

ORDINANCE 07-18
RULES OF PROCEDURE ~ CITY OF PLANTERSVILLE

AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF PLANTERSVILLE, TEXAS ESTABLISHING WRITTEN RULES OF PROCEDURE; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Plantersville (“City”) desires to establish clearly defined Rules of Procedure and for the decorum and conduct governing interactions of City government and the public; and

WHEREAS, the City desires to adopt such procedures that are consistent with the laws of the State of Texas and articulate rights, obligations and standards to be upheld by the Board of Aldermen and members of the public appearing before the Board of Aldermen at a public meeting; and

WHEREAS, the City believes it to be in the best interest of the citizens of the City to establish such rules to ensure fair and efficient conduct of City government business; and

WHEREAS, the purposes of the Rules are to ensure that the Board of Aldermen meetings are conducted in a way that allows the business of the City to be effectively administered, and that members of the public who attend City meetings can be heard in a fair, impartial, and respectful manner, and to ensure that the rules governing the meetings are understood by persons attending the meetings; and

WHEREAS, the City believes the Rules of Procedure will prevent confusion by establishing an organized process for conducting board meetings and city business in a way that promotes a positive City image reflecting order, harmony, and pride.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PLANTERSVILLE, HEREBY THAT;

The following **Rules of Procedure** shall govern all future interactions between City government and the general public with specific emphasis on the application of these rules to the planning and conducting of Board of Aldermen (“Board”) meetings; and that the rules shall be effective immediately and shall remain in effect until such time as they are subsequently amended, suspended, or new rules are adopted.

PRECEDENCE OF AUTHORITY IN ALL MATTERS ASSOCIATED WITH THE MEETINGS AND ACTIVITIES OF THE BOARD OF ALDERMEN SHALL BE: (1) the Constitution and Laws of the United States; (2) the Constitution and Laws of the State of Texas; (3) City of Plantersville Rules of Procedure; and 4) when feasible, Robert’s Rules of Order.

The City has the right to determine its own Rules of Procedure, except where already covered under Texas Law.

Definitions/Abbreviations:

City: City of Plantersville

Board: Board of Aldermen of the City of Plantersville: the Mayor and five (5) Aldermen

TOMA: Texas Open Meetings Act: Chapter 551 of Texas Government Code (TGC)

TGC: Texas Government Code

TLGC: Texas Local Government Code

TPIA: Texas Public Information Act: Chapter 552 of Texas Government Code (TGC)

ROP: Rules of Procedure for City of Plantersville

SECTION 1. NOTICE OF MEETINGS (Public Notice)

- 1.1. All meetings of the City shall be scheduled and conducted in accordance with the provisions of the TOMA.
- 1.2. The Mayor or designee shall post the written Notice of Meeting (“Agenda”) seventy-two (72) hours before the scheduled time of the meeting in accordance with the TOMA Sec. 551.043 on the City’s Official Notices Board accessible to the public at all times in the location where City meetings are conducted and on the City’s website as soon as feasible. (TOMA Sec. 551.050 Sec. 551.056)
- 1.3. Exception to the seventy-two (72) hour rule occurs in the event of urgent public necessity or emergency; in which case TOMA Sec. 551.045 shall apply.
- 1.4. The City shall give written notice of the date, hour, location, and subject of each meeting held by the City. TOMA Sec. 551.041
- 1.5. The TLGC requires Public Hearings under certain circumstances to guide the Board in its decisions. For the convenience of all, these may be called, with the notice required by the TOMA, to coincide with Board Meetings or, if necessary, as stand-alone meetings. Their purpose is to hear public comment which may be presented in writing, by representative, or in person.

