

**CITY COUNCIL  
OF THE  
CITY OF KEMPNER, TEXAS**

**POLICY**

**RULES OF PROCEDURE  
AS OF SEPTEMBER 26, 2019**

These Rules of Procedure (“Rules”) are adopted by the City Council of the City of Kempner, Texas (“City Council”), effective as of September 26, 2019. The purpose of these Rules is to establish an orderly and effective set of procedures for conducting the meetings of the City Council.

## **ARTICLE 1.**

### **AUTHORITY**

**Section A. City Council Determines its Own Rules.** These Rules are adopted by authority of that provision.

**Section B. Precedence of Authority.**

The precedence of authority in all matters associated with the meetings and activities of the City Council shall be:

1. the Constitution and laws of the United States of America;
2. the Constitution and laws of the State of Texas;
3. the Code of Ordinances of the City of Kempner, Texas (“City Code”);
4. these Rules;
5. Robert’s Rules of Order as a guide (“Robert’s Rules”).

## **ARTICLE 2.**

### **GENERAL RULES OF PROCEDURE AND POLICIES**

**Section A. Recording and Broadcasting of Meetings.**

Meetings of the City Council can generally be recorded in the designated areas of the room as not to impede upon a citizen’s view or blocking exits.

**Section B. Minutes of Meetings.**

Minutes of all meetings of the City Council shall be open to public inspection (request through open records). Unless otherwise specifically requested by any member of the City Council with respect to any matter, such minutes shall concisely state all matters presented to the City Council for a vote and a record of the action taken.

The City Secretary shall prepare and submit to the City Council by the end of the day on the Friday preceding a regular session, or as soon thereafter as reasonably practicable but not later than 72 hours in advance, the minutes of the last regular session of the City Council.

**Section C. Quorum.**

A quorum of the City Council is six (6) members, of whom the Mayor shall be counted as one. The affirmative vote of three (3) members of the City Council shall be required for any main motion to

pass, except as may be specified for certain motions by applicable rule or law requiring a greater number.

**Section D. Absence of Mayor.**

The Mayor Pro Tempore shall act in the absence of the Mayor.

**Section E. Absence of Both Mayor and Mayor Pro Tempore.**

In the absence of both the Mayor and the Mayor Pro Tempore at a meeting of the City Council, the member who holds the lowest numbered City Council position (i.e., position number 1, position number 2, etc.) among the members present shall preside over the meeting in their absence.

**Section F. Attendance of City Attorney.**

The City Attorney or his or her designee, unless excused, shall attend a designated City Council meeting to provide clarity when opinions on questions of law arise. He or she shall orally provide periodic status reports on non-privileged legal matters to the City Council and the public at such meetings. The City Attorney or his or her designee shall also serve as parliamentarian and advise the City Council on procedural matters when requested.

**Section G. Attendance of City Secretary.**

The City Secretary or his or her designee, unless excused, shall attend all City Council meetings and shall keep all official minutes, electronic files of City Council proceedings.

**Section H. Attendance of City Employees and Consultants.**

The City Council may request through the City Secretary, that any City employee or consultant attend City Council meetings to present information relating to business before the City Council.

**Section I. Individuals Presenting to City Council.**

In the event individuals shall come before the City Council to make a presentation, the Mayor shall introduce the person making the presentation or invite that person to introduce him or herself.

**Section J. Rules Governing Personal/Audience Comments.**

It is the desire of the City Council to hear from the residents of Kempner and other interested persons, and to stimulate discussion of subjects that are properly a concern of the City Council. The following rules shall govern personal/audience comments at regular sessions (or special sessions) of the City Council.

**1. Mayor to State Rules.** Immediately preceding the opening of personal/audience comments, the Mayor shall summarize the rules governing personal/audience comments.

**2. Mayor Shall Recognize Individual Speakers.** All individuals desiring to address the City Council must submit to the City Clerk a request to speak on a sign-up sheet prior to the time for personal/audience comments. Each speaker must first be recognized by the Mayor and shall give his or her name. The Mayor shall recognize each individual, in turn, hearing from all who desire to comment.

