

**ORDINANCE No. 2009 - 006**

**PROVIDING FOR RULES AND PROCEDURES FOR MEETINGS OF THE CITY COUNCIL OF THE CITY OF CASTROVILLE, TEXAS; PROVIDING FOR RULES OF ENFORCEMENT; PROVIDING FOR PUBLIC AND MEDIA RELATIONS; PROVIDING FOR APPOINTMENTS OF COUNCIL COMMITTEES AND AGENCY LIAISON; PROVIDING FOR GENERAL CITY AND FINANCIAL PLANNING; AND PROVIDING FOR ADOPTION OF ROBERTS RULES OF ORDER.**

**WHEREAS**, the City Council believes that it is important to the orderly conduct of the business and affairs of the City of Castroville that the City Council establish rules and procedures to address Mayor and Council relations, Council and media relations, roles, and meetings; and

**WHEREAS**, the City Council also believes that each Councilmember should be dedicated to public service by being cooperative and constructive and by making the best and most efficient use of available resources, so that each member may merit the respect and confidence of the citizens of the City of Castroville; and

**WHEREAS**, the City Council further believes that by adopting the following guidelines to ensure effective and efficient governance, we, as members of City Council, acknowledge our responsibility to each other, to our professional staff, and to the public; and

**WHEREAS**, the City Council also believes that the establishment of rules of conduct and procedure for conducting the official business of the City of Castroville will help foster an atmosphere of respect, civility, and cooperation wherein individual Councilmembers, staff, and the public will be free to express their ideas and work to their full potential for the good of all our citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CASTROVILLE, TEXAS:

**Section I. Council Policy and Rules of Procedure:**

**A. Council's Role:** In order to ensure the proper discharge of duties for the improvement of democratic local government, Councilmembers will display a level of behavior that demonstrates independent, impartial review of all matters addressed by them, and be duly responsible to the citizens of Castroville and each other in their relationships.

**B. Mayor's Role:** The presiding officer of the Council is responsible for conducting the meeting. When present and participating, the Mayor shall serve as presiding officer at meetings of Council. The Mayor may participate in discussions of all matters coming before Council. After each general election, Council shall elect from among Councilmembers a mayor *pro tempore* who shall act as mayor during the absence or disability of the Mayor. If neither the Mayor nor the mayor *pro tempore* are able to serve, the remaining Councilmembers may by majority vote designate a Councilmember to preside. The Mayor shall preserve order and decorum during Council meetings and shall require Councilmembers engaged in debate to limit discussion to the question under consideration. The Mayor is the spokesperson for the Council on all official City occasions unless absent, at which time the mayor *pro tempore* will assume the role. The Mayor will guide Council discussions, respond to Council questions, summarize issues and call

items for Council action. The Mayor will encourage all Councilmembers to participate in discussion and give each member an opportunity to speak before any member can speak again on the same subject. The total time an individual Councilmember may speak on a discrete issue during a meeting will be limited to no more than 15 minutes, unless additional time is provided to the Councilmember by a majority Council vote.

