

ORDINANCE NO. 2021

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLUM GROVE, TEXAS, ADOPTING RULES OF PROCEDURE FOR THE CONDUCT OF MEETINGS OF THE CITY COUNCIL AND OTHER BOARDS AND COMMISSIONS OF THE CITY; SETTING FORTH REQUIREMENTS AND PROCEDURES FOR THE SETTING OF NOTICES ON THE AGENDA FOR CITY COUNCIL MEETINGS; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES AND RESOLUTIONS OR PARTS OF RESOLUTIONS INCONSISTENT OR IN CONFLICT WITH THIS ORDINANCE.

WHEREAS, the City Council of the City of Plum Grove, Texas wishes to adopt an ordinance providing for the adoption of rules of procedures for the conduct of meetings of the city council; and

WHEREAS, notice of the agenda for this meeting, was given in accordance with law by posting the same at the place reserved and designated for notices of public meetings and public activities and prior to the adoption of this ordinance; and

WHEREAS, the City Council of the City of Plum Grove, Texas finds and determines it has the power to set rules and procedures regarding agenda items and conduct of meetings as long as such rules and procedures are not in conflict with State Law; and

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

SECTION 1. City Council Meetings.

A. Compliance with state law.

All statutes of the state relating to the conduct of city council activities in a general law city shall be complied with at all times.

B. Regular meetings.

Regular meetings will be held on the 2nd Thursday and 4th Tuesday night of each month. Except for unusual circumstances these meetings will be at the Council Chambers of City Hall commencing at 7:00pm. In the event a regular meeting falls on a holiday, during Spring Break, Thanksgiving or Christmas week, the meeting for that day may be rescheduled as determined by Council.

C. Special Meetings

Special meetings shall be held on the call of the Mayor, or of three (3) or more Council Members or upon motion and majority vote of council during a council meeting. The agenda for such meetings shall be established at the discretion of those calling the meeting. Except

for unusual circumstances special meetings will be held at City Hall at a stated time. Each member of the governing body, the secretary, and the municipal attorney must be notified of the special meeting. The notice may be given personally or left at the person's usual place of residence. The purpose of such meetings is to act upon matters of an emergency nature or of a time-sensitive nature which should not be delayed until a regular meeting.

C. Workshop meetings

Workshop meetings are subject to call by the Mayor or of three (3) or more Council Members. The agenda for such meetings shall be established at the discretion of those calling the meeting. Except for unusual circumstances workshop meetings will be held at City Hall at a stated time. Each member of the governing body, the secretary, and the municipal attorney must be notified of the workshop meeting. The notice may be given personally or left at the person's usual place of residence. The purpose of such meetings shall be to hear reports and discuss matters of interest to the city, such as a meeting with one of the City's appointed committees, or the Council alone may wish to explore and learn about a matter or matters in great detail without taking action.

Recent policy has been to hold regular workshop meetings at 6:30pm on the first Monday of each month. Normally, no official council action will be taken at such meetings. While the public may attend, the public will not participate in the discussions or proceedings unless invited to do so. Occasionally, public hearings may be held at the workshop meeting for the convenience of the public. Items to be discussed at a workshop meeting must be place on an agenda for that meeting and the agenda posted as required.

E. Executive or Closed Session

The Council may retire into Executive Session as authorized by the Open Meetings Act (Texas Government Code Chapter 551) at any meeting, regular, special or workshop. These Rules of Procedure shall apply to the conduct of Council Members in an Executive Session, provided they do not conflict with the provisions of the Open Meetings Act.

F. Emergency Items or Meetings

Emergency meetings are subject to call by the Mayor or of three (3) or more Council Members. The agenda for such meetings shall be established at the discretion of those calling the meeting and shall be called in accordance with V.T.C.A., Government Code § 551.045 and V.T.C.A., Local Government Code § 22.038 as amended. The media must be informed of Emergency Meetings.

In the event that a situation arises in which the Mayor or Council Members can, an emergency item may be added to the agenda as late as two hours before any regular, special or workshop meeting in accordance with V.T.C.A., Government Code § 551.045 as amended.

The nature of the emergency must be specified in the agenda and notices given as required by law and to any who have filed a written request for same.

G. Attendance, Absences and Disorderly Conduct.

The governing body may compel the attendance of absent members and punish them for disorderly conduct as provided by the Texas Local Government Code. A Council Member shall be fined as provided by the Texas Local Government Code for each meeting that the Council Member fails to attend unless the absence is caused by the Council Member's illness or the illness of a family member. The fine is waived if the absence is excused by the City Council.

