

## **ORDINANCE 2019-ORD002**

### **AN ORDINANCE OF THE CITY OF DOUBLE HORN, TEXAS ESTABLISHING RULES OF ORDER AND PROCEDURES FOR THE CONDUCT OF COUNCIL MEETINGS AND RELATED PROCEDURES.**

**WHEREAS**, establishing the operation of the city government requires many hours of work and many diverse ideas; and

**WHEREAS**, the city desires that the city government operate in a transparent and fair manner and that citizens should have a reasonable opportunity to be heard at any meeting in regard to any matter under consideration; and

**WHEREAS**, the city also believes that matters needing the attention of council should be clear and concise and that meetings should be run efficiently; and

**WHEREAS**, the city desires clear procedures to guide council meetings, the manner in which matters will be placed on council agendas and the manner in which matters will be considered for action;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF  
DOUBLE HORN, TEXAS:**

#### **SECTION 1. GENERAL RULES**

**1.1 Reserved**

**1.2 Quorum.** A quorum of the City Council, as defined by State Law, is necessary before the commencement of any meeting of the City Council.

**1.3 Minutes.** An account of all proceedings of the Council shall be kept by the City Secretary and shall be entered in a book constituting the official record of the Council.

**1.4 Right of Floor.** Any member of the Council desiring to speak shall be recognized by the Mayor and shall confine his or her remarks to one subject under consideration or to be considered.

**1.5 City Attorney.** The City Attorney or his/her official designee shall attend meetings as directed by the Mayor. Upon request of the Mayor the City Attorney shall provide an opinion, either written or oral, on questions of the law. The City Attorney shall act as the Council's parliamentarian.

**1.6 City Secretary.** The City Secretary or his/her designee shall attend all meetings of the Council unless excused and shall keep the official minutes and records of the City and perform such other duties as may be requested by Council.

**1.7 Rules of Order.** "*Roberts Rules of Order Newly Revised*" shall govern the proceedings of the Council in all cases, unless they are in conflict with these rules.

## **SECTION 2. TYPES OF MEETINGS**

- 2.1 Regular Meetings.** The City Council shall meet in regular session on the second Thursday in each calendar month beginning at 7:00 pm. The City Council, by motion, may forego a regular meeting in a month if it determines that there are no matters requiring Council consideration. If a meeting falls on a holiday, it is automatically rescheduled for the following day, unless rescheduled by the City Council.
- 2.2 Special Meetings.** Special meetings may be called by the City Secretary at the request of the Mayor or two (2) members of the Council. The request for a special meeting shall be filed with the City Secretary or by announcement at any regular meeting at which a majority of the Councilmembers are present. The request for a special meeting shall specify the day, the hour, and the location of the special meeting and shall list the subject or subjects to be considered. No special meeting shall be held until at least seventy-two (72) hours after the request. No item will be placed on the agenda unless submitted to the Mayor at least twenty-four (24) hours prior to the posting of the meeting agenda.
- 2.3 Recessed Meetings.** Any meeting of the Council may be recessed by the presiding officer for brief periods up to 30 minutes or as otherwise allowed by State Law.
- 2.4 Emergency Meetings.** The City Council may hold meetings dealing with emergency conditions as provided by State Law.
- 2.5 Work Sessions.** The Council may meet informally in Work Session (open to the public), at the call of the Mayor or of a majority of the Council, to review forthcoming programs of the City, receive progress reports on current programs or projects, or receive other similar information from the chair of an appointed committee; provided that all discussions and conclusions thereon shall be informal. On-site inspections of project sites and facilities by individual Councilmembers are strongly encouraged. In most cases, public comment will not be considered nor will Council take action on matters discussed at a workshop.
- 2.6 Executive Sessions.** Executive Sessions or closed meetings may be held in accordance with the provisions of State Law. The Presiding Officer is authorized to recess an item being considered on the agenda for executive session discussion in accordance with State Law.
- 2.7 Attendance of Media at Council Meetings.** All meetings of the City Council shall be open to the media, subject to recording by radio, televisions and photographic services at any time, provided that such arrangements do not interfere with the orderly conduct of the meetings. Exceptions to this rule will apply to executive sessions which are held in accordance with State Law.