### **C. Council Meetings:**

1. Council shall meet regularly at such place and times as prescribed by Council, but no less frequently than twice each month unless otherwise resolved by Council. The regularly scheduled meetings will begin at 7:00 p.m., unless otherwise resolved by a Council majority.
  2. Council must have a quorum to meet, deliberate, debate, and decide on any City business. A quorum is defined as the minimum number of Councilmembers necessary to conduct the business of that group. A quorum will be attained when three or more Councilmembers are present.
  3. A special meeting may be held with 72 hours notice on any day of the week to consider items that require action prior to the next regularly scheduled meeting and may be called upon the request of the Mayor or a majority of Councilmembers.
  4. A Council workshop may be held with 72 hours notice on any day of the week to consider, in detail, a particular subject or problem of City interest and may be called upon the request of the Mayor or a majority of Councilmembers. Workshops emphasize interaction between Mayor, Council and staff in order to exchange information and develop approaches and possible positions for future Council action. Council meeting rules and procedures may be relaxed during a workshop at the discretion of the Mayor or presiding officer or by a majority of Councilmembers.
  5. When the agenda item requires a public hearing, the Mayor or presiding officer shall request staff comment, allow for questions by Council, open the public hearing for public comment, and close the public hearing.
  6. Councilmembers are expected to attend all meetings and workshops and stay in attendance during each meeting. If for any reason a Councilmember desires to leave a meeting or workshop prior to its termination, he/she will request the presiding officer grant a recess, adjournment or if a quorum of council members are present the meeting may continue.
  7. A Councilmember prevented from voting due to a conflict of interest shall abstain from the debate, shall not vote in the matter, and shall otherwise comply with state law and ordinances concerning conflicts of interest.
  8. During Council meetings and workshops, Councilmembers shall assist in preserving order and decorum and shall neither by conversation or otherwise delay or interrupt the proceedings nor refuse to obey the rules of the Council.
  9. Administrative staff and City employees shall observe the same rules of decorum applicable to Councilmembers. All persons addressing Councilmembers, including the City Administrator, shall be recognized by the presiding officer and shall limit remarks to the matter under discussion. All remarks and questions addressed to the Council shall be addressed to the Council as a whole and not to any individual member.
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#### **D. Persons Addressing the Council:**

1. At Council meetings, Council may hear comments from any citizen or visitor. Speakers must address their comments to the presiding officer rather than individual Councilmembers, staff, or members of the audience; stand at the podium, speak clearly into the microphone and state name and residential address before speaking. If the speaker is speaking on behalf of an organization or group, the speaker shall identify the group. Only one person may address the Council at any time unless otherwise allowed by Council majority. Persons addressing Council shall do so in a respectful and orderly manner without shouting or argumentative behavior or making personal, impertinent, slanderous, or profane remarks about any Councilmember, City staff member, or a member of the general public. Speakers shall address Council and staff respectfully and no shouting or argumentative behavior will be tolerated.
2. Citizen comments will be permitted only at times specified on the published Council agenda; Speakers will be allowed a maximum of (3) three minutes to speak; additional time may be extended by a Council majority.
3. The Mayor and Council encourage citizen input regarding their City concerns, questions, and suggestions. Council strongly suggests that citizens contact the City Administrator and their district Councilmember concerning specific issues prior to speaking at Council meetings.

**E. Members of the Audience:** No person in the audience at a meeting of Council shall engage in disorderly or boisterous conduct, including the utterance of loud, threatening, or abusive language, whistling, stamping of feet, eating or drinking, using tobacco or tobacco products, or other acts which disturb, disrupt, or otherwise impede the orderly conduct of any Council meeting. Cell phones shall be turned off or set to silent or vibrate mode. Hats will not be worn in Council chambers.

#### **F. Rules of Enforcement:**

1. **Warning:** The Mayor or the presiding officer shall request that a person breaching any part of Section I, D or E above cease the disruptive conduct. If, after receiving a warning from the Mayor or the presiding officer, the person persists in disturbing the Council meeting, the Mayor, the presiding officer, or a majority of Council shall order the person to leave the Council meeting. If such person does not remove himself, the Mayor or the presiding officer shall first call for a 10 minute recess to regain order; if order is not regained, the Mayor or presiding officer may direct any on-duty law enforcement officer to remove that person or persons from Council Chambers.
  2. **Removal of Member of Audience:** Any on-duty law enforcement officer shall carry out all reasonable orders and instructions given by the Mayor or the presiding officer for the purpose of maintaining order and decorum at Council meetings.
  3. **Removal of Councilmember:** A Councilmember may only be removed from the Council meeting after a vote is taken of the City Council. If the vote is in favor of the Councilmember, the Councilmember shall be at liberty to proceed.
  4. **Civil and Criminal Penalties:** The City may enforce the provisions of this Ordinance by injunctive relieve as well as prosecution for applicable criminal violations. An offense under this Ordinance is a misdemeanor and any person violating this Ordinance shall, upon conviction, be fined a sum not exceeding two hundred dollars (\$200.00). Each instance that a provision of this Ordinance is violated shall constitute a separate offense.
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**G. Agenda Item Submission:** Any Councilmember may submit an item for placement on a Council meeting agenda. The submitted item must be specific, contain an explanation of purpose, include background information, and state the date of the Council meeting the Councilmember wishes the item to be placed. An item for placement on the agenda must be submitted in person or electronically to the City Secretary at City Hall no later than 5:00 p.m. on the fourth business day prior to the date of the next Council meeting. Items submitted to the City Secretary after that time will normally be held over until the next regularly-scheduled Council meeting, unless the item is of such importance that the Mayor elects to place the item on an earlier agenda or calls a special City Council meeting.

