

**CITY OF EVERMAN, TEXAS**

**ORDINANCE NO. 788**

**AN ORDINANCE OF THE CITY OF EVERMAN, TEXAS AMENDING CHAPTER 2, ARTICLE II, SECTION 2-22 IN ORDER TO ADOPT CITY COUNCIL POLICIES AND PROCEDURES TO REGULATE MEETINGS AND OTHER ACTIVITIES OF THE CITY COUNCIL AND OTHER APPOINTED BOARDS, COMMISSIONS, AND COMMITTEES OF THE CITY; REQUIRING THAT A COPY OF SUCH POLICIES AND PROCEDURES BE KEPT ON FILE IN THE CITY SECRETARY'S OFFICE; REPEALING ORDINANCES, PART OF ORDINANCES AND PREVIOUS POLICIES IN CONFLICT HEREWITH, PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

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**WHEREAS**, the City of Everman, Texas ("City"), is a home rule municipality located in Tarrant County, Texas, created in accordance with the provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas and its City Charter; and

**WHEREAS**, the City Council deems it necessary, for the purpose of promoting effective and efficient government of the City and in order to provide fair, ethical, and accountable local government, to adopt and enforce regulations and policies regarding the governance of the City by the Everman City Council; and

**WHEREAS**, the City Council has in the past, on August 8, 2017, adopted Ordinance 714 for a Policy on Governance Process; and

**WHEREAS**, the City Council wishes to repeal the previously adopted Policy of Governance Process and replace such policy with the provisions set forth in this Ordinance and adopted by reference herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVERMAN, TEXAS, THAT:**

**SECTION 1. FINDINGS OF FACT**

The statements made in the foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

**SECTION 2. ENACTMENT**

Chapter 2 of the Code of Ordinances of the City of Everman, Section 2-22 entitled "Policy on Governance Process Adopted" is hereby amended to read as follows:

**"Sec 2-22 City Council, Boards, Commissions, and Committees Rules and Procedures**

**(a) Adoption of Policy**

The City of Everman City Council, Boards, Commissions, and Committees Rules and Procedures in the form attached hereto as Exhibit "A" ("the Policy") is hereby adopted as the official policy of the

City of Everman, Texas and shall be applicable to the City Council and to the extent set forth therein, all Boards, Commissions, and Committees created by the City. The Policy is incorporated by reference as though copied into this article in its entirety. The material contained in the Policy shall not be included in the formal municipal codification of ordinances, but shall be maintained as a public record in the office of the City Secretary and will be available for public inspection and copying during regular business hours.

**(b) Policy Amendments**

The Policy as adopted herein may from time to time be amended by ordinance through a majority vote of the city council. Such amendments shall be incorporated into this section by reference, but shall not be included in the formal municipal codification of ordinances. The amendments shall be maintained as a public record in the office of the City Secretary and made available for public inspection and copying during regular business hours.”

**SECTION 3. REPEALER**

All ordinances, resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance, including, but not limited to Ordinance Number 714, and any codification thereof or amendments thereto, and the Policy on Governance Process adopted by the City Council on August 8, 2017, are all hereby repealed, and any other ordinances or policies regarding the subject of City Council or Board, Commission or Committee procedures, are hereby repealed to the extent of any conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters contemplated herein.

**SECTION 4. SEVERABILITY**

Should any of the clauses, sentences, paragraphs, sections, or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

**SECTION 5. EFFECTIVE DATE**

This ordinance shall be in full force and effect from and after its passage and it is so ordained.

**PASSED AND APPROVED** this the \_\_\_\_ day of \_\_\_\_\_, 2022, by a vote of \_\_\_\_ (ayes) to \_\_\_\_ (nays) to \_\_\_\_ (abstentions) of the City Council of the City of Everman, Texas.

By: \_\_\_\_\_  
Ray Richardson, Mayor

**ATTEST:**

\_\_\_\_\_  
Mindi Parks, City Secretary

# CITY OF EVERMAN

## City Council, Boards, Commissions, and Committees Rules and Procedures



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## **ARTICLE 1. INTRODUCTION, APPLICABILITY, AMENDMENT, AND ANNUAL REVIEW**

### **1.1 Introduction**

The Everman City Council ("Council") is the governing body of the City of Everman ("City"); therefore, it must bear the initial responsibility for the integrity of governance. The Council is accountable for its own professional development (both as a group and as individuals), its responsibilities, its own discipline, and its own performance. The development and adoption of this policy are to ensure effective and efficient government. All citizens and businesses of Everman are entitled to fair, ethical, and accountable local government which has earned the public's full confidence for integrity. In keeping with the City's commitment to excellence, the effective functioning of democratic government, therefore, requires that:

- Public officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the operations of government;
- Public officials are independent, impartial, and fair in their judgment and actions;
- Public office be used for the public good, not for personal gain; and
- Public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

### **1.2 Applicability**

The rules and procedures adopted by the City Council are applicable not only to the City Council, but shall apply to all other boards, commissions, and committees of the City of Everman.

### **1.3 Amendment**

These rules may be amended or new rules adopted, by a majority vote of the members of the City Council present.

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## **ARTICLE 2. MISSION STATEMENT**

### **2.1 Mission Statement**

Based on recognition that stewardship of the public interest must be their primary concern, members of the Council and of the Boards, Commissions, and Committees that are appointed by the Council ("Board Members"), will work for the common good of the people of Everman and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims and transactions coming before their respective body.

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## **ARTICLE 3. COMPLY WITH LAW**

### **3.1 Comply with Law**

All Members shall comply with all Federal, State and Local laws, the Everman City Charter, all Ordinances, Regulations, Codes, Rules and Policies of the City of Everman.

