

**ORDINANCE NO. 2018-005**

**AN ORDINANCE ESTABLISHING CITY OF KARNES CITY, CITY COUNCIL MEETING PROCEDURES INCLUDING COMPLIANCE WITH ROBERT'S RULES OF ORDER AND ESTABLISHING RULES FOR DECORUM AND DEBATE; AND SETTING AN EFFECTIVE DATE**

**WHEREAS**, the City Council of KARNES CITY wishes to adopt procedures for City Council meetings in order to run the meetings more efficiently; and

**WHEREAS**, the City Council of KARNES CITY wishes to communicate to the citizens on the proper decorum and set out the procedures debating items during City Council meetings;

**NOW, THEREFORE BE IT ORDAINED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF KARNES CITY, THAT:**

Effective immediately following the adoption of this ordinance by the City Council of the City of KARNES CITY, the following rules and order of business are those to which this city will follow in conducting its meetings. This ordinance shall remain in effect unless otherwise changed by the City Council; however a majority of Councilmembers are at liberty to suspend the rules for a meeting or situation.

**Section 1. MEETINGS** – Three types of meetings are recognized.

- A. Regular Meetings will be held on the fourth Tuesday night of each month. These meetings will be held in Council Chambers at City Hall 314 E. Calvert Avenue, commencing at 6:00 p.m.
- B. Special Meetings are subject to call by the Mayor or three Councilmembers. Except in unusual circumstances, these meetings will be held in Council Chambers at City Hall 314 Calvert Avenue, at a stated date and time. The purpose of such meetings is to act upon matters of an emergency or critical nature items that should not be delayed until a regular meeting. Special Meetings, as all other meetings, unless meeting specific criteria, shall be open to the public. Agendas must be posted in accordance with state law, and minutes of such meetings will be maintained as for a regular meeting.
  - i. If a special meeting is called, each member of the governing body must be notified of the special meeting no later than the time of posting.
- C. Workshop Meetings are subject to call by the Mayor or City Administrator. The time, place and purpose will be stated at each instance. The purpose of such meetings shall be to hear reports and to discuss in depth matters of interest to the city without taking action.

- i. No official council action will be taken at such meetings but minutes should be taken. Notice of workshop must be posted in accordance with state law. The public is welcome to attend, but will not participate in the discussions unless invited by the Mayor or Councilmembers. The council may hear reports, but may not deliberate any matter unless that matter is listed on an agenda that has been posted as required as required by the Open Meetings Act.

**Section 2.** **AGENDA** The following stipulations relate to the agenda for meetings of the Council.

**NO ACTION CAN BE TAKEN ON ANY ITEM UNLESS THAT ITEM HAS BEEN POSTED ON THE AGENDA FOR THAT MEETING AND THE AGENDA POSTED AT CITY HALL SEVENTY-TWO (72) HOURS PRIOR TO THE MEETING.**

**A. Preparation of the Agenda**

- i. The Mayor and/or City Administrator will exercise their best judgment in determining the most important items received for placement on the agenda and adding other items of business to come before the Council. An item not appearing on the agenda shall not be taken up for discussion as a matter of Council business during any Council meeting. However, the Council may receive items as information.
- ii. Any member of the city staff wishing to have an item placed on the agenda shall submit that item to the City Administrator's office, through regular supervisory channels, for approval. The City Administrator may establish procedures for submission of routine items without his or her approval.
- iii. Any member of the City Council may request an agenda item to be placed on any Regular or Special meeting as long as the request is submitted five (5) business days prior to the posting date for the Council meeting.

**B. Distribution of Agenda Packets**

- i. The agenda packets for all regular meetings will be made up and can be picked up by the Mayor and Councilmembers late Friday afternoon, preceding the meetings.
- ii. Agenda packets not picked up by 5:00 PM on Friday will be delivered to the appropriate elected officials. Agenda packets for special meetings will be distributed to the Mayor and Councilmember's as early as possible.