**H. Placement on Agenda:** The Mayor, working with the City Administrator, will determine, using his best judgment, the most important items received for placement on the agenda. Any item that has been properly and timely submitted by a Councilmember as described above shall be placed on the agenda of the Council meeting. If the Mayor, in his discretion, finds that there is insufficient background information submitted to adequately address the issue, he will so notify the Councilmember and delay placement on the agenda until sufficient information is provided to the City Secretary; a Council majority may nevertheless place the item on the agenda for consideration during the next regularly scheduled meeting. Councilmembers are encouraged to contact the Mayor or City Secretary regarding any questions they may have about items that have been placed on an agenda.

**I. City Secretary Notification:** It is the responsibility of the City Secretary to notify the Councilmember who has requested an item to be placed on an agenda of a Council meeting of the fact that the Councilmember is expected to be at the Council meeting to discuss the agenda item.

**J. Agenda Item Consideration:**

1. Ordinarily the Mayor or other presiding officer will follow the agenda as posted; however, the Mayor or the presiding officer generally maintains the option of addressing agenda items out of order to facilitate guests, reduce costs, or other factors. In addition, the Mayor or presiding officer shall address agenda items out of order, table, or postpone any agenda item on the motion and majority vote of Council.
2. Persons under retainer agreement or contract with the City for professional services (e.g., attorneys, engineers, auditors, etc.) shall only attend Council meetings when specifically requested by the Mayor, City Administrator, or majority of Councilmembers. These professionals shall be scheduled as early as possible on Council meeting agendas to ensure a minimal expense to the City.

**K. Minutes:** Minutes of each Council meeting, workshop, and public hearing shall be prepared by the City Secretary and submitted to a subsequent Council meeting for approval. The City Secretary may distribute copies of the proposed minutes for review to the Mayor and Councilmembers prior to the Council meeting. The minutes shall contain a brief narrative of Council's deliberations, record all motions, and note Council vote on each item. The City Secretary shall maintain both a paper and electronic record of the approved minutes. Electronic copies of approved minutes will be posted on the City's official web site as soon as practicable.

**Section II. Public Contact/Media Relations:**

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Representative government is only successful when citizens are kept informed and educated about the issues facing their City; consequently, it is imperative that the media play an important role in the Council and public relations. It is through an informed public that progress is ensured and good government remains sensitive to its constituents. The Mayor and Councilmembers recognize that the news media provide an important link between Council and the public. It is Council's desire to establish a professional working relationship to help maintain a well informed and educated citizenry.

1. During the conduct of official business, the City shall designate adequate space for the news media. All reporters will receive an agenda in advance of Council meetings and will be furnished support material needed for clarification if requested. The use of media equipment such as lights, cameras and/or microphones should be coordinated with the City Administrator prior to the meeting to ensure that this equipment does not disturb or otherwise conflict with or disrupt the meeting or the Council's activities.
2. In order to avoid public confusion and ensure dissemination of the most accurate information possible, the Mayor and Councilmembers should defer to the City Administrator, the City's chief executive agent, as primary point of contact for all media questions regarding daily operation and maintenance issues.
3. Councilmembers are encouraged to hold periodic informational meetings, solicit citizen feedback, and otherwise share information of interest to constituents within their districts.