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## **ARTICLE 4. GENERAL RULES OF PROCEDURE AND POLICIES**

### **4.1 Construction of Authority**

The construction of authority in all matters associated with the meetings and activities of the City Council, including the Agenda, shall be: (1) the U.S. Constitution and statutes of the United State of America; (2) The Texas Constitution and statutes of the State of Texas; (3) the City Charter; (4) the Code of Ordinances of the City of Everman, Texas; (5) these rules; and, (6) Robert's Rules as amended and set forth herein.

### **4.2 Council/Staff Relationships and Communications**

The City Manager shall be the chief executive and administrative officer of the City. Refer to Home Rule Charter, Section 5.04 for specific details. The Council should contact City employees through the City Manager. Council Members should refrain from giving orders or directions to any subordinate of the City Manager, either publicly or privately. Work assignments and policy direction should come from the elected body as a whole and not from individual members.

The City Manager shall be directly responsible for providing equal information to all Council members. Should the City Manager find that staff time is being dominated by a single member, he/she should inform the Mayor of the concern.

All Council members and staff members shall show respect and courtesy to each other and citizens at all times.

The City Manager is responsible for seeing that all newly elected Council members are provided with a thorough orientation on staff procedures, municipal facilities and other information of interest to municipal officials.

Consultants hired by the City shall be considered staff members for purposes of governance.

### **4.3 Meetings Shall Be Public**

All meetings of the City Council, Boards, Commissions, and Committees shall be public, and notices thereof shall be posted as provided for under the Texas Government Code, Chapter 551, Open Meetings Act. Except in the case of an emergency meeting, a notice of all meetings

shall be given 72 hours before the time set for any meeting. The Everman City Hall is wheelchair accessible and special parking is available on the west side of the building. If special accommodations are required, please contact the City Secretary a minimum of 24 hours in advance at 817-293-0525.

#### **4.4 Conduct of Meetings**

Meetings shall be conducted according to the rules adopted by the City Council, as well as the terms and provisions of Robert's Rules of Order as amended herein and when not inconsistent with these rules

#### **4.5 Regular Meetings**

Regular meetings of the City Council shall be established by ordinance in accordance with the Everman City Charter. The Council may, by majority vote at a regular meeting, change the days or times of meetings, as circumstances may necessitate. Regular meetings of Boards, Commissions, and Committees shall be set by each independent board and are required to meet at least once during each fiscal quarter of the year.

#### **4.6 Special Meetings**

Special meetings of the City Council may be called, upon the request of the Mayor or two Council Members. A request for a special meeting shall be filed with the City Manager in written/electronic format unless made at a regular meeting at which a quorum of the Council Members is present. The City Manager and all Council Members shall be notified of all special meetings.

#### **4.7 Emergency Meetings**

In case of 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. Notice shall be provided also to the media in accordance with the Texas Government Code, Section 551.047.

#### **4.8 Work Sessions**

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

#### **4.9 Executive Sessions**

Executive Sessions are sessions closed to the public. They are only permitted for the purpose of discussing matters enumerated in Chapter 551, Open Meetings Act of the Texas Government Code. Disclosure of topics to be discussed shall be made to the public in accordance with the requirements of the Open Meetings Act.

The City Council, Board, Commission, or Committee can retire into an Executive Session as stated on a posted agenda during a regular or special meeting if a motion is duly made and seconded, and affirmed by a majority of the Council. The order in which an Executive Session may appear on the agenda is subject to the discretion of the City Council. A certified record of the meeting will be created by the presiding officer or his/her designee, sealed and permanently kept, subject to opening by Court order. No voting or action shall be taken by the City Council during Executive Session. No other subject but that posted on the agenda is to be considered. Adjournment of Executive Session and any vote needed shall be made during the open public meeting.

A member of the governmental body who, without lawful authority, knowingly discloses to a member of the public the certified agenda for a meeting that was lawfully closed to the public under the Open Meetings Act is liable for: (a) actual damages; (b) reasonable attorney fees and court costs; and possibly (c) exemplary damages. An offense is a Class B misdemeanor. The governmental body will make and keep a certified agenda of each closed executive session, except for an executive session held by the governmental body to consult with attorney in accordance with section 551.071 of the Texas Government Code. The presiding officer must certify that the agenda is a true and correct record of the executive session. The certified agenda must include: (1) a statement of the subject matter of each deliberation, (2) a record of any further action taken, and (3) an announcement by the presiding officer at the beginning and end of the closed meeting indicating the time and date. The presiding officer will certify all agendas in accordance with state law.

#### **4.10 Recessed Meetings**

No meeting shall be recessed for a longer period of time than until the next regular meeting except when required information has not been received, or, in the case of work sessions or special meetings, to a date certain by motion duly passed.

#### **4.11 Quorum**

The Open Meetings Act defines a “quorum” as the majority of the governing body unless otherwise defined by applicable law, rule, or charter. A quorum of a governmental body’s members must be present in order for the governmental body to exercise the authority delegated to it. A quorum of any governmental body must be present to convene an open

meeting of that body under the Act. This requirement applies even if the governmental body plans to go into executive session immediately after convening.

#### **4.12 Conflict of Interest**

A Council Member prevented from voting by a conflict of interest shall file a conflict of interest questionnaire with the City Secretary 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 Council Member prevented from voting by conflict of interest shall step down from the dais and leave the room, shall not vote on the matter, shall not participate in discussions regarding the matter or attempt to influence the 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 conflict of interest including Chapter 171 of the Local Government Code.

