

RESOLUTION NO. 46-1991

A RESOLUTION ADOPTING RULES OF PROCEDURE FOR THE CITY COUNCIL OF ABILENE, TEXAS

WHEREAS, the Constitution and Laws of the State of Texas, and the Charter of the City of Abilene, Texas, authorize the City Council of said City to promulgate and establish rules of procedure to govern and conduct meetings, order of business, decorum, etc., while acting as a legislative body representing the City; and,

WHEREAS, because of its desire to effectively and efficiently serve the public through the medium of public meetings it has become necessary to establish guidelines relating to proper conduct of all parties present for such meeting.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

All meetings of the City Council will be conducted in accordance with Article 6252-17, V.T.C.S., the Texas Open Meeting Law, and during any meeting a reasonable opportunity shall be given for citizens to be heard under the rules set forth below. The Rules of Procedure hereby enacted establish guidelines to be followed by all persons in the Council Chamber including City administrative staff, news media, and visitors.

1. AUTHORITY

1.1 Charter: Section 17 of the Charter of the City of Abilene provides that the Council shall determine its own rules and order of business for meetings. 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 for by these rules.

2. GENERAL RULES

2.1 Quorum: Four members of the Council shall constitute a quorum [Charter, Section 17]

2.2 Misconduct: The Council may punish its own members for misconduct, or any other person for contempt.

2.3 Minutes of Meetings: An account of all proceedings of the Council shall be kept by the City Secretary [Charter, Section 15]

2.4 One-Subject Questions: All questions submitted for a vote shall contain only one subject. If two or more points are involved, any member may require a division, if the question reasonably admits of a division.

2.5 Right of Floor: Any member desiring to speak shall contain his or her remarks to the subject under consideration or to be considered. No member shall be allowed to speak more than once on any one subject until every member wishing to speak shall have spoken.

2.6 City Manager: The City Manager, or designated Assistant, shall attend all meetings of the Council unless excused, may make recommendations to the Council and 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 designated Assistant, shall attend all meetings of the Council unless excused, may make recommendations to the Council and have the right to take part in all discussion of the Council, but shall have no vote.

2.8 City Secretary: The City Secretary shall attend all meetings of the Council, unless excused, whereby the Acting City Secretary shall attend. The City Secretary shall keep the official minutes, Ordinances and Resolutions, and perform such other duties as may be requested by the Council.

2.9 Officers and Employees: Any officer or employee of the City, when requested by the City Manager, shall attend any meetings of the Council. If requested to do so by the City Manager, they may present information relating to matters before the City Council.

2.10 Rules of Order: These rules govern the proceedings of the Council in all cases, and where such rules are silent, Sturgis Standard Code of Parliamentary Procedure shall govern.

2.11 Suspension of Rules: Any provision of these rules not governed by Statute, City Charter or Code may be temporarily suspended by a majority vote of all members of the Council. The vote on any such suspension shall be taken by yeas and noes and entered upon the record.

2.12 Amendment or 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.

### 3. CODE OF CONDUCT

#### 3.1 Council Members

(a) During Council meetings, Council members shall preserve order and decorum and shall neither by conversation or otherwise, delay or interrupt the proceedings nor refuse to comply with the requests of the Mayor or the rules of the Council.

(b) A Councilmember, once recognized, shall not be interrupted while speaking unless called to order by the Mayor, unless a point of order is raised by another member or the speaker chooses to yield to questions from another member. If a Councilmember is called to order while speaking, he or she shall cease speaking immediately until the question of order is determined. If ruled to be in order, he or she shall be permitted to proceed. If ruled not to be in order, he or she shall remain silent or alter his or her remarks so as to comply with rules of the Council.

#### 3.2 Administrative Staff

(a) Members of the administrative staff and employees of the City shall observe the same rules of procedure and decorum applicable to members of the Council, and shall have no voice unless and until recognized by the Chair.

(b) While the Mayor shall have the authority to preserve decorum in meetings as far as staff members and City employees are concerned, the City Manager also shall be responsible for the orderly conduct and decorum of all City employees under his or her direction and control.

