

RESOLUTION NO. 05-2021

A RESOLUTION OF THE CITY COUNCIL, CITY OF ABILENE, TEXAS, ADOPTING, ESTABLISHING AND CONFIRMING CERTAIN DEPARTMENTS AND OTHER ADMINISTRATIVE ORGANIZATIONAL UNITS, AND COUNCIL POLICIES AND RULES OF PROCEDURE

WHEREAS, Section 53 of the City Charter authorizes the City Council to create such administrative departments; and

WHEREAS, Section 10 of the City Charter authorizes the City Council to determine all matters of policy, which are expressly or by implication conferred on or possessed by the City; provided, however, that the Council shall have no authority to exercise those powers which are expressly conferred upon City officers by the City Charter; and

WHEREAS, Section 48 of the City Charter authorizes the City Manager to direct and supervise the administration of all functions of the City and of its departments;

WHEREAS, Section 17 of the City Charter authorizes the City Council by resolution to determine its own rules and order of business; and

WHEREAS, the City Council has previously adopted its Rules of Procedure, as amended, by resolution, and have adopted certain Council policies by resolution; and

WHEREAS, the City Manager has adopted certain administrative policies; and

WHEREAS, the City Council and City Manager seek to incorporate the policies, rules of procedure, and governing principles into one document.

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

- Part 1.** That the Governing Principles, Rules of Procedures, and Council Policies, set forth in the attached Exhibit A, are hereby adopted and approved.
- Part 2.** That any prior resolutions which adopted Council rules of procedure or Council policies, are hereby rescinded and replaced by this Resolution and the attached Governing Principles, Rules of Procedure, and Council Policies.
- Part 3.** That any City of Abilene Charter provisions or Ordinance, which conflict with the attached Governing Principles, Rules of Procedure, and Council Policies, shall take precedence.
- Part 4.** That this Resolution is effective immediately upon adoption.

ADOPTED AND APPROVED this 14th day of January, 2021.

ATTEST:



Shawna Atkinson, City Secretary



Anthony Williams, Mayor

APPROVED:



Stanley Smith, City Attorney





***Governing Principles, Rules of
Procedures, and Council Policies***

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Article 1 – Governing Principles

It is the policy of the City of Abilene, Texas that the core purpose and core values as stated in this Article of Governing Principles shall govern our actions as an organization and color our discussions as policy makers. Moreover, the programs and services provided by the City shall be done in a manner that furthers the actualization of our Strategic Goals and Priorities within the context of our Core Purpose and Core Values.

1.1 Core Purpose

1.1.1 We work together to build and maintain a community of the highest quality for present and future generations.

1.2 Core Values

1.2.1 RESPECT – demonstrating through our actions that we hold ourselves and our citizens in high enough regard to do what we say we will do, in the timeframe we commit to; recognizing that everyone has dignity and deserves helpful, courteous and prompt attention; consistently doing what is necessary, expected and required, and when able to do so, exceeding expectations.

1.2.2 INTEGRITY – possessing an unwavering commitment to doing the right things right; consistently adhering to high professional and ethical standards; keeping commitments to our citizens, co-workers and others.

1.2.3 SERVICE ABOVE SELF – being open and approachable to council members, citizens and our fellow employees at all times; treating our customers like we would like to be treated; fostering a servant’s heart in ourselves and each other by conscientiously doing what is best for the community in all cases; passionately committed to serving others; helping to make our citizens lives better; finding ways to say yes.

1.2.4 EXCELLENCE IN ALL WE DO – delivering on promises made, taking personal responsibility for achieving community minded goals; leading by example, recognizing the importance of working together to meet everyone’s needs, treating everyone with dignity, courtesy and respect; sharing resources and information freely; communicating regularly and

honestly with council members, citizens and employees; having a can do attitude.

1.3 Council Strategic Goals and Priorities

1.3.1 The City of Abilene practices effective governance.

1.3.2 The City of Abilene exercises sound financial discipline.

1.3.3 The City of Abilene enjoys a high quality of life.

1.3.4 The City of Abilene is known for well-maintained and reliable municipal infrastructure.

1.3.5 The City of Abilene consistently provides excellent service.

1.3.6 The City of Abilene encourages economic growth.

1.3.7 The City of Abilene actively fosters and seeks an engaged community.

1.4 Organizational Vision

1.4.1 Within thirty (30) years, the City of Abilene will be known as a thriving, national leader that other communities strive to be like, and where people consciously decide to live and locate their businesses. It will be a beautiful City, with quality, well maintained housing for all income levels, and well maintained municipal infrastructure. It will serve as a regional employment center and provide a rich and varied shopping experience. It will be a community that offers regionally renowned parks and recreation facilities and it will be well known for enjoying an excellent quality of life.

1.5 Relationship between Council, City Manager, Staff and Public

1.5.1 The City Council is a Policy Making Body

The City Council of the City of Abilene, Texas is primarily a policy-making or legislative body. It does not exercise management authority over the operations of the City, but hires a City Manager to perform day to day management functions as the City's Chief Executive. Council Members shall not direct the work of employees of the City of Abilene. The City

Council as a whole directs the work of those employees given them to do so in the City Charter, namely the City Manager, City Attorney, City Secretary and the Municipal Judge.

1.5.2 The City Manager and the City Council have Separate and Unique Roles
The City Manager is the City's Chief Executive Officer and exercises managerial control over the City's operations. The City Manager may establish administrative policy through the form of an administrative directive and may recommend legislative policy, but the City Manager is not a legislative policy maker and should defer legislative policy decisions to the City Council.

1.5.3 Performance Driven Management
The City of Abilene strives to be a high performance organization; the City Council evaluates the City Manager, the City Attorney, the City Secretary and the Municipal Judge. The City Manager evaluates all other employees free from Council influence. The City gauges the performance of its various services through a system of performance measures that are tied to the Council's Strategic Goals and Priorities. The City Manager should ensure the City uses a performance management system that measures the City's effectiveness in achieving the City's Strategic Goals and Priorities.

1.5.4 Service Above Self, our first and foremost Core Value
The City of Abilene exists to serve our citizens. In our dealings with our citizens we should go out of our way to be courteous, and responsive in so far as administrative policy and sound business decisions allow. We cannot be all things to all people, but we should find ways to say yes when asked to assist the citizens and businesses of the City of Abilene. If it's legal, ethical and the right thing to do, just do it.

1.5.5 Citizen Concerns shall be communicated to necessary parties and responded to in a fair and consistent manner
Citizen concerns received by the Council directly shall be communicated to the City Manager's Office so that a response can be coordinated and the citizen's concern can be addressed in the most efficient manner possible. Citizen concerns received in the City Manager's Office and addressed to Council Members, will be communicated to the Council as a

whole and the City Manager will coordinate a response that resolves the citizen's concern in the most efficient manner possible, or the City Manager shall provide the Council with the necessary information to respond to the citizen for concerns that do not require action, but information only.

1.5.6 Council requests for information

Council Members should make requests for information on City programs, activities or policies directly to the City Manager. The City Manager may answer the question or refer the question to the appropriate Director. Any direction of *work*, request for work or change to established practice that may be desired as a result of the request for information shall be brought to the City Manager for consideration and action as appropriate.

1.6 Ethics Training (Council Policy Statement 2017-002 - Adopted 07/13/2017)

1.6.1 Purpose

The purpose of this policy is to provide for orientation and annual ethics training for the members of the City Council in order to be in compliance with the 43 Texas Administrative Code Section 10.51 requirements.

Pursuant to 43 TAC Section 31.39, subrecipients receiving state or federal public transportation funds from or through the Texas Department of Transportation (TXDOT) must have adopted an internal ethics and compliance program that satisfies the requirements of 43 TAC Section 10.51.

1.6.2 Policy

Newly elected members of the Abilene City Council shall receive ethics training as part of their orientation training.

Additionally, all members of the Abilene City Council shall receive annual ethics training and the requirements of the City's internal compliance program. Ethics training shall include the topics of conflicts of interest, bribery, gifts, unjust benefit, abuse of office, and nepotism. Such ethics training shall be conducted by the City Attorney and may be presented by oral presentation or written material.

Article II – Rules of Procedure

Article II, Section 17 of the City Charter of the City of Abilene, Texas grants the City Council the right to determine its own rules of procedure; the following rules are enumerated under and authority of said provision.

2.1 Construction of Authority

2.1.1 The construction of authority in all matters associated with the meetings and activities of the City Council, including the Agenda, shall be: (1) the U.S. Constitution and statues of the United States of America; (2) The Texas Constitution and statues of the State of Texas; (3) the City Charter; (4) the Code of Ordinances of the City of Abilene, Texas; and, (5) these Rules.

2.2 Purpose of Parliamentary Procedure

2.2.1 The purpose of these rules of parliamentary procedure is to establish orderly conduct of the meetings. Simple rules lead to a wider understanding and participation. Complex rules create two classes: (1) those who understand the rules, and (2) those who do not fully understand and therefore, do not fully participate. The ultimate purpose of these rules of parliamentary procedure is to encourage and facilitate decision-making by the City Council. In a democracy, the majority opinion carries the day. These rules enable the majority to express their opinion and fashion a result, while permitting the minority to also express itself (but not dominate) and fully participate in the process.

