

City Council Procedures and Decorum Policy

Sec. 1-100. – City Council Agenda.

(a) The City Administrator is responsible for creating and processing the agenda and agenda materials for City Council meetings. The City Administrator will submit agenda materials as appropriate for review by the City Attorney. The City Secretary is responsible for preparing and posting the agenda and assembling and distributing the agenda packets.

(b) The Mayor or a Council Member may direct the City Administrator in writing to place an item on an agenda for a regular City Council meeting, special meeting, or work session for discussion only. Items must be submitted to the City Administrator no later than 5 p.m. on the Wednesday preceding the week of the City Council meeting.

(c) The City Council, during any scheduled regular or special meeting or work session, may direct the City Administrator to place an item on a future agenda.

(d) A Council Member may request an item to be placed on the agenda for discussion. Should extraordinary staff time be required to address any item, the City Administrator will place the item on future Council agenda for direction and discussion and communicate the agenda change to those requesting the item.

(e) Agenda items placed on the agenda by the Mayor or members of the City Council previously considered and whereby action was taken by the City Council may not be placed on a future agenda for reconsideration within three months of such action unless either directed by a majority of the City Council to the City Administrator during any scheduled regular or special meeting or work session, directed by the Mayor and one Council Member in writing to the City Administrator.

In all cases, at least one member of the City Council who is requesting that the item be renewed on an agenda shall have been on the prevailing side of the previous vote on the item.

Sec. 1-110. – Types of Meetings.

(a) **Regular Meetings:** The City of Montgomery regular City Council meetings are held on the second and fourth Tuesday of each month, at such time as may be set by the City Council, unless the meeting is rescheduled or cancelled. All regular meetings of the City Council will be held in the City of Montgomery City Hall at 101 Old Plantersville Rd, Montgomery, TX 77356 or at such other location as the City Council may, by motion, resolution or ordinance, designate.

(b) **Work Session Meetings:** A work session is a meeting to discuss or explore matters of interest to the City, review and discuss agenda items, meet with City boards, commissions or committee members, City Staff or officers of civic organizations, governing bodies or individuals specifically invited to the session by the Mayor, City Administrator or the Council. These meetings are informational and no formal action shall be taken unless the posted agenda indicates otherwise. The Mayor may allow any citizen to participate in the discussion at a work session, but only as recognized by the Mayor. The Mayor may end citizen participation in a work session in order to allow the City Council to proceed with discussion.

(c) **Special Meetings:** Special meetings may be called by the Mayor, the City Administrator, or by any two (2) members of the City Council. The call for a special meeting shall be filed with the City Secretary in

written form, and the City Secretary shall cause the posting of notice of the meeting as governed by applicable law.

(d) Emergency Meeting: In case of emergency or urgent public necessity, as defined by State law and confirmed by the City Attorney when practical, which shall be expressed in the notice of the meeting, an emergency meeting may be called by the Mayor, City Administrator or his/her designee, or two members of the City Council, and it shall be sufficient if the notice is posted at least two hours before the meeting is convened.

(e) Closed Meeting: The City Council may meet in a closed meeting but only under conditions allowed by applicable law. Details discussed in closed meetings shall be considered confidential and shall not be discussed or disclosed outside the meeting.

(f) Recessed Meetings. Any meeting of the City Council may be recessed to a later time provided that no recess shall be for a period longer than twenty-four hours from the time the meeting is recessed.

Sec. 1-120. – Quorum.

A quorum at any meeting of the City Council will be established by the presence of three (3) members of Council. The Mayor shall not count as a Council Member for the establishment of a quorum.

Sec. 1-130. – Order of Business.

The regular City Council meeting will be generally conducted in the following order, unless otherwise specified. If the Mayor or any member of Council wishes to change the order of business, a proper motion must be made followed by a second, and then passed by the affirmative vote of a majority of the Council Members present and voting. An executive session may be held at any time during a meeting pursuant to applicable State law.

(a) Executive Session:

(1) Conduct Executive Session – Items to be discussed in closed meeting under conditions allowed by applicable law. The City Council may not take final action during Executive Session. It is understood and agreed that information discussed in Executive Session is considered confidential and should remain so until the Council takes action in public on the matter. Any final action resulting from an Executive Session discussion must be taken during the open public session.

(b) Work Session Agenda:

(1) Discussion of consent items – Council review and discussion of items that are by nature routine and typically require little or no Council deliberation.

