

**CITY OF STEPHENVILLE CITY COUNCIL
RULES OF PROCEDURE**

PROLOGUE

These rules and procedures represent an effort to clarify unwritten policies, to expedite matters needing council attention, and to streamline agendas. They are intended to supplement the existing Code of Ordinances and City Charter by addressing areas either left unclear or not addressed at all. Unlike the Charter and Code of Ordinances, these rules and procedures can be modified to fit the personality of the Mayor and Councilmembers. No conflict with the Charter or the Code of Ordinances should exist.

It is the purpose of this document to present guidelines for the maintenance of decorum and presentation of a favorable impression to the public and press in attendance at the meetings of the City Council.

SECTION 1. AUTHORITY

Charter. The City Council of the City of Stephenville shall establish its own rules of procedure for meetings as provided by City Charter. The following set of rules shall be in effect upon their adoption by the Council, and until such time as they are amended, or new rules adopted in the manner provided by these rules.

SECTION 2. GENERAL RULES

- 2.1 Meetings to be Public. All official meetings of the Council shall be open to the public (except where State or local law allows Executive Sessions for certain limited topics). The journal of proceedings shall be open to public inspection.
- 2.2 Quorum. The presence of at least five (5) members of the Council shall constitute a quorum and be necessary for the transaction of business.
- 2.3 Compelling Attendance. The Council may adjourn from day to day to compel the attendance of absent members. The names of Councilmembers arriving late shall be noted upon the minute pages of the City Council.
- 2.4 Journal of Proceedings. An account of all proceedings of the Council shall be kept by the City Secretary and shall be entered in a book constituting the official record of the Council.
- 2.5 Right of Floor. Any member desiring to speak shall be recognized by the Chair and shall confine his or her remarks to one subject under consideration or to be considered.
- 2.6 City Manager. The City Manager shall attend all meetings of the Council unless excused. The City Manager may make recommendations to the Council and shall have the right to take part in all discussions of the Council but shall have no vote.
- 2.7 City Attorney. The City Attorney or his/her official designee shall attend all meetings of the Council unless excused and shall, upon request, give an opinion, either written or oral, on questions of the law. The City Attorney shall act as the Council's parliamentarian.
- 2.8 City Secretary. The City Secretary or his/her designee shall attend all meetings of the Council unless excused and shall keep the official minutes and perform such other duties as may be requested by the Council.

- 2.9 Officers and Employees. Department Heads of the City, when there is pertinent business from their departments on the Council agenda, shall attend such Council meetings. Department Heads are encouraged to attend all meetings of the City Council as information or their expertise may be required.
- 2.10 Rules of Order. "Roberts Rules of Order Revised" shall govern the proceedings of the Council in all cases unless they are in conflict with these rules.
- 2.11 City Stationery. City Stationery will be used for official business only and will be kept at City Hall. All Mayor and City Council correspondence will be handled through the City Secretary's office and kept on file in that office.
- 2.12 Compensation. The City Council shall be compensated at the rate of \$200.00 per month. The Mayor shall be compensated at the rate of \$400.00 per month.