2.3 Meetings Shall be Public

2.3.1 Except as otherwise allowed by law, all meetings of the City Council shall be public, and notices thereof shall be posted as provided under the Texas Government Code, Chapter 551, Open Meetings Act. Except in the case of an emergency meeting, notice of all meetings shall be given at least 72 hours before the time set for any meeting. (Charter § 16)

2.4 Conduct of Meetings

2.4.1 Meetings of the City Council shall be conducted in accordance with the Rules adopted by the City Council as set forth herein, and as may be amended from time to time.

2.5 Council Meetings

2.5.1 For the months of January, February, March, April, May, June, July, August, and September, the Regular Meetings of the City Council shall be on the second and fourth Thursday of each month. For the month of October, Regular meetings will be either the first and third Thursday of the month, or the second and fourth Thursday of the month, depending on the meeting date of the Texas Municipal League's Annual Meeting. The meeting dates for October shall be announced no later than the last meeting in September. For the months of November and December, the Regular Meetings of the City Council shall be on the first and third Thursdays of each month. The first regular meeting of the month shall begin at 8:30 AM, and the second regular meeting of the month shall begin at 4:30 PM for the purposes of holding executive session, and shall reconvene into open session at 5:30 PM for regular business. (Charter § 16)2.5.2 Meetings shall be held at City Hall unless another convenient place within the City is designated by the meeting agenda. (Charter § 16)

2.5.3 Special meetings may be called by the City Secretary upon written request of the Mayor, or any three members of the City Council. (Charter § 16) For purposes of administrative feasibility, the City Council specifically grants the City Manager authority to call a special called meeting when necessary through the adoption of these *Rules*.

2.5.4 In case of an emergency or urgent public necessity, which shall be expressed in the meeting notice, it shall be sufficient if members receive, and public notice is posted at least two (2) hours before the meeting is convened. Notice shall be provided also to the media in accordance with the Texas Government Code, Section 551.047.

2.5.5 The City Council may move a regular meeting date from a regularly scheduled meeting date expressed in Section 2.5.1 above, to an alternative meeting date upon the affirmative vote of four members or more, and by providing reasonable notice.

2.5.6 There is hereby established, as a part of every agenda for Regular Called Meetings of the City Council, a Public Comment category to allow commentary from any interested citizens in attendance at said meeting(s).

2.6 Workshop Sessions

2.6.1 Workshop Sessions are special meetings called for the purpose of conducting a detailed and thorough exploration of matters that may properly come before the City Council.

2.6.2 Workshop Sessions may be held at such times as may be convenient and necessary, and shall be scheduled in accordance with Section 2.5.3 of these Rules.

2.7 Executive Sessions (Closed Sessions)

2.7.1 Executive Sessions are closed to the public. They are only permitted for the purpose of discussing matters enumerated in Chapter 551, Open Meetings Act of the Texas Government Code. Notice of topics to be discussed during executive sessions shall be made known to the public in accordance with the requirements of the Open Meetings Act.

2.7.2 The City Council may retire into an executive session as stated on a posted agenda during a regular or special meeting, or if a motion is duly made and seconded and affirmed by a majority of the Council. However, before said session begins, the Presiding Officer shall announce that the executive session is commencing. The order in which an executive session may appear on the agenda is subject to the discretion of the City Council. A certified record of the meeting will be created by the Presiding Officer or his or her designee, sealed and permanently kept, subject to opening by Court order. No voting or action shall be taken by the City Council during an executive session. No other subject but that posted on the agenda is to be considered. Adjournment of the executive session and any vote needed shall be made during an open public meeting.

2.7.3 Items discussed in Executive Session are to remain private and confidential. Except as provided by law, no Council Member, staff member or legal counsel may discuss or reveal the proceedings of an Executive Session to persons not present during the Executive Session. In the event an elected official is absent from the Executive Session the Presiding Officer, the City Manager or the City Attorney may brief the elected official who was absent from the meeting on the discussion.

2.7.4 Additionally, the certified agenda or recording of the Executive Session is confidential, and no persons may disclose to a member of the public the certified agenda or recording of the Executive Session, except as provided by law. Section 551.146 of the Texas Government Code makes such an act a Class B Misdemeanor and opens the person who reveals such information personally liable for any damages resulting from such action.

2.8 Recessed Meetings

2.8.1 No meeting shall be recessed for a longer period of time than until the next regular meeting except when required information has not been

received, or, in the case of workshops or special meetings, to a date certain by motion duly passed.

2.9 Quorum

2.9.1 Four or more members of the Council shall constitute a quorum for all meetings for the transaction of all business. (Charter § 17)

2.10 Presiding Officer

2.10.1 The Mayor shall serve as the Presiding Officer for all meetings of the City Council. In the absence of the Mayor, the Mayor Pro Tem shall serve as the Presiding Officer. In the absence of the Mayor Pro Tem, the Deputy Mayor Pro Tem shall serve as the Presiding Officer. In the absence of the Mayor, the Mayor Pro Tem and the Deputy Mayor Pro Tem, the City Secretary shall call the meeting to order if a quorum of the Council is present and the first order of business shall be for Council to elect by majority vote, a temporary Presiding Officer from the members then seated and in attendance. The temporary Presiding Officer shall serve in such capacity until the meeting is adjourned, or until the Presiding Officer, the Mayor Pro Tem, or the Deputy Mayor Pro Tem is present at the meeting, whichever occurs first.

2.10.2 The Presiding Officer shall serve as the chair of all meetings and shall make final rulings on all questions pertaining to these rules. All decisions of the Presiding Officer are final unless overruled by the City Council through a Motion to Appeal as described in Section 2.18 – Courtesy, Decorum and Order of these *Rules*.

2.10.3 The Presiding Officer is entitled to participate in the discussion and debate, and is entitled to vote on all business before the City Council. Because the Presiding Officer conducts the meeting, it is common courtesy and custom for the chair to take a less active role than other members of the Council in debates and discussions. This practice in no way precludes the Presiding Officer from participating in the meeting fully and freely

2.11 Minutes of Meetings

2.11.1 The City Secretary shall keep an account of all proceedings of the City Council and they shall be open to public inspection in accordance with the laws of the State of Texas. (Charter § 15)

2.12 Suspension and Amendment of Rules

2.12.1 Any provisions of these *Rules* not governed by federal, state law or the City Charter may be temporarily suspended by a super majority vote of the City Council and may be amended in a similar fashion if such amendment was introduced at the previous regular meeting of the City Council and shall have received preliminary approval of the City Council at such meeting. For the purpose of this section, preliminary approval shall mean a motion and a second with a majority vote to approve the amendment preliminarily.

2.13 Agenda

2.13.1 The City Manager and the City Secretary shall prepare an agenda and cause the same to be posted at least 72 hours prior to the meeting. Agendas shall be delivered to the City Council on or before 6:00 PM of the day of the posting, or within such other times as established by the City Council from time to time. In the event of an emergency meeting of the City Council, this provision shall be suspended when not inconsistent with the provisions of federal or state law, or the City Charter.

2.13.2 In order to facilitate the agenda process, the City Manager is responsible for placing items on the agenda. A written request from the Mayor or any member of the Council shall cause the City Manager to place an item on the agenda for Council consideration. The Council Member requesting the item shall be identified in the agenda item heading for the requested item. Staff assistance, if required, should be requested through the City Manager (Charter § 13). If a Council requested agenda topic does not allow for staff to adequately prepare information for Council's consideration, the item shall be postponed by the City Manager until the next Regular Meeting, or until such time as mutually agreed.

2.14 Consent Agenda

2.14.1 There is hereby established, as a part of every agenda for Regular and/or Special Called Meetings of the City Council, a portion of said agenda that shall be labeled "Consent Agenda." Said Consent Agenda may consist of any and all business regularly coming before the City Council.

2.14.2 All items set out in the Consent Agenda shall be deemed passed upon passage of an affirmative motion, by a vote of at least four of the members of the City Council then seated, that the Consent Agenda be adopted. No further action shall be deemed necessary, and all such items appearing on the Consent Agenda, upon passage of such motion, shall be deemed adopted as if voted upon separately and as if the caption and/or body of any ordinance therein set out shall have been read in full.

2.14.3 Any member of the City Council or a citizen may request, that an item be removed from the Consent Agenda and considered separately. Such request shall be honored as if it had been passed by majority vote.