(2) Questions regarding regular agenda items – Council review and discussion of regular agenda items. Council may ask questions of Staff, receive a brief presentation, and request additional information prior to consideration during the regular meeting.

(3) Written or verbal presentations or discussions – Council updates and discussions regarding items, some of which may not be included as part of the regular meeting agenda.

(4) Executive Session (if needed) - Items to be discussed in closed meeting under conditions allowed by applicable law. The City Council may not take final action during executive session. It is understood and

agreed that information discussed in Executive Session is considered confidential and should remain so until the Council takes action in public on the matter. Any final action resulting from an Executive Session discussion must be taken during the open public session.

(5) Adjourn

(c) Regular Meeting Agenda:

(1) Call to order – Chair officially calls the meeting to order.

(2) Invocation – Each agenda of a regularly scheduled City Council meeting shall provide an item allowing for an invocation(s).

(3) Pledge of Allegiance – Each agenda of a regularly scheduled City Council meeting shall provide an item for the recital of the “Pledge of Allegiance” to both the United States flag and the Texas flag.

(4) Presentations – The agenda shall provide a time when proclamations, recognitions, general reports, and updates may be presented to the City Council.

(5) Public Comment – The time for the public to address the City Council on any subject. However, the City Council cannot discuss items presented under “persons to be heard” nor take any action thereon other than consideration of the placement of said item on a future agenda as a discussion item or refer the item to Staff for research and possible future action. There shall be a time limit of three (3) minutes allotted for each “person to be heard” portion of any regularly scheduled City Council meeting.

(6) Consent agenda - Shall contain routine, non-controversial items that require City Council action but need little or no Council deliberation. An item can be removed from the consent agenda by the City Administrator, Mayor, or any two members of City Council, and will be considered after approval of the consent agenda.

(7) Old business – Business items pending from previous City Council meetings.

(8) New business – New or amended ordinances, resolutions, or policies that City Members or City Staff wish to have the City Council consider.

(9) Discussion items – Items to be presented or discussed with City Council in order to garner direction from City Council. No action shall be taken on discussion items.

(10) Executive Session (if needed) – Items to be discussed in closed meeting under conditions allowed by applicable law. The City Council may not take final action during executive session. It is understood and agreed that information discussed in Executive Session is considered confidential and should remain so until the Council takes action in public on the matter. Any final action resulting from an Executive Session discussion must be taken during the open public session.

(11) Adjourn

Sec. 1-140. – General Procedures.

(a) General Procedure: General rules of parliamentary procedure as defined herein, consistent with the any applicable City ordinance, statute or other legal requirement, shall govern the proceedings of the City Council. To the extent not inconsistent with these rules, the City Council shall use Robert’s Rules of Order

as a general guideline for additional rules of parliamentary procedure without being a procedural requirement. Notwithstanding the above, failure to abide by, or adhere to, these rules shall not nullify or negate any action by the City Council. These rules of parliamentary procedure are intended solely as a guideline.

(b) Chair of Meeting: The Mayor shall preside over all meetings of the City Council as the Chair and enforce these rules and procedures during a meeting. In the absence of the Mayor, the Pro Tempore shall assume the Chair responsibility at the meeting. In the absence of the Pro Tempore, the Council will choose a Chair for the meeting.

(c) Authority of the Chair: The Chair person shall make decisions on questions of procedure subject to review respectively by the Council as a whole.

(d) Council Deliberations: The Chair has the responsibility to control the discussion and the order of speakers. Council Members will generally be called upon in the order of the request to speak. Generally, a Council Member may not be recognized to speak subsequently until each Council Member has had an opportunity to obtain the floor. A Council Member holding the floor may address a question to another Council Member and that Council Member may, should they so choose, respond to the question while the floor is still held by the Council Member asking the question.

(e) Limits to Deliberations: After an agenda item is announced by the Chair, the City Council may discuss the item without the need for a motion on the item. Council Members will limit their comments to the subject matter or motion currently being considered.

(f) Repetitious Comments Prohibited: A speaker or Council Member shall not present the same or substantially the same items or arguments to the City Council repeatedly or be repetitious in presenting oral comments. A speaker or Council Member shall not present an argument on a matter previously considered by the City Council at the same session.

(g) Obtaining the Floor: Any member of the Council wishing to speak shall first obtain the floor by making a request for the floor to the Chair. The Chair shall recognize any Council Member who seeks the floor when appropriately entitled to do so.