**3. Time Limit.** Each speaker shall have a time limit of up to three (3) minutes, with no extension. In the event of pressing business before the City Council or matters requiring its immediate attention or action, the City Council may, prior to the opening of audience comments, set a different maximum time limit for each speaker by a vote of four (4) members of the City Council.

**4. Subjects Introduced by the Public During a Meeting of City Council.** The Texas Open Meetings Act, Texas Government Code, Chapter 551, prohibits the City Council from fully discussing, debating, or considering subjects for which public notice has not been given on the agenda introduced during a meeting of City Council.

**5. Written Comments.** Written comments may be submitted to the City Secretary in connection with a meeting of the City Council, in lieu of oral personal/audience comments, by residents of Kempner and other interested persons either not in attendance or who prefer not to speak at the meeting. Such written comments must be received prior to the start of the meeting to be included in the record of the meeting. At the conclusion of personal/audience comments, the Mayor shall identify for the record all written comments received, stating the name of the commenter and concisely summarizing the subject of the comment. The City Secretary shall distribute to all members of the City Council, as soon as reasonably practicable, copies of such written comments for their consideration.

**Section K. Introduction of Agenda Items.**

The Mayor shall read each agenda item and, as appropriate, briefly introduce it. In the event an item provides for consideration and action on a proposed ordinance, the Mayor shall read the caption of the ordinance or a concise but complete summary thereof as it appears on the agenda.

**Section L. Deliberation.**

Items on the agenda shall be formally considered by motion and vote. Following a motion duly made and seconded, debate and discussion shall begin.

**Section M. Mayor or City Secretary to State Question.**

Before any vote is taken on any question before the City Council, the Mayor or City Secretary shall restate the motion.

**Section O. Mayor or City Secretary to Announce the Vote.**

The Mayor or the City Secretary shall, at the conclusion of the vote on each question, announce the result.

**Section P. Recording of the Vote.**

All votes on any motion shall be recorded and, if not unanimous, the name of each member of the City Council voting in the minority and/or abstaining shall be clearly stated in the record.

**Section Q. Abstention.**

An abstention from voting shall not be considered as approving or disapproving the motion. The member abstaining may state for the record his or her reasons for abstaining but shall not be required to do so.

**Section R. Conflicts of Interest.**

In the event a member of the City Council shall have a conflict of interest concerning any matter to be considered, he or she must disclose the nature and extent of his or her interest prior to the consideration of the matter and recuse him or herself from all proceedings concerning that matter. After disclosing the nature and extent of his or her interest, he or she shall step down from the dais while the matter is being considered and/or acted upon by the City Council. Furthermore, if the conflict of interest involves a substantial interest in a business entity or in real property, the affected member of City Council shall file with the City Secretary, prior to the consideration of the matter, an affidavit stating the nature and extent of his or her interest and shall abstain from further participation in the matter to the extent required by Texas Local Government Code, Chapter 171, Regulation of Conflicts of Interest of Officers of Municipalities, Counties, and Certain Other Local Governments, Section 171.004.

**Section S. Preservation of Order.**

The Mayor shall preserve order and decorum, prevent the impugning of members' motives, and confine members to debate of the questions under discussion. If necessary, **the Mayor shall cause to be silenced or removed from the Council Chamber any person speaking out of order or disrupting the order of the meeting.**

**Section T. Amendment of Rules.**

Any provisions of these Rules not governed by federal or state law, or ordinance may be amended by a vote of four (4) members of the City Council.

**ARTICLE 3.**

**MEETINGS OF THE CITY COUNCIL**

**Section A. Regular Sessions.**

Regular sessions of the City Council shall be held on the second and fourth Tuesday of each month, at 7:00 p.m. or at such other hour as may be stated in the notice. In the event the second or fourth Tuesday of a month is a legal holiday, then the regular session that would otherwise be held on that day shall instead be held on the next Tuesday thereafter. In addition to the regular order of business regular sessions (or special sessions) may consist of one or more meetings, including workshops, public hearings, town hall meetings, closed meetings and the annual state of the city.

**Section B. Special Sessions.**

Special sessions may be called upon request of either the Mayor, or a majority of the members of the City Council, at times other than those specified for regular sessions, for any business that could otherwise be conducted in a regular session.

**Section C. Workshops.**

Workshops are meetings called for the purpose of conducting a detailed and thorough exploration of matters that may properly come before the City Council.