### **Section III. Appointment of Council Committees:**

**A.** As directed by Council majority, the Mayor may appoint a special committee of the Council to investigate and study a particular matter in depth and report its findings and recommendations to Council. Each committee shall consist of a minimum of a chairman and one other member. If requested by the special committee of the Council, the City Administrator may appoint a member of the staff to serve in a non-voting capacity to assist the committee.

**B.** All meetings of committees are subject to compliance with the Open Meetings law. The Committee's report shall be submitted to Council for action.

### **Section IV. General City Planning:**

**A.** On an annual basis, the Mayor and Council shall hold a minimum of one strategic planning workshop wherein they develop priorities, goals and objectives. The goals and objectives shall address short term and long term needs of the City.

**B.** On an annual basis, the Mayor and Council shall review, update as necessary, and approve a Capital Improvement Plan (CIP).

**C.** Council policy direction shall be, to the maximum extent practicable, consistent with the most current City Master Plan. Sufficient time and consideration should be given to policy alternatives to ensure that decisions are made consistent with its long term vision.

### **Section V. Financial Planning:**

**A.** A quarterly review of City budget expenditures shall be presented to Council by the City Financial Director at a scheduled meeting at the end of each fiscal quarter. City financial records will be made

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available to Councilmembers at least (4) four business days prior to this meeting and will include a revenue and expense report, cash position report, and overall balance sheet.

**B.** Council will establish and include, in each annual City budget, a 90-day general fund reserve balance, or an amount otherwise determined by a Council majority.

**C.** Any agreement, of any kind, that legally requires Council action, shall be submitted to Council for review and approval by a majority of Councilmembers prior to execution by staff. A Council majority may specifically mandate Council review and approval of any other agreement prior to execution. All background documents as well as proposed written agreements shall be made available for Councilmember review at least (4) four workdays prior to scheduled Council meetings where approval is sought. Such materials shall also include a statement indicating whether the expenditure will be within the approved annual City budget. An exception to this rule is permissible only if the Mayor or City Administrator determines that prior submission to Council would result in a delay that significantly, negatively, and imminently impacts the health, safety, or security of the City or its citizens. In these emergency cases, Council must be informed of City actions as soon as practicable, but in no event later than the next scheduled Council meeting.

**D. Annual Audit:**

1. Requirement for Annual Audit. Under Sections 103.001-103.004 of the Texas Local Government Code, the City is required to have an annual audit of its financial records and accounts. City Council shall select and contract with a certified public accounting firm which has experience in municipal finance for the purpose of rendering an independent audit of all accounts and other financial records of the City. Upon completion of any City audit, the auditor shall prepare a written report and shall submit the report to Council. Additionally, the City Financial Director and City Administrator shall prepare an independent written financial analysis as an attachment to the Audit Report and report those results to the Council.
  2. Purpose and Timing for Audit Completion. The audit involves examination of three aspects of the City's financial operations: (1) internal controls; (2) statements, records, and accounting transactions; and (3) compliance with statutory and budgetary requirements. Properly conducted, the audit provides a double check on the City's financial status, a method for communicating with the citizenry, and a bona fide statement of the City's financial condition, which will improve its ability to issue bonds. The audit report shall be submitted to Council within 120 days after the end of the preceding fiscal year for which the audit is being conducted unless an extension has been granted by Council majority.
  3. Availability of the Audit. A copy of the audit report shall be made available to the public at cost, upon written request.
  4. Selection and Qualifications of Auditor. The personnel of the firm conducting the audit shall not hold any public office in the City nor have any personal interest, direct or indirectly, in the fiscal affairs of the City or any of its offices. If Council, by majority vote, directs the hire of a new, qualified public accounting firm, the City shall solicit bids from qualified public accounting firms. Council, when selecting a public accounting firm to conduct the audit, shall do so on the basis of the firm's experience, expertise, efficiency and ability to timely complete the audit and the cost to be charged for the audit. Council shall not be required to accept the lowest bid for the audit.
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## **Section VI. Council and Staff Relations:**

**A.** Councilmembers should normally direct comments, correspondence and concerns about City operations and maintenance issues to the City Administrator with an informational copy to the Mayor. Citizen's concerns, comments and correspondence regarding City services received by Councilmembers shall be forwarded to the City Administrator for appropriate staff action and a timely response with an informational copy to the Mayor.