SECTION 2. Agenda & Meeting Preparation

A. **Procedure for submitting agenda items**

The Mayor and all Council Members, may submit agenda items. The City Attorney, City Secretary, Utility Director and Chief of Police may submit agenda items to the Mayor who may approve and place on the agenda. Any and all ordinances, resolutions or other matters, including all written data, except emergency items, to be brought before the City Council for its consideration by the Mayor, any Council Member or a Department Head shall be submitted to the City Secretary not later than 3:00 p.m. on the 5th day preceding the Meeting. The Mayor and City Secretary shall finalize the agenda on the 4th day prior to the meeting and shall make the agenda available to members of council at or before 3:00 p.m. of the day of posting. This provision may be suspended if inconsistent with the provisions of state and federal law or in the event of an emergency or urgent public necessity as determined by the city.

B. **Posting**

The City Secretary is required to post agendas of City Council meetings and to comply with all requirements of the Texas Government Code. The City Secretary or a designee shall post the agenda for each meeting on the bulletin board or a designated place agreed upon by council and any other place or location for posting as required by law. The posting location should be freely accessible to all members of the public.

C. **Agenda Packets**

Agenda packets are prepared by the City Secretary's department and distributed to the City Council, Mayor, City Attorney (by request), and Department Heads (by request).

Agenda packets shall be made available to Council Members no later than 72 hours prior to the meeting.

D. **Prior to a meeting, the City Secretary should:**

Prepare the agenda. The agenda must be prepared concisely, accurately, logically and, generally, must present to the reader a clear picture of what business will be considered.

(1) The content of the agenda must include the following:

 Type of meeting (regular, special, workshop)

Name of body
Date, place and time of meeting
Roll call

Topics of business
Adjournment
Posting statement

- (2) Post the agenda in accordance with law.
- (3) Study the agenda's business to be prepared for these items when they are discussed for consideration and action.
- (4) Make sure Department Heads and Council Members are in attendance for date so the matter will not have to be continued. Or if certain community members are attending the meeting, notify them in advance.
- (5) Order any items required such as plaques or certificates.
- (6) Prepare the meeting room.

SECTION 3. Council Proceedings.

A. Presiding Officer

The Mayor, or in his/her absence, the Mayor ProTem shall preside at all meetings of the Council. If the Mayor and the Mayor Pro-Tem are absent, any Council Member may be appointed by a majority of the Council to preside. At the hour of the meeting, the Mayor shall assume the chair, call the Council to order, and the City Secretary shall record the roll. The Mayor, except in elections, votes only in case of a tie. If both the Mayor and the Mayor Pro Tem are absent, the council shall by motion appoint one of its number to preside.

C. Rules of Order

The Mayor and City Council shall be the sole judge of its own procedure and in full control of the business before it. Neither the Mayor, the Mayor ProTem, nor any Council Member appointed to preside shall have any power to either recess a meeting or adjourn a meeting, or prevent the City Council from considering an agenda item or lay the same out for consideration, except in strict accordance with Texas Open Meetings Act, and as enacted herein. If the presiding officer, whether Mayor, Mayor ProTem, or Council Member presiding, shall attempt to prevent City Council from taking any action on any agenda item brought before it, any Council Member present may call for a vote of the City Council to consider the matter.

Except where in conflict with any state law, City ordinance or the Rules of Procedure adopted by this Ordinance, the latest edition of Robert's Rules of Order, Newly Revised, is adopted as the rules governing parliamentary procedure of city council meetings and shall apply except to the extent otherwise provided in this article. All newly elected or appointed

members of the Council shall be furnished the latest edition of Robert's Rules of Order, Newly Revised.

C. Conduct of Mayor and Council Members

The Mayor nor any Council Member shall be permitted to indulge in personalities, use language personally offensive, arraign motives of members, charge deliberate misrepresentation, or use language tending to hold a Member of the City Council or Mayor up to contempt. If the Mayor or a Council Member is speaking or otherwise transgressing the rules of the Council, the presiding officer shall, or any Council Member may, call him or her to order in which case he or she shall immediately be quiet unless permitted to explain. The Council shall, if appealed to, decide the case without debate. If the decision is in favor of the Member called to order, he or she shall be at liberty to proceed, but not otherwise.

Any member of the Council, including the Mayor, who fails to observe decorous and orderly behavior during a meeting, or who disturbs a meeting of Council with such disorderly conduct, is subject to being expelled from such meeting upon motion passed by two-thirds (2/3) majority vote of the Council present at the meeting. The Mayor or any Member reprimanded by motion or expelled from a meeting by motion who thereafter commits another breach of decorous and orderly behavior during a subsequent meeting shall be subject to the same power of Council to reprimand him/her, expel him/her from the meeting, or subject such Mayor or Member to complaint, investigation, and conviction of official misconduct.