(c) The City Manager shall take such disciplinary action as may be necessary to insure that such decorum is preserved at all times by City employees in Council meetings.

(d) No staff member, other than a staff member having the floor, shall enter into any discussion either directly or indirectly without permission of the Mayor.

### 3.3 Citizens

(a) Citizens are welcome and invited to attend all meetings of the Council, and will be admitted to the Council Chamber up to the fire safety capacity of the room.

(b) Citizens attending Council meetings shall observe the same rules of propriety, decorum, and good conduct applicable to the administrative staff. Any person making personal, impertinent or slanderous remarks or becomes boisterous while addressing the Council or attending the Council meeting shall leave the room if so directed by the Mayor, and such person shall be barred from further audience before the Council during that session of the Council.

(c) Unauthorized remarks from the audience, stamping of feet, whistles, yells, and similar demonstrations shall not be permitted by the Mayor, who shall direct such offenders to leave the room. Aggravated cases shall be prosecuted on appropriate complaint signed by the Mayor. In case the Mayor shall fail to act, any member of the Council may move to require him to act to enforce the rules, and the affirmative vote of the majority of the Council shall require the Mayor to act.

3.4 Enforcement: The City Manager shall furnish whatever assistance is needed to enforce the rules of decorum herein established.

## 4. TYPES OF MEETINGS

4.1 Regular Meetings: The Council shall meet in regular session at 9:00 a.m. on the second and fourth Thursdays each month, except during the months of November and December, when the Council shall meet on the first and third Thursdays. The Council may meet at such other times deemed necessary by oral resolution of the Council but no less than twice each month, which regular meetings shall be at least one week apart. All regular meetings of the Council will be held at the City Hall or such places as will permit the attendance of the general public.

4.2 Special Meetings: Special Meetings may be called at any time by the City Secretary upon written request of any three members of the Council or the Mayor [Charter, Sec. 16] The City Secretary shall notify news media of the time and place of all special meetings, prior to such meetings. (Charter, Art. II, Sec. 16)

4.3 Emergency Meetings: In case of emergency or urgent public necessity, which shall be expressed in the notice of the meeting, an emergency meeting may be called by the Mayor, or by three members of the Council, and it shall be sufficient if the notice is posted two hours before the meeting is convened. [Article 6252-17, Section 3A(h) V.T.C.S.]

4.4 Executive Meetings: The Council may meet in an executive meeting or session pursuant to the requirements of the Texas Open Meetings Law. [Article 6252-17, Section 2, V.T.C.S.]

4.5 Pre-Council Briefing and Work Sessions: Work session meetings are scheduled from 8:30 a.m. to 9:00 a.m., twice each month, prior to regular City Council meetings for briefing, discussion of agenda items, and possible Council action.

4.6 Notice of Meetings: The Agenda for all City Council meetings shall be posted by the City Secretary on the City's official bulletin board and notice of all meetings shall be given by the City Secretary pursuant to the requirements of the Texas Open Meetings Law. [Article 6252-17, V.T.C.S.]

## 5. CHAIRMAN AND DUTIES

5.1 Chairman: the Mayor shall preside as Chairman at all meetings of the Council. During the absence or disability of the Mayor, his or her duties shall be performed by another member appointed by the Council, who shall be known as Mayor Pro-Tem. In the absence of both the Mayor and the Mayor Pro-Tem, the Council shall elect a temporary Chairman.

5.2 Call to Order: The meetings of the Council shall be called to order by the Mayor, or in the Mayor's 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 Manager, and a temporary Presiding Officer shall be elected as provided above.

5.3 Preservation of Order: The Mayor shall preserve order and decorum, and confine members in debate to the question under discussion. The Chairman may call upon law enforcement officials as necessary to enforce compliance with the rules contained herein.

5.4 Points of Order: The Mayor 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?". If a majority of the members present vote "No", the ruling of the Mayor is overruled; otherwise, it is sustained.

5.5 Questions to be Stated: The Mayor shall state all questions submitted for a vote and announce the result.

5.6 Call for Recess: The Mayor may call for a recess at regular intervals at appropriate points in the meeting agenda, or if requested by any two members.