(h) Motions: Motions may be made by any member of the Council including the Chair. Any member of the City Council may second a motion.

(i) Procedures for Motions: The following is the general procedure for making motions:

(1) The item is presented by Staff or others followed by questions and discussion by Council Members.

(2) A Council Member who wishes to make a motion shall first obtain the floor.

(3) A Council Member who wishes to second a motion shall do so through a request to the Chair.

(4) Before a motion can be discussed, it shall be seconded.

(5) Once the motion has been properly made and seconded, the Chair shall open the matter for further discussion offering the first opportunity to the moving party and, thereafter, to any Council Member properly recognized by the Chair.

(j) Amendments to Motions: When a motion is on the floor and an amendment is offered, the amendment shall be acted upon prior to acting on the main motion. No motion of a subject other than the agenda item under consideration shall be admitted as an amendment. A motion to amend an amendment shall be in order, but one to amend an amendment to an amendment shall not be in order. Action shall be taken on the amended amendment prior to any other action to further amend the original motion.

(k) Continuance of Discussion or Hearings: Any item being discussed or any public hearing at a City Council meeting may, by order, notice, or motion, be continued or tabled to any subsequent meeting.

(l) Voting: All Council Members must vote either “yea” in the affirmative or “nay” in the negative. A present member who does not vote will be officially recorded as a “nay” or negative vote. When a Council Member recuses oneself, that Council Member is not counted as present for quorum purposes and is not deemed to be “voting” for purposes of determining whether there has been a “majority vote of those voting and present”.

(m) Public Hearings: The following is the general procedure for conducting public hearings:

(1) Staff presents report.

(2) City Council Members may ask Staff questions.

(3) The applicant then has the opportunity to present comments, testimony, and/or oral arguments.

(4) City Council Members may ask questions of the applicant.

(5) The Chair opens the public hearing.

(6) Upon opening the public hearing, and before any motion is adopted related to the merits of the issue to be heard, the Chair shall inquire if there is anyone present who desires to speak on the matter which is to be heard or to present evidence regarding the matter.

(7) Members of the public are provided with the opportunity for comments and testimony in accordance with Section 1-150 (d) of the City Council Procedures and Decorum Policy.

(8) A vote by City Council to close the public hearing upon a motion and second.

(9) The applicant may be given the opportunity to respond to questions from the City Council and for closing comment or rebuttal.

(10) The City Council deliberates on the issue.

(11) If the City Council raises new issues through deliberation and a majority of the City Council seeks additional public testimony, additional public comment and testimony is permitted in accordance with Section 1-150 (d) of the City Council Procedures and Decorum Policy.

(12) The City Council deliberates and takes action as needed.

(13) The Chair announces the final decision of the City Council as applicable.

(n) Call for Recess: The Chair may call for a recess of up to fifteen (15) minutes at regular intervals at appropriate points in the meeting agenda, or if requested by any two (2) Council Members.

Sec. 1-150. – Decorum.

(a) General: During Council meetings, Council Members shall preserve order and decorum, shall not interrupt or delay proceedings, and shall obey the rules of the Council. Council Members shall demonstrate respect and courtesy to one another, to City Staff and to members of the public appearing before the Council. Council Members shall seek to phrase and communicate all writings, publications and speeches in a professional and constructive manner.

Council Members may express differing ideas, equitable representation helps promote unity of purpose by allowing the public to be informed of each Member's position during his/her term of office and not only during an election campaign.

Members of the Council will not condone any unethical or illegal activity from any Council Member or members of the Staff. All members of the Council agree to uphold the intent of this policy and to govern their actions accordingly.

(b) Mayoral Responsibilities:

(1) The Mayor shall serve as the Chair of all meetings. The Mayor Pro Tempore shall preside in the absence of the Mayor.

(2) The Mayor shall have a voice in all matters before the Council.

(3) The Chair is responsible for preserving order and decorum and shall keep the meetings orderly by recognizing each Member for discussion, limiting speaking items, encouraging debate among Members, and keeping discussion limited to the agenda item being considered.

(4) The Mayor is the official spokesperson for the Council on all matters unless absent, at which time the Mayor Pro Tempore or appropriate designee will assume the role. The views presented by the Mayor, or the Mayor Pro Tempore in his/her absence, should provide equitable representation of all Council Members.