### **SECTION 3. CONDUCT OF MEETINGS**

- 3.1 Presiding Officer.** The Mayor, if present, shall preside at all meetings of the City Council and enforce these rules and procedures during a meeting. In the absence of the Mayor, the Mayor Pro-Tem shall preside. In the absence of both the Mayor and the Mayor Pro-Tem, the Council shall elect a presiding officer. The presiding officer shall make decisions on questions of procedure subject to review respectively by the City Council as a whole. Following a decision of the presiding officer on a question of procedure, any two (2) Councilmembers may be entitled to appeal the decision to the City Council as a whole by the making and the seconding of a motion of appeal. Once made, the appeal must be approved by an affirmative vote of a majority of the Councilmembers.
- 3.2 Call to Order.** The meetings of the Council shall be called to order by the presiding officer. In the absence of both the Mayor and Mayor Pro-Tem, the meeting shall be called to order by the City Secretary for the election of a temporary presiding officer.
- 3.3 Preservation of Order.** The presiding officer shall preserve order and decorum, prevent attacks on personalities or the impugning of Councilmembers' to occur and confine Councilmembers in debate to the question under discussion. The presiding officer shall request all speakers to keep comments brief and relevant to the question before Council.
- 3.4 Points of Order.** The presiding officer shall determine all points of order, subject to the right of any Councilmember to appeal to the City Council as set out in 3.1 above.
- 3.5 Motions to be Stated.** The presiding officer shall re-state a motion being considered prior to the vote, and announce the results.
- 3.6 Voting Required.** Each member of the Council present shall vote on every action taken by Council unless the action involves the member's own conduct or presents a possible conflict of interest.
- 3.7 Conflict of Interest.** A City Councilmember prevented from voting by a conflict of interest, shall step down from the dais, shall not vote on the matter, shall not participate in discussions regarding the matter or attempt to influence Council's deliberation of the matter in any way, shall not attend executive sessions regarding the matter, and shall otherwise comply with the state law and City ordinances concerning conflicts of interest including Chapter 171 and Chapter 176 of the Local Government Code.
- 3.8 Amendments to the Minutes.** Amendments to the minutes are made by a motion during the item to consider approval of the minutes. The minutes provide the action taken by City Council. If a Councilmember desires that certain information be included in the minutes, the Councilmember shall indicate by stating, "For the record", prior to presenting the information. If it is a lengthy statement, a written copy shall be provided to the Secretary.
- 3.9 Presiding Officer's Right to Speak Last.** The presiding officer has the right to speak last on any item.
- 3.10 Closing Debate or Discussion.** Debate or discussion shall be closed on any item by the presiding officer with the concurrence of a majority of the Council present or by a Motion and Second to "Call the Question". Debate on a Motion to Call the Question will not be allowed and if approved by a majority vote of the Council will end the debate and discussion on the item being discussed. However, a call for the vote from the presiding officer shall not close discussion if any member of the Council still



wishes to be heard or the presiding officer determines the continued participation of others will be helpful to the Council.

#### **SECTION 4. COUNCIL ACTION**

- 4.1 Motion Required.** All action requiring a vote shall be moved and seconded by a member of the Council but not the Mayor.
- 4.2 Separate Consideration.** Except as otherwise required by these rules each agenda item shall be voted upon separately and each separate vote shall be recorded by the City Secretary.
- 4.3 Action on Consent Agenda.** Except as herein provided, the "Consent Agenda" shall be considered as a group (without separate discussion on each item). When the Consent Agenda is introduced, each Councilmember has the right to remove any item, in which case the item is handled first under the regular agenda. After items are removed, the presiding officer shall ask the members to indicate their votes on the remaining Consent Agenda items.
- 4.4 Consideration Out of Order.** The presiding officer may call for an item on the agenda to be considered out of order,
- 4.5 Recording Names of Moving Members.** The City Secretary shall record the name of the Councilmember making each motion and seconding each motion.
- 4.6 Reconsideration of an Item.** The presiding officer or a councilmember may call for an item that has already been voted on to be reconsidered in the event that an error occurred in the consideration of the item or in the event reconsideration is necessary to allow public participation that was not previously considered. A motion to reconsider shall be made and seconded and if approved by a majority of the Council, the agenda item may be reopened for discussion and a subsequent vote. If the subsequent vote differs from the previous vote on the item, the subsequent vote shall represent final disposition of the item. Reconsideration is only available at the same meeting in which the matter was considered.