**1. Subject Matter.** Only a limited number of matters shall be considered by the City Council during a workshop, and enough time for consideration of such matters shall be provided.

**2. Documents and Exhibits to be Presented.** All documents, exhibits, maps, plats, architectural drawings, specifications and other similar documents to be considered in a workshop shall be made available to the City Council at least 72 hours before the beginning of such workshop so that sufficient time may be allowed for each member of the City Council to study and be prepared to discuss such documents in the workshop.

**3. Questions of a Technical Nature.** All questions of a technical nature, which require a detailed explanation for understanding, may be considered in a workshop. The City Council may request, through the City Secretary, the appearance of any City employee or outside consultant as may be necessary to secure factual answers to such technical questions.

**4. No Action.** No action may be taken in a workshop. An informal motion may be made to request additional information, to schedule additional workshop(s), or to place an item on a subsequent meeting agenda. Informal motions may be passed by a vote of three (3) members of the City Council.

**5. Minutes of Workshops.** Because no action may be taken, minutes are not prepared for workshops. The minutes of the regular or special session within which a workshop is held shall provide a concise description of the subject matter and identify all participants in the workshop.

**6. Audience Comments or Questions.** Audience comments or questions will be received at a workshop.

#### **Section D. Public Hearings.**

Public hearings are meetings legally required by Texas statutes and the ordinance to record public comment on a matter being considered by the City Council. These same statutes and ordinances also govern how the public hearings are to be conducted.

**1. Reading of the Notice of the Public Hearing.** After the Mayor has called the meeting to order and announced the presence of a quorum of the City Council, the City Secretary shall read the notice and call of the public hearing. This is the same notice that was published and/or mailed to all persons entitled to written notice.

**2. Summary of Procedure.** The Mayor shall present a brief summary of the procedure to be followed during the public hearing.

**3. Presentation of Proposal.** The applicant or recommending body shall be recognized to explain the proposal that is the subject of the public hearing. The presentation will be limited to 15 minutes unless a different time limit is adopted by a majority vote of the City Council.

**4. Public Comment.** The Mayor will recognize speakers who have completed a sign-up sheet prior to the commencement of the public hearing. Each speaker shall have a time limit of up to three (3) minutes, with no extension. Questions from the public shall be addressed to the Mayor, and the Mayor and members of the City Council may refer such questions to the applicant or recommending body, or to staff as appropriate.

5. **Questions from Mayor and Members of City Council.** The Mayor and members of the City Council will have an opportunity to ask questions of the applicant or of staff concerning the proposal but shall express no opinions at the public hearing.

6. **Close of the Public Hearing.** At the conclusion of the public hearing, the Mayor shall announce the deadline for written public comments and close the public hearing.

7. **Written Public Comments; Deadline.** Oral public comment on the proposal will not be received following the close of the public hearing. The public may submit written comments to the City Council prior to its final deliberation. All written comments on the application must be received in the City Secretary's office by noon on the Friday preceding the meeting of final deliberation for inclusion in the public record of the proceedings.

#### **Section E. Town Hall Meetings.**

Town hall meetings are called by the City Council to present matters of public interest and to receive public comment on such matters. They are like public hearings, but are not legally required by statute or ordinance, nor is their conduct governed thereby.

1. **Introduction of the Subject.** After the Mayor has called the meeting to order and announced the presence of a quorum of the City Council, the Mayor shall briefly introduce the subject of the town hall meeting.

2. **Summary of Procedure.** The Mayor shall present a brief summary of the procedure to be followed during the town hall meeting.

3. **Presentation.** A presentation to the public concerning the subject of the town hall meeting will be limited to 15 minutes unless a different time limit is adopted by a majority vote of the City Council.

4. **Public Comment.** The Mayor will recognize speakers who have completed a sign-up sheet prior to the commencement of the town hall meeting. Each speaker shall have a time limit of up to three (3) minutes, with no extension.

5. **No Deliberation or Action.** The City Council shall not deliberate or take any action in a town hall meeting. At the conclusion of the meeting, the Mayor shall announce to the public the date of the meeting at which deliberation or action about the town hall meeting is anticipated, to the extent known.