## 6. ORDER OF BUSINESS

6.1 Setting of Agenda: The order of business of each meeting shall be as contained in the Agenda prepared by the City Manager. In the interest of time and efficiency, the City Manager may postpone items in an effort to hold an agenda to a reasonable length, and the person requesting the deleted agenda item shall be notified. No agenda item may be postponed longer than two regular Council meetings unless further postponement is with the consent of the person requesting such agenda item. The Agenda shall be a listing by topic and item number of subjects to be considered by the Council in the order established on a printed and posted agenda unless the order of business

is changed by the City Council during its meeting. Conduct of business at Special and Emergency Meetings will likewise be governed by an agenda and rules of procedure contained herein.

If a citizen wishes to appear before the Abilene City Council on a subject matter appropriate for the City Council to consider at a public Council meeting, the request must first be submitted to the Mayor or a Councilmember and then the following steps must be followed:

1. Prepare a written request addressed to:

City Secretary  
City of Abilene  
P.O. Box 60  
Abilene, Texas, 79604

The request should contain at least the following information:

- a. Date request is made.
  - b. Description of subject to be presented at the meeting.
  - c. Approximate time period the presentation will take.
  - d. Date of City Council meeting at which the individual would like to present the subject.
  - e. Signature of individual making the request, printed name, address and phone number.
2. Written request must be received by the City Secretary at least eight (8) calendar days prior to the Council meeting at which the individual chooses to appear.
  3. The City Secretary will forward the written request to the Mayor for approval.
    - a. If the request is APPROVED, the individual making the request will be notified of approval and informed of the City Council meeting date and time at which the subject item will be considered.
    - b. If the request is DENIED, the individual making the request will be notified of denial.

Any member of the Council may request an item be placed on the agenda. The City Manager shall be notified of the request at least eight (8) calendar days prior to the City Council meeting at which the item is to appear. It shall be noted on the agenda the name of the Councilmember who requested the item.

6.2 Division into Regular and Consent Agendas: The City Manager shall divide the order of business into a Regular Agenda and a Consent Agenda. The consent agenda shall contain routine, non-controversial items that require Council action but need little or no Council deliberation.

6.3 Manner of Addressing Council Other Than Scheduled Public Hearing; Time Limit: No person may address the Council about a subject not on the agenda. Each person desiring to address the Council concerning a subject on the agenda not designated for public hearing must obtain a Citizen Participation pamphlet from the City Secretary's office, complete the request as outlined in the pamphlet and submit it to the City Secretary prior to completion of the discussion of that subject by the Council. Permission to speak on the subject may be granted by the Mayor, with the consent of the Council. Each person addressing the Council shall step up before the Council, give

their name and address in an audible tone of voice for the records and shall be limited to five (5) minutes. Any time spent answering questions posed by the mayor or Councilmembers shall not be counted. Additional time may be granted by the mayor, with consent of the Council, if a request for additional time has been received prior to consideration of that item on the agenda. The mayor or Council upon motion may limit the total time of discussion from the floor on any question. No person, other than the Council and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the Council, without permission of the presiding officer. No question shall be asked a Councilmember except through the presiding officer.

6.4 Public Hearings: The purpose of a public hearing is to present evidence on both sides of an issue. State and federal statutes, city ordinances, and charter provisions specifically require public hearings to be held prior to certain actions being taken by the governing body. It is the responsibility of the initiating city department (under advice from the legal staff) to know when legislation requires a public hearing to be set and the proposed date of said public hearing [Charter, Sec. 18]. The City Council shall call a public hearing before the final passage of any ordinance if required by State law, this Charter, or by ordinance enacted thereunder, and may call a public hearing before the final passage of any ordinance if such hearing is deemed to be in the public interest; notice shall be given by publication in the official newspaper of the City at least 24 hours prior to the time of such hearing. When a public hearing is scheduled it is the responsibility of the initiating department to mail any required notices to property owners or to any other individual required to receive notification. Additionally, it is the responsibility of the initiating department to place the ad in the appropriate newspaper as required by State law, the Charter, or by the ordinance enacted thereunder, unless the City Secretary is notified otherwise. At the start of the public hearing the presiding officer shall clearly state the subject to be discussed. If the subject is controversial, the following order shall be followed: proponent's presentation; opponents' presentation; proponents' rebuttal; opponents' rebuttal; questions from Council. If the City Council cannot make a decision on the issue immediately, the presiding officer shall describe the reason that no decision will be made at that time and indicate when a decision will be reached. When a decision is announced on an issue, the presiding officer shall give reasons for the decision.