D. Rules of Debate

(1). When a measure is presented for consideration to the Council, the presiding officer shall recognize the appropriate individual to present the case. When two 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 or to make a point of personal privilege. The Mayor nor any Member shall speak more than five minutes on any amendment to the question except as further provided in this rule.

(2). The Mayor nor any Member shall speak more than the time limits provided in subsection (a) of this section on any subject or amendment, and such Mayor or Member may use his or her time in any combination, in separate speech or comments totaling the number of minutes permitted. The Mayor 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 a portion of time to another Member.

(3) Any Member deciding to speak more than five minutes on any question or more than five minutes on any amendment to the question shall be accorded the privilege without objection or with objection and upon motion supported by two-thirds of the Council Members present.

(4) Upon any ordinance, resolution or other measure being laid out, or any motion being made, any Council Member present, before there is any debate opened on the subject,

may make a parliamentary objection to the consideration of the subject which need not be seconded. No debate shall then be permitted and the Presiding Officer shall immediately put the question, "Shall the objection be sustained?" If the objection is sustained by a vote of two-thirds of the Council Members present, the ordinance, resolution, motion, or other measure is permanently defeated for that meeting and shall not be debated (except as otherwise allowed in this ordinance.)

(5) If, during debate upon any ordinance, resolution, motion or other matter before the Council, any Member moves that the subject under discussion be put to a vote without further debate (and such a motion need not be seconded), the presiding officer shall immediately ask the Council, "Is there any objection to proceeding to a vote on the ordinance, resolution, motion, or other measure before the Council being taken immediately?" If any Member objects, the Presiding Officer shall immediately and without debate put the question, "Shall the subject being discussed be put to a vote, without debate?" to a vote of the Council, and if two-thirds of the Council Members present vote in favor of ordering the vote, debate on the question shall be closed, and a vote on the ordinance, resolution, motion or other measure taken immediately.

E. Handling of question of order

All questions of order shall be decided by the Presiding Officer with the right of appeal of his/her decision by the City Council, and if two-thirds of the Council Members present may overrule the decision of the chair. When the chair makes a ruling on a point of order and one of the Council Members state, "I appeal the ruling of the chair," or words to such effect, no other business shall be transacted until the question, "Shall the ruling of the chair be sustained?" is voted on. The Presiding Officer shall immediately put such question to vote without debate, and, if he/she fails to do so immediately, any Member of the City Council may put the question to a vote.

F. Motion to table

Since the Council has regularly scheduled meetings, a motion to table, when carried, does not permanently defeat an ordinance, resolution, motion, or other measure. If such ordinance, resolution, motion, or other measure is tabled by a majority vote of the Council, such ordinance, resolution, motion, or other measure, if not sooner removed from the table, must be removed at the third meeting, and acted upon, even if only to place the item on the table again.

G. Reconsideration of a subject

When an ordinance, resolution, motion, or other measure of any sort has been placed before the City Council and defeated, the same identical question shall not again be considered by the City Council until the next regular scheduled City Council meeting, except in cases of employment of City employees or matters concerning litigation.

H. Motions

All oral motions must be seconded before being put to vote by the chair (except where otherwise provided in these rules), and such oral motion (except a motion to order a vote on a subject being considered or to table, or other such procedural matter) shall reduce the same to writing by the City Secretary. If a written motion is made by any member of the Council and filed with the Presiding Officer, it shall still require a second.

I. Secretarial procedure

The City Secretary shall be the Secretary of the Council and shall act as reading and recording clerk to the Council. By his or her signature, the Secretary shall certify the correctness of the minutes and journals, shall record all actions taken by the Council, shall record the vote upon each measure when taken by the ayes and nays, shall post Council agendas, and shall perform such other duties for meetings as may be required of the City Secretary by the Mayor and the City Council. The City Secretary shall mark the absence of the Mayor or any other member of Council. In the absence of the City Secretary, any suitable person may be appointed by the City Secretary or Mayor to serve as acting City Secretary of any meeting.

The City Secretary shall keep a copy of these rules of procedure in the Council Chamber for reference.

J. Voting

All action required of the City Council shall be made by an affirmative vote of a majority or more members of the Council present at such Council meetings, unless a higher percentage is otherwise required by law for the action being considered.

