

## ORDINANCE NO. 95-03

**AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING THE CODE OF ORDINANCES BY STRIKING FROM CHAPTER 2, ENTITLED ADMINISTRATION, ALL OF SECTIONS 2-26, 2-27, AND 2-32, AND SUBSTITUTING IN THEIR PLACE NEW SECTIONS 2-26, 2-27, AND 2-32; ADOPTING RULES OF PROCEDURE FOR THE CONDUCT OF CITY COUNCIL MEETINGS, IN ACCORDANCE WITH SECTION 6.13 OF THE CITY CHARTER; DIRECTING PUBLICATION OF THE CAPTION OF THIS ORDINANCE; FINDING THAT THE MEETINGS AT WHICH THIS ORDINANCE IS CONSIDERED ARE OPEN TO THE PUBLIC; PROVIDING FOR INCLUSION OF THIS ORDINANCE AS AN AMENDMENT TO THE CITY'S CODE OF ORDINANCES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; AND PROVIDING FOR SEVERABILITY.**

### **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS:**

The Code of Ordinances of the City of Tomball, Texas, is hereby amended by striking from Chapter 2, entitled Administration, all of Sections 2-26, 2-27, and 2-32, and substituting in their place new Sections 2-26, 2-27, and 2-32 to provide as follows:

"2.26. Reserved.

"2.27. Reserved.

"2.32. Rules of Procedure Adopted."

Such rules are set out below in the following Sections of this Ordinance, which shall upon adoption be renumbered to conform to the numbering system of the Code.

**Section 1. RULES OF PROCEDURE ADOPTED.** The following Rules of procedure (the "rules") are adopted by the City Council (the "Council") in accordance with Section 6.13 of the City Charter of the City of Tomball. These rules shall govern all meetings and proceedings of the City Council, the order of business, and the conduct of City Council members and persons in attendance at such meetings.

Additionally, these principles, parliamentary procedures, and rules for citizen participation shall be adhered to by all City Commissions, Boards, and Committees, to the extent such rules of procedure are not inconsistent with the public business to be conducted by such a body.

**Section 2. PURPOSE AND GUIDING PRINCIPLES.** These rules are simple, and meant to be kept simple. Strict technical rules tend to impede rather than advance the legislative process. Reason, common sense, and cooperation must prevail in the conduct of City business. Dissent and debate are essential and beneficial elements of our system of free and open government, but rules should not be used to hinder the process, however the ultimate outcome is viewed by an individual or group.

**Section 3. MEETINGS.**

3.1. **Regular Meetings.** In accordance with Section 6.12 of the City Charter, the Council shall conduct regular meetings on the first (1st) and third (3rd) Mondays of each month. Any time a regular meeting date falls on a holiday observed by the City of Tomball, such regular meeting shall be scheduled and held on the next calendar day which is not a holiday observed by the City of Tomball, unless the Council takes action in advance, by resolution or ordinance, to reschedule such meeting.

3.1.1. All regular meetings shall begin promptly at 7:00 p.m. (See Workshop meetings below).

3.1.2. Regular meetings shall be held at the City Hall as required by the Charter.

3.2. **Special Meetings.** In accordance with Section 6.12 of the City Charter additional special meetings may be called upon written request of the Mayor or any three (3) Council members. If a majority of the City Council members at a public meeting request a subsequent special meeting, a special meeting shall be scheduled at the earliest practical time as requested. The Council meeting

minutes reflecting the request to call a special meeting shall also reflect the scheduled date and time of such special meeting.

3.2.1. Special meetings may be called to address and act on matters which should not be delayed until a regular meeting.

3.2.2. Special meetings shall be called to begin promptly at 7:00 p.m., unless circumstances reasonably require a different starting time, in which event the circumstances shall be stated on the meeting agenda.

3.2.3. Except in unusual circumstances, which shall be stated on the meeting agenda, special meetings will be held at the City Hall.

3.3. **Workshop Meetings.** In accordance with Section 6.12 of the City Charter, additional workshop meetings may be called upon written request of the Mayor or any three (3) Council members. If a majority of the City Council members at a public meeting request a subsequent workshop meeting, a workshop meeting shall be scheduled at the earliest practical time as requested. The Council meeting minutes reflecting the request to call a workshop meeting shall also reflect the scheduled date and time of such workshop meeting.

