhered to in the establishment of the chair:
 1. If available, the Chair shall be an elected member of the Council.
 2. If both parties are elected members, the member with the most seniority on the council shall be declared the Chair.
 3. If both of the above apply, the member elected in the lowest numbered seat shall serve as the Chair.

VI. MOTIONS

- a. Clearly stated: Motions made by council members shall be concise in nature. The chair may offer assistance to the member in how to make the motion, however the chair may not make the motion.
- b. Germane in Nature: No motion shall be accepted by the chair unless the motion made is germane to the agenda item posted. (e.g. Item on the agenda: “Approve the purchase of a swing set for the city park”. A germane motion would be “I move we approve the purchase of a swing set not to exceed \$500”, or “I move we approve the purchase of a swing set for the City Park”, or “I make a motion to approve the purchase of a swing set for the City park”.
- c. Main or commonly used motions: The main, or “commonly used” motions, are:

- i. "Motion to approve..."- meaning the intent is to authorize the action on the agenda.
- ii. "Motion to deny..."- meaning the intent is to deny the action sought on the agenda. An example of this would be if a person was seeking permission to use the City Park for a private event that required the approval of the Council. A member of the Council could make this motion, which would prohibit the approval of this request.
- iii. "Motion to table..."- this motion is made when a council member feels they may need to research the issue, however such research can be completed prior to the end of the meeting. A motion to table requires the issue to be brought back up before the end of the meeting.
- iv. "Motion to postpone..." – this motion moves the action item to either a specific date as declared by the person making the motion, or indefinitely if no such date is selected. For example, if a member makes the following motion; "I move this item is postponed", and that motion prevails, the item cannot be brought back up until such time as it is placed back on the agenda in accordance with this policy. If the motion made is "I move this item is postponed until the first meeting in the month of July, 2021" and that motion prevails, the item is automatically placed on the agenda.
- d. Other or uncommon motions:
 - i. Uncommon motions may be accepted by the chair of the meeting, so long as they are clearly stated and germane to the issue presented before the council.
 - ii. Any member of the council can call for a Point of Order under subsection VII below.

VII. POINTS OF ORDER


- a. Point of Order defined: A point of order is a question presented by a member of the council seeking clarification on a motion made by another council member, or if the member has concluded that the guidelines contained in these procedures were violated either intentionally or unintentionally.
- b. Ruling on Point of order: The chair of the meeting shall make a ruling on the point of order. The ruling is final, subject only to a unanimous decision by the remaining members on the Council by vote.
- c. Procedure on overruling the chair: If the Chair makes a ruling on the point of order, and the member feels the ruling was incorrect, the member may ask for a vote to overrule by stating "Vote to overrule decision of the Chair".
 - i. The chair shall stop all business before the City and take up the issue.
 - ii. The chair shall allow the member making the request to present evidence that is immediately available and statements to the Council members on why the ruling should be overturned.
 - iii. The Chair shall retain the right to provide rebuttal evidence or statements to the council members present.
 - iv. The Chair shall then call the vote by taking a record vote of the present council members by calling upon each of them independently and asking them "Are you for, against, or abstaining from overturning the ruling of the chair?".

- v. If all members present vote to overturn the ruling of the chair, the chair must overturn the ruling and seek to find resolution on the matter. For the purpose of this subsection, the Chair does not have a vote in the matter.
- vi. Notwithstanding any other provision of this policy, the ruling of the chair may only be overridden by unanimous decision of the present council members.