SECTION 3. TYPES OF MEETINGS

- 3.1 Regular Business Meeting: The Council shall meet in City Hall for Regular Business, Adjourned, and Special Meetings. The Regular Business Meetings are to commence at 5:30 p.m. on the first and third Tuesday of each month, unless otherwise specified in accordance with state law.
- 3.2 Special Meetings. Special meetings may be called by the Mayor or by a majority of the members of the Council. Any individual member may call a special meeting upon securing concurrence of four other members, whom he must personally contact and upon confirmation, each of the four concurring members must personally contact the City Secretary. Councilmembers may only state the reason for the called meeting when contacting other Councilmembers. No further discussion may take place regarding the subject(s) of the meeting.
- The call for a special meeting shall specify the day, the hour, and the location of the special meeting and shall list the subject or subjects to be considered. No special meeting shall be held until at least seventy-two hours (72) after the call is issued. No item will be placed on the agenda unless submitted to the City Manager at least twenty-four (24) hours prior to the posting of the called meeting agenda.
- 3.3 Recessed Meetings. Any meeting of the Council may be recessed to a later date and time, provided that no recess shall be for a longer period than until the next Regular Meeting.
- 3.4 Emergency Meetings. The City Council may hold meetings dealing with emergency conditions as provided by state law.
- 3.5 Work Sessions. The Council may meet informally in Work Sessions (open to the public), at the call of the Mayor or of a majority of the Council, to review forthcoming programs of the City, receive progress reports on current programs or projects, or receive other similar information from the City Manager, provided that all discussions and conclusions thereon shall be informal. On-site inspections of project sites and facilities by individual Councilmembers are strongly encouraged. Department Heads will schedule times to accompany any councilmember who wishes to tour city facilities.

3.6 Executive Sessions. Executive Sessions or closed meetings may be held in accordance with the provisions of the Texas Open Meetings Act, Texas Government Code Chapter 551. Topics that may be discussed would include, but are not limited to: (1) Consultation with Attorney, (2) Deliberations Regarding Real Property, (3) Deliberation Regarding Prospective Gift, (4) Personnel Matters, (5) Deliberation Regarding Security Devices, (6) Meeting Concerning a Municipally Owned Utility, (6) Deliberation Regarding Economic Development Negotiation. The City Council may convene into executive session on any matter related to agenda items for a purpose, such closed session allowed under Chapter 551, Texas Government Code.

3.7 Committee Meetings and Reports.

A. Standing Committees shall be appointed annually following the City's General Election in May.

B. The Mayor shall submit suggestions for committee assignment and chairmanship designation to the City Council not later than the second regular council meeting following the City General Election in May. In formulating recommendations, the Mayor shall be guided by the following considerations:

1. At the first regular council meeting following each council election, the Mayor shall request that each council member submit their prioritized request for committee assignments. These requests shall be submitted to the Mayor within 14 days of being requested.

2. The Mayor shall consider each council member's request for committee assignments in arriving at a recommendation. In the event a council member fails to submit a committee assignment request, the Mayor shall attempt to make fair and equitable assignment recommendations for that council member. In arriving at recommendations, the Mayor shall consider the following factors in the priority listed:

a. The Mayor shall serve as a non-voting member of all committees. The Mayor shall not serve as the chairman of any committee.

b. Council members may serve as chairman of only one committee unless the number of standing council committees is expanded to more than eight.

c. Incumbent council members shall retain their current chairmanship assignments unless they request and receive assignment as chairman of another committee.

d. Open chairmanship recommendations shall be based on council member's seniority of total council service and prioritized written assignment requests, in that order.

e. Council members who are not selected as chairmen shall receive their first four prioritized committee assignment requests.

f. The Mayor shall make committee assignment recommendations to achieve a fair and equitable distribution based on council member's prioritized written requests.

g. The assignments shall be approved by a majority vote of the City Council.

h. Special Committees may be appointed by the City Council as needs arise and the

membership of such special committees shall remain intact until the committee's assignment is completed.

C. It is the duty of the committee chairman to call meetings and see that the committee's assignment is completed. Each committee that has met since the last Regular Business Meeting shall be required to give a status report to the City Council at each monthly meeting. All final committee recommendations shall be filed in written form with the City Secretary and included with the Council's agenda packet.

3.8 Attendance of Media at Council Meetings. All official meetings of the City Council and its committees shall be open to the media, freely subject to recording by radio, television, and photographic services at any time, provided that such arrangements do not interfere with the orderly conduct of the meetings. Exceptions to this rule will apply to meetings or parts of meetings which are held in accordance with Vernon's Texas Civil Statutes regarding executive sessions.