3.3.1. The purpose of workshop meetings is to give Council the opportunity to discuss in depth or explore in detail subjects of interest to the City.

3.3.2. **No action item(s)** shall be placed on the agenda for a workshop meeting.

3.3.3. Workshop meetings shall begin promptly at 5:00 p.m. preceding a regular or special meeting. If circumstances reasonably require a different starting time or a different date, such circumstances shall be stated on the meeting agenda.

3.3.4. As circumstances require, public hearings may be held at workshop meetings for the convenience of the public.

3.3.5. Except in unusual circumstances, which shall be stated on the meeting agenda, workshop meetings will be held at the City Hall.

3.4. **Public Meetings: Executive Sessions.** All meetings of the City Council are open to the public, in compliance with the Texas Open Meetings Act. Further, the City Council may conduct executive sessions in compliance with the Texas Open Meetings Act.

#### **Section 4.0. AGENDA.**

4.1. **Items on the Agenda.** An item may be placed on the agenda by the Mayor or City Manager. The City Manager, working in conjunction with the Mayor, will exercise their best judgment in determining what other items of City business should come before the Council. City staff seeking to have an item placed on an agenda shall submit that item to the City Manager's office for approval. If two (2) or more of the City Council members make a request in writing that an agenda item be placed on the agenda for any subsequent meeting, then such item shall be placed on the agenda for discussion and/or action as requested. A City Council member, in accordance with Section 551.042 of the Texas Government Code, may propose an item for inclusion on the agenda for a subsequent meeting, and any deliberation or decision on such item shall be limited to the proposal to place the item on the agenda.

4.2. **Submission of Items and Backup Materials.** Items to be placed on the agenda, including the materials to be distributed to Council in connection with the items, must reach the City Secretary's office at the City Hall before 12:00 o'clock noon on the Wednesday of the week preceding the Council meeting.

4.3. **Packets.** The agenda packets for all Regular Meetings will be available in City Hall after 4:00 P.M. on Thursday preceding the Monday Meetings. This should afford ample time for all Council members to inquire into the nature of each matter to be discussed.

4.4. **Notice to Media.** The City Secretary's office will assume responsibility for issuing to newspapers, radio and television stations, which have requested such notification, a copy of the agenda advising them that the regular meeting will be held on the following night. The City Secretary's office will also assume the responsibility for compliance with the Open Meetings Law.

4.5. **Consideration Limited to Agenda Items.** Except for discussions pertaining to announcements or to requests to have items placed on a subsequent agenda, the Council will restrict consideration only to the item or items on the current agenda.

4.6. **Organization and Order of Agenda.**

4.6.1. Call to Order/Roll Call/Announce that a quorum is present.

4.6.2. Pledge of Allegiance and Invocation.

4.6.3. Public Comments and Receipt of Petitions - citizens desiring to be heard will be given the opportunity. Petitions will be received. (See rules for "Citizen Participation at Meetings" below.)

4.6.4. Reports and Announcements.

4.6.5. Approval of Minutes.

4.6.6. Old Business, by item, discussion/action - Final passage of ordinances and other business pending from a previous Council meeting.

4.6.7. New Business, by item, discussion/action - New ordinances, resolutions, budget amendments and changes, bid openings and bid awards, contracts, policies, and other matters to be considered and/or acted upon.

4.6.7.1. New Business shall include all public bid openings.

4.6.8. Consent Agenda - items requiring little or no discussion. If one or more members of Council desire to remove an item from the consent agenda, such item(s) shall be considered and acted upon separately.

4.6.9. Executive Session.

4.6.10. Final Comments - Mayor and Council.

4.6.11. Adjournment.

**Section 5.0. COUNCIL PROCEEDINGS.** In accordance with Section 6.13 of the City Charter, four (4) Council members, one of whom may be the Mayor, shall constitute a quorum for the purpose of transaction of business and no action of the Council shall be valid or binding unless adopted by the affirmative vote of three (3) or more members of the Council.