2.15 Model Format for an Agenda Item Discussion

2.15.1 The following ten steps can be used as a model or guidebook by the Presiding Officer. The meeting is governed by the agenda and the agenda constitutes the only items to be discussed. Each agenda item can be handled by the Presiding Officer in the following basic format:

- (a) **Announce the Item.** The Presiding Officer should clearly announce the agenda item number, and should clearly state the subject matter of the agenda item by reading the caption for the item being considered.
- (b) **Receive a Report.** The Presiding Officer should invite the appropriate people to report on the item, including any recommendations they might have.
- (c) **Ask Clarifying Questions.** The Presiding Officer should ask the Council Members if they have any technical questions for clarification. At this point, members of the City Council may ask clarifying questions to the people who reported on the item, and those people should be given time to respond.
- (d) **Get Citizen Input.** The Presiding Officer may invite citizen comments – or if a public hearing, shall open the public hearing. Upon conclusion, the Presiding Officer should announce that public input is closed, or if a public hearing, close the public hearing. Unless the item requires a public hearing, no public input is required.
- (e) **Discussion.** The Presiding Officer should now invite the members of the City Council to discuss the item. If there is no desired discussion, the Presiding Officer may call for a motion.
- (f) **Motion First.** The Presiding Officer should invite a motion from the City Council after the initial discussion is concluded. The Presiding Officer should announce the name of the member who makes the motion.
- (g) **Motion Second.** The Presiding Officer should determine if any member of the City Council wishes to second the motion. The Presiding Officer should announce the name of the member who seconds the motion.
- (h) **Repeat Motion.** If the motion is made and seconded, the Presiding Officer should make certain that everyone (including the audience) understands the motion. This is done in three ways:

- (1) The Presiding Officer may ask the maker of the motion to repeat it;
 - (2) The Presiding Officer can repeat the motion; and/or
 - (3) The Presiding Officer can ask the City Secretary to repeat the motion.
- (i) **Discuss the Motion.** The Presiding Officer should now invite the members of the City Council to discuss the motion. If there is no desired discussion, the Presiding Officer may call for a vote. If there has been no discussion or a brief discussion, then there is no need to repeat the motion before taking a vote. If the discussion has been lengthy, The Presiding Officer should repeat the motion before calling for the vote.
- (j) **Vote.** The Presiding Officer calls for the vote. Unless a super-majority is required for passage of the motion, an affirmative vote of at least four (4) members is required for any motion to pass (Charter §18). Unless a member of the Council abstains from discussing and voting on any question where the discussion and vote would constitute a conflict of interest, all members of the Council, including the Mayor, should vote upon every question, ordinance or resolution. For the purposes of these *Rules* a vote is properly made if it is cast *for the motion*, or *against the motion*. A member may properly abstain from voting on the motion if they choose to do so.
- (1) Upon consideration for passage of any ordinance, resolution, or motion, the City Secretary shall call the roll of the Council and record the voters, which record of votes shall constitute a public record. (Charter § 18)
 - (2) Ordinances changing the zoning of a property that is properly protested by the owners of twenty percent (20%) or more of the area of the lots or land covered by the proposed change, or the area of the lots or land immediately adjoining the area covered by the proposed change and extending two hundred feet (200') from that area, requires a 3/4 super-majority vote, which is an affirmative vote of at least six Council Members.
 - (3) Other votes of the City Council may require a 2/3 or 3/4 majority vote as determined by the statutes of the State of Texas or the ordinance of the City of Abilene.
- (k) **Announce the Outcome.** The City Secretary announces the results of the vote and should also state what action (if any) the Council has taken.

2.16 The Basic Motions

2.16.1 The Basic Motion. The basic motion is the one that puts forward a decision for consideration. A basic motion might be: "I move for approval of the Ordinance as submitted."

2.16.2 Motion to Amend. If a member wants to change a basic motion, he or she would have to motion to amend it. A motion to amend might be: "I move that we amend the motion to include the changes we discussed to the Ordinance." A motion to amend seeks to retain the basic motion on the floor (a motion made and seconded), but to modify it in some way. It requires the agreement of the person making the original motion, and this agreement shall constitute the second required to amend the basic motion. No motion to amend shall be allowed after a motion has been called for a vote.

2.17 Discussion and Debate

2.17.1 The basic rule of motions is that they are subject to discussion and debate. Accordingly, the motion is eligible, for full discussion by and before the City Council. Discussion and debate can continue as long as the members wish to discuss it, or until the Presiding Officer decides to end discussion and call a vote on the motion.

2.17.2 There are exceptions to the general rule of free and open discussion and debate on motions. The exceptions all apply when there is a desire of the Council to move on. The following motions are not debatable, and the Presiding Officer must immediately call a vote on the motion, if seconded by another member. The following motions require an affirmative vote of at least four (4) members.

(a) **Motion to Adjourn.** This motion, if passed, requires the Council to immediately adjourn to its next regularly scheduled meeting.

(b) **Motion to Recess.** This motion, if passed, requires the Council to immediately take a recess. Normally the Presiding Officer will determine the length of the recess which could last for a few minutes to several hours.

(c) **Motion to Fix the Time to Adjourn.** This motion, if passed, requires the Council to adjourn the meeting at the specific time set in the motion. For example, "I move we adjourn this meeting at Midnight."

(d) **Motion to Table.** This motion, if passed, requires discussion of the agenda item to be halted immediately, and the agenda item to be placed on hold. The motion may contain a specific time to bring the item up again, or it may not specify a time. If no time is specified, the item should be placed on the agenda at the following regularly scheduled Council meeting.

- (e) **Motion to Allow Public Comment.** This motion, if passed, requires the Presiding Officer to allow public comment even though a public hearing may not be required under the law.

2.17.3 The following motions require a supermajority vote to pass (3/4 majority). In all cases, a super majority vote consists of at least 6 affirmative votes.

- (a) **Motion to Limit Debate.** This motion is sometimes referred to as, “moving the question” or, “calling the question.” When a member of the Council makes such a motion, the member is saying, “I have had enough discussion, let’s vote on the issue.” When such a motion is made, the Presiding Officer should ask for a second, stop the discussion and vote on the motion to limit debate.
- (b) **Motion to Object to the Consideration of an Item.** This motion, if passed, precludes the City Council from even considering the item on the agenda. It does not preclude the item from appearing on a future agenda.
- (c) **Motion to Suspend the Rules.** This motion is debatable. This motion allows the Council to suspend its own rules for a particular purpose. For example, the Council may desire to give a particular speaker more time than normally allowed. A “motion to suspend the rules and give the speaker ten additional minutes,” accomplishes this desire.

2.17.4 **Motion to Reconsider.** A motion to reconsider requires at least a four (4) member majority vote to pass, but there are two special rules that apply only to the motion to reconsider.

- (a) The first issue involves timing. A motion to reconsider must be made at the meeting where the item was first voted upon or at the very next meeting (if properly noticed and on the posted agenda). A motion to reconsider made at a later time is considered untimely and it may not be considered unless the Council suspends the rules to consider it.
- (b) Secondly, the motion to reconsider can only be made by a member of the Council who voted in the majority on the original motion. The motion to reconsider may be seconded by any member of the City Council regardless of how they voted on the original motion. If a member of the Council who voted in the minority on the original motion cannot make a motion to reconsider, it must be ruled out of order by the Presiding Officer. The purpose of this rule is finality.
- (c) If a motion to reconsider passes, then the original matter is back before the Council, and a new original motion is in order. The matter may be discussed as if it were on the floor for the first time.

2.18 Courtesy, Decorum and Order

2.18.1 These rules of order are meant to promote an atmosphere of courtesy and decorum appropriate for the efficient discussion of business. It is the responsibility of the Presiding Officer (and the members of the City Council) to maintain that atmosphere of courtesy and decorum. The Presiding Officer should always ensure that debate and discussion focus on the item and the policy in question, not on the personalities of the participants of the discussion. In order to assist in the creation and maintenance of that atmosphere the following rules shall govern all meetings:

- (a) **Request to Speak.** Before a Council Member, staff member or an audience member may speak, they must first be recognized by the Presiding Officer. Upon recognition the person requesting to speak shall hold the floor and shall make their point clearly and succinctly.
- (b) **Order.** If a person fails to request to speak before speaking, the Presiding Officer may rule them Out of Order and remind them that they do not have the floor. While the Council is in session, all Council Members should preserve order and decorum. No person or Council Member shall, by conversation or otherwise, delay or interrupt the proceedings or the peace of the meeting, nor disturb any other person or Council Member while speaking or refuse to obey the orders of the Presiding Officer.
- (c) **Improper References Prohibited.** Speakers shall use good manners and refrain from personal attacks and the use of profanity. Speakers shall confine themselves to the question under debate.
- (d) **Interruptions.** A Council Member, once recognized, shall not be interrupted when speaking unless it is to call him or her to order, or other such interruption expressed below (subsections e – through i). If the Council Member, while speaking, is called to order, he or she shall cease speaking until the question of order is determined, and if the Council Member is found to be in order, he or she shall be permitted to proceed speaking.
- (e) **Point of Privilege.** The proper interruption would be: “Point of Privilege.” The Presiding Officer would then ask the interrupter to, “state your point.” Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room might be too hot or cold, or a fan motor might interfere with a Council Members ability to hear.
- (f) **Point of Order.** The proper interruption would be: “Point of Order.” The Presiding Officer would then ask the interrupter to, “state your point.”

Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the Presiding Officer called for a vote on a motion that permits debate, without first allowing any discussion.

- (g) **Motion to Appeal.** If the Presiding Officer makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the Presiding Officer by stating, "motion to appeal." If the motion is seconded and after debate if it passes by a simple majority vote, the ruling of the Presiding Officer is reversed.
- (h) **Call for orders of the day.** This is simply another way of saying, "let's return to the agenda," if a Council Member believes the discussion has strayed from the agenda. The motion does not require a vote. If the Presiding Officer discovers that the discussion has strayed from the agenda, he or she simply returns to the business of the day.
- (i) **Withdraw a Motion.** During the debate and discussion of a motion, the original maker of the motion on the floor, at any time, may interrupt the speaker to withdraw his or her motion. The motion is immediately deemed withdrawn and discussion on the motion shall cease. Council Members are free to make the same motion or another motion.