**B.** In order to ensure City staff is able to properly address Council agenda items, Councilmember questions should be, whenever possible, presented to the City Administrator for consideration at least (4) workdays prior to the next scheduled Council meeting. This allows time for staff to diligently address Councilmembers' concerns and provide them with an adequate response. If staff is unable to address the agenda item at the Council meeting, the City Administrator will so notify the Councilmember as soon as possible and advise when an answer will be forthcoming.

**C.** Enhancing a steady exchange of information between City Staff and Council is a high priority in maintaining a streamlined and efficient government. To ensure a well informed Council, the City Administrator or his designee will provide regular and timely informational updates on City operational and maintenance issues that may be of interest to Council. When appropriate, the Mayor or City Administrator will provide notice to Councilmembers regarding meetings hosted by other groups or organizations where Councilmember attendance would be beneficial to the City; no City business will be conducted and the City Secretary will publish a notice of possible quorum when necessary. For purely social events, conferences, and conventions, Councilmembers may attend without the need for publishing a notice of possible quorum; no City Business may be discussed at these functions.

## **Section VII. Robert's Rules of Order:**

Any procedural rule not specifically addressed above shall be governed by the Robert's Rules of Order which is hereby adopted and shall be followed at all Council meetings, public hearings, and workshops.

## **Section VIII. Suspension or Amendment of Rules:**

Any provision of these rules may be temporarily suspended by a majority vote of Councilmembers present. The vote on any such suspension shall be taken by yeas or nays and entered upon the record.

## **Section IX. Annual Review of City Ordinances:**

**A.** This ordinance shall be reviewed by Council on an annual basis and may be amended or new rules adopted, by a majority vote of Councilmembers at any time.

**B.** The City Secretary shall ensure that a yearly comprehensive review of all City ordinances is performed and an index of these ordinances is compiled:

1. The City ordinance index shall include, at a minimum, the series, number and title, date enacted, dates amended, date last reviewed, and any requirement for further Council review.
  2. Prior to the end of each fiscal year, the City Secretary shall provide the Mayor and City Administrator with an updated City ordinance index that highlights those ordinances requiring annual Council review; the Mayor shall, as soon as practicable, place those ordinances on the Council meeting agenda for required review and appropriate action.
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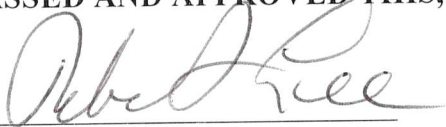
**Section X. Failure to Comply:**

A failure to comply with these rules does not invalidate any otherwise lawful act of Council.

**Section XI. Repeal of Nonconforming Resolution:**

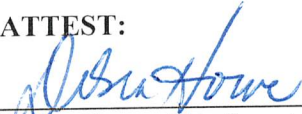
Ordinance 2006-17 is expressly repealed. To the extent that any other prior Ordinance, Resolution, Policy, or Guideline conflicts with this ordinance, it is hereby repealed.

**PASSED AND APPROVED THIS, the 7th day of January, 2009**



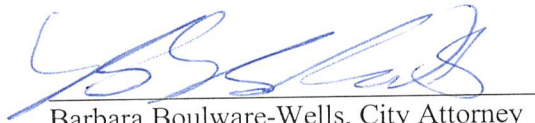
Robert Lee, Mayor

**ATTEST:**



Debra Howe, City Secretary

**APPROVED AS TO FORM:**



Barbara Boulware-Wells, City Attorney

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