- iii. This should afford ample time for the Mayor and Councilmembers to inquire into the nature of each matter to be discussed and to personally review the matter so as to better inform himself or herself before a Council Meeting. City elected officials are encouraged to call the City Administrator or Mayor regarding any questions about items on the agenda or any other matter that concerns the city. Councilmembers are cautioned about engaging in discussions of city business with other Councilmembers. While one Councilman may talk to one other Councilman, any discussion that covers city business that could be interpreted as action to circumvent the Open Meetings Act could result in charges being brought against the member so doing.

C. Special Meetings, Workshop Meetings, and Emergency Items.

- i. In special meetings, as in all meetings of the city council, the Council will restrict consideration only to the item or items on the Agenda. The City Secretary will follow the same procedure as above advising the parties concerned. No item will be accepted by the Mayor for discussion at any meeting unless it has been posted on the agenda for that meeting.
- ii. Occasionally, public hearings may be held at workshop meetings for the convenience of the public. Items to be discussed at a workshop meeting must be placed on an agenda for that meeting and the agenda posted as required. Minutes will be kept of all workshop meetings.
- iii. Emergency items. In the event that situation arises in which the Mayor, City Administrator or Councilmembers **can legitimately classify as an emergency as specified in the statutes**, that item may be added to the agenda as late as two hours before a meeting. In such event, the nature of the emergency must be specified in the agenda and notices given to any who have filed a written request to be notified of meetings.

**Section 3. COUNCIL PROCEEDINGS**

These procedures shall apply to all meetings of the City Council. The Mayor shall be the presiding officer at all meetings of the City Council and have a voice in all of its proceedings, but the Mayor shall have no vote except in the event of a tie vote by the council in accordance with state law. Councilmembers shall speak in Council Meetings only upon being recognized by the presiding officer, whose recognition shall not be unreasonably withheld. In the event of the absence of the Mayor, the Pro-tem Mayor shall be the presiding officer. The Mayor Pro-tem shall be able to have a vote in all matters as the Mayor Pro-tem continues to be a councilmember even when presiding. In the event of the absence of the Mayor and Pro-tem Mayor, the Councilmembers in attendance, if constituting a quorum, shall select one of its members to preside over that meeting. Mayor and

Councilmembers shall refrain from private conversations with one another during Council meetings.

- A. **Call to Order** All Meetings will begin promptly at the hour stated. A quorum shall be the attendance of a majority of the members of the council. In the event of there not being a quorum at the time the meeting is called to order, the council may discuss matters, but shall not take any action until a quorum is present. In the event the Mayor or a Councilman leaves the council room and the remaining members do not constitute a quorum, the council may continue to discuss matters listed on the agenda, but may take no vote or conduct other business.
- B. **Agenda** Ordinarily the Mayor or other presiding officer will follow the agenda as published, however the presiding officer shall have, subject to the approval of the council, the prerogative of addressing items out of order should such change facilitate guests or other factors.
- C. **Presentation of Agenda Items** Agenda items scheduled by the City Administrator will be presented by the City Administrator or the City Administrator may call on a staff member to present the item. Staff members may attend council meetings and be available as a resource person; however they are not to speak on city issues unless directed by the City Administrator. This does not preclude a staff member representing himself or herself at a meeting, but staff members should be cautious about taking positions that could be contrary to the position of their supervisors, for this could cause questions concerning their ability to follow through with instructions from their supervisors.
- D. **Presentations from the Floor** All guests and other persons who are to speak to the city council, including staff members, other than the City Administrator, City Attorney, or City Secretary who are seated at the table, shall wait in the audience until recognized. When called by the presiding officer for an opportunity to be heard, that person shall move immediately to the podium and make their comments.
  - i. The speaker shall identify herself or himself by name and address and the agency represented, if any. The speaker shall remain at the podium until all council questions have been answered and the Mayor has dismissed the speaker. Speaking from the podium will assure that the recording equipment picks up the presentation.
- E. **Council Action** After the council has heard all of the facts reviewed the supporting data, and listened to the arguments for and against each agenda item, it will act by approving or disapproving a motion. In the event that there is no motion or no second to a motion, no action will be deemed taken. Robert's Rules of Order would require a motion to act prior to any discussion of any item on the agenda, however this council's policy permits introduction of an item and discussion prior to making a motion for action.