2.18.2 The City Council is prohibited from using text messages, email, social media posts or other means of electronic messaging during a public meeting except in cases where they are being notified of something of a personal nature. The use of such messaging could constitute a violation of the Texas Open Meetings Act.

2.18.3 In the event a Council Member or the Presiding Officer declares a conflict of interest and files the affidavit required under Local Government Code §171.004, that Council Member shall leave the Council Chambers for the duration of the item. In the event of a conflict of the Presiding Officer, the Mayor Pro Tem or Deputy Mayor Pro Tem shall serve as the Presiding Officer. In the event a majority of the members declare a conflict of interest for the item, they are not required to leave the Council Chambers and may participate in the item as allowed in Local Government Code §171.004 (c).

Exceptions:

- (a) If the conflict exists for a consent agenda item, the member with the conflict of interest is not required to leave the Council Chambers and their vote on the consent agenda items shall only be counted for those items where the member has not filed a conflict.

- (b) If a conflict exists for a member's relative, and the member and the relative are related in the first degree of consanguinity or the first degree of affinity, the member is not required to leave the Council Chambers, but they shall not discuss, provide direction or vote on the item.

2.19 Enforcement of Rules and Procedures

2.19.1 The following provisions may be used to enforce the good order and decorum of the meeting. The action may be taken by the Presiding Officer under his or her own action, or upon a Motion to Enforce by any Council Member.

- (a) **Warning.** The Presiding Officer may order any person (Council Member, staff member or audience member) in violation of these rules to be silent.
- (b) **Removal.** If, after receiving a warning from the Presiding Officer, the person continues to disturb the meeting or breach the peace and good order of the meeting, the Presiding Officer may order the person to leave the meeting. If the person does not leave the room, the Presiding Officer may order the Sergeant-at-Arms to remove the person. A Council member may only be removed from a Council meeting by a majority vote of the City Council. No person may be removed from a meeting merely due to the views or opinions expressed by the person.
- (c) **Sergeant-at-Arms.** The Sergeant-at-Arms shall be the highest ranking police officer in attendance at the Council Meeting, or such other officer designated by the Chief of Police for that purpose. Upon instruction of the Presiding Officer, it shall be the duty of the Sergeant-at-Arms to remove from the meeting any person who intentionally disturbs the proceedings of the City Council. A violation of these rules may be deemed an attempt to disrupt, obstruct, and/or interfere with a lawful meeting and subject the violator to prosecution under state law for disrupting a lawful meeting. (§ 42.05, Texas Penal Code)

- (d) **Motion to Enforce.** Any Council Member may move to require the Presiding Officer to enforce these rules and the affirmative vote of four (4) or more members of the Council shall require the Presiding Officer to do so. A motion to enforce is an allowable interruption and is not debatable.

2.19.2 In the event a Council Member violates the Charter, these *Rules* or any other Ordinance of the City, or acts in a manner that causes embarrassment or disgrace to the City of Abilene, the City Council on supermajority vote may discipline the offending member.

- (a) Such action may only take place after an Executive Session is held to discuss the offense. The offending member shall be present at the Executive Session to answer any questions asked by members of the City Council or make other statements as he or she may desire to make in his or her defense. If the offending member refuses to attend the Executive Session, the remaining members of the City Council may proceed in his or her absence.

- (1) The discipline by the City Council may be as follows, and if required by law, shall be made publicly in Open Session in accordance with the Texas Open Meetings Act:

- (2) **No Action.** The City Council chooses to take no action.

- (3) **Private Censure.** The City Council may choose to privately censure the offending member, leaving their comments to the offending member left in the confines of the Executive Session.

- (4) **Public Censure.** The City Council may choose to publicly censure the offending member through a resolution passed by supermajority vote and entered into the public record.

2.20 Regular Meeting Agenda Order

2.20.1 **Call to Order.** The Presiding Officer shall call the meeting to order.

2.20.2 **Invocation.** The Presiding Officer shall invite a Council Member or another member of the audience to lead the City Council in a prayer.

2.20.3 **Pledge to United States Flag and the Texas Flag.** The Presiding Officer shall announce who will lead the City Council in the pledges of allegiance and the pledges shall be said.

2.20.4 **Presentations, Recognitions, Proclamations and Announcements.** The Presiding Officer shall make any presentation, recognition,

announcement, or deliver any proclamation as may be required from time to time.

2.20.5 Minutes. The Presiding Officer shall ask for a motion to approve or amend the minutes as required. The minutes may be considered as part of the consent agenda rather than as a separate agenda item.

2.20.6 Consent Agenda. Before seeking a motion on the consent agenda, the Presiding Officer shall first ask the Council if any member would like to remove an item from the Consent Agenda and discuss it as an item for individual consideration. The same question will then be asked of any citizen(s) in attendance at the meeting. The remaining items on the consent agenda shall be voted upon before the consideration of any item removed for individual consideration.

2.20.7 Regular Agenda – Ordinances and Public Hearings – Resolutions. This section of the agenda requires each item to be considered individually. If a public hearing is required, the Presiding Officer shall open the public hearing and receive citizen input. While the public hearing is open, Council may ask questions of the speakers, but may not deliberate or argue with the public on the matter at hand. Those speaking at a public hearing are required to follow the rules establish herein for citizen comments. Upon conclusion of citizen comments, the Presiding Officer shall close the public hearing. Council may deliberate or take action on the matter at hand upon the closing of the public hearing. All items shall be considered by the City Council individually and approved by either an affirmative vote of at least four (4) members, or a super majority vote as the case may be.

2.20.8 Public Comment. There will be no votes or any formal actions taken on subjects presented during public comment. The public comment period will only allow members of the public to present ideas and information to city officials and staff.

2.20.9 Executive Session. The City Council shall convene into Executive Session only in accordance with Chapter 551 of the Texas Government Code.

2.20.10 Reconvene. The Presiding Officer shall reconvene the regular meeting at the conclusion of the executive session and shall take any action as may be required from the executive session through a continuation of the Regular Agenda.

2.20.11 Adjournment. There being no further business before the City Council, the Presiding Officer shall adjourn the meeting.

2.30 Rules Governing Citizen Comments

2.30.1 It is the desire of the City Council to hear from the citizens of Abilene and to stimulate discussion and offer a forum for a cordial and meaningful public debate on matters that are properly a concern of the City Council. The following rules shall control and govern audience comments.

- (a) The Presiding Officer shall recognize each person requesting to speak in turn. A person may not speak unless recognized by the Presiding Officer.
- (b) Upon being recognized by the Presiding Officer, each person may have a time limit of three (3) minutes or such other time as the Presiding Officer may deem prudent, and shall be given notice that one (1) minute is remaining. The time limit shall govern all public hearings, citizen comments on agenda items and public comments at work sessions.
- (c) Every person desiring to speak shall address the entire Council and shall not single out a member of the Council, the audience, or a staff member. Speakers shall use good manners and refrain from personal attacks and the use of profanity. On items other than 'Public Comment', speakers shall confine themselves to the question under debate.

2.30.2 The Presiding Officer shall preserve order and decorum and, if necessary, shall cause to be silenced or removed from the Council Chambers any person speaking out of order or disrupting the order of the meeting.

2.40 Universal Applicability of these Rules to City Boards and Commissions

2.40.1 It is the intent of the City Council that these Rules shall serve as the model and guide for the City's Boards and Commissions, it being the intent of the City Council that all Boards and Commissions should follow similar rules of procedure for ease of understanding and full participation by the citizens in the public's business.

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Appendix 1 – Table of motions and points of order

MOTION/ORDER	REQUIRES SECOND	DEBATABLE	AMENDABLE	VOTE TYPE
Basic Motion	Yes	Yes	Yes	4 affirmative votes
Motion to Amend	*	No	**	N/A
Motion to Adjourn	Yes	No	No	4 affirmative votes
Motion to Recess	Yes	No	Yes	4 affirmative votes
Motion to Fix the Time to Adjourn	Yes	No	No	4 affirmative votes
Motion to Table	Yes	No	No	4 affirmative votes
Motion to Limit Debate	Yes	No	No	Super
Motion to Object to the Consideration of an Item	Yes	No	No	Super
Motion to Suspend Rules	Yes	No	No	Super
Motion to Reconsider	Yes	Yes	Yes	4 affirmative votes
Point of Privilege	No	No	No	N/A
Point of Order	No	No	No	N/A
Motion to Appeal	Yes	Yes	No	4 affirmative votes
Call for Orders of the Day	No	No	No	N/A
Withdraw a Motion	No	No	No	N/A
Motion to Enforce	Yes	No	No	4 affirmative votes

* For the purposes of these rules, Amendments are not debatable and only require the approval of the member who made the original motion.

** Once the original motion is amended, it becomes the motion on the floor and replaces the original motion, therefore you cannot amend an amendment. You simply amend the motion on the floor at the time.