**Section 6.0. PARLIAMENTARY PROCEDURE.** In all Council meetings the following commonly used rules of parliamentary procedure will be followed. In the event that conflict results in gridlock, and reasonable compromise fails to move the Council forward in the conduct of City business, then Robert's Rules of Order will be followed as necessary.

**The rules are as follows:**

6.1. **Questions to Contain One Subject.** All questions (motions) submitted for a vote shall contain only one subject. If a question contains two or more points under one subject, any member may require a division, if the question reasonably admits of a division.

6.2. **Main Motion.** A subject is introduced by a main motion. Once seconded, no other topics should be taken up until after the motion is disposed of.

6.3. **Second.** Any motion requires a second or it dies for lack of a second.

6.4. **Motion to Amend.** This motion is used when the intention is to change, add, or omit some part of a main motion. This motion is debatable and requires a majority vote of the members present for passage. A motion to amend is not amendable. First a vote is held on the motion to amend. If that vote is affirmative, the second vote is held on the main motion as amended.

6.5. **Motion to Table or Postpone to a Certain Time.** This motion would require that consideration of a main motion be delayed until a certain, stated time - for, among other reasons, to

obtain more information. A future date certain should be set when the subject would be considered. This motion is debatable and requires a majority vote of the members present for passage.

6.6. **Motion to Table Indefinitely.** This motion postpones consideration of the main motion in such a way that the issue being discussed may be taken up at an unspecified, later date when a majority of the members present vote to "call it from the table." This motion is not debatable and requires a majority vote of the members present for passage.

6.7. **Motion to Move the Question or Call the Question.** This motion is made to end discussion that has become lengthy or repetitious. When seconded, the presiding officer immediately moves or calls the vote on the question of closing the discussion. This motion is not debatable and requires a majority vote of the members present for passage.

6.8. **Motion to Reconsider.** A vote may be reconsidered during the same meeting on motion made by a member who voted on the prevailing (winning) side of the issue. This motion is debatable and requires a majority vote of the members present for passage. First a vote is held on the motion to reconsider. If that vote is affirmative, the second vote is held on the issue to be reconsidered.

6.9. **Reconsideration of a Subject when Defeated.** When an ordinance, resolution, motion, or other measure has been placed on the agenda, voted on, and defeated, the same question shall not again be placed on the agenda for a subsequent meeting to be considered by the Council until a lapse of ninety (90) days, unless a majority of Council present vote, at a public meeting, that the question be placed on the agenda of a subsequent meeting, stating the date.

6.10. **Suspension of Rules: Order of Agenda.** Consistent with State law and the City Charter, any one or all of these rules of procedure may be suspended in order to allow a particular consideration of a subject or matter, provided a majority of the members present vote in favor of

such suspension; provided further, the order of business on the agenda may also be suspended by such a majority vote. This motion is debatable.

6.11. **Vote.** The presiding officer shall call for a vote by requesting "all in favor say aye" and "all opposed say nay." The presiding officer or any other member may request a roll call vote at any time, including immediately after a voice vote. Except for the "majority vote of the members present" provided for in applying these procedural rules, any action by Council shall require the affirmative vote of three (3) or more members of the Council (the Mayor has a binding vote only in the case of a tie), in accordance with Section 6.13 of the City Charter. A Council member shall state the reason for an abstaining vote, in accordance with Section 6.13 of the City Charter.

6.12. **Frivolous or Delaying Motions.** The presiding officer shall not entertain any motion which is frivolous or clearly made for the purpose of delay. In the event a conflict develops, any member may call for a vote (majority of the members present) to consider the matter or to move along.

6.13. **Point of Order.** A point of order can be raised at any time and supersedes any issue being discussed at the time. A member who believes the rules are not being followed may use this mechanism to call attention to the problem. The presiding officer must rule on the point of order before proceeding.

6.14. **Questions and Inquiries.** A member may ask about correct procedures, ask for facts, ask to speed things along, for a recess for comfort and convenience, or other relevant questions and inquires. The presiding officer responds to the question or refers it to the proper person.

6.15. **Limit Debate.** The Council may agree to limit debate on any subject before it is discussed or debated. The agreement should be formalized by majority vote of the members present.