Also, Section 176.003 of the Local Government Code requires certain local government officers to file a Conflicts Disclosure Statement. A "local government officer" is defined as a member of the governing body of a local government entity, a director, superintendent, administrator, president, or other person designated as the executive director of the local government entity; or an employee of a local government entity with respect to whom the local government has, in accordance with Section 176.005, extended the requirements of Section 176.003 and 176.004. The CIS form is required to be filed with the City Secretary no later than 5 p.m. on the seventh business day after the date on which the officer becomes aware of the facts that require the filing of this statement. Additionally, a local government officer is required to file an "Affidavit Providing Notice of Potential Conflict of Interest" should the officer have a "substantial interest" in a business or property, as defined in Chapter 171 of the Local Government Code, if the Council is contemplating taking action that may have a special economic effect on the business property. That affidavit must be filed if you or a person related to you in the first degree by consanguinity (blood) or affinity (marriage) has the interest. Please contact the City Secretary for a form prior to the meeting for which you need to file an affidavit.

#### **4.13 Presiding Officer**

The Mayor shall be the official head of City Government. The Mayor shall serve as the presiding officer for all meetings of the City Council. In the absence of the Mayor, the Mayor Pro Tem shall serve as the presiding officer. In the absence of the Mayor Pro Tem, the City Secretary shall call the meeting to order if a quorum of the Council is present and the first order of business shall be for Council to elect by majority vote, a temporary presiding officer from the members then seated and in attendance. The temporary presiding officer shall serve in such capacity until the meeting is adjourned.

The Presiding Officer shall serve as the chair of all meetings and shall make final rulings on all questions pertaining to these rules. All decisions of the Presiding Officer are final unless overruled by the City Council through a Motion to Appeal as described in the City Charter.

The Presiding Officer is entitled to participate in the discussion and debate, and is entitled to vote on all business before the City Council. The Presiding Officer of boards, commissions, and committees shall be the person selected by the board as the chair, co-chair, or vice chair. If these persons are not in attendance, the board shall choose a temporary presiding officer from among the members in attendance.

#### **4.14 Minutes of Meetings**

The City Secretary shall keep an account of all proceedings of the City Council and they shall be open to public inspection in accordance with the laws of the State of Texas.

#### **4.15 Suspension and Amendment of Rules**

Any provisions of these rules not governed by federal, state law, or the City Charter, may be temporarily suspended by a super majority vote of the City Council and may be amended in a similar fashion if such amendment was introduced at the previous regular meeting of the City Council and shall have received preliminary approval of the City Council at such meeting. For the purposes of this section, preliminary approval shall mean a motion and a second with a majority vote to preliminary approve the amendment.

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### **ARTICLE 5. PARLIAMENTARY PROCEDURE**

#### **5.1 Purpose**

The purpose of these rules of parliamentary procedure is to establish orderly conduct of the meetings. Simple rules lead to a wider understanding and participation. Complex rules create two classes: (1) those who understand the rules, and (2) those who do not fully understand and those who do not fully participate. The ultimate purpose of these rules of parliamentary procedure is to encourage and facilitate decision-making by the City Council. In a democracy, the majority opinion carries the day. These rules enable the majority to express their opinion and fashion a result, while permitting the minority to also express itself and fully participate in the process.

#### **5.2 Model Format for an Agenda Item Discussion**

The following ten steps may be used as a model or guidebook by the presiding officer. The meeting is governed by the agenda and the agenda constitutes the only items to be discussed. Each agenda item can be handled by the presiding officer (Mayor) in the following basic format:

1. *Announce the Item.* The Mayor should clearly announce the agenda item number and should clearly state what the subject matter of the agenda item is by reading the caption for the item being considered.
2. *Ordinance Caption Read.* The Ordinance Caption must be read out loud for the participating members, the audience, and the record prior to the adoption of the ordinance.
3. *Receive a Report.* The Mayor should invite the appropriate people to report on the item, including any recommendation they might have.
4. *Ask Clarifying Questions.* The Mayor should ask the Council Members if they have any technical questions for clarification. At this point, members of the City Council may ask clarifying questions to the people who reported on the item, and they should be given time to respond.
5. *Seek Resident Input.* The Mayor should invite resident comments – or if a public hearing, open the public hearing. Upon conclusion, the Mayor should announce that the public input is closed, or if a public hearing, the public hearing is closed.
6. *Motion First.* The Mayor should invite a motion from the City Council before debate is given on the merits of the item. The Mayor should announce the name of the member who makes the motion.
7. *Motion Second.* The Mayor should determine if any member of the City Council wishes to second the motion to allow discussion. The Mayor should announce the name of the member who seconds the motion. If no member of the City Council wishes to second the motion, then the motion is not seconded and should be so stated by the Mayor, who may ask for another motion or move on to the next order of business.
8. *Repeat Motion.* If the motion is made and seconded, the Mayor should make certain that everyone (including the audience) understands the motion. This is done in three ways:
  - a. The Mayor can ask the maker of the motion to repeat it;
  - b. The Mayor can repeat the motion; or
  - c. The Mayor can ask the City Secretary to repeat the motion.
9. *Discuss the Motion.* The Mayor should now invite the members of the City Council to discuss the motion. If there is no desired discussion, the Mayor may call for a vote. If there has been no discussion or a brief discussion, then there is no need to repeat the motion before taking a vote. If the discussion has been lengthy, it is a good practice to repeat the motion before calling for a vote.
10. *Vote.* The Mayor will call for a vote. Unless a super-majority is required for passage of the motion, a simple majority vote determines whether the motion passes or fails. Unless a member of the Council seeks recusal from voting on any question where the

vote would constitute a conflict of interest, all members of the Council, including the Mayor, shall vote upon every question, ordinance, or resolution. Any Council Member refusing to vote unless so excused shall be entered upon the minutes as voting with the majority. Action items require a vote. A roll call vote will be conducted by the City Secretary.