Article III – Financial Policies

The purpose of this article is to establish rules governing the financial activities of the City of Abilene, Texas. It is not intended to be an all-encompassing article and it is expected that this article shall be amended from time to time as required. (Adopted by Ordinance XX-2020)

3.1 Financial Planning Policies

3.1.1 General Policies

- (a) The City's fiscal year shall begin October 1, and end September 30 of the following calendar year.
- (b) The City shall account for all revenue and expenditures on a budget basis, except in those instances where identified elsewhere in this policy.
- (c) The City shall adopt the budget on or before the 25th day in September of the previous budget year. Should the City Council fail to enact a budget within this time period, then the budget as submitted by the City Manager becomes the legally authorized budget.
- (d) The budget as adopted must set forth the appropriations for services, functions and activities of the various city departments and agencies, and shall meet all fund requirements provided by law and required by bond covenants.
- (e) The budget shall balance upon adoption and at year's end. At the close of each fiscal year, any unencumbered appropriation balance shall lapse and revert to the unassigned fund balance, unless Council designates the balance for other purposes (See Section 3.4, Council Policy Statement 2015-001).
- (f) The City shall comply with all applicable federal, state and local requirements in the conduct of its financial affairs and shall conform to the practices set forth by the Governmental Accounting Standards Board (GASB) and Generally Accepted Accounting Principles (GAAP).
- (g) The budget for all capital projects are legally adopted for specific projects using project length budgeting rather than fiscal year based budgeting. The unencumbered appropriated balance for capital projects does not lapse at

fiscal year end, rather they lapse at the conclusion of the project. Unencumbered appropriated balances at the conclusion of a capital project are transferred to the Minor Improvement Fund, the Utility Capital Development Fund, or such other fund as may be specified by the City Council.

- (h) Formal budgetary integration is not employed for the proprietary funds. The City adopts an annual budget as a financial plan for all proprietary funds. These budgets are used in a manner similar to commercial enterprises to determine whether their costs will be recovered or to estimate the amount of subsidy needed from the City, if costs are not meant to be recovered.
- (i) The City shall strive to ensure that the taxpayers receive the full benefit of "qualified" tax-exempt debt issuances and do not subsidize the interest expense of other debt issuers using corporations created by the City on their behalf. Any differential in interest expense to the City between "qualified" and "non-qualified" tax exempt debt status that results from debt issued through corporations established by the City Council will be born by those issuers of debt. The differential will be prorated among the issuers utilizing the corporations based on the amount of debt it issues to total debt issued by all corporation issuers during the calendar year. Any differential in the City's cost shall be calculated by the City's financial advisor based on market conditions on the date of the City sale of debt.
- (j) The budget document shall contain a fund summary sheet(s) that lists all funds, their beginning and ending balances, the anticipated revenues and the appropriated expenses authorized for the fiscal year being appropriated. It being the intent of this requirement that the taxpayer may see all sources and uses of public funds in one section of the budget document.

3.1.2 Long range planning

The City of Abilene shall conduct an annual strategic planning session at the start of the budget process in the early spring. Council shall consider current strategic goals, the adoption of additional goals, the current financial condition of the City, and the impact that current and future operating and capital needs will have on the financial condition of the City for the upcoming fiscal year and four subsequent years thereafter.

3.1.3 Budget reserves and capital project funds

- (a) The City of Abilene shall strive to maintain an unassigned fund balance of twenty-five (25%) percent of General Fund expenditures. A fund balance of less than twenty (20%) percent is cause for concern.
- (b) The City of Abilene shall strive to maintain an unassigned fund balance of twenty-five (25%) percent of Utility Fund expenditures. A fund balance of less than twenty (20%) percent is cause for concern.
- (c) The City of Abilene shall contribute 5% of sales tax receipts to a “Minor Improvement Fund” for general government related capital project purposes. In order to achieve this requirement without impacting the ability to provide essential services, the City shall phase in the contribution over a three-year period. For FY 2022, the contribution shall be 1.66%, for FY 2023 the contribution shall increase an additional 1.67%, and for FY 2024 the contribution shall increase an additional 1.67%.

In the event transferring 5% of sales tax receipts into the Minor Improvement Fund, creates a financial hardship, the Council will be notified and will be asked to provide direction on whether or not to make the required transfer.

- (d) The City of Abilene shall contribute 5% of utility sales to a “Utility Capital Development Fund” for expansion of the utility system to unserved, or underserved areas, and for other business activity related capital needs. In order to achieve this requirement without impacting the ability to provide essential services, the City shall phase in the contribution over a three-year period. For FY 2022, the contribution shall be 1.66%, for FY 2023 the contribution shall increase an additional 1.67%, and for FY 2024 the contribution shall increase an additional 1.67%.

In the event transferring 5% of utility sales into the Utility Capital Development Fund, creates a financial hardship, the Council will be notified and will be asked to provide direction on whether or not to make the required transfer.

3.1.4 Capital Project Budgeting

- (a) The City may consider the use of pay as you go financing by using the Minor Improvement Fund or Utility Capital Development Fund when prudent.

- (b) The City shall schedule bond issues so that an equal principal amount is retired each year over the life of the issuance, thus producing a total debt service schedule with a declining balance each year. (This does not prohibit the issuance of new debt.)

3.2 Revenue Policies

3.2.1 Revenue diversification

The City of Abilene shall seek ways to reduce its reliance on ad-valorem tax by pursuing and adopting alternative revenue streams as allowed by statute and entrepreneurial endeavors.

3.2.2 Fees and charges

- (a) The City of Abilene shall review fee schedules every year through the budget process to ensure that all fees and service charges capture the revenue requirements set forth by the City Council.
- (b) Fees and charges should recover direct costs and indirect costs. A cost of service study should be completed at least once every five years.
- (c) The City will use the following methodologies to determine fees and charges:
 - (1) Full-cost and return on investment pricing – under most circumstances, enterprise services should be priced at full cost, including both direct and indirect costs associated with providing the service. A return on investment should also be considered.
 - (2) Partial-cost pricing – partial-cost pricing is the subsidy of a program or service with tax revenues and it is justified (1) when some of the benefits from the service accrue to the whole community, or (2) the City wants to stimulate demand for the service, or (3) enforcement of full-cost pricing will result in widespread evasion of the fee or charge, or (4) the service is primarily used by low-income households. Council shall determine how much a service should be subsidized, will use the following table to determine the amount of subsidy.

For each question in the table below, if answered in the affirmative, 25 points are assigned. The total points for all questions equals the percent discount off full-cost pricing for the program or service.

Question	Weight
Does a substantial portion of the program or service benefit the whole community?	25
Does the City need to stimulate demand for the program or service?	25
Will full cost pricing cause widespread evasion of the program or service?	25
Is the program or service primarily used by low-income households?	25
Percent discount off full-cost pricing =	100%

3.2.3 Use of one-time revenues and other unpredictable revenues

The City of Abilene shall use one-time revenues (gas and oil royalties, cash settlements, etc.) for non-recurring capital purchases. At no time may the funds be used for recurring costs (salaries, dues, etc.), except for cases of emergency, and as authorized by the City Council.

3.3 Expenditure Policies

3.3.1 Current expenditures paid with current revenues

The City of Abilene shall fund current operating expenditures with current operating revenues, approved grants or through the use of fund balance if specifically authorized by the City Council.

3.3.2 Regular financial reporting required

The City Manager, or his or her designee, shall provide a report on the financial conditions of the City of Abilene to the City Council no less frequently than once per quarter.

3.3.3 Department Heads responsible for adherence to the adopted budget

Department Heads are charged with budgetary responsibility for managing the expenditures of their departments. Department heads are expected to manage total expenditures within the limits established by City Council during the budget process for that fiscal year. The department head shall notify the City Manager and Finance Director in writing as soon as possible when it is identified that total expenditures are expected to exceed the authorized limits of the adopted budget.

3.3.4 City Manager empowered to adjust allocations as necessary

The City Manager or his or her designee, is empowered to adjust budget allocations within departments, and from department to department, but is not authorized to increase total budget appropriations within a fund without prior Council approval. The City of Abilene shall only expend funds, regardless of the funding source, if they have been appropriated for expenditure by the City Council.

3.3.5 Number of authorized positions established by the City Council

- (a) The number of authorized full-time positions are established by the City Council during the annual budget process. Part time, seasonal or temporary positions are budgeted not by authorized positions, but by authorized total dollar amounts.
- (b) The City Manager may employ the number of part time, seasonal or temporary employees necessary to perform the required work provided the City Manager does not exceed the total authorized dollar amount. Any increase of full-time positions above the City's authorized workforce must be approved by the City Council.
- (c) The City Manager may reallocate authorized positions between departments, combine positions, or eliminate positions for the purpose of adding new positions or redistributing the workforce without Council approval, provided that the total authorized positions and the total appropriated funds do not exceed the levels approved by the City Council during the annual budget process, or as may otherwise be amended by the City Council.

3.4 Revenues collected in excess of revised budget. (Council Policy Statement 2015-001 – adopted 08/27/2015; Amended by Resolution 55-2019 passed on 03/14/2019)

3.4.1 Purpose

The purpose of this policy is to establish rules governing the use of revenues collected in excess of revised budget amounts for the General Fund in any given fiscal year.