SECTION 2. NOTICE OF MEETINGS (Agenda)

- 2.1. The City shall comply with all notice requirements of the TOMA, Ch.551.
- 2.2. In compliance with TOMA, the Board shall not deliberate or vote on a matter not appearing on the agenda, except for purposes of presenting statements of current fact, or policy, or for determining whether the matter should appear on a future agenda.
- 2.3. The Mayor shall be responsible for preparing the Agenda for Board Meetings. The Mayor may determine which items to include on the agenda, provided that the Mayor shall include any item requested in writing and signed by at least two (2) Board Members and any incomplete past agenda items. Board Members shall submit the request in writing to the Mayor at least seven (7) business days in advance of the meeting.
- 2.4. A citizen may request inclusion of an item on the agenda by submitting a signed request, in writing, to the Mayor at least seven (7) business days in advance of the day of the meeting including a clear explanation of the desired action. The requested item may be included on the agenda at the Mayor’s discretion.
- 2.5. Upon motion of the Mayor or any Board member, the Board may elect to table or postpone an agenda item by an affirmative vote by a majority of the Board members present.
- 2.6. Agendas shall be delivered to the Board in electronic format at the time it is publicly posted or as soon as feasible.
- 2.7. Emergency Items. In the event that a situation arises which can legitimately classify as an emergency (as specified in the statutes) that item may be added to the agenda as late as two hours before a meeting. In such event, the nature of the emergency must be specified in the amended agenda. Notice will be provided as prescribed by TOMA. *See 7.7. for Emergency Meetings*

SECTION 3. MEETINGS AND PUBLIC HEARINGS RULES

- 3.1. All meetings of the City are open to the public, including representatives of the press and media, except Executive Sessions in accordance with TOMA 551.002
- 3.2. The City will meet in regular session the second Monday of each month beginning at 7:00 pm at Plantersville Town Hall or another designated and legally publicized location, but ONLY if the required quorum can be convened.
- 3.3. The Mayor and three (3) Aldermen constitute a quorum. If the Mayor is absent, four (4) Aldermen constitute a quorum. (TLGC Sec. 23.028) A quorum is required to conduct business except to adjourn.

3.4. The Mayor is the presiding officer of the Board and is a fully participating member thereof. In the event of the absence of the Mayor, the Mayor Pro Tem shall serve as presiding officer and in event of his/her absence an Alderman elected by the attending Aldermen shall preside. The presiding officer is entitled to participate in the discussion and debate, and is entitled to vote on all business before the Board. Because the presiding officer conducts the meeting, it is common courtesy for the chair to take a less active role than other members of the Board in debates and discussions. This practice in no way precludes the presiding officer from fully and freely participating in the meeting.

3.5. Meeting Decorum

3.5.a. Anyone wishing to speak must be recognized by the presiding officer.

3.5.b. Proper attire is mandatory for Board Members and attendees. Those members of the public who are inappropriately attired or who do not conduct themselves in an orderly and appropriate manner will be required to leave the meeting.

3.5.c. No cell phone use is allowed by the public, except media may use cell phones to record the meetings. Board Members are allowed to use their cell phones when necessary

3.5.d. No banners, signs, or placards will be permitted in the meeting room.

3.5.e. Board Members shall refrain from private conversations with one another during the meeting.

3.5.f. All in attendance at Board Meetings will refrain from private conversations while the meeting is in session.

3.5.g. The Mayor and Aldermen will speak clearly and loudly enough so that everyone in the room is able to hear.

3.5.h. Board meetings will be conducted in a way that is open to all viewpoints, yet free from abusive, distracting, disorderly, or intimidating behavior.

3.5.i. After the close of (1) a Public Hearing or (2) the Public Comments agenda item, no further comment will be permitted by the public.

3.5.j. The Mayor/Presiding Officer shall have the discretion to take any measures necessary to maintain order.

3.6. Voting

3.6.a. By seeking and accepting public office, each Board Member is bound to perform the inherent duties of his/her office, one of the foremost of which is to vote on every issue that is brought before the Board.

3.6.b. When a vote is called, every member present shall vote either "Yes" or "No" except on matters involving conflict of interest.

3.7. Attendance. Board Members are expected to attend meetings and remain in attendance during each meeting. Should a Board Member be unable to attend, the Mayor or Mayor Pro Tem shall be notified prior to that meeting. Acceptable reasons for absence are personal illness or illness of a close family member or any other reason approved by the Board. Consistent absences are unacceptable and shall be addressed according to TLGC.

3.8. Board action follows Robert's Rules of Order as far as feasible. Example: RRO would require a motion to act prior to any discussion of any item on the agenda, however this Board's policy permits introduction of an item and discussion prior to making a specific motion for action.