K. Citizens' right to be heard

Any citizen shall have a reasonable opportunity to be heard at any and all regular meetings of the City Council in regard to any and all matters to be considered at any such meeting, or such other matters as citizens may wish to bring to Council's attention; provided, however, any matter not posted on the agenda may not be discussed by Council, nor shall any action be taken by Council, except to indicate that the matter may be placed on a later agenda. A time shall be set aside during each Council meeting for the Council to hear from the public.

Citizens attending any regularly scheduled meeting may speak before Council by completing a form and presenting it to the City Secretary prior to the beginning of such meeting. In addition, citizens may request a Council Member to place an item on the agenda. The time limit for citizen speaking is 3 minutes. If numerous citizens would offer repetitious or cumulative statements, such citizens are encouraged to select a member of their group to act as spokesperson.

Each member of the public speaking before Council shall preface any statement with

her or his name and whether or not a citizen of Plum Grove.

Citizens and visitors attending City Council meetings shall observe the same rules of propriety, decorum and good conduct applicable to members of the City Council. Any person making personal, impertinent, profane or slanderous remarks or who becomes boisterous while addressing the City Council or while attending the City Council meeting shall be removed from the room, if the Police Chief (or his designee), is so directed by the Presiding Officer. If the Presiding Officer fails to act, any member of the City Council may move to require enforcement of the rules. The affirmative vote of a majority of the City Council in attendance shall require the Presiding Officer to act. No member of the public shall be heard until recognized by the Presiding Officer.

L. Order of Business Regular Meeting

Unless agreed to otherwise by majority vote of Council, the normal order of business before the City Council in any regular meeting shall be as follows:

1. Call to order.
2. Roll Call and Certification of Quorum.
3. Pledge of Allegiance.
4. Invocation.
5. Proclamations and Special Recognitions (upon request).
6. Minutes.
7. Approve Bills.
8. Departmental Reports.
9. Agenda Items
10. Agenda Requests from City Council, City Attorney, City Secretary and Department Heads.
11. Adjournment

M. Order of Business Special Meeting

Unless agreed to otherwise by majority vote of Council, the normal order of business before the City Council in any special meeting shall be as follows:

1. Call to order.
2. Roll Call and Certification of Quorum
3. Pledge of Allegiance
4. Invocation.
5. The presiding officer shall state the purpose(s) of the meeting.
6. No business shall be discussed or acted upon at such meeting unless the subject has been duly posted in accordance with the Texas open meetings act.
7. Adjourn meeting.

N. Suspension of Rules of Procedure

Any one or all of these Rules of Procedure may be suspended in order to allow a particular consideration of a matter, provided that it does not violate state law, and provided that not less than two-thirds Council Members present vote in favor of such suspension. Where any rule embodies a provision of state law, identically or in substance, such rule may not be suspended. The requirement of two-thirds to suspend a rule shall not apply to Sections L and M, but the order of business may be suspended by a majority vote.

O. Mayor's veto

If the Mayor vetoes any resolution or ordinance, the City Secretary shall promptly inform the City Council by phone and by making available copies of the veto memorandum, containing the mayor's objections, to all members of the council. In accordance with V.T.C.A., Local Government Code § 52.003, the ordinance or resolution may take effect over the mayor's objection if a majority of the total number of the council at the next meeting, excluding the mayor, approves the ordinance or resolution upon reconsideration and enters the votes in the official minutes.

SECTION 4. Boards and Commissions.

A. Meetings.

Except as otherwise provided in this Section, as otherwise provided by an ordinance or resolution applicable to a specific board or commission, or as may be otherwise provided by law, the members of each board and commission of the City shall develop its own rules of procedure.

All Rules of Procedure governing the conduct of meetings shall be in compliance with the Texas Open Meetings Act.

B. Time and Place

Except in an emergency, the nature of which shall be stated in the notice of meeting, or for unusual circumstances, all meetings of a board or commission of the City shall be held at City Hall at a stated time.

SECTION 5.

All ordinances or parts of ordinances and resolutions or parts of resolutions inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

SECTION 6.

In the event that any clause, phrase, section, subsection, paragraph, provision or sentence, or other part of this Ordinance—or the application of the Ordinance 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 or provision declared invalid, unconstitutional, or unenforceable.


SECTION 7.

Notice of the agenda for this meeting, was given in accordance with law by posting the same at the place reserved and designated for notices of public meetings and public activities and prior to the adoption of this ordinance

PASSED, APPROVED and ADOPTED by the City Council of the City of Plum Grove, Liberty County, Texas on this, the 26 day of April, 2016.

Lee Penton Walker, MAYOR

ATTEST:



Melissa Pouncey, **CITY SECRETARY**

APPROVED AS TO FORM:

Leonard Schneider, City Attorney