7. CONSIDERATION OF MATTERS ON CONSENT AGENDA

7.1 Movement of Item from Consent Agenda to Regular Agenda: At the request of any individual Councilmember or citizen an item shall be removed from the consent agenda and placed upon the regular agenda for debate.

8. CONSIDERATION OF ORDINANCES, RESOLUTIONS AND MOTIONS ON REGULAR AGENDA:

8.1 Printed or Typewritten Form: All ordinances shall be presented to the Council only in printed form. Resolutions shall be presented to the Council in printed or oral form.

8.2 City Attorney to Approve: All ordinances, written resolutions, contracts and amendments thereto, on which legal certification is required, shall be approved as to form and legality by the City Attorney.

8.3 Recording of Votes: Upon consideration for passage of any ordinance, resolution or motion, the City Secretary shall call roll of the Council and record votes which constitutes public record. [Charter, Section 18]

8.4 Majority Vote Required: An affirmative vote of four (4) members is necessary to adopt or repeal any ordinance or resolution or take official action in the name of the City, except as otherwise provided in the Charter or by the laws of the State of Texas. [Charter, Section 18]

8.5 Personal Privilege: The right of a member to address the Council on a question of personal privilege shall be limited to cases in which his or her integrity, character, or motives are assailed, questioned, or impugned.

8.6 Dissents and Protests: Any member shall have the right to express dissent from or protest against any ordinance or resolution of the Council and have the reason entered upon the minutes. Such dissent or protest must be filed in writing and presented to the Council no later than the next regular meeting following date of passage of the ordinance or resolution objected to.

8.7 Voting Required: No member shall be excused from voting except on matters involving consideration of his own official conduct, or where his or her financial interest is involved or if the appearance of impropriety exists, and in these instances shall abstain. Any member prohibited from voting by financial interest shall announce at the commencement of consideration of the matter that he is abstaining from voting and shall not enter into discussion or debate on any such matter. The member having briefly stated the reason for his request, the excuse from voting shall be made without debate.

8.8 Order of Precedence of Motions: The following motions shall have priority in the order indicated:

Privileged Motions: (A motion not related to the pending business but of such urgency that it should be allowed to interrupt pending business, to be decided generally without discussion.)

1. Adjourn (when privileged)
2. Take a recess (when privileged)
3. Question of privilege

Subsidiary Motions (A motion changing the main motion, disposing of it, or aiding in consideration of either a main motion or another motion)

4. Postpone temporarily (or table)
5. Close debate
6. Limit debate
7. Refer to committee
8. Amend
9. Postpone indefinitely

Main Motions (A motion bringing business before the assembly)

10. Main motion

8.9 Extent of Debate on Motions:

1. Motions that are fully debatable
  - a. Main Motions

- b. To Rescind
  - c. To Amend (unless applied to an undebatable motion).
  - d. To Appeal
2. Motions that are debatable with restrictions
- a. To recess
  - b. To postpone indefinitely
  - c. To refer to a committee
  - d. To limit debate
  - e. to reconsider

All other motions are not debatable and must be put to a vote immediately.

It is the duty of the presiding officer to keep the subject clearly before the member, rule out irrelevant discussion, restate the question whenever necessary, and keep discussion within reasonable time limits.

8.10 Reconsideration: A motion to reconsider any action of the Council can be made at the same meeting at which the action was taken. Such a motion can be made only by a member who voted with the majority, but it can be seconded by any member. It can be acted on only at the same meeting or the next regular meeting; if not acted on, it is dead.