#### **Section F. Closed Meetings (Executive Sessions).**

Closed meetings (commonly known as "executive sessions") are permitted only for the purposes enumerated in Texas Government Code, Chapter 551, Open Meetings Act, Subchapter D, Exceptions to Requirement That Meetings be Open. Disclosure of topics to be discussed shall be made to the public in accordance with the requirements of the Open Meetings Act. Rules governing closed meetings are addressed in Article 5, Rules Governed by Texas Open Meetings Act, of these Rules.

#### **Section G. Annual State of the City.**

At the City Council's first regular session of each year, the Mayor shall present an annual State of the City address to the public.

## ARTICLE 4.

### AGENDA PROCEDURE

#### Section A. Posting of the Agenda.

The Mayor and City Secretary, or an appropriate designee, shall prepare an agenda and cause the same to be posted by the end of the day on the Friday preceding the meeting, or as soon thereafter as reasonably practicable but not later than 72 hours in advance of the meeting. The agenda and accompanying meeting packet shall be distributed to members of the City Council and made available to the public as soon as reasonably practicable on the day of posting.

#### Section B. Agenda Requests.

Any member of the City Council may request an item to be placed on the agenda. However, three (3) Council members must request the same item be placed on the agenda for this to happen. Staff assistance, if required, should be requested through the City Secretary. No item shall be included on the agenda unless a request to include the same has been made, and all supporting materials provided, to the City Secretary by noon on the Wednesday next preceding the date of the meeting. This provision shall not apply in the event of an emergency meeting of the City Council or the emergency addition of an item to the agenda, which are instead governed by Texas Government Code, Chapter 551, Open Meetings Act, Section 551.045.

#### Section C. Consent Agenda.

The consent agenda may consist of any and all business regularly coming before the City Council, excluding: i) ordinances finally adopting amendments, Planning and Zoning, of the City Code; and ii) ordinances adopting, amending, or otherwise relating to the budget of the City. All items set out in the consent agenda shall be deemed passed upon the passage of an affirmative motion, by a vote of at least three (3) members of the City Council without discussion or debate, that the consent agenda be adopted. Upon the passage of such motion, all items included in the consent agenda shall be deemed adopted as if voted upon separately and as if the caption and/or body of any ordinance therein set out shall have been read in full. The City Secretary is authorized to affix to all ordinances therein set out, consecutive numbers beginning with the first number available for new ordinances. Upon request of any member of the City Council, items shall be removed from the consent agenda and considered separately.

#### Section D. Order of Business.

The following sequence of items shall, in general, be the order of business for regular sessions (or special sessions) of the City Council.

1. **Call to Order.** The Mayor shall call the meeting to order.

2. **Announcement of a Quorum.** The Mayor shall announce that a quorum of the City Council is present and shall state, for the record, the names of all members of the City Council that are absent.

3. **Invocation.** Members of the City Council may alternate reading a brief inspirational message and/or invocation.



4. **Pledges of Allegiance.** The member of the City Council conducting the inspirational reading and/or invocation shall lead the Pledges of Allegiance to the United States and Texas flags.

5. **Recognition of Proclamations.**

6. **Approval of Minutes.** The minutes of previous meetings of the City Council shall either be approved as submitted or be corrected and approved as corrected. Any member of the City Council that was absent from a meeting may still vote on the minutes of the meeting by relying on his fellow members of the City Council as to the accuracy of those minutes. Minutes submitted for approval may properly be included in the consent agenda.

7. **Personal/Audience Comments.** See Article 2, General Rules of Procedure and Policies, Section J, Rules Governing Personal/Audience Comments, of these Rules.

8. **Reports.** The Mayor, City Attorney, City Accountant, consultants, and such others shall present reports, as needed or requested, to the City Council.

9. **New Business.** In addition to agenda items to be considered individually, the consent agenda shall be handled as an item of new business.

10. **Community Interest Items from the Mayor and City Council.** It is the intent of this item to provide members of the City Council the opportunity to make a report about items of community interest, which may include expressions of thanks, congratulations, or condolence; information regarding holiday schedules; honorary recognition of City officials, employees, or other citizens or entities; reminders of upcoming events sponsored by the City or another entity that is scheduled to be attended by a City official or City employee; and announcements involving an imminent threat to the public health and safety of people in Kempner that has arisen after the posting of the agenda. No action may be taken on a reported item of community interest, and no possible action discussed except a proposal to place the subject on the agenda for a subsequent meeting. See Texas Government Code, Chapter 551, Open Meetings Act, Sections 551.0415 and 551.042.