11. *Announce the Outcome.* The City Secretary announces the results of the vote and should also state what action (if any) the Council has taken.

### 5.3 Types of Council Actions

The Council adopts standing policy for the City primarily in three forms: (1) Ordinances; (2) Resolutions; and (3) Passed Council Actions.

1. *Ordinances*

Actions requiring an ordinance are those required by law and City Charter § 3.11. An ordinance adopted by the Council is a law of the City that may be enforced through the court system. The City Manager or any member of the Council may offer an ordinance for consideration by the Council. Copies of proposed ordinances are furnished to members of the Council in their agenda packets. Copies of proposed ordinances are made available at City offices and will be furnished to residents upon request to the City Secretary. The City Attorney may draft, review, or provide any comments about the proposed ordinance to be included in the Agenda Packet.

A proposed ordinance may be amended, but any ordinance amended in substance must be reconsidered at the next regular meeting, except for ordinances authorizing the issue of bonds or other obligations. The Charter requires that the City codify all general obligations. General ordinances are those ordinances of a permanent or continuing nature that affect the residents of the City at large. The Council may legislate by ordinance only.

2. *Resolutions*

Resolutions generally do not have the force of law. A resolution is adopted to approve a contract, state a policy, or to define in writing the intent of the Council when a law is not necessary. Examples would include a resolution to define the scope and purpose of a Council committee, or a resolution to define the Council's policy on an issue. Resolutions are also used to document Council actions for reference. A list of resolutions is also maintained by the City Secretary.

3. *Council Actions*

In addition to ordinances and resolutions, Council policy may also be set by Council action. Those actions are documented in the minutes of the meeting. Council policy is also supplemented by administrative orders issued by the City Manager and other duly

authorized offices of the City, such as clarifications to the personnel manual, or general orders of the police department. All administrative orders must be in conformance with any policies set by the Council.

#### 5.4 Basic Motions

The basic motion puts forward a decision for consideration. A basic motion might be: “move approval of the Ordinance as submitted,” or “I make a motion that we deny the Resolution.”

#### 5.5 The Motion to Amend

If a member wants to change a basic motion, he or she would have to move to amend the original or previously amended motion. A motion to amend might be: “I move that we amend the motion to include the changes we discussed to the Ordinance.” A motion to amend seeks to retain the basic motion on the floor (a motion made and seconded), but to modify it in some way. A motion to amend requires the agreement of the person making the original motion. If the basic motion has already been seconded, the motion to amend must be acknowledged and accepted by the member who seconded the basic motion.

#### 5.6 Discussion and Debate

The basic rule of motions is that they are subject to discussion and debate. Accordingly, the basic motion and the motion to amend are all eligible, each in their turn for full discussion by and before the City Council. Discussion and debate can continue as long as the members wish to discuss it, or until the Mayor decides that it is time to move on and call a vote on the motion.

#### 5.7 Other Motions

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the Council to move on. The following motions are NOT debatable, and the Mayor must immediately call a vote on the motion, if seconded by another member.

- *Motion to Adjourn.* This motion, if passed, requires the Council to immediately adjourn to its next regularly scheduled meeting. This motion requires a simple majority vote.
- *Motion to Recess.* This motion, if passed, requires the Council to immediately take a recess. Normally the Mayor will determine the length of the recess which could last for a few minutes to several hours. It requires a simple majority vote.
- *Motion to Fix the Time to Adjourn.* This motion, if passed, requires the Council to adjourn the meeting at the specific time set in the motion. For example, “I move we adjourn this meeting at Midnight.” It requires a simple majority vote.

- *Motion to Table.* This motion, if passed, requires discussion of the agenda item to be halted immediately, and the agenda to be placed on hold. The motion may contain a specific time to bring the item up again, or it may not specify a time. If no time is specified, the item shall be placed on the agenda at the following Council meeting.
- *Motion to Remove from Table.* This motion, if passed, allows the Council to remove an item previously placed on hold. A vote in favor of removing an item from the table must be made before the Council can take action on an item that was tabled.

### 5.8 Motions Requiring Two-Thirds or a Supermajority Vote to Pass

Normally a super majority vote requires a larger number of affirmative votes than a simple majority. For purposes of these rules, and where applicable state law does not dictate a contrary result, a super majority vote shall require a minimum of five votes for a two-thirds majority vote. The number of affirmative votes required for a super majority is not reduced by the sickness or absence of one or more Council Members. In circumstances where the number of Council Members available to vote on a particular matter is reduced by death, resignation or legal disqualification of one or more of said Members, the total number of Members voting shall be reduced by a like number and the number of affirmative votes required for adoption re-calculated accordingly. The following table provides an example of the calculation for a super majority vote in instances where the number of Council Members is reduced by death, resignation or legal disqualification:

Number of Council Members After Reducing by Death, Resignation, etc.	Minimum Number of Votes For Two-Thirds Supermajority
7	5
6	4
5	4
4	3

- *Motion to Limit Debate.* This motion is sometimes referred to as, “moving the question” or, “calling the question.” When a member of the Council makes such a motion, the member is saying, “I have had enough discussion, let’s vote on the issue.” When such a motion is made, the Mayor should ask for a second, stop the discussion and vote on the motion to limit debate. The motion requires two-thirds, or super majority vote to pass. Meaning, the number of Council Members voting for the motion must equal four or more.
- *Motion to Object to the Consideration of an Item.* This motion, if passed, precludes the City Council from even considering the item on the agenda. It does not preclude the

item from appearing on a future agenda. The motion requires two-thirds, or super majority vote to pass. (Normally, this motion is unnecessary, because the objectionable item can be defeated outright or tabled.)