- i. The city council acts in one of two methods. It may adopt a resolution or an ordinance. A resolution is an expression of the will of the council. The resolution may be written to honor some person, to recognize an event, to ask the city administration to look into a matter, perform a task, to execute a contract, or to fulfill some other desire of the council. An ordinance is a law or regulation. The council adopts an ordinance to set traffic regulations, to establish zoning or land use regulations, to set the tax rate, etc. Both ordinances and resolutions require the presentation of the item on the agenda, a motion and a second to the motion and an affirmative vote of three members.
- ii. From time to time, a question is raised about the legality of a person making a motion and then voting against his/her own motion. There is no prohibition in doing that. The person may be opposed to an action and wants the motion on the floor so that person can register the opposing vote.

**Section 4. MINUTES OF MEETINGS**

The City Secretary or the City Secretary's assistant will keep minutes of all meetings. The Secretary will record the proceedings and the tapes will be kept for in accordance with state retention requirements unless there have been questions rose that indicate possible need to keep the tapes longer.

The minutes will record the presence of each elected official, each city staff member, and all guests who registered their attendance. The minutes will include all areas of discussion and identify each speaker and the topic, as far as possible, the key point or points that were made. The minutes will not be a verbatim recording of all discussions. The minutes will reflect all motions made, who made and who seconded the motions, although it is not necessary to identify the person seconding a motion. The outcome of each motion, including the roll call vote, if requested, will be included in the minutes. The minutes will include the key points of any specific comments made by members for the record.

Each agenda item will be identified in the minutes by sub-headings to facilitate review by the Mayor and Councilmembers. It is important that the minutes include the name and address of any guests who address the council as well as the specific subject or request presented.

The minutes shall not include verbatim copies of statements nor any extraneous discussions; however any councilmember who desires to have a verbatim statement included as a part of the minutes shall provide a typed copy of such verbatim statement to the City Secretary prior to the presentation of such statement. This statement will not be typed into the minutes, but will be attached to the minutes and so noted.

Copies of the minutes will be included in the agenda packets distributed to the Council prior to the next regular meeting. Minutes may be amended should a member of the Council recognize an incorrect statement and then may be approved by the city council without a motion unless a member of the Council desires otherwise. After allowing time for review, the presiding officer may state that the minutes are approved as amended or approved as distributed. Always keep in mind that the minutes are a record of the council action, even though they may differ from a tape or other recording of the meeting.

**Section 5. PARLIAMENTARY PROCEDURE**

In regular and special meetings, Robert's Rules of Order will be followed as far as is feasible. The City Attorney will be the Parliamentarian for Council meetings.

Any Councilmember may call for the question on any issue, and upon seconding by another member; the issue to call for the question shall immediately be put to vote. Passage of the motion to address the previous question shall terminate debate on the motion, amendment or item under discussion and action shall be taken on that item immediately, and the chair shall move to the next item.

The council may agree to limit debate on any business before it. That agreement should be formalized by a majority of the Council on a roll call vote prior to any deliberation on that item.

Any member may request a roll call vote at any time.

**Section 6. DECORUM AND DEBATE**

**IT IS IMPERATIVE THAT THE PRESIDING OFFICER MAINTAIN ORDER AT ALL TIMES. THE OFFICER MUST NOT PERMIT DEBATE OR COMMENTS FROM ANY INDIVIDUAL WHO HAS NOT BEEN RECOGNIZED. INTERRUPTIONS MUST BE SILENCED BY VOICE, USE OF THE GAVEL OR OTHER MEANS, AND, IN THE EVENT OF ANY PERSON'S FAILURE TO HEED THE DIRECTIONS OF THE PRESIDING OFFICER, THE OFFICER MAY HAVE THAT INDIVIDUAL REMOVED FROM THE ROOM.**

When a measure is presented to the Council for consideration, the presiding officer shall recognize the appropriate individual to present the case. When two or more members wish to speak, the presiding officer shall name the member who is to speak first and may direct that the other shall speak next. No member of the Council shall speak first and may direct that the other shall speak next. No member of the Council shall interrupt another who is speaking except to make a point of order or to make a point of personal privilege.