SECTION 4. CHAIRMAN AND DUTIES

4.1 Chairman. The Mayor, if present, shall preside as Chairman at all meetings of the Council. In the absence of the Mayor, the Mayor Pro Tem shall preside. In the absence of both the Mayor and the Mayor Pro Tem, the Council shall elect a Chairman.

4.2 Call to Order. The meetings of the Council shall be called to order by the Mayor, or in his/her absence, by the Mayor Pro Tem. In the absence of both the Mayor and the Mayor Pro Tem, the meeting shall be called to order by the City Secretary for the election of a temporary Chairman.

4.3 Preservation of Order. The Chairman shall preserve order and decorum, prevent attacks on personalities or the impugning of members' motives, and confine members in debate to the question under discussion.

4.4 Points of Order. The Chairman shall determine all points of order, subject to the right of any member to appeal to the Council. If any appeal is taken, the question shall be, "Shall the decision of the Chairman be sustained?"

4.5 Questions to be Stated. The Chairman shall state all questions submitted for a vote and announce the result. A roll call vote shall be taken upon the request of any member, in the manner provided in Section 6.7 of these rules. Before taking a final vote, the Chairman shall ask for discussion on the motion.

SECTION 5. ORDER OF BUSINESS AND AGENDA

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

AGENDA OF THE CITY COUNCIL

- I. Call to Order
- II. Pledges of Allegiance
- III. Invocation
- IV. Proclamations, Recognitions, and Presentations

- V. Citizens' General Discussion
- VI. Regular Agenda Items (these are items not discussed in committee)
- VII. Planning and Zoning Commission
- VIII. Reports from Boards and Commissions
- IX. Council Committee Reports
- X. Consent Agenda
 - i. Approval of Minutes
 - j. Bid Considerations
 - k. Resolutions
- XI. Comments by City Manager
- XII. Comments by Council Members and Items for Future Discussion
- XIII. Executive Session
- XIV. Action Taken on Items Discussed in Executive Session, if necessary
- XV. Adjourn

The Mayor may, at his/her discretion, limit the amount of time allowed for the agenda item, "Citizens' General Discussion".

- 5.2 Agenda. The order of business of each council meeting shall be as contained in the agenda prepared by the City Secretary. The Agenda shall be delivered to members of the Council at least seventy-two (72) hours preceding the meeting to which it pertains. The order of the agenda may be adjusted by the Mayor as situations warrant. The Mayor shall announce at the opening of the meeting any items which have been removed.

The order of business of the City Council shall include a Consent Agenda. The Consent Agenda is used as a tool to help shorten council meetings. It contains routine items which are not controversial in nature and do not need further discussion. The Consent Agenda can be handled with one motion from the City Council, "I move that the Consent Agenda be approved as presented." If an item needs to be removed from the Consent Agenda and discussed separately, a typical motion to affect this might be, "I move that we approve the Consent Agenda Items "A" through "D" with the exception of Item "C".

- 5.3 Comments by Council Members and Items for Future Discussion. The Agenda shall provide a time when the Mayor or any Councilmember may bring before the Council any business that he/she feels should be deliberated upon by the Council. These matters need not be specifically listed on the agenda, however, discussion and formal action on such matters shall be deferred until a subsequent council meeting.
- 5.4 Placing Items on the Agenda. Any member of the City Council or general public may place items on the agenda by submitting such items to the City Secretary, City Manager, Mayor or applicable Committee Chairman, in writing, by 5:00 p.m. seven (7) days preceding the Regular Business Council Meeting or applicable committee meeting.
- 5.5 Reading of Minutes. Unless a reading of the minutes of a council meeting is requested by a member of the Council, such minutes may be approved without reading, if the City Secretary previously furnished each member with a copy.