## **ARTICLE 5.**

### **RULES GOVERNED BY TEXAS OPEN MEETINGS ACT**

#### **Section A. Meetings Open to the Public; Notice.**

All meetings of the City Council shall be open to the public, and notices thereof shall be posted as provided under the Texas Government Code, Chapter 551, Open Meetings Act. Except in the case of an emergency meeting, notice of all meetings shall be given at least 72 hours in advance. Texas Government Code, Chapter 551, Open Meetings Act, Section 551.043.

#### **Section B. Notice of Emergency Meetings or Emergency Additions to Agenda.**

In the event of an emergency meeting of the City Council, or an emergency addition to the agenda, notice shall be given at least two (2) hours in advance, and special notice shall be given to the news media at least one (1) hour in advance, as required by Texas Government Code, Chapter 551, Open Meetings Act, Sections 551.045 and 551.047.

#### **Section C. Non-Agenda Subjects Introduced During a Meeting of City Council.**

Any inquiry made at a meeting by the public or by a member of the City Council regarding a subject for which notice has not been given on the agenda, may be responded to with a statement of information or a recitation of existing policy. Any deliberation or decision about the subject of inquiry shall be limited to a proposal to place the subject on a future agenda for a subsequent meeting. Texas Government Code, Chapter 551, Open Meetings Act, Section 551.042.

**Section D. Rules Governing Closed Meetings.**

**1. Convene First in Open Meeting.** The City Council may retire into a closed meeting as stated on a posted agenda during a regular or special meeting. Before said closed meeting begins, the Mayor shall announce in the open meeting that the City Council will be retiring into a closed meeting and shall identify the section(s) of the Open Meetings Act pursuant to which the closed meeting will be held. Texas Government Code, Chapter 551, Open Meetings Act, Section 551.101.

**2. Certified Agenda.** A certified agenda, certified by the Mayor to be a true and correct record of the proceedings, shall be sealed and kept for at least two years after the date of the closed meeting, subject to disclosure only by Court order. Texas Government Code, Chapter 551, Open Meetings Act, Sections 551.103 and 551.104.

**3. No Action in Closed Meeting.** No action, decision, or vote shall be taken by the City Council during the closed portion of the meeting, and no subject but that posted on the agenda is to be discussed. Any action, decision, or vote on a matter deliberated in the closed meeting shall be made, and the City Council may adjourn, only during the open meeting. Texas Government Code, Chapter 551, Open Meetings Act, Section 551.102. Section E. Review and Discipline. Complaints, charges and discipline concerning members of the City Council or City personnel reporting directly to the City Council shall be discussed in a closed meeting unless the person charged or the person against whom a complaint has been lodged shall request a public hearing. Texas Government Code, Chapter 551, Open Meetings Act, Section 551.074.

**ARTICLE 6.**

**REFERENCE: SELECTED RULES OF PARLIAMENTARY PROCEDURE**

This article references some of the more commonly cited parliamentary rules, but is not intended to be an exhaustive listing, nor is it a substitute for Robert's Rules, which shall guide the conduct of business before the City Council except where inconsistent with federal or state law, the City Charter, the City Code, or as otherwise provided in these Rules.

**Section A. Order of Precedence of Motions.**

Robert's Rules shall prevail as to the order of precedence of motions and types of motions.

**Section B. Right to the Floor.**

Any member of the City Council desiring to speak shall be recognized by the Mayor and shall confine his or her remarks to the subject under consideration. No member shall speak more than once to a question until every member wishing to speak to that question have spoken.

**Section C. Motion to Postpone.**

A motion to postpone consideration of a matter can be used by:

1. postponing the motion until a certain time;
2. postponing the motion and referring it to a committee for further investigation; or

3. postponing the motion indefinitely, which kills the motion. A motion to postpone is debatable and amendable. To postpone a motion, a motion must be made and can only be made at such time as another member of the City Council is not speaking. A simple majority vote is required for the motion to pass.