(5) The Chair will encourage all Council Members to participate in Council discussion and give each Member an opportunity to speak before any Member can speak again on the same subject.

(6) The Mayor is responsible for ensuring that an orientation of all Council Members is conducted following an election. The orientation shall include Council procedures, staff and media relations, current agenda items, municipal leadership training programs, and legal issues governing the behavior of elected officials, etc.

(c) Council Responsibilities

(1) Each Council Member is responsible for being prepared to discuss the agenda.

(2) Each Council Member is required to attend a Council Member Orientation and is encouraged to attend at least one Texas Municipal League-sponsored conference each year in order to stay informed on issues facing municipalities.

(3) It is the responsibility of Council Members to be informed about action taken by the Council in their absence. In the case of an absence from a work session, the Council Member is responsible for obtaining

this information from the City Administrator prior to the Council meeting during which said item is to be voted upon.

(4) When addressing an agenda item, the Council Member shall first be recognized by the Chair, confine comments to the question under debate, avoid reference to personalities, and refrain from impugning the integrity or motives of any other Council Member or Staff Member during debate or vote.

(5) Any Council Member may appeal a ruling by the Chair to the Council as a whole. If the appeal is seconded, the person making the appeal may make a brief statement and the Chair may respond. An appeal may generally be debated by the Members, but each Member may speak only once. The affirmative vote of a majority of the Council Members present and voting shall be necessary to approve the motion.

(6) Any Council Member may ask the Chair to enforce the policy established by the Council. Should the Chair fail to do so, a majority vote of the Council Members present shall require the Chair to enforce the policy.

(7) When a Council Member is appointed to serve as a liaison to a board, committee or commission, the Council Member is responsible for keeping all Council Members informed of significant activities of that board, committee or commission. The appointed Council Member should report the actions of the board, committee or commission during a work session of the City Council.

(8) A member of the Council who wishes to be recognized shall request to speak, but shall not proceed with remarks until recognized and named by the Chair of the Meeting. Remarks shall be confined to the question before the Council.

(9) While a member of the Council is speaking, other members shall not hold private discourse or in any manner interrupt the speaker. In all discussions, disrespectful language and behavior shall be avoided.

(10) Every member of the Council who shall be present at a meeting, when a vote is called for by the Chair shall vote thereon, unless they have recused themselves due to a conflict of interest. A conflict arises when a City Council Member, a relative of that Member, or an entity in which a City Council Member has a substantial interest is actively engaged in an activity that involves the City's decision-making processes. "Decision-making processes" is broader than just voting and includes being involved with any aspect of any decisions the City makes.

(11) A Council Member may not represent any third party before any City board or commission.

(12) All personal communication devices should be placed in a silent mode during any City Council meetings. Personal communication devices shall not be used for communicating City related business during all City Council meetings.

(d) Citizens' participation: The following rules shall be in force for persons in attendance at all meetings of Council:

(1) Persons wishing to address the Council during "persons to be heard" or "public hearings" shall complete a "request to speak" form and present said form to the City Secretary prior to the beginning of the regularly scheduled City Council meeting or immediately following their address to Council. Speakers shall approach the lectern and give his/her name and address before speaking. Speakers shall address the

Mayor and Council with civility that is conducive to appropriate public discussion. All public comments should be addressed through the Mayor. Each speaker will be allowed three (3) minutes to speak. No person shall be allowed to address the Council more than once unless called upon by a City Council Member to do so. There shall be a cumulative time limit of thirty (30) minutes allotted for the “persons to be heard” portion of any regularly scheduled City Council meeting. If the Mayor or any Council Member wishes to extend the time for “persons to be heard”, a proper motion must be made followed by a second, and then passed by the affirmative majority vote of the Council Members present.

City Council Members cannot discuss items presented under “persons to be heard” nor take any action thereon other than consideration of the placement of said item on a future agenda as a discussion item or refer the item to City Staff for research and possible future action.

(2) Persons may not engage in discussions with the Council during Council deliberations unless specifically asked a question by a Council Member. Persons who have been asked a question by a Council Member must be recognized by the Chair before being allowed to speak. The Chair may end any question and answer session between Council Members and a member of the public in order to facilitate the order of business.

(3) Persons may present printed material to be included in the Council agenda packets one week prior to a meeting. Persons may present printed material to the City Secretary to distribute to the Council during a meeting.