3.4.2 Policy and Procedure

The City shall exercise sound, conservative principles and other recognized best practices when estimating revenues to be collected in any given fiscal year. It is recognized that the use of these principles have historically resulted in the collection of revenues in excess of budgeted amounts, and may continue to do so in the future. For any given fiscal year, it shall be the policy of the City Council of the City of Abilene, Texas that the City shall collect and expense revenue in excess of amounts needed to balance expenditures as follows:

(a) Revenues to be set aside at annual audit

1. The annual audit shall identify revenue in excess of revised budget amounts.
2. Identified revenues shall be set aside in the Minor Improvement Fund for Council's consideration and expended in accordance with an adopted funding program.

(b) Funds to be spent in accordance with an adopted funding program

1. The City Council shall adopt a funding priority list as part of the annual budget process for the upcoming fiscal year. The funding program shall consider unfunded budget requests, additional resources for recurring operating expenses, one-time capital expenditures, dedication of resources for capital replacement funds or other internal service funds.
2. The City Manager shall inform the City Council of the auditor's findings and present a recommended funding program based on Council's adopted funding priority list within 30 days of receiving the final audit. The City Manager may recommend a program that differs

from the adopted Council funding priority list if, in the opinion of the City Manager, a business necessity exists.

3. The City Council may authorize the City Manager to expend revenue in excess of revised budget amounts, and in accordance with the City Manager's recommended funding program as amended and adopted by the City Council.

(c) Reserve requirement obligations

1. Nothing in this policy supersedes the City's obligation to maintain reserve requirements at their adopted levels.

3.5 Pursuing an insurable loss. (Council Policy Statement 2016-002 – adopted 07/14/2016)

3.5.1 Purpose

The purpose of this policy is to establish rules governing whether or not the City will decide to pursue an insurable loss of its municipal infrastructure against a party that may or may not have insurance.

3.5.2 Policy and Procedure

(a) The City Manager, in his or her discretion, is directed by the City Council to pursue remuneration of the full or partial recovery of municipal infrastructure damaged or destroyed by a vehicle, vandalism or any other act or failure to act that causes the damage or destruction, but not including a natural disaster whereby:

1. The party or parties responsible for the damage or destruction is readily known or otherwise ascertainable; and
2. The party or parties responsible for the damage or destruction is insured; or
3. The party or parties responsible for the damage or destruction is not insured or the status of insurance is not known, and the City Manager in consultation with the City Attorney reasonably believes that the legal costs to pursue full or partial recovery of the damaged or destroyed municipal infrastructure is less than the replacement cost of the damaged or destroyed item.

- (b) Nothing in this policy limits or otherwise prohibits the City Manager from consulting the City Council and the City Attorney on loss events that are not contemplated in this policy.

3.6 Fleet Replacement (Council Policy Statement 2015-002 – adopted 01/07/2016; Amended by Ordinance XX-2020)

3.6.1 Purpose

The purpose of the fleet replacement policy is to provide exceptional service at the best possible price to the end recipient, the citizen. These replacement guidelines will be used to ensure the citizens the best value for their tax dollars.

3.6.2 Policy and Procedure

a. Equipment and Vehicle Procurement

1. The City shall procure equipment and vehicles in the most productive and cost-effective way including exploring the purchase of used equipment and/or leasing of infrequently needed equipment.
2. The City shall develop standard specifications for equipment and vehicles that maximize the likelihood of receiving multiple bids, rather than narrowing the specifications so that only one equipment or vehicle manufacturer will qualify to submit a bid.

OR

3. The City shall develop standard specifications for equipment and vehicles that maximize the City's ability to qualify only one equipment or vehicle manufacturer as a qualified bidder. It being the express intent of this policy to minimize part and maintenance variations by coalescing equipment and vehicle manufacturers through vehicle standardization across the fleet.

b. Equipment and Vehicle Replacement

1. The City shall use a scoring process to determine equipment or vehicle replacement eligibility. Final determination on whether or not to replace a piece of equipment or a vehicle, is at the discretion of the City Manager.

2. The City shall assign one point to each of the following criteria when the minimum requirements for the individual criterion is achieved:

CRITERION	MINIMUM REQUIREMENT
Useful Life	As defined on the Life Expectancy Table.
Miles/Hours	As defined on the Life Expectancy Table.
Maintenance Costs	Total maintenance cost equates to 75% of purchase price, or vehicle is out for maintenance more than 25% of total available operating hours in the past 12 months.
Fleet Determination	Fleet Maintenance makes a recommendation for replacement or not based on the totality of the circumstances.

3. Unless as otherwise determined by the City Manager, a vehicle must score 3 or more points to be eligible for replacement. Eligibility for replacement does not guarantee replacement, as replacement is determined based on the totality of the circumstances, priorities of the City, and the availability of funds.

3.6.3 Life Expectancy Table

ASSET CLASS	USEFUL LIFE	MILES/HOURS
Light Duty Vehicles	10 years	125,000 miles
Police Patrol Vehicles	7 years	15,000 hours
Police Motorcycles	10 years	60,000 miles
Heavy Duty Vehicles (single axle)	12 years	125,000 miles
Heavy Duty Vehicles (tandem axle)	12 years	150,000 miles
Refuse Trucks (Front and Side Loader)	7 years	10,000 hours
Refuse Trucks (Rear Loaders)	10 years	14,000 hours
Refuse Trucks (roll off)	12 years	200,000 miles
Sewer (flushing) Trucks	10 years	100,000 miles
Bucket Trucks	12 years	125,000 miles
Street Sweepers	7 years	10,000 hours
Knuckle Boom Trucks	12 years	10,000 hours
Small Riding Equipment Small Tractors Out Front Mowers	15 years	1,800 hours
Motorgraders Tracked Equipment Backhoes Loaders	15 years	8,000 hours
Other Heavy Equipment (2-ton +) Tractor Mowers	15 years	5,000 hours

Diesel Zero Turn Mowers Trenchers Scrapers Compaction Equipment		
Forklifts	30 years	7,500 hours
ATV's, Side-by-Sides	10 years	5,000 hours
Fire Apparatus (front line)	15 years	N/A
Fire Apparatus (reserve)	5 years	N/A

Article IV – Development Incentives

- 4.1 It is the policy of the City of Abilene that private development should bear the cost of its development. However, it is also recognized that certain undeveloped parcels in the city limits are undeveloped because the cost of developing them exceed a reasonable rate of return for private investment, or there is some other barrier or defect to the property that has curtailed development or redevelopment of an otherwise viable tract.

In these instances, the City Manager is authorized to negotiate economic development incentives utilizing the incentives authorized in this Article IV – Development Incentives provided that the following conditions are met:

- (a) The entire tract considered for development incentives is in the city limits, or will be in the city limits as a result of the agreement negotiated to receive the incentives, and;
 - (b) The development is significant in terms of capital investment, job creation, single family lot creation, redevelopment of blighted areas, or of community interest. In general, the City Manager is left to his or her own discretion on what constitutes significant, it being the requirement of every development agreement to be approved by the City Council, unless otherwise authorized by the City Council, and;
 - (c) The City’s participation in any development project should generally be limited to off-site improvements, or non-utility eligible project enhancements where applicable and appropriate for the incentive being considered. Unless otherwise defined in State statute, an eligible project is any legally available participation opportunity between the City and a private developer.
- 4.2 Use of Pro-Rata for promoting residential development (Council Policy Statement 2016-001 adopted – 01/14/2016, Amended by Ordinance XX-2020)

4.2.1 Purpose

The purpose of this policy is to establish rules and guidelines governing the use of the City’s pro-rata program as authorized by Section 32-117 of the City’s Code of Ordinances for the purpose of promoting and encouraging the development of residential subdivisions.

4.2.2 Policy and Procedure

- (a) The City Manager is authorized to negotiate Development Agreements with private developers that expends funds held in the City's pro-rata fund for water and sewer utility related public improvements subject to the parameters and conditions set forth below:
1. The proposed residential development must create at least 200 additional new single-family detached dwellings at the completion of all development phases.
 2. The proposed residential developer is required to pay the City a pro-rata payment for the total cost of the public improvements contemplated under the Development Agreement, on a pro-rata basis by development phase. The residential developer is responsible for the total cost of hiring a Texas Licensed Professional Engineer to design the onsite and offsite public improvements, and those costs shall not be paid from the pro rata fund.
 3. The total number of development phases contemplated for the residential development shall be minimized so that the required pro-rata payment is maximized over the shortest time period allowable under prevailing market conditions.
- (b) The City Manager is authorized to use the provisions set forth in this policy statement for in-fill development, and may negotiate Development Agreements for the use of pro-rata funds on infill development and redevelopment projects in established neighborhoods regardless of the total number of new single-family detached dwellings created.
- (c) All Development Agreements authorized and negotiated under this policy statement are subject to the approval of the City Council, and shall not result in the establishment of an impact fee as defined in applicable State statute.
- (d) This policy does not circumvent or amend any requirements of the City's code of ordinances or land development code or other applicable laws.
- (e) This policy does not require the City Manager to negotiate Development Agreements with any private developer, but allows the City Manager to do so in his sole discretion.

4.3 Chapter 380 Agreements

4.3.1 Program established

The City Council created a Chapter 380 Economic Development Program in accordance with Article III, 52-a of the Texas Constitution and Chapter 380 of the Texas Local Government Code by adopting Resolution 49-2016 on April 14, 2016.