3.9. In accordance with the applicable section of the TLGC, Executive Sessions and Closed Meetings of the City are not open to the public, the press, or the media. Only those individuals expressly invited, requested, or ordered to be present are allowed to attend Executive Session.

3.10. Minutes

3.10.a. The secretary shall prepare and keep minutes (for the legal required length of time) of each open meeting of the Board. (TOMA Sec. 551. 021)

3.10.b. The minutes of an open meeting are public records and shall be available for public inspection and copying on written request to the Mayor. (TOMA Sec. 551.022)

3.10.c. The minutes must state the subject of each deliberation; and indicate each vote, order, decision, or other action taken including agenda item and number, motion made, by whom, motion seconded by whom, and outcome of vote. (TOMA Sec. 551.021 (b) (1)(2)) The minutes shall also reflect the names of citizens presenting public comments.

3.10.d. Written minutes (certified agenda TOMA Sec. 551.103) of Executive Sessions and Closed Meetings shall be kept by the Mayor and are confidential. They are sealed by the Mayor, kept for the required length of time as specified in the TOMA 551.104. in a safe place and may only be opened upon an order from a District Court

3.10.e. The Secretary will submit minutes to the Mayor within 5 workdays, for approval at the next meeting.

3.10.f. Minutes will be posted on the City's website as soon as feasible after approval by the Board.

3.11. Citizen Participation

3.11.a. The business of the City is conducted by and between the members of the Board, and by those members of the public (such as consultants and/or experts) requested by the Board to be present and to participate. While the public is invited to attend all meetings of the City (except Executive or Closed Sessions) the public's participation therein is limited to that of observers unless a member (or members) of the public is requested to address the Board on a particular issue (or issues) or during the Public Comments item on the Agenda.

3.11.b. Each member of the public who appears before the Board during the Public Comments item on the Agenda shall be limited to a maximum of two (2) minutes to make his/her remarks. Time for each speaker shall be maintained by the designated member of the Board of Aldermen.

3.11.c. Maximum public comment discussion on any Agenda item, regardless of the number of members of the public wishing to address the Board shall be limited to twenty (20) minutes except as provided below. If more than ten (10) members of the public wish to address the Board, then only the first ten (10) members of the public wishing to speak will be recognized to speak.

3.11.d. In matters of exceptional interest, the Board may, by the majority vote of the members of the Board in attendance at the meeting, either shorten or lengthen the time allocated for a particular member of the public, all members of the public, or the amount of time allocated for public comments.

3.11.e. All visitors attending Board meetings must sign and complete the visitor's register that is provided.

3.11.f. A visitor who intends to speak at a Board meeting must complete a Public Comment Form, in addition to signing the Visitor's Register, and present the Form to the Mayor at the time and date specified on the form.

3.11.g. Public comments will be taken in the order in which they are turned in to the Mayor.

3.11.h. There will be no deferments of time to another speaker.

3.11.i. After close of the Agenda item "Public Comments" no further comments from the public will be permitted.

3.11.j. The Board will not engage in dialogue with the public during the Public Comments, but will hear their comments. TLGC prohibits Board Members from discussing or taking action on any matter not on the agenda. It is not required; however, the Mayor may respond with a statement of factual data, recite the city's existing policy, agree to look into the matter, or place the issue on a future agenda.

3.11.k. The Mayor may recognize a citizen to be given an opportunity to speak on an agenda item. The speaker must have pertinent information related to the agenda item under consideration and will be limited to one (1) minute, unless the Board votes to extend the time.

3.11.l. If a citizen is reading from a prepared document, the document or a copy of the document will be given to the City Secretary (at that time) for the minutes.

3.11.m. Those registered to speak shall wait in the audience until recognized, after being recognized shall approach the podium, identify himself/herself by name and address and state whether he/she is a resident of the city.

3.12. Media

3.12.a. No media personnel or equipment will be located closer than eight (8) feet to the Board of Aldermen's tables without prior approval of the Board.

3.12.b. Media personnel are required to structure their movements, equipment set-up and take-down and adjustments, etc., in such a manner as to not disrupt Board proceedings or the ability of the public to see and hear the proceedings.

3.12.c. Interviews shall not be conducted inside the Board room during the time Board Meetings are in session.