**No member of the public or council shall be permitted to indulge in personalities, use language personally offensive, question motives of other members, charge deliberate misrepresentation, or use language tending to hold another member of council or the public up to contempt.**

If a councilmember is speaking without being recognized or otherwise violating any of the rules of the Council, the presiding officer shall, or any Councilmember may, call him or her to order in which case he or she shall immediately be quiet unless permitted to explain. The Council shall, if appealed to, decide the case without debate. If the decision is in favor of the member called to order, he/she shall be at liberty to proceed, but not otherwise, and if the disruptions continues, he/she shall be liable to censure or to such punishment as the Council deems proper consistent with State Statutes or City Ordinances if applicable.

In accordance to Roberts Rules of Order, the majority of the City Council may override any decision of the presiding officer regarding the conduct and handling of the Council meeting. In order for a decision of the presiding officer to be overruled, there must be a motion, a second and a vote by the majority of Council overruling the decision of the presiding officer.

**Section 7. CITIZEN PARTICIPATION AT MEETINGS**

- A. All citizens attending any regular or special Council meetings will be asked to sign the visitor's register provided. The City Secretary, as a matter of record, will add their names to the minutes of said meeting. Persons wishing to speak to the Council, in addition to signing the visitors register, must complete a "Speakers Card" and indicate the subject that they wish to address. Ordinarily, one who wishes to address an agenda item will be invited to speak when the agenda items comes up for discussion. One who wishes to address a subject not on the agenda will have an opportunity to speak during the citizen comments agenda item. **Citizen comments are limited to three (3) minutes. A citizen may be given the time of another citizen to speak if approved by the presiding officer; however, citizen will be limited to a total of six (6) minutes.** The Mayor or Council may make a motion to grant additional time for a citizen to continue speaking. A majority of the Councilmembers would be required to grant additional time.
  
- B. To maintain decorum, the Mayor, at all meetings, will ask the citizens present if they wish to speak for or against any item on the agenda. If so, they will be given an opportunity to do so at the proper time, when recognized by the chair. **Citizen comments, when speaking on an agenda item, are limited to three (3) minutes. A citizen may be given the time of another citizen to speak if approved by the presiding officer; however, citizen will be limited to six (6) minutes.** No citizen may speak nor otherwise interrupt any meeting until recognized by the presiding officer. Citizens will not be allowed to bring placards, banners or any type of sign into the Council chamber.

- C. If a citizen or organization wishes to make a presentation to the City Council, the time limit restrictions under subsections (A) and (B) will not apply if the citizen or organization complies with this subsection. A citizen or organization that wishes to make a presentation to the Council on any item, whether on the agenda or not, will receive fifteen (15) minutes if the citizen or organization contacts the City Secretary five (5) business days prior to the scheduled City Council meeting in order for the presentation to be placed on the Council agenda. A citizen or organization must inform the City Secretary if any technological support will be required.
- D. Citizens who wish to bring up a matter not on the agenda at a regular meeting may do so, but only under citizen comments agenda item. Citizens must be reminded that the Council is prohibited from discussing or acting on any item that has not been posted on the agenda.
- E. **Fire Safety.** Citizens are welcome and invited to attend Council meetings. However, the number admitted shall be limited to the fire safety capacity of the Council Chamber.
- F. **Prohibition.** Any attendee to a City Council meeting is prohibited from drinking alcoholic beverages, smoking or chewing any tobacco products in the Council Chamber or City Hall. This prohibition shall apply to all attendees and shall apply to all business hours of the City Hall and Council meetings.

Section 8. **SEVERABILITY**

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or illegal, such decision shall not affect the validity of the remaining sections of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared void.

PASSED, APPROVED AND ORDAINED in the City of Karnes City, Texas, this the 26<sup>th</sup> day of June 2018.

  
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Leroy T. Skloss  
Mayor

Attest:

  
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Veronica Butler  
City Secretary