VIII. EXPULSION FROM THE MEETING

- a. Historical finding/ Reasonableness required: during the years of 2019 to 2021, the Mayor consistently ordered the removal of both citizens and council members for unjustifiable reasons such as:
 - i. Rolling one's eyes
 - ii. Gasping
 - iii. Legitimately no reason at all
 - iv. Challenging the chair on not allowing council members to talk during a meeting
 - v. Sitting in a location other than where the chair wanted them to.
- b. No person shall be removed from the council meeting for the items listed under subsection (a) above.
- c. Disruptive citizens:
 - i. If a member of the council feels a member of the public is disrupting the meeting, the council member shall call this to the attention of the chair and ask for intervention.
 - ii. The chair of the meeting shall issue warning to the citizen that their actions are a disruption to the meeting and issue a directive to immediately cease their actions. If the person continues their action, the chair of the meeting maintains the right to have the person removed from council chambers, or the room in which the council meeting is occurring.
- d. Challenge of Chair on removal of citizen:
 - i. If the Chair of the meeting issues the directive for a citizen to be removed, any council member may challenge the directive by immediately stating "Motion to override chair".
 - 1. If such motion is made, the vote shall be called without debate.
 - 2. The chair shall state "All in favor of the removal of the citizen, please raise your hand".
 - 3. If the majority of the council members support the removal of the citizen, the citizen shall be removed. If the majority does not, the citizen remains.
 - 4. If the citizen commits a new act of disruption, the council and chair may repeat the steps required to remove the citizen.
- e. Removal of Council member:
 - i. No council member may be removed from the meeting by action of the chair alone.
 - ii. The chair may move to have a council member removed, which shall be a record vote and requires the unanimous decision of all other council members.

- IX. Violation of these procedures: Removal of Chair
- a. If the council determines the Chair of the meeting is intentionally and knowingly violating these procedures, the motion may be made to cause the removal of the chair from the meeting. This motion must be made at the time the council member determines the chair is intentionally and knowingly violating these procedures.
 - b. Manner of removal:
 - i. The council member who believes the Chair is intentionally and knowingly violating the provisions of these procedures shall announce "Motion to remove chair".
 - ii. All city business before the meeting shall be stopped and this matter shall take precedence over all other matters.
 - iii. The chair shall then announce that a motion has been made to remove the chair and ask if there is a second on the motion. If there is no second, the motion dies and the chair shall proceed with normal business. The council member may not bring up the matter again during the duration of the meeting.
 - iv. If the member calls the motion a second time in the same meeting, and the motion lacks a second, the chair may call for a vote to remove the council member from the meeting. If the motion is made second time, and another council member seconds the motion, the chair shall proceed with calling the vote.
 - v. When a motion, and second, are made to remove the chair of the meeting for violation of the provisions of these procedures, the Chair shall call the vote in the following manner:
 - vi. Culpability: The chair shall call for a vote to determine culpability in the following manner:
 1. "All who believe the failure of the chair to follow established procedures is intentional and the chair knows or should know he/she is violating the procedures adopted by the council please raise your hand".
 2. If the unanimous decision of all other council members is that the chair is intentionally and knowingly violating the provisions of these procedures, the chair shall then call for the vote for removal by stating "All in favor of removing the chair from the meeting, please raise your hand". In cases where there are no vacancies on the council, the vote of 4 out of 5 members to remove the chair shall prevail and the chair shall be ordered out of the meeting by the Chief of Police on request of any council member.
 - vii. If the chair fails to acknowledge the motion, the council member shall repeat the motion a second time. If the chair either refuses to acknowledge the motion, or attempts to remove the member of the council, the Chief of Police or their designee shall cause the removal of the Chair. If the Chair refuses to depart the meeting location, the Chief of Police shall arrest the Chair and remove them for "Disruption of meeting". By the passing of these procedures, the governing body agrees that such refusal constitutes the act of disruption.


Approved by Mayor John (JW) Wilkerson

5-28-21
Date

For Against N/A


Attested by City Secretary Hayleigh Talasek

6/8/21
Date


Place 1 Vance Rodgers

MAY 28, 2021
Date

For Against Abstain


Place 2/Mayor Pro Tem Jared Jones

20210608
Date

For Against Abstain


Place 3 Rob Green

6/8/21
Date

For Against Abstain


Place 4 Dan Long

6/8/21
Date

For Against Abstain


Place 5 Melba Vandever

6-8-21
Date

For Against Abstain