3.12.d. Media interviews or broadcasts which are conducted outside the Board room shall be conducted in such a manner that the interview does not disturb, impede, or disrupt the proceedings of any session of the Board.

3.13. Rules of Procedure shall also apply to special called meetings, town hall meetings and public hearings; however, the Board may adopt additional/supplemental rules for a town hall meeting or public hearing. Rules of Procedure may be temporarily suspended, except where dictated by statutes, when deemed necessary and expedient by a majority vote of Board Members in attendance at that meeting.

3.14. The Board has the power to administer and enforce the provisions of this Ordinance and to issue citations under Section 42.05 and section 38.13 of the Texas Penal Code for failure to observe the rules applicable to Board Meetings. Accordingly, members of the public in attendance at any Board Meeting are required to conduct themselves with proper respect and decorum.

3.14.a. Members of the public who do not conduct themselves in an orderly and appropriate manner will be ordered to leave the meeting. Refusal to abide by the Board's order and/or continued disruption of the meeting may result in a legal action.

3.14.b. The Presiding Officer is hereby granted the authority to order any person be removed from the meeting or to take appropriate legal action against any person who violates any provision of this Ordinance.

3.15. Regular law enforcement officers for the City shall ensure that a safe environment exists for City Meetings and shall furnish whatever assistance is needed to enforce the rules of the Board.

SECTION 4. CONFLICT OF INTEREST

4.1. Board Members shall disclose orally prior to the discussion and action of any agenda item any actual conflicts of interest that exist with that item, and the Member shall explain for the record the nature of the conflict of interest.

4.2. A Board Member prevented from voting by a conflict of interest shall file a conflict of interest questionnaire with the official record keeper as soon as possible after the posting of an agenda which contains a conflict, unless an applicable conflict of interest questionnaire has already been filed. A Board Member prevented from voting by a conflict of interest shall (1) step away from the Board tables, (2) take a seat in the audience, (3) shall not vote on the matter, (4) shall not participate in discussions regarding the matter or attempt to influence the Board's deliberation of the matter in any way, (5) shall not attend Executive sessions regarding the matter, and (6) shall otherwise comply with the state law and city ordinances concerning conflicts of interest including Chapter 171 TLGC.

SECTION 5. WRITTEN CORRESPONDENCE

5.1. Citizens may direct written questions or comments, other than agenda requests, to the Mayor or to an Alderman by: (1) mail to City of Plantersville, PO Box 374, Plantersville, TX 77363, or (2) email to the official city email addresses listed on the City of Plantersville website at www.cityofplantersville.net.

5.2. Citizens should expect a timely acknowledgement of a mailed letter after receipt by the City and acknowledgement of an e-mailed message within three (3) business days.

5.3. Public Information requests will be handled according to the TPIA. Public Information requests must be submitted in writing (TCG 552.301). A request made by email or facsimile transmission must be sent to the officer for public information (the Mayor).

5.4. The City has no control over how long it takes letters mailed using the U.S. Postal Service to be received by the City or by the City's correspondents. The City also recognizes that emails depend on the internet and internet reliability is less than perfect in our area. The City does not represent that Internet service for email and the Web site will be uninterrupted or error-free. The City makes no representations about the suitability, reliability, availability, timeliness, or accuracy of the internet for the Web site or emails. Requests must be in writing but it is strongly recommended that one call the Board Member to whom you mailed or emailed your request to verify that it was received by that person. We will make every effort to respond in a timely manner to all correspondence.

SECTION 6. TYPES OF MEETINGS

6.1. Regular Meetings

6.1.a. Regular Meetings of the City shall be held on the second Monday of each month. In the event the second Monday is a legal holiday, then the regular meeting that would otherwise be held on that day shall instead be held on the third Monday of that month. At other times that the Mayor deems appropriate, he/she may cancel one or more regular meetings. (*see Sec. 1.3 Emergencies*)

6.1.b. In addition to the regular order of business, regular meetings may consist of one or more meetings, including workshop meetings, public hearings, town hall meetings, and/or closed (executive) meetings.

6.2. Special Meetings

6.2.a. Special Meetings may be called by the Mayor, or two (2) members of the Board by written request to the Mayor, or by vote in a regular meeting. The mayor shall in turn give notice of such special meetings to the Board and post public notice of the meeting the required seventy-two (72) hours prior to the meeting according to TOMA.