8.11 Lay on the Table: When a motion to Lay on the Table is adopted, a motion to Take from the Table may be made and acted on only at the same meeting or the next regular meeting. If not taken from the table at one of these two meetings, the main motion under consideration has been neither adopted nor rejected, and may be reintroduced at any subsequent meeting at which it is on the agenda.

8.12 The Previous Question: When the previous question is moved and seconded, the chair shall state "The previous question has been moved and seconded. If passed this motion would require that we close debate and vote immediately on the pending motion. All in favor of closing debate, please indicate by raising your right hand." If the motion for the previous question is lost, the main question remains before the Council. An affirmative vote of five-sevenths (5/7) of the Council shall be required to move the previous question.

8.13 Withdrawal of Motions: A motion may be withdrawn, or modified, by its mover without asking permission until the motion has been stated by the Chairman. If the mover modifies his motion, the seconder may withdraw his second. After the question has been stated, the mover shall neither withdraw it nor modify it without the consent of the Council.

8.14 Amendments to Motions: No motion or proposition of a subject different from that under consideration shall be admitted under color of 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.

## 9. CREATION OF TASK FORCES, BOARDS AND COMMISSIONS

9.1 Task Forces: The Council may, as the need arises, authorize the appointment of "ad hoc" Task Forces. Any committee 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.



9.2 Citizen Boards, Commissions, and Committees: The Council may create other Boards, Commissions and Committees to assist in the conduct of the operation of City government with such duties as the Council may specify not inconsistent with City Charter or Code. Memberships and selection of members shall be as provided by the Council if not specified by City Charter or Code. Any Boards, Commissions, or Committees 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 appointed shall have powers other than advisory to the Council or to the City Manager, except as otherwise specified by Charter, Code, or Statute.

## 10. VOTES REQUIRED

Some questions on which the voting requirements is varied by Charter, State Statutes and these rules are listed below:

### 10.1 Charter and State Statutory Requirements

(a) Charter Amendment -- Five Votes: Ordinances submitting proposed Charter amendments must be adopted by a two-thirds (2/3) vote of the Council. [Article XI, Section 3, Texas Constitution and Article 1165, Revised Civil Statutes]. For a seven-member Council, this means a five-sevenths (5/7) affirmative vote of all the members is required.

(b) Levying Taxes -- Five Votes: Ordinances providing for the assessment and collection of taxes require the approval of two-thirds (2/3) of the members of the Council. [Article 1033, Revised Civil Statutes]

(c) Changing Paving Assessment Plans -- Five Votes: Changes in plans for paving assessment require a two-thirds (2/3) vote of the Council. [Article 1105b, Section 10, Revised Civil Statutes]

(d) Protested Changes in Zoning Ordinance: Changes in Zoning Classifications, where a hearing is held by the Council and such change is protested by owners of twenty percent (20%) or more of the area of the land included in or immediately adjoining the same and extending 200 feet from the proposed change, must have the approval of three-fourths (3/4) of the members of the Council (six members). [Article 1011e, Revised Civil Statutes]

## 11. RULES SUSPENSION OR AMENDMENT

11.1 Suspension of Rules: Any provision of these rules not governed by City Charter or Code may be temporarily suspended by a majority vote of the Council. The vote on any suspension shall be taken by yeas and noes and entered upon the records.

11.2 Amendment of Rules: These rules may be amended, or new rules adopted, by a majority vote of members of the Council, provided that the proposed amendments or new rules shall have been introduced into the record at a prior Council meeting.

## 12. SEVERABILITY

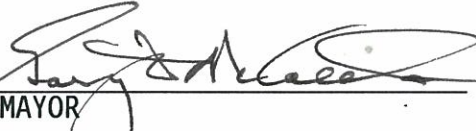
If any section, subsection, paragraph, sentence, clause, phrase or word in this resolution or application thereof to any person or circumstances is held invalid by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this resolution, and the City Council of the City of Abilene, Texas hereby declares it would have enacted such remaining portions despite any such invalidity.

PART 2: This resolution shall take effect immediately from and after its passage.

ADOPTED THIS THE 7 DAY OF Nov., 1991.

ATTEST:

  
CITY SECRETARY

  
MAYOR

APPROVED:

  
CITY ATTORNEY