6.16. **Recessed Meetings.** Recessing a meeting is not a favored practice. However, if circumstances require, any meeting of the council may be recessed to a later time, provided that no



recess shall be for a longer period than until the next scheduled meeting. Prior to the recess the presiding officer shall announce the time, date, and subject(s) of the meeting to be reconvened. A new agenda shall be posted for the reconvened meeting, making clear reference to the recessed meeting. The presiding officer may declare the meeting recessed without waiting for a motion. A member may move to recess under the same conditions. When the meeting is recessed, the meeting is immediately halted. The motion by a member is not debatable and a majority vote of the members present is required for passage.

6.17. **Motion to Adjourn.** If the time set for adjournment has arrived or if there is no further business, the presiding officer may declare the meeting recessed without waiting for a motion. A member may move to recess under the same conditions. When the meeting is recessed, the meeting is immediately halted. The motion by a member is not debatable and a majority vote of the members present is required for passage.

6.18. **Procedural Summary.** The following summary of these procedural rules is included for ease of reference. In the event of an interpretation conflict between this summary and the narrative provisions of these procedural rules, the narrative procedural rules shall control.

<b><u>MOTION</u></b>	<b><u>DEBATABLE</u></b>	<b><u>AMENDABLE</u></b>	<b><u>MAJORITY VOTE OF MEMBERS PRESENT</u></b>
Main Motion	yes	yes	yes
Motion to amend	yes	no	yes
To a certain time	yes	yes	yes
Table indefinitely	no	no	yes
Move or call question	no	no	yes
Reconsider	yes	yes	yes
Suspend Rules	yes	yes	yes

Point of Order	no	no	(Presiding Officer)
Limit Debate	yes	yes	yes
Recess	no	no	yes
Adjourn	no	no	yes

**Section 7.0. CITY COUNCIL MEMBERS DECORUM AND DEBATE.** When a measure is presented for consideration to the Council, the presiding officer shall recognize the appropriate individual to present the matter. When two (2) or more members wish to speak, the presiding officer shall name the member who is to speak first. No member of the Council shall interrupt another while speaking, except to make a point of order. The presiding officer shall not be obligated to recognize any Council member for a second comment on the subject or amendment until every Council member wishing to speak has been allowed a first comment. Council members shall also have the right to yield the floor to another member.

Council members should not indulge in personal attacks, use personally offensive language, arraign motives of Council members or staff, charge deliberate misrepresentation, or use language tending to hold a member of the City Council or staff up to contempt.

If a member is transgressing the rules of the Council, the presiding officer shall, or any Council member may, call him/her to order, in which case he/she shall immediately be quiet unless permitted to explain. The Council shall, if appealed to, decide the matter by majority vote of the members present without debate. If the decision is in favor of the member called to order, he/she shall then be at liberty to proceed, but not otherwise, in compliance with these rules.

**Section 8. DUTIES OF MAYOR OR PRESIDING OFFICER.** At all meetings it is the responsibility of the presiding officer to use the rules of procedure appropriately so that good order and reasonable decorum are maintained and the business of the meeting goes forward. The presiding officer's duties include:

1. calling the meeting to order at the time set.
2. following the agenda and clarifying to the members what is being voted on at all times.
3. ensuring that the rules and procedures for the conduct of meetings are followed.
4. dealing firmly with whispers, commotion, disruptions, and frivolous motions.
5. ensuring that debate is confined to the merits of the question and that personal comments are avoided.
6. ensuring that the rules for citizen participation are followed.
7. remaining calm and dealing fairly with all sides of an issue, regardless of personal opinion.
8. ensuring that City business is handled expeditiously during Council meetings.

**Section 9.0. CITIZENS' PARTICIPATION AT MEETINGS.**

**9.1. Rules for Speakers.**

9.1.1. **Recognition.** Citizens will be allowed to speak at a meeting; however, before a member of the public may address City Council or speak at a meeting, the presiding officer must first recognize the member of the public who wishes to speak and announce that the person may proceed.

9.1.2. **Time Limit.** The presiding officer, or the City Council by majority vote of the Council members present, may set a reasonable time limit for any citizen or person in attendance who desires to address the council or speak at a meeting.