SECTION 6. ORDINANCES, RESOLUTIONS, AND MOTIONS

- 6.1 Form. Ordinances and resolutions shall be presented to the Council only in printed or typewritten form.
- 6.2 Funding. All ordinances authorizing an expenditure of money shall include the exact source of the funds to be expended.
- 6.3 City Attorney to Approve. All ordinances and resolutions shall be "Approved as to Form and Legality" by the City Attorney. Such approval shall be so indicated by signature on the last page of the ordinance or resolution. Ordinances or Resolutions shall not be presented to the Council without first being approved by the City Attorney.
- 6.4 City Manager to Review. All ordinances and resolutions shall be "Reviewed By" the City Manager. Such review shall be so indicated by signature on the last page of the ordinance or resolution.
- 6.5 Distribution of Ordinances. Copies of all proposed ordinances shall be distributed to all members of the Council at least twenty-four (24) hours before the council meeting as part of the agenda packet in which the ordinance is to be introduced. If the ordinance carries an emergency clause, copies of the ordinance must be distributed at least twelve (12) hours prior to the meeting of the Council at which said ordinance is to be considered.
- 6.6 Recording of Votes. The ayes and noes shall be taken upon the passage of all ordinances and resolutions and entered upon the official record of the Council.
- 6.7 Majority Vote Required. Where a quorum of the City Council is present, a proposition is carried by a majority of the votes cast, although some of the members present refuse to vote. Where a member of the City Council is present, but has not voted on a matter, his or her silence shall be construed as concurring with the majority, at least where such concurrence is needed for adoption of the matter before the deliberative body. Abstaining votes shall therefore be construed as concurring with the majority favoring adoption of the matter. Councilmembers filing Conflict of Interest affidavits with the City Secretary shall be considered as not casting any vote on the issue at hand.

Exceptions to the majority vote rule shall apply where required by Charter, ordinance, or state law.

- 6.8 Voting. Two voting methods will be used by the City Council – voice votes and roll call votes. Voice votes are votes cast by the City Council in unison, either aye or nay, when requested by the Mayor. Roll call votes are votes which are cast individually. Voice votes will be used on all issues unless the Mayor or a councilmember requests a roll call vote. When roll call votes are used, the Mayor will be the last councilmember to vote.

When any vote is called, each Councilmember shall respond "yes (aye)", "no (nay)", "abstain", or "pass". Any Councilmember who responds "pass" shall be given an opportunity at the end of the roll call to change his or her vote to "yes (aye)", "no (nay)", or "abstain". Any "pass" response not so changed shall be recorded as an abstention.

In the event of a tie in votes on any motion, the motion shall be considered lost.

- 6.9 Numbering Ordinances and Resolutions. Upon passage, a number shall be assigned to each

ordinance or resolution by the City Secretary.

- 6.10 Ordinance Passage Procedure. When passed by the City Council, an ordinance shall be signed by the Mayor or Mayor Pro Tem and be attested by the City Secretary; and it shall be immediately filed and thereafter preserved in the office of the City Secretary. Ordinances shall be adopted in accordance with City Charter Article III, §19.

Any ordinance imposing a penalty, fine, or forfeiture for a violation of its provisions shall become effective not less than ten (10) days from the date of its passage. The City Secretary shall give notice of the passage of every ordinance imposing a penalty, fine, or forfeiture for a violation of the provisions thereof, by causing the caption or title, including the penalty, of any such ordinance to be published in a newspaper of general circulation in Stephenville at least within ten (10) days after the passage of said ordinance.

- 6.11 Requests for Ordinances or Legal Opinions. Any member of the City Council may request the City Manager to have prepared proposed ordinances with such ordinances to be placed on the agenda of the next scheduled Council meeting, provided the ordinance can be drafted and distributed to members of the Council in accordance with time schedules set forth in Section 6.5 of these rules. Any member of the City Council may request written legal opinions, relating to City business, from the City Manager. Upon receiving requests for a proposed ordinance or a written legal opinion, the City Manager shall forthwith request same from the City Attorney; and upon return receipt thereof, the City Administrator shall forthwith cause to have distributed the subject ordinance or written legal opinion to all members of the Council so that all members of the Council may be fully informed of the status of City affairs. Any member of the Council may, for purposes of inquiry, request verbal opinion or advice on City legal matters directly from the Attorney.