- *Motion to Suspend the Rules.* This motion IS debatable, but requires a two-thirds or super majority vote to pass. This motion allows the Council to suspend its own rules for a particular purpose. For example, the Council may desire to give a particular speaker more time than normally allowed. A “motion to suspend the rules and give the speaker ten additional minutes,” accomplishes this desire.

## 5.9 Motion to Reconsider

There is a special motion that requires a bit of explanation all by itself: the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. As such, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to reconsider is made.

A motion to reconsider requires a simple majority vote to pass, but there are two special rules that apply only to the motion to reconsider.

The first issue involves timing. A motion to reconsider must be made at the meeting where the item was first voted upon or at the very next meeting (if properly noticed and on the posted agenda). A motion to reconsider made at a later time is considered untimely and it may not be considered unless the Council suspends the rules to consider it.

Secondly, the motion to reconsider can only be made by a member of the Council who voted in the majority on the original motion. The motion to reconsider may be seconded by any member of the City Council regardless of how they voted on the original motion. If a member of the Council who voted in the minority on the original motion seeks to make a motion to reconsider, it MUST be ruled out of order by the Mayor. The purpose of this rule is finality. If a member of the minority could make a motion to reconsider, then the item could be brought back again and again, which would defeat the purpose of finality.

If a motion to reconsider passes, then the original matter is back before the Council, and a new original motion is in order. The matter may be discussed as if it were on the floor for the first time.

## 5.10 Courtesy, Decorum, and Order

These rules of order are meant to promote an atmosphere of courtesy and decorum appropriate for the efficient discussion of business. It is the responsibility of the Mayor (and the members of the City Council) to maintain that atmosphere of courtesy and decorum. The Mayor should always ensure that debate and discussion focus on the item and the policy in question, not on the personalities of the participants of the discussion. Debate on policy is

healthy; debate on personalities is not. In order to assist in the creation and maintenance of that atmosphere the following rules shall govern all meetings:

1. *Request to Speak.* Before a Council Member, staff member or an audience member may speak, they must first be recognized by the Mayor. Upon recognition the person requesting to speak shall hold the floor and shall make their point clearly and succinctly. Public comments must be kept relevant to the subject before the Council. The Mayor shall rule on the relevance of comments. Persons making irrelevant, personal, impertinent, overly redundant or slanderous remarks may be barred by the Mayor from further comment before the Council during the meeting. Audience members who wish to speak during a meeting must first complete a Citizen Comment Request Form and submit it to the City Secretary. The Mayor has the right to cut a speaker off if the discussion becomes too personal, too loud, too crude, irrelevant, impertinent, redundant, or slanderous.
2. *Order.* If a person fails to request to speak before speaking, the Mayor shall rule them Out of Order and remind them that they do not have the floor. While the Council is in session, all Council Members must preserve order and decorum. A person shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the meeting, nor disturb any other person while speaking or refuse to obey the orders of the Mayor. Members of the City Council should not leave their seats during a meeting without first obtaining permission of the Mayor, or making a Motion to Recess.
3. *Improper References Prohibited.* Every person desiring to speak shall address the entire Council and shall not single out a member of the Council, the audience or a staff member. Speakers shall confine themselves to the question under debate, avoiding all personal attacks and indecorous language.
4. *Interruptions.* A Council Member, once recognized, shall not be interrupted when speaking unless it is to call him or her to order, or other such interruption expressed below. If the Council Member, while speaking, is called to order, he or she shall cease speaking until the question of order is determined, and if the Council Member is found to be in order, he or she shall be permitted to proceed speaking. Allowable interruptions or, points of order are as follows:
  - a. *Point of Privilege.* The proper interruption would be: "Point of Privilege." The Mayor would then ask the interrupter to, "state your point." Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room might be too hot or cold, or a fan motor might interfere with a Council Members ability to hear.
  - b. *Point of Order.* The proper interruption would be: "Point of Order." The Mayor would then ask the interrupter to, "state your point." Appropriate points of order relate to anything that would not be considered appropriate conduct of

the meeting. For example, if the Mayor called for a vote on a motion that permits debate without allowing any discussion.

- c. *Motion to Appeal.* If the Mayor makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the Mayor by stating, “motion to appeal.” If the motion is seconded and after debate if it passes by a simple majority vote, the ruling of the Mayor is reversed.
- d. *Call for orders of the day.* This is simply another way of saying, “let’s return to the agenda.” If a Council Member believes the discussion has strayed from the agenda. The motion does not require a vote. If the Mayor discovers that the discussion has strayed from the agenda, he or she simply returns to the business of the day.
- e. *Withdraw a Motion.* During the debate and discussion of a motion, the original maker of the motion on the floor, at any time, may interrupt the speaker to withdraw his or her motion. The motion is immediately deemed withdrawn and discussion on the motion shall cease. Council Members are free to make the same motion or another motion.

### 5.11 Enforcement of Rules and Procedures

The following provisions may be used to enforce the good order and decorum of the meeting. The action may be taken by the Mayor under his or her own action, or upon a Motion to Enforce by any Council Member.