#### **SECTION 5. CITIZEN PARTICIPATION**

- 5.1 Public Participation.** Comments and suggestions by the public are highly valued and encouraged during those parts of a meeting designated for public participation or public hearings. Persons addressing the Council shall complete a Signup Sheet prior to the Call to Order. Speakers should direct all remarks and questions to the Council. The presiding officer may refer a matter for investigation, response or other action. Public comments by a speaker relating to a non-agenda item shall be heard in conjunction with Citizen Comments. For comments relating to an agenda item, the speaker shall provide comments at the time that the subject agenda item is considered. The Mayor may request a staff or committee report or comments on an agenda item before calling for public comments. The "Texas Open Meetings Act" requires the City to post a notice, in advance, listing every topic or subject to be considered by the Council. This law may prevent the Council from considering a subject raised by a member of the public during Citizen Comment or related to matters not posted as part of the agenda.

In this case, the presiding officer may refer the matter, and the Council may direct that the matter be placed on the agenda for an upcoming meeting.

**5.2 Manner of Addressing Council – Time Limit.** Each person addressing the Council shall step up to the microphone, shall give his/her name and address for the record. Individual citizen presentations shall be limited to three (3) minutes. The presiding officer, at his/her discretion, may reasonably extend these limits. All remarks shall be addressed to the Council as a body, and not to any member thereof or to any member of the public. No person, other than members of the Council and the person having the floor shall be permitted to enter into any discussion, either directly or through the members of the Council. No questions shall be asked of the Councilmembers, except through the presiding officer.

**5.3 Remarks to be Germane.** Public comments must be kept relevant to the subject before the Council. The presiding officer shall rule on the relevance of comments. Persons making irrelevant, personal, impertinent, or slanderous remarks may be barred by the presiding officer from further comment before the Council during the meeting.

## **SECTION 6. ORDER OF BUSINESS AND AGENDA**

**6.1 Order of Business.** The general rule as to the order of business in regular meetings shall be as follows:

### AGENDA OF THE CITY COUNCIL

1. Call to Order and Announce Quorum is Present
2. Invocation
3. Pledges
4. Updates, Presentations and Recognitions
5. Citizen Comments
6. Consent Agenda
7. Regular Agenda
  - a. Staff or Committee Reports
  - b. Old/New business
8. Executive Session
9. Reconvene into Open Session for Possible Action
10. Announcements and Future Agenda Items
11. Adjournment

**6.2 Preparation of Agenda; Requests.** As a general rule the Mayor creates each City Council agenda. The City Secretary prepares, posts and distributes notices of meetings and assembles the agenda packet. The Mayor must place a subject on the agenda if the subject is requested by one or more Councilmembers.

**6.3 Consent Agenda.** In preparing an agenda the Mayor shall give consideration to the number and degree of complexity of items to be considered by the City Council for the purpose of conserving the City Council's time in meetings. Items which are anticipated to be routine and require no discussion by the City Council shall be listed under the agenda category "Consent Agenda". Prior to taking up the Consent Agenda, the presiding officer shall determine if there are any items thereon which should be

removed from the Consent Agenda for discussion. Any Councilmember may, upon request, remove any item from the Consent Agenda for discussion and separate action. Thereafter, all remaining Consent Agenda items may be acted upon by a single motion approving the Consent Agenda. Items removed from the Consent Agenda shall be considered on Regular Agenda.

- 6.4 Agenda Deadlines.** All requests to place a subject on the agenda must be in writing, which shall include e-mail and be provided to the Mayor by noon on the Thursday prior to next Council meeting.
- 6.5 Agenda Posting.** The Mayor, or if directed by the Mayor, the City Secretary shall post notices of all City Council meetings in compliance with the Texas Open Meetings Act. In addition to the physical location requirements of the Open Meetings Act, if the City has a web site managed by the City, agendas shall be posted on the City's website.
- 6.6 Requests to Include or Exclude Items.** Each Councilmember request to include or exclude an agenda item shall be forwarded to all members of the Council at the time the request is submitted to the Mayor. When a Councilmember will be absent from a meeting, the Councilmember may request that an item not be included.
- 6.7 Withdrawal of Items.** The Mayor may withdraw an item on the agenda prior to the agenda posting deadline if the matter was placed on the agenda by the Mayor and not otherwise requested by another Councilmember.
- 6.8 Council Action to Withdraw, Defer, Table, Continue or Not Act.** A Councilmember wishing to withdraw, defer, table, continue, or not act on an item may make a motion to that effect. Such a motion shall be considered before any other action on that item.