4.3.2 Program Requirements and Incentives Offered

- (a) The City Council will consider Chapter 380 economic development program agreements on a case-by-case basis, and reserves the right to deny an agreement, or a request for an agreement.
- (b) The City Manager is authorized to negotiate Chapter 380 economic development program agreements subject to final approval by the City Council that may contain the following:
 - 1. The City of Abilene may make monetary loans or grants of public money, and provide personnel and services of the City of Abilene, to businesses, developers, and other commercial and residential ventures that the City Council determines will promote state and local economic development and stimulate business and commercial activity in the City of Abilene.
 - 2. A business, developer or other entity is required to make specific public infrastructure improvements that serve the public's interest and meet a public purpose as determined by the City Council.
 - 3. The City of Abilene must be able to cease/and or recapture payment of the economic development incentive or to otherwise terminate the economic development agreement in the event the public purpose is not carried out.
 - 4. Economic development incentives paid out under this program will be on a reimbursement basis.

4.4 Neighborhood Empowerment Zones

4.4.1 Zones Established.

The City has established Abilene Neighborhood Empowerment Zone No. 1 pursuant to Chapter 378 of the Texas Local Government Code through Resolutions 78-2018 on May 10, 2018 and may establish additional zones through the same or similar resolutions.

4.4.2 Program Requirements and Incentives Offered

The City Manager or his or her designee is authorized to negotiate agreements offering the following enumerated incentives, provided that any agreement using incentives authorized and set forth below must be approved by the City Council:

- (a) The City may enter into agreements for a period of not more than ten (10) years, for the purpose of benefiting the zone, refunds of municipal sales tax on sales made within the zone.
- (b) The City may enter into agreements abating municipal property taxes on property within the Zone subject to Chapter 312 of the Texas Tax Code and the City's Tax Abatement Policy.
- (c) The City may set minimum code requirements to encourage the use of alternative building materials that address building costs, maintenance and energy consumption.
- (d) The City may participate up to 50% of the cost of water or sewer line extensions necessary to serve property being developed within the Zone.
- (e) The City may choose to authorize these incentives through a Chapter 380 Economic Development Agreement.

Pursuant to Resolution 78-2018, the City Manager is authorized to offer the following incentives without further Council approval:

- (f) Waive or reduce fees related to the construction or remodel of buildings in the Zone.
- (g) Provide roll-off containers and the associated charges at the City's actual cost.

(h) Waive or reduce water and sewer tap fees.

(i) Waive or reduce zoning application fees.

4.5 Tax Increment Financing

4.5.1 Tax Increment Reinvestment Zones Established

The City of Abilene in the sole discretion of the City Council, may establish Tax Increment Reinvestment Zones as contemplated in Chapter 311 of the Texas Tax Code.

4.5.2 Maximum Tax Revenue Available

For Tax Increment Reinvestment Zones (TIRZ) created on or after January 1, 2021, the maximum amount of tax revenue available for the TIRZ is 50% of the tax revenue that is attributable to increased property values brought about by improvements within the reinvestment zone. The remaining 50% is retained by the City for general purposes.

The tax revenue available to a TIRZ created before January 1, 2021 is limited to the amounts authorized in the enabling legislation for that Zone, or as may otherwise be amended pursuant to Chapter 311 of the Texas Tax Code.

4.5.3 Projects of an Exceptional Nature

Projects of an exceptional nature, as determined by the City Council in its sole discretion and authority, may be eligible for tax revenues greater than 50%, but no greater than 75% of the tax revenue that is attributable to increased property values brought about by improvements within the reinvestment zone.

4.6 Public Improvement Districts

4.6.1 Purpose

The purpose of this policy is to establish rules that govern the City's use of Public Improvement Districts (PID) as authorized by Chapter 372 of the Texas Local Government Code.

4.6.2 Policy and Procedure

- (a) It is the policy of the City of Abilene (the “City”) to pursue public/private partnerships through the use of Public Improvement Districts, where and when appropriate as negotiated by the City Manager, and approved by the City Council.
- (b) Nothing in this policy statement should be perceived as a promise, or commitment to approve the use of a Public Improvement District (PID), and the City of Abilene reserves the right to deny the creation of a PID as set forth in Section 372.010 of the Texas Local Government Code that it finds unadvisable.

4.6.3 Parameters for the Creation of a Public Improvement District

- (a) The Developer is required to escrow money for professional costs for financial and legal review of the proposed PID and related finance plan by the City, and the City’s agents.
- (b) Before the City will create a PID, the Developer and the City must have a fully negotiated and executed Development Agreement.
- (c) The City will only consider a reimbursement PID, with debt financing occurring only after all improvements are in the ground and PID revenues have been collected and reimbursed to the Developer for a period of two years.
- (d) The City will only consider a PID financing plan with a minimum 3:1 value to lien.
- (e) The City will not allow financing of right of way.
- (f) The City will only consider PID terms of a maximum of 20 years.
- (g) The City will not consider PID financing with increasing assessments over the life of the bonds, assessments must be approximately equal on an annual basis.
- (h) The issuance of PID bonds, if any, must be approved the Attorney General of the State of Texas.

Article V – Community Support Policies

5.1 City Sponsored Events (Council Policy Statement 2016-003 – adopted 09/22/2016, Amended by Ordinance XX-2020)

5.1.1 Purpose

The purpose of this policy is to identify which special events will receive financial or in-kind benefits from the City of Abilene.

5.1.2 Policy and Procedure

- (a) The following special events are of a character or nature that benefits the entire community, provides substantial economic impact, or are of a significant cultural importance to warrant financial or in-kind benefits:

SPONSORED EVENT	SPONSORSHIP TYPES	SPONSORED EVENT	SPONSORSHIP TYPES
Abilene Chamber Event	1, 2	March of Dimes Walk	5
ARN 20 under 40	1, 2	McMurry Homecoming	3
ACU Fireworks	3	MLK Banquet	1, 2
Balloon Fest	5	MLK March	1, 2, 3
Barrio Sancudo Reunion	1, 2, 4, 5, 6, 7	NICCL Events	1, 5, 8
CALF Festival	1, 2, 5, 8, 9	Neighborhood Cleanups	5, 9, 10, 11
Christmas Lights Parade	1, 5, 8, 9	Special Olympics	1, 2, 3, 11
Claudie Royals Day	1, 2	SSLC - Bocce Ball	3
Dyess AFB Special Events	1, 2, 3	Texas Mission of Mercy	1, 2, 3
Fourth of July Fireworks	1, 2, 3, 5, 8, 9	United Way Events	1, 2, 5, 8, 11
Fourth of July Parade	1, 3, 5, 8, 9	VA – Operation Thanksgiving	1, 2
Freedom Festival	8	Veteran’s Day Parade	1, 3, 5, 8, 9
Fun Run	5	West Texas Fair	5, 9
HEB Feast of Sharing	1, 2, 3, 5	West Texas Fair Parade	1, 5, 8, 9
High School Rodeo	5	Western Heritage Classic	5
Juneteenth	1, 2, 4, 5, 6, 7	Western Heritage Rodeo	1, 2, 9
KEAN Cruise Walk	5	World’s Largest BBQ	3, 5
LULAC Tournament	1, 2, 5		

- (b) The City of Abilene offers the following sponsorship types:

1. Permit fees are waived

2. Venue rental fees are waived
3. Event specific Police and Fire services are provided free of charge
4. Port-a-lets
5. Solid waste services
6. Temporary outdoor lighting
7. Electrical generation
8. Traffic Control
9. Street Sweeping
10. Promotion and Advertising
11. City labor as authorized by the City Manager

- (c) The City Manager is authorized to approve free, or reduced cost solid waste services to neighborhood associations to assist with City coordinated neighborhood cleanups.
- (d) Nothing in this policy limits or otherwise prohibits the City Manager from denying a request for event sponsorship. If in the opinion of the City Manager, an event listed on this sponsorship list is making an unreasonable request of City resources, the City Manager may deny that request. Any denial by the City Manager may be appealed to the City Council if written notice of appeal is submitted to the City Manager at least 30 days prior to the event.
- (e) The City Manager is authorized to extend city sponsorship types to new special events upon the written request of the event organizer. Said requests must be submitted at least 90 days prior to the event. The City Manager shall accept or reject the request in writing within 30 days of receiving the written request from the event organizer. Any denial by the City Manager may be appealed to the City Council if written notice of appeal is submitted to the City Manager at least 30 days prior to the event.

Article VI – Administrative Policies

6.1 The City Manager is hereby directed to create a Purchasing Manual for the City and to see that it is properly administered.

6.1.1 Local Preference for Bidders (Council Policy Statement 2017-001 – adopted 05/11/2017)

(a) Purpose

The purpose of this policy is to establish rules governing the applicability of local preference points as authorized in the Texas Local Government Code Chapter 271.905 and 271.9051, and to promulgate the same.

6.1.2 Policy and Procedure

(a) It is the policy of the City of Abilene (the “City”) to use local vendors whenever possible for the purchase of the goods and services required by the City.

(b) It is the policy of the City to place an affirmative duty on City departments to grant a preference to local vendors to the fullest extent allowed by law, unless so doing would be contrary to the best interests of the City.