1. *Warning.* The Mayor may order any person (Council Member, staff member, or audience member) in violation of these rules to be silent.
2. *Removal.* If, after receiving a warning from the Mayor, the person continues to disturb the meeting or breach the peace and good order of the meeting, the Mayor may order the person to leave the meeting. If the person does not leave the room, the Mayor may order the Sergeant-at-Arms to remove the person.
3. *Sergeant-at-Arms.* The Sergeant-at-Arms shall be the highest-ranking police officer in attendance at the Council Meeting or such other officer designated by the Chief of Police for that purpose. Upon instruction of the Mayor, it shall be the duty of the Sergeant-at-Arms to remove from the meeting any person who intentionally disturbs the proceedings of the City Council. A violation of these rules may be deemed an attempt to disrupt, obstruct, and/or interfere with a lawful meeting and subject the violator to prosecution under state law for disrupting a lawful meeting. (Section 42.05, Texas Penal Code)
4. *Resisting Removal.* Any person who resists removal by the Sergeant-at-Arms may be charged with violating Section 42.05 of the Texas Penal Code.

5. *Motion to Enforce.* Any Council Member may move to require the Mayor to enforce these rules and the affirmative vote of a simple majority of the Council shall require the Mayor to do so. A motion to enforce is an allowable interruption and is not debatable.

### 5.12 Council May Discipline its Own Members

In the event a Council Member violates the Charter, these rules, or any other Ordinance of the City, or acts in a manner that causes embarrassment or disgrace to the City of Everman, the City Council on supermajority vote may discipline the offending member.

Such action may only take place after a hearing in an Executive Session, or if the member requests a public hearing, is held to discuss the offense. The offending member shall be present at the hearing to answer any questions asked by members of the City Council or make other statements as he or she may desire to make in his or her defense. If the offending member refuses to attend the hearing, the remaining members of the City Council may proceed in his or her absence.

The outcome of the hearing may be as follows and shall be made when required in Open Session in Accordance with the Texas Open Meetings Act:

1. *No Action.* The City Council chooses to take no action.
2. *Private Censure.* The City Council may choose to privately censure the offending member, leaving their comments to the offending member left in the confines of the Executive Session.
3. *Public Censure.* The City Council may choose to publicly censure the offending member through a resolution passed by supermajority vote and entered into the public record.

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## ARTICLE 6. AGENDA ORDER

The City Secretary shall prepare an agenda and cause the same to be posted a minimum of 72 hours prior to the meeting. Agendas shall be delivered to the City Council, in the format requested by each Council Member, on the day of the posting, or within such other times as established by the City Council from time to time. In the event of an emergency meeting of the City Council, this provision shall be suspended when not inconsistent with the provisions of federal or state law or the City Charter.

Council Members may request an item to be included on a future agenda. For an item to be included, requests must be made by the Mayor or at least two members of Council and submitted to the City Manager's Office at City Hall by 5:00 pm on the seventh (7th) calendar day preceding the date of the regular meeting. The Council members requesting the agenda item shall be responsible for the presentation of that item during the meeting. Any City staff assistance should be requested through the City Manager's office.

### **6.1 Call to Order.**

The Mayor shall call the meeting to order.

### **6.2 Invocation/Pledge of Allegiance**

All meetings of the City Council shall begin with an invocation and the Pledge of Allegiance to the United States flag.

### **6.3 Consent Agenda Items.**

There is hereby established, as a part of every agenda for Regular and/or Special Called Meetings of the City Council, a portion of said agenda shall be labeled "Consent Agenda." Said Consent Agenda may consist of any and all non-controversial business regularly coming before the City Council or requires no deliberation. All items set out in the Consent Agenda shall be deemed passed upon passage of an affirmative motion, by a vote of the majority of the members of the City Council then seated, that the Consent Agenda be adopted. No further action shall be deemed necessary, and all such items appearing on the Consent Agenda, upon passage of such motion, 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. Any member of the City Council may request during the *Consider Approval of the Agenda* segment, that an item be removed from the Consent Agenda and considered separately. Such request shall be honored as if it had been passed by majority vote. If any item was removed from the Consent Agenda, it will be considered immediately following approval of the remainder of the Consent Agenda.

### **6.4 Approval of the Minutes.**

The Council shall consider the Minutes of any meeting presented for their review since the last Regular Meeting.

### **6.5 Presentations and Proclamations.**

The Mayor shall make any presentation or deliver any proclamation as may be required from time to time. Outside entities and organizations granted permission to make a presentation shall be placed in this section.

## **6.6 Public Hearings.**

This section is only used when a statutorily required public hearing is part of the order of business. The Mayor shall first request staff comments. The Mayor shall open the public hearing, then open the public hearing to receive resident input in the following order: proponents, then opponents. While the public hearing is open, Council may ask questions of the speakers, but may not deliberate or argue with the public on the matter at hand. Those speaking at a public hearing are required to follow the rules established herein for resident comments. Upon conclusion of resident comments, the Mayor shall close the public hearing. Council may deliberate or take action on the matter at hand upon the closing of the public hearing.

## **6.7 Resident Comments on Agenda and Non-Agenda Items.**

All persons desiring to speak to the City Council on an agenda or non-agenda item must submit a Citizen Comment Request Form to the City Secretary at least five (5) minutes before the meeting starts. A member of the public may address the City Council upon being recognized by the Mayor or with the consent of the City Council. The Mayor may limit comments to three (3) minutes to address the council. City Council is restricted on discussing or taking action during Citizen Comments.

## **6.8 Regular Agenda Items.**

Items for individual consideration shall be considered by the City Council individually and approved by either a simple majority vote or a super majority vote as may be required.

## **6.9 City Managers Report.**

This section is used for routine reports and announcements provided by the City Manager to the Council. It also is an opportunity for Council to ask questions of the City Manager related to project status and clarifications.

## **6.10 Mayors Report.**

This section is used for routine reports and announcements provided by the Mayor to the Council. It also is an opportunity for Council to ask questions of the Mayor related to project status and clarifications.

### **6.11 Future Agenda Items.**

The Mayor or City Council may request items be placed on a future agenda at this time. An additional member of Council must concur with a Council Members request for an item to be placed on a future agenda. No discussion or deliberation of the items may take place.