## **SECTION 7. CONFIDENTIALITY**

- 7.1 Executive Session or Confidential Matters.** All matters discussed in Executive Session, as authorized by the Texas Open Meetings Act, or which may otherwise be confidential shall not be discussed or disclosed to third parties not authorized to receive such information. It shall be the policy of the City Council that the Mayor, individual Councilmembers, City Attorney, City Secretary and others who are authorized to attend Executive Sessions shall not make selective disclosure of confidential matters where the information has not been released to the general public. The presiding officer may be authorized, or may authorize the City Attorney, to issue a statement regarding confidential matters upon approval of same by the City Council in open session. Matters discussed in Executive Session shall be embodied in a certified agenda and the City Secretary shall retain and protect all certified agendas as required by the Texas Open Meetings Act.

## **SECTION 8. ORDINANCES AND RESOLUTIONS**

- 8.1 Ordinances.** Actions of City Council required by state law to be in the form of an order or ordinance will require adoption of an ordinance. Actions which Council desire to carry the force of law or which are subject to fines or penalties shall be enacted as ordinances. Ordinances which carry fines or penalties must be published in the City's



official newspaper as required by state law. All other actions of the City Council shall be considered as resolutions.

**8.2 Ordinance Process and Effective Date.** Ordinances that require publication shall take effect upon the date of publication as required by state law. All other ordinances take effect on the date of approval by Council. Provided however, that Council in its discretion may provide in an ordinance that the effective date of enforcement regarding matters contained in the ordinance shall take effect at a date certain in the future to allow time for the implementation of the requirements of the ordinance, or to educate the citizens regarding the requirements of the ordinance before enforcement of same. If an ordinance request for placement on an agenda is made by an individual councilmember, the councilmember making the request is responsible for providing a draft of the proposed ordinance for inclusion in the agenda packet. Except as otherwise required by state law, the council may consider an ordinance for approval or defeat at the first meeting in which the ordinance appears on the agenda. However, the Council can continue, defer, or table the ordinance to a future meeting at its discretion.

**8.2 Resolutions.** A vote by the Council to take action on a matter listed on the agenda is considered a resolution unless the vote is to enact an ordinance. Resolutions may be formalized with corresponding written findings of fact and specific directives where the action to be taken is complex or contains various matters or conditions or may simply be any vote to take action. If the resolution is to be formalized with written findings and other directives the process for consideration of the resolution shall be the same as that for ordinances.

**8.3 Equal Dignity.** An ordinance may only be amended or repealed by another ordinance. A resolution can only be amended by another resolution but may be repealed by a resolution and then replaced with an ordinance.

## **SECTION 9. AMENDMENT OF THESE RULES**

**9.1 Amendment of these Rules.** These rules may be amended, or new rules adopted, by an amendment to this Ordinance.

**9.2 Conflicts with Ordinances/Laws.** To the extent there exists a conflict between these procedures and state law, state law shall govern.

**SECTION 10. SEVERABILITY.** If any section, subsection, clause, phrase or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsection, clauses, phrases and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

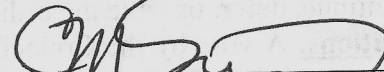
**SECTION 11. EFFECTIVE DATE.** This Ordinance shall be and become effective immediately upon and after its passage and publication as provided by law.

**SECTION 12. REPEALER.** All ordinances or parts of ordinances in force when the provisions of this Ordinance become effective that are inconsistent or in conflict with the terms and provisions contained herein are hereby repealed to the extent of conflict or inconsistency.

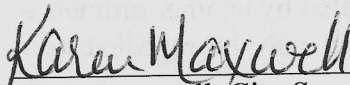
**SECTION 13. PROPER NOTICE AND MEETING.** The City Council hereby finds and determines that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

**ADOPTED AND APPROVED** by the City Council of the City of Double Horn, Texas, on the 14<sup>th</sup> day of March, 2019.

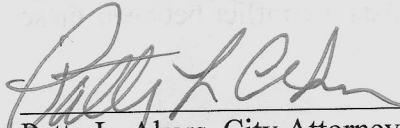
**CITY of DOUBLE HORN, TEXAS**

  
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Hon. Cathy Sereno, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Karen Maxwell, City Secretary

**APPROVED AS TO FORM:**

  
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Patty L. Akers, City Attorney