(c) Nothing in this Council Policy Statement prohibits the City from rejecting any and all bids.

6.1.3 Definitions

The words and phrases in this section and used in this policy statement have the following meaning:

Bid means a response to a procurement for goods or non-professional services awarded solely on the basis of price.

Bidder means a responsible person or business entity that submits a responsive bid.

City Manager means the City Manager of the City of Abilene, Texas or his or her designee.

Headquartered means the place where a business entity's officers direct, control and coordinate the entity's activities.

Joint Venture means a collaboration of for-profit business entities, in

response to a solicitation, wherein two or more independently owned and controlled business firms form a third business entity solely for the purposes of undertaking the completion of a given contract awarded through the solicitation.

Local vendor means a for-profit business with a principal place of business within the city limits.

Principal Place of Business means a business headquartered for one year or more, or having an established place of business for one year or more in the city limits of the City and from which full-time employees are regularly-based and perform substantial and commercially useful functions for the business.

6.1.4 Purchases of Personal Property

- (a) For contracts for personal property not affixed to real property, if the City receives one or more bids from a bidder that is a local vendor and whose bid is within three (3%) percent of the lowest bid price received by the City from a bidder who is not a local vendor, the City may enter into a contract with the bidder that is a local vendor. (Texas Local Government Code § 271.905)
- (b) In addition, contracts for personal property not affixed to real property that are submitted by a local vendor are eligible to receive a bid award if their bid is within five (5%) percent of the lowest bid received by the City from a bidder who is not a local vendor. This five (5%) local preference is not cumulative of, but is in the alternative of, the three (3%) percent authorized above, and it is only allowed if the total contract award is under \$500,000. (Texas Local Government Code § 271.9051)
- (c) When a bidder is a joint venture, each joint venture partner must meet the definition of a local vendor to be eligible for the preferences authorized above.
- (d) In determining whether or not to award the bid to the bidder that is a local vendor through the three (3%) percent or five (5%) percent local preference, the City Council must determine in writing the following: “the local bidder offers the City the best combination of contract price and additional economic development opportunities for the City created by the contract award, including the employment of residents of the City and increased tax revenues to the City.” Such determination shall be recommended by the City Manager,

and confirmed by the City Council by affirmative vote of the City Manager's recommendation.

6.1.5 Purchases of Non-Professional Services

- (a) For non-professional service contracts under five hundred thousand dollars (\$500,000), excluding construction services, if the City receives one or more competitive sealed bids from a bidder that is a local vendor and whose bid is within five (5%) percent of the lowest competitive sealed bid price received by the City from a bidder who is not a local vendor, the City may enter into a contract that requires an expenditure of under five hundred thousand dollars (\$500,000) with the bidder that is a local vendor. (Texas Local Government Code § 271.9051)
- (b) For a contract for construction services under one hundred thousand dollars (\$100,000), if the City receives one or more competitive sealed bids from a bidder that is a local vendor and whose bid is within five (5%) percent of the lowest competitive sealed bid price received by the City from a bidder who is not a local vendor, the City may enter into a contract that requires an expenditure of less than one hundred thousand dollars (\$100,000) with the bidder that is a local vendor. (Texas Local Government Code § 271.9051)
- (c) When a bidder is a joint venture, each joint venture partner must meet the definition of a local vendor to be eligible for the preference authorized above.
- (d) In determining whether or not to award the bid to the bidder that is a local vendor through the five (5%) percent local preference, the City Council must determine in writing the following: "the local bidder offers the City the best combination of contract price and additional economic development opportunities for the City created by the contract award, including the employment of residents of the City and increased tax revenues to the City." Such determination shall be recommended by the City Manager, and confirmed by the City Council by affirmative vote of the City Manager's recommendation.

6.1.6 Purchases for Professional Services; Revenue and Concession Contracts

- (a) In procuring professional services under the Professional Services Procurement Act, Government Code § 2254.004, the City Manager may award up to five (5%) percent of the total available points to a respondent based upon the knowledge of, and experience regarding local conditions as part of the qualifications determination.

- (b) In procuring other professional services not governed by statute, revenue and concession contracts, the City Manager may award up to five (5%) percent of the total available points to a respondent that is a local vendor headquartered within the city limits of the City, or up to three (3%) percent of the total available points to a respondent that is a local vendor not headquartered within the city limits of the City.
- (c) When a respondent is a joint venture, at least one joint venture partner must meet the definition of a local vendor to be eligible for the point awards authorized above.

6.1.7 Additional Provisions

- (a) If two or more bidders have bids that are identical in nature and amount, with one bidder being a resident of the City and the other bidder or bidders being non-residents, the City Council must select the resident bidder. (Local Government Code § 271.901(b))
- (b) The City must give local preference to a local vendor if there are out-of-state bidders that have bid on the contract and the out-of-state bidder or manufacturer is located in a state that discriminates against out-of-state bidders in its bid awards in favor of local bidders. (Government Code § 2252.001 et seq.)

6.1.8 Exceptions to this policy

- (a) This policy does not apply to any contract funded in whole or in part by the federal government or where the City acts as a conduit for federal money.
- (b) This policy does not apply to any contract where the City Manager or City Council fail to determine that that it would be in the City's best interest to award local preferences.
- (c) This policy does not apply to any contract procured through a "best value" procurement method or other Alternative Delivery methods as authorized by the Government Code and Local Government Code.
- (d) Per Texas Local Government Code § 271.9051, this policy does not apply to the purchase of telecommunication services and information services, as defined by 47 U.S.C.A § 153.

6.1.9 Reference chart for local preference for bidders

Local preference may be awarded up to the following maximum percentages

Description	Under \$100,000	\$100,000 to under \$500,000	\$500,000 or more.
Personal Property	5%	5%	3%
Construction Services	5%	N/A	N/A
Non-professional Services	5%	5%	N/A

- 6.2 The City Manager is hereby directed to create an Employee Policy Manual for the City and to see that it is properly administered.
- 6.3 Ninety Percent Live Release Rate (Council Policy Statement 2019-001 – adopted March 28, 2019)

6.3.1 Purpose

The purpose of this policy is to publicly declare the intention of the City Council to operate the Abilene Animal Shelter as a 90% Live Release Rate facility.

6.3.2 Policy and Procedure

- (a) It is the policy of the City of Abilene (the “City”) to operate the Abilene Animal Shelter in a manner that will achieve a 90% live release rate for all companion animals by end of calendar year 2027.
- (b) For calendar year 2018, canines had a live release rate of 67.28%. For the same period, felines had a live release rate of 33.50%. The live release rate for all companion animals for calendar year 2018 was 55.90%. The City’s live release rate for all companion animals has increased 28.97% between 2013 and 2018. Euthanasia is down 44% over the same period.
- (c) In order to build upon this positive trend, the City seeks to utilize best practices in shelter management, shelter medicine, community outreach and adoption activities, and shelter operations and services to achieve the 90% live release rate for all companion animals.
- (d) In addition to these four areas of work, the City will actively pursue the design and construction of a new animal shelter, and will work with private foundations and private donations to seek cooperative public-private funding opportunities.

6.4 COVID-19 Reporting Requirements (Council Policy Statement 2020-001 – Adopted July 23, 2020)

6.4.1 Purpose

The purpose of this policy is to establish rules that govern what the City reports and does not report on a daily basis regarding the COVID-19 Pandemic.

6.4.2 Policy and Procedure

- (a) It is the policy of the City of Abilene (the “City”) to be transparent with all information concerning the COVID-19 response, and to report information as accurately and timely as possible without releasing the names, or other personal identifying information of COVID-19 positives.
- (b) It is the policy of the City to designate and only report Molecular PCR test results as the official number of COVID-19 cases in Abilene.
- (c) It is the policy of the City to designate and only report Antigen test results as probable COVID-19 cases, until otherwise directed by the Department of State Health Services, and only then in conjunction with the State of Texas doing the same.

6.4.3 Reportable Information

- (a) The City shall report the following information daily:
 - 1. Total Test Results
 - 2. Total Positives (*Molecular PCR only*)
 - 3. Total Probable Cases (*Antigen*)
 - 4. Total Negatives
 - 5. Total Active Cases
 - 6. Total Recovered
 - 7. Total Deaths
 - 8. Average Age of Death
 - 9. Average Age of Hospitalization
 - 10. Total Hospitalizations – In County
 - 11. Total Hospitalizations – Out of County
- (b) The City Manager will report the information in a format that is easy to understand.
- (c) State or federally mandated reporting requirement changes will be implemented as required by law, and Council will be informed of the

reporting requirement changes within two business days.

6.5 Organizational Structure (Adopted by Ordinance XX-2020)

6.5.1 Purpose

The purpose of this policy is to set forth the organizational structure of the City as required by Section 53 of the City Charter.

6.5.2 Policy and Procedure

(a) The City of Abilene shall be composed of the following departments, each of which are under the control and direction of the City Manager, unless otherwise provided in the City Charter.

1. Finance
2. Fire
3. General Government
4. Human Resources
5. Information Technology
6. Library Services
7. Parks and Recreation (Community Services)
8. Planning & Development Services
9. Police
10. Public Health
11. Public Works
12. Transportation Services
13. Water Utilities