(4) Persons attending Council meetings shall remain seated or may stand in the back and come and go so long as it does not disrupt the meeting. Persons in attendance shall not carry signs, placards or other items which could block the view of those behind them or be disruptive to the proceedings. No person attending any Council meeting shall delay the proceedings or refuse to obey the orders of the presiding officer.

(5) Disturbances, transgressions of the rules or disorderly conduct in the Council chamber may cause the transgressor to be removed from the meeting. The Chair of the meeting, shall exercise control over persons who disrupt the meeting in the following ascending order of action:

- a. Call the person to order, advising that person of the infraction.
- b. Advise the person that the infraction must cease immediately or the person will be ordered to leave the meeting.
- c. Order the person to leave the meeting. If the offending person is a member of Council, the Chair shall call for a vote on the expulsion of that member from the meeting, and such vote requires a majority for adoption.

A police officer may remove an individual or individuals for disrupting a meeting as authorized by Texas Penal Code Section 42.05.

(6) Persons are encouraged to attend Council meetings. However, the number admitted shall be limited to the fire safety capacity of the Council chamber as determined by the fire chief or designee. If the capacity is surpassed the Council may adjourn the meeting and move its proceedings to a location that will accommodate a larger number of participants.

Sec. 1-160 - Staff Relations

(a) In order to ensure proper presentation of agenda items by Staff, questions arising from Council Members after receiving their information packet should be, whenever possible, presented to the City Administrator for Staff consideration prior to the Council meeting. This allows Staff the time to address Council Member's concern and provide all Council Members with additional information.

(b) The City Administrator shall designate the appropriate Staff Member to address each agenda item and shall see that each presentation is prepared and presented in order to inform and educate the Council on the issues that require Council action. The presentation should be professional, timely and allow for discussion of options for resolving the issue. As a summary, the Staff Member making the presentation shall make it clear if no Council action is required, or present the Staff recommendation as a part of the presentation, and/or present the specific options for Council consideration.

(c) The City Administrator is directly responsible for providing information to all the Council concerning any inquiries by a specific Council Member that is significant in nature and would be beneficial to all Council Members. If the City Administrator or the Staff's time is being dominated or misdirected by a Council Member, it is the City Administrator's responsibility to inform the Mayor.

(d) The City Administrator will exhibit the highest professional and ethical behavior. The City Administrator is responsible for the professional and ethical behavior and discipline of his/her Staff. The City Administrator is also responsible for ensuring that the Staff receives the training and information necessary to address the issues facing municipal government.

(e) Any conflicts arising between the City Staff and the Council will be addressed by the Mayor and the City Administrator.

(f) All Staff Members shall show one another, each Council Member, and the public, respect and courtesy at all times. They are also responsible for making objective, professional presentations to ensure public confidence in the process.

(g) The City Administrator will make sure that the Staff has prepared information needed for the orientation of new Council Members, and inform Council of any available Texas Municipal League conferences and seminars. The City Administrator will also be responsible for meeting personally with new Members and informing them about City facilities, policies and procedures.

Sec. 1-170. – Statements by public officials regarding litigation.

When the City of Montgomery is involved in litigation or a legal dispute, Council Members shall refrain from commenting on settlements, appeals or other issues related to the subject until the matter is resolved. The Mayor, City Administrator or City Attorney shall be authorized to provide any public responses or comments, as needed on matters involving litigation.

Sec 1-200. - Non-Exclusive Rules

The rules set forth shall supersede the Council related portions of the Council relations policy; however, they are not exclusive and do not limit the inherent power and general legal authority of the City Council, or of its presiding officer, to govern the conduct of the City Council meetings as may be considered appropriate from time to time, or in particular circumstances, for purposes of orderly and effective conduct of the affairs of the City.

Sec 1-210. – Disbursement of Council Requested Information

As a general courtesy and to maintain equality in the disbursement of information, documentation or data requested by a Council Member from Staff shall be provided to all members of Council.

Sec. 1-220 – Policy Enforcement

If a Member(s) of the City Council believes this policy has been violated, the topic shall be placed on a meeting agenda following proper procedure (by City Administrator, Mayor, or two members of the City Council).

A determination of violation shall be stated by majority vote of those present during the deliberation. If it is a Member of the Council who is determined to be in violation of this policy, a standard letter of violation signed by the Mayor (or Mayor Pro Tempore, if the letter is going to the Mayor) shall be issued to the person. A copy of the letter shall become a part of the Council Member's official file with the City.

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