SECTION 7. CREATION OF COMMITTEES, BOARDS AND COMMISSIONS

- 7.1 Citizen Committees, Boards and Commissions. The Council may create committees, boards, and commissions to assist in the conduct of the operation of the City government with such duties as the Council may specify not inconsistent with the City Charter or City Code.
- 7.2 Membership and Selections. Membership and selection of members shall be as provided by the Council if not specified by the City Charter or City Code. Any committee, board, or commission so created shall cease to exist upon the accomplishment of the special purpose for which it was created, or when abolished by a majority vote of the Council. No committee so appointed shall have powers other than advisory to the Council or to the City Administrator, except as otherwise specified by the City Charter or City Code.
- 7.3 Removal of Members of Boards and Commissions. The Council may remove any member of any board or commission which it has created or as created by the City Charter or by a vote of at least a majority of the Council.

SECTION 8. CITIZENS' RIGHTS

- 8.1. Addressing the Council During a Regular Business Meeting. Persons addressing the Council shall complete a Registration Form prior to the Call to Order and present it to the City Secretary. Questions from citizens will be directed to the Mayor, and the Mayor will inform the citizen that the question will be directed to the appropriate person, staff, or Councilmember.

- 8.2 Time Limit. Each person addressing the Council shall step up to the microphone, shall give his/her name and address in an audible tone of voice for the record. Individual citizen presentations shall be limited to three (3) minutes, and group presentations shall be limited to ten (10) minutes. At least three members of the group or organization shall be in attendance and their names shall be listed on the Registration Card. The Mayor, at his/her discretion, may reasonably extend these limits.
- 8.3 Manner of Addressing the Council. All remarks shall be addressed to the Council as a body, and not to any member thereof. No person, other than members of the Council and the person having the floor, shall be permitted to enter into any discussion, either directly or through the members of the Council. No questions shall be asked of the Councilmembers, except through the presiding officer.
- 8.4 Personal and Slanderous Remarks. The Mayor may, at his or her discretion, have removed any person making personal, impertinent or slanderous remarks while addressing the Council and may bar such persons from further audience before the Council.
- 8.5 Reading of Protests. Interested persons, or their authorized representatives, may address the Council for the reading of protests, petitions, or communications relating to any matter over which the Council has control when the item is under consideration by the Council, if a majority of the Council present agrees to let them be heard.
- 8.6 Mayor May Appoint Committee or Refer Citizen's Complaints. The Mayor may appoint a committee of three members of the City Council to hear citizens' complaints, or may refer citizens' complaints to an Executive Session of the City Council, whenever the subject would be appropriate.
- 8.7 Written Communications. Interested parties, or their authorized representatives, may address the council by written communication in regard to any matter concerning the city's business or over which the council has control at any time by mailing or emailing such communication to the City Secretary, or mailing or emailing such communication to individual Councilmembers. All members of the Council shall have an email address issued by the City.

SECTION 9. SUSPENSION AND AMENDMENT OF THESE RULES

- 9.1 Suspension of These Rules. Any provision of these rules not governed by the City Charter or City Code may be temporarily suspended by a vote of a majority of the Council. The vote on any such suspension shall be taken by ayes and nays and entered upon the record.
- 9.2 Amendment of These Rules. These rules may be amended, or new rules adopted, by a majority vote of all members of the council, provided that the proposed amendments or new rules shall have been introduced into the record at a prior council meeting.

Resolution No. 1986-3. Revised February 7, 1990; April 3, 1990; October 3, 1995; April 1, 1997; November 3, 1998; March 7, 2000; June 17, 2003; September 9, 2008; March 1, 2016