9.1.3. **Identification.** All members of the public speaking before Council shall preface their statements with their name and home address for the record.

- 9.1.4. **Speaking from the podium.** All speakers must come to the podium, unless the presiding officer permits speakers to make their statements from their seat in the meeting room.
- 9.1.5. **Spokesperson.** Speakers with similar or common interests are encouraged to select someone to act as a spokesperson in order to move the proceedings along. The presiding officer may urge the implementation of this rule at any time.
- 9.1.6. **Public Comments and Receipt of Petitions: Public Hearings.** Any person desiring to be heard by the City Council on any matter shall be heard during that part of the meeting reserved for public comments and receipt of petitions, or as scheduled for a public hearing.
- 9.1.7. **Scheduled Speakers.** Speakers may request, in writing, an opportunity to be placed on the agenda to speak at a meeting concerning a specific matter, as identified in their written request. Written requests to be placed on the agenda to speak must be delivered to the City Secretary, or the City Secretary's designee, by 12:00 o'clock noon on Wednesday of the week preceding the regular, special, or workshop meeting of the City Council. In the event that the number of speakers who request to be scheduled on the agenda indicates that the comments will be lengthy or repetitious, the presiding officer may schedule such matter for a public hearing or make other appropriate arrangements to ensure that the conduct of the City's business is not unduly impeded.
- 9.1.8. **Speaking During Consideration of Agenda Items.** The presiding officer at his or her own discretion, or by majority vote of the Council members

present, may recognize a person or persons in attendance and allow such person(s) to speak prior to consideration and discussion of an agenda item by the City Council. Any further discussion of the same matter shall likewise be at the discretion of the presiding officer, or by majority vote of Council members present.

9.1.9. **Rules Not to Restrict the City.** These rules for speakers will not be construed or applied in such a manner that they restrict the ability of the Mayor, or the City Council by majority vote of the members present, to reasonably limit or expand the debate and discussion of any item, when necessary in the City's best interest.

**Section 10.0. PUBLICATION; EFFECTIVE DATE; OPEN MEETINGS.** The City Secretary of the City of Tomball, Texas, is hereby directed to publish this Ordinance in the official newspaper of the City of Tomball, Texas, in compliance with the provisions of Section 6.14(A) of the City Charter, which publication shall be sufficient if it contains the caption of this Ordinance. This Ordinance shall be effective upon passage as provided by the City Charter and after the publication requirement of the City Charter is satisfied.

It is found and determined that the meetings at which this Ordinance was considered were open to the public, as required by Chapter 551 of the Texas Government Code, and that advance public notice of the time, place, and purpose of the meetings was given.

**Section 11.0. REPEAL.** All ordinances or parts of ordinances inconsistent or in conflict herewith, are, to the extent of such inconsistency or conflict, hereby repealed.

**Section 12.0. SEVERABILITY.** In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not

affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 6TH DAY OF MARCH, 1995.

COUNCILMAN FORD	<u>ABSTAIN</u>
COUNCILMAN MATHESON	<u>AYE</u>
COUNCILMAN OLDHAM	<u>AYE</u>
COUNCILMAN WILEY	<u>AYE</u>
COUNCILMAN WOOD	<u>AYE</u>

SECOND READING:

READ, PASSED, APPROVED, AND ADOPTED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 20TH DAY OF MARCH, 1995.

COUNCILMAN FORD	<u>NAY</u>
COUNCILMAN MATHESON	<u>AYE</u>
COUNCILMAN OLDHAM	<u>AYE</u>
COUNCILMAN WILEY	<u>AYE</u>
COUNCILMAN WOOD	<u>NAY</u>

PASSED, APPROVED, AND ADOPTED this 20TH day of MARCH 1995.

(signed) H. G. Harrington  
H. G. HARRINGTON, Mayor

ATTEST:

(signed) Mary Reagan  
MARY REAGAN, City Secretary

APPROVED AS TO FORM:

(signed) Mario L. Dell'Oso  
MARIO L. DELL'OSSO  
Olson & Olson  
Attorneys for the City of Tomball