### **6.12 Executive Session Items.**

This section is only used, when it is necessary for the Council to convene in Executive Session. Executive Sessions are sessions closed to the public. They are only permitted for the purpose of discussing matters enumerated in Chapter 551, Open Meetings Act of the Texas Government Code. Disclosure of topics to be discussed shall be made to the public in accordance with the requirements of the Open Meetings Act. If the subject of the Executive Session warrants, the Executive Session may be held prior to the Regular Session.

### **6.13 Action on Executive Session Items.**

This section is only used if section 6.12 is used. Action on Executive Session Items must be taken during public/open session of the Council Meeting. Action may include the taking of no action at all.

### **6.14 Adjournment.**

The Mayor shall adjourn the meeting or upon passage of the appropriate motion.

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## **ARTICLE 7. WORK SESSION POLICIES AND PROCEDURES**

### **7.1 Purpose.**

City Council may call and hold Work Sessions for the purpose of conducting a detailed and thorough exploration of matters that may properly come before the City Council. The following rules shall prevail for the call and conduct of Work Session meetings.

### **7.2 Agenda.**

Only a limited number of matters shall be considered by the City Council during a Work Session, and sufficient time for consideration of such matters shall be provided. An abbreviated agenda order shall be used for all Work Session agendas.

### **7.3 Technical Questions.**

All questions of a technical nature, which require a detailed explanation for understanding, may be considered in a Work Session. Council may, through the City Manager, request the attendance of such staff members or outside experts as may be required to answer such questions.

### **7.4 Prohibitions Against Formal Actions.**

No formal actions may be taken at a Work Session. Council may provide staff direction on the matter being considered and ask that the item be placed on a Regular or Special Called Meeting agenda for formal action.

### **7.5 Audience Comments or Questions.**

Audience comments or questions will not be considered at a Work Session.

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## **ARTICLE 8. RULES GOVERNING RESIDENT COMMENTS**

### **8.1 Purpose.**

It is the desire of the City Council to hear from the residents of Everman and to stimulate discussion and offer a forum for a cordial and meaningful public debate on matters that are properly a concern of the City Council. The following rules shall control and govern audience comments.

### **8.2 Mayor to State Rules for Audience Comments.**

Immediately preceding the opening of a public hearing, or resident input on an agenda item, or to receive comments on non-agenda items, the Mayor shall summarize the rules governing comments from the audience. The Mayor may direct the City Secretary to read the rules and publish the same in the Council Chambers.

### **8.3 Rules Governing Resident Comments.**

1. A maximum of 30 minutes will be devoted to receiving comments from the public on each agenda item. Each speaker is limited to one presentation per meeting and a maximum timed limit of three minutes, unless otherwise granted by the Presiding Officer.
2. No individual may address the Council without submitting a Citizen Comment Request Form. The form must clearly state the subject or issue on which the resident wishes to

speak. If the subject matter does not pertain to city business the Mayor shall advise the individual and/or make recommendations as to how they may get the issue addressed.

3. Residents speaking on agenda items shall restrict their comments to the subject matter listed.
4. Residents speaking on non-agenda items shall only speak on matters pertaining to city business or issues which the Council would have the authority to act upon if brought forth as an agenda item.
5. Council may not act upon or discuss any issue brought forth as a non-agenda item; except to:
  - a. Make a statement of specific factual information given in response to the inquiry, or
  - b. A recitation of existing policy in response to the inquiry. Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting, or direct staff to review.
6. Proper respect, decorum, and conduct shall prevail at all times. Impertinent, slanderous, or personal attacks are strictly prohibited and violators may be removed from the Council Chambers.
7. No placards, banners or signs may be displayed in the Council Chambers or City Hall. Exhibits relating to a presentation are acceptable.
8. Arguing, intimidation or other disruptive behavior is prohibited. Discussion and/or debate are acceptable only on items specifically listed on the agenda.
9. Unauthorized remarks from the audience, stomping of feet, applauding, whistles, yells, or any type of disruptive behavior is prohibited. Applause of appreciation may be acceptable when recognizing a significant event or achievement.
10. Council meetings are the workplace to carry out the business of the City of Everman; therefore, any conduct that could constitute harassment in the workplace is prohibited.
11. In all cases, the Mayor shall preside over the Council meeting and ensure that proper conduct and decorum is adhered to.

#### **8.4 Preservation of Order.**

The Mayor shall preserve order and decorum and, if necessary, shall cause to be silenced or removed from the Council Chambers any person speaking out of order or disrupting the order of the meeting.

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## **ARTICLE 9. BOARDS AND COMMISSIONS**

### **9.1 General.**

All boards and commissions are detailed under the City of Everman Charter. Ad hoc boards may be temporarily appointed and terminate upon completion of a specific task or special purpose for which it was created, or when abolished by a majority vote of the City Council. No ad hoc board shall have powers other than advisory to the City Council.

### **9.2 Meeting Times and Agenda Order.**

Boards, commissions, and committees shall set their own meeting times. All boards, commissions, and committees shall be subject to these rules. Each board, commission, and committee shall set their own agenda, so long as it is in accordance with the Texas Open Meetings Act. All boards, commissions, and committees shall be required to hold a Regular Meeting at least once every financial quarter. The purpose of these meetings, if for no other reason, would be for the members to receive status updates, pose questions of clarification, set future agenda items as well as provide opportunity for public comment.

### **9.3 Boards with Regulatory Authority.**

The Board of Adjustments, Capital Improvements Advisory Committee, Economic Development Corporation, Planning and Zoning Commission, and Tax Increment Financing Board all have regulatory authority.