6.2 b. Special Meetings are open to the public.

6.2.c. Special Meetings may be called at times other than those specified for regular meetings for any business that could otherwise be conducted in a regular meeting, following rules for a regular meeting.

6.3. Workshop Meetings

6.3.a. Workshop Meetings may be called by the Mayor, or a majority of the Aldermen by written request to the Mayor, the Mayor shall give notice of such workshop meetings to the Board of Aldermen and post public notice of the meeting the required seventy-two (72) hours prior to the meeting according to TOMA.

6.3.b. Workshop Meetings are open to the public but the public will not participate in the discussion unless invited.

6.3.c. No official Board action can be taken at such meetings, but minutes shall be taken. 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.

6.3.d. The purpose of a Workshop Meeting is to discuss and exchange information between the Board Members, for conducting a detailed and thorough exploration of matters that may properly come before the Board.

6.4. Town Hall Meetings

6.4.a. Town Hall Meetings are called by the Board to present matters of public interest and to receive public comment on such matters.

6.4.b. Town Hall Meetings are open to the public and notice will be posted in the usual manner seventy-two (72) hours prior to the meeting.

6.4.c. The Mayor will recognize speakers who have signed up in the usual manner, with the usual time limit.

6.4.d. The Board shall not deliberate or take action in a Town Hall meeting.

6.5. Closed Meeting (Executive Sessions)

6.5.a. Closed meetings (commonly known as “executive sessions”) are permitted only for the purposes enumerated in TGC, Ch. 551, OMA, Subchapter D.

6.5.b. Disclosure of topics to be discussed shall be made to the public in accordance with the requirements of the OMA.

6.5.c. No official action is taken by the Board during a Closed Meeting.

6.5.d. The Presiding Officer may call any regular, special, or emergency meeting into executive session by citing the specific provision of TGC Chapter 551 Sec. 551.101.

6.6. Public Hearings

6.6.a. Public Hearings are meetings legally required by Texas statutes and will be conducted according to those individual statutes or may be scheduled voluntarily to obtain evidence on both sides of an issue or a full range of citizen input on an important matter.

6.6.b. Public comments will be recorded in the minutes.

6.6.c. Written public comments must be received by the Mayor by noon on the Wednesday before the meeting of final deliberation for inclusion in the public record of the proceedings.

6.6.d. When conducted as part of a Regular Meeting, a vote may be taken on the matter at that same meeting, if not prevented by statute.

6.7. Emergency Meetings

6.7.a. Emergency Meetings may be called in case of an emergency or urgent public necessity, which shall be expressed in the meeting notice. It shall be sufficient if members receive, and notice is posted two (2) hours before the meeting is convened according to the TGC Sec. 551.047. and Sec. 551.045

6.7 b. Emergency Meetings will be conducted in accordance with TGC 551.

6.8. Committee Meetings (Committees)

6.8.a. The Mayor shall have the discretion to form committees and appoint committee members when beneficial for conducting business: (1) to discuss and exchange information, (2) to conduct a detailed and thorough exploration of matters, (3) to investigate more fully than would normally be possible, (4) to formulate plans, (5) and to make recommendations for Board action. A committee is subordinate to the Board and can take no formal action other than make recommendations to the Board.

6.8.b. The Board shall have the discretion to appoint members of the public to any boards and/or committees.

6.8.c. A committee shall have no more than three (3) Board Members and as few/many members of the public as beneficial for conducting business.

SECTION 7. REPEAL. All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

SECTION 8. SEVERABILITY. In the event any clause, phrase, provision, sentence, or part of the Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the Board of Aldermen of the City of Plantersville, Texas declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

SECTION 9. EFFECTIVE. The Rules of Procedure shall be effective immediately and shall remain in effect until such time as they are subsequently amended, suspended, or new rules are adopted.

PASSED AND APPROVED AND ADOPTED by the Board of Aldermen of the City of Plantersville, Texas by a vote of 5 “ayes” in favor and 0 “nays” against on this final reading on the 11th day of June, 2018.

APPROVED:

ATTEST:

Karen Hale, Mayor

Kristina Keyser-Mayton, City Secretary