**Section D. Motion to Amend a Pending Motion.**

A member of the City Council who desires to modify the wording of a pending motion by adding and/or striking out words may move to amend the motion. This motion is debatable and such amendment can be passed by a vote of three (3) members of the City Council.

**Section E. Substitute Motion.**

A member of the City Council who desires to substitute a motion for the one being considered may make a substitute motion, which acts as an amendment to the pending motion and is itself amendable. Once the substitute motion is adopted, the vote on the original motion is not necessary, the substitute motion being the motion then on the floor.

**Section F. Motion to Close Debate or to Move the Previous Question.**

A motion to close debate or to move the previous question is a motion to stop debate on the pending motion. This motion can be made only at such time as no one else is speaking and the Mayor recognizes the person making the motion and can be considered only if both sides of the issue have been presented during the debate. If this motion is made and seconded, debate stops immediately, and the vote is taken on whether to close debate on the original motion. To close debate, a two-thirds (2/3) majority vote is required.

**Section G. Motion to Lay a Pending Motion on the Table.**

A motion to lay a pending motion on the table is a motion to temporarily set aside the pending motion. Reasons for this may include to take up a more urgent item of business or to hear a speaker who cannot stay for the disposition of the pending motion. This motion can be made only at such time as no one else is speaking and is not debatable. To lay a pending motion on the table, a vote of three (3) members of the City Council is required.

**Section H. Motion to Take a Question from the Table.**

A motion previously laid on the table may be taken from the table by a majority vote as soon as the interrupting business is disposed of.

**Section I. Motion to Adjourn.**

A motion to adjourn may be made at any time upon being recognized by the Mayor so long as no one has been previously recognized and is speaking; such a motion requires a second and it requires a majority vote to pass.

**Section J. Point of Order.** A member of the City Council may raise a point of order at any time whether another member of the City Council is speaking. A point of order is a statement to the Mayor that a motion before the City Council or other matter is out of order, or to make an inquiry of the Mayor as to parliamentary procedure. As soon as a point of order has been disposed of, the person interrupted may continue speaking. The Mayor shall determine all points of order, subject to the right of any member of the City Council to appeal to the City Council or request a parliamentary opinion of the City Attorney. In the event of an appeal, the Mayor shall briefly state the reasons for the ruling; the decision of the Mayor may be overruled by a vote of four (4) members of the City Council.

**Section K. Suspension of the Rules.**

A member of the City Council may move to suspend the rules that interfere with a matter that is of apparent importance to the City Council. For a suspension of the rules to be accomplished, a vote of five (5) members is required. However, a motion to suspend the rules cannot interrupt an individual speaking.

**Section L. Motion to Object to the Consideration of a Motion.**

A member of the City Council may object to the consideration of a motion, and such objection may be made at any time prior to debate on the motion, even when another member of the City Council is speaking. It does not require a second. To stop the consideration of a motion, a two-thirds (2/3) vote of the members present is required, which in no event shall be fewer than three (3) members of the City Council.

**Section M. Division of the Question.**

All questions submitted for vote shall contain only one subject. If two (2) or more subjects are involved, any member of the City Council may require its division.

**Section N. Request to Withdraw a Motion.**

The member making the motion may request to withdraw the motion, and it is withdrawn unless an objection is raised. If a member of the City Council objects to the withdrawal of the motion, then the Mayor, upon motion, shall put the matter to an immediate vote and if three (3) members of the City Council vote to allow withdrawal of the motion, it is withdrawn.

**Section O. Reconsideration of an Action of City Council.**

Only a member of the City Council who voted with the majority (on the prevailing side) can make a motion to reconsider an action of the City Council. Any member can second it. Notwithstanding any conflict with Robert's Rules concerning the timing of such a motion, the motion to reconsider must be made no later than the next succeeding regular session, except that action relating to a contract may be reconsidered at any time before final execution thereof. No question shall be reconsidered, except by a vote of three (3) members of the City Council. The action must be stated as "reconsideration" on the agenda.

DATE: 22 October 2019

ATTEST:

Monica Pena  
Monica Pena

APPROVED:

Dr. Keith L. Harvey  
Dr. Keith L. Harvey