### **9.4 Boards without Regulatory Authority.**

The Animal Control Advisory Board and Library Board do not have regulatory authority.

### **9.5 Appointments.**

The City Council will review applications and or interview eligible applicants for open positions on boards and commissions. Appointments will be approved by a simple majority vote.

### **9.6 Board Members.**

Members appointed to boards or commissions serve at the will of the Council and may be removed, replaced, or not reappointed at the discretion of the Council, by majority vote, with or without cause. When conducting the business of the City, appointed members of all boards or commissions shall follow the rules of procedure set forth for the City Council.

### **9.7 Open Government Training.**

Upon initial appointment, within 90 days of taking the oath of office or assuming duties, all board, commission, and or committee members shall be required to watch the Texas Public Information Act and the Texas Open Meetings Act training videos as provided by the City Secretary.

### **9.8 Liaisons.**

Council Members or staff may be appointed as Liaison to the following City Boards and Commissions; Planning and Zoning, Library, Animal Control Advisory, and Economic Development Corporation board. Liaisons will be appointed by Council with consideration given to applicable expertise. Liaisons shall attend the meetings of the boards or commissions to which they have been appointed as liaison. Board and commission members may contact their Liaison concerning items of concern or interest with regard to their appointed board.

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## **ARTICLE 10. TRAINING**

### **10.1 General Provisions**

In addition to the required training, Council members are encouraged to attend at least one training event per year, and others as found beneficial to the performance of their elective duties, subject to the availability of funds as appropriated in the annual budget for the Mayor and each Council member.

At a minimum, funds will be appropriated annually for three council members to attend the annual TML Training Conference. Accordingly, Places 1, 3, and 5 will attend in odd-numbered years while Places 2, 4, and 6 will attend in even-numbered years. These allocations are transferrable only in the event that a Council member is unable to attend and that both council members are in agreement on the transfer. Additionally, funds will be appropriated annually for the Mayor to attend one conference.

Council members are responsible for completing their own training registration and any necessary travel and lodging arrangements.

When attending TML conferences, credit must be obtained for all training seminars, with a minimum of 5 credits obtained per full day, and 2.5 credits for all half days. Documentation of credits obtained must be submitted to the Mayor or the City Manager in the Mayor's absence, to be eligible for reimbursement.

## **10.2 Permissible Training**

Training can be obtained through Texas Municipal League, the Everman City Attorney's office, North Central Texas Council of Governments (NCTCOG), or online. All other training must be approved by the City Council or reimbursement will not be processed.

## **10.3 Financial Responsibility and Reimbursement Process**

If a Council member is scheduled to go to an event per their request, and then cancels their registration for the event, the Council Member will be responsible for all late fees or the forfeiture of funds incurred by the City.

The following criteria must be met for expenses to be eligible for reimbursement:

1. All training must be approved in advance by the Mayor.
2. All training must be obtained within the State of Texas and must be pertinent to the local city government.
3. Council member must complete a Staff Reimbursement Form, attach copies of all appropriate receipts or documentation and submit the form to the Mayor for approval.
4. If a Council member is requesting reimbursement for mileage, a map indicating the start and end locations, route, and mileage are required in accordance with city policy.

All Council Members are required to participate in "Automatic Payroll Deposit" to receive payments or reimbursements due to them. This is required of all city employees, and the City Council will abide by the same rules. Once an automatic payroll deposit account is set up any payments shall be made electronically. The Mayor is responsible for approving all reimbursement requests submitted by a Council Member.

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## **ARTICLE 11. MISCELLANEOUS COUNCIL POLICIES**

### **11.1 City Shirts**

City shirts or other similar items may be purchased by Council, Board, Commission, & Committee Members at their own expense.

### **11.2 Business Cards**

Elected or appointed officials who want business cards, other than those outlined in the personnel policy (Management Staff and Mayor) may order them through the city but will be required to reimburse the city.

### **11.3 Functions**

The city will pay for Council members and one guest to attend functions related to city business, e.g., TML Region 8 dinners, Mayor's Council dinner, Chamber dinners, up to the dollar amount allocated for each council member as approved during the budget process. If a council member signs up for an event and does not attend, the Council Member shall reimburse the city for any amounts already paid that cannot be refunded. All reimbursements shall be processed within 30 days of receiving appropriate documentation and support.

**TABLE OF MOTIONS AND POINTS OF ORDER**

<b>MOTION/ORDER</b>	<b>REQUIRES SECOND</b>	<b>DEBATABLE</b>	<b>AMENDABLE</b>	<b>VOTE TYPE</b>
Basic Motion	Yes	Yes	Yes	Simple
Motion to Amend	*	No	Yes	N/A
Motion to Adjourn	Yes	No	No	Simple
Motion to Recess	Yes	No	Yes	Simple
Motion to Fix the Time to Adjourn	Yes	No	No	Simple
Motion to Table	Yes	No	No	Simple
Motion to Limit Debate	Yes	No	No	Super
Motion to Object to the Consideration of an Item	Yes	No	No	Super
Motion to Suspend Rules	Yes	No	No	Super
Motion to Reconsider	Yes	Yes	Yes	Simple
Point of Privilege	No	No	No	N/A
Point of Order	No	No	No	N/A
Motion to Appeal	Yes	Yes	No	Simple
Call for Orders of the Day	No	No	No	N/A
Withdraw a Motion	No	No	No	N/A
Motion to Enforce	Yes	No	No	Simple

\*For the purposes of these rules, Amendments are not debatable and only require the approval of the member who made the original motion. An amendment to an amendment, requires first the approval of the member who made the original amendment and secondly the approval of the member who made the original motion.