



## CITY COUNCIL POLICY

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### City of Burleson City Council Policy Establishing City Council Rules of Procedure For City Council Meetings

Adopted date	November 11, 1982
Revision dates	May 5, 1985, January 21, 2020, & February 22, 2021
Department Name	City Council

#### I. AUTHORITY

Pursuant to the provisions of the Charter of the City of Burleson, Texas, the City Council shall enact rules of procedure for all meetings of the City Council of the City of Burleson, Texas, which shall be in effect upon their adoption by the City Council until such time as they are amended or new rules adopted. These guidelines shall remain flexible and in compliance with the City Charter, the Texas Open Meetings Act, and any other applicable state laws.

#### II. MEETING AGENDAS

- a. **Preparation & Posting of:** The City Manager is responsible for creating the agenda and agenda packet materials for City Council meetings. The City Secretary is responsible for posting the agenda and distributing agenda packets to the City Council.
- b. **Placing Items on the Agenda:** The Mayor or any one Councilmember may request that an item be placed on the agenda by the following means:
  - i. Request the item during the “Request for Future Agenda Items” during the work session portion of a Council meeting; or
  - ii. Notify the City Manager, in writing, of the request a least ten (10) business days prior to any regularly scheduled City Council meeting.

**c. Agenda Packet:**

- i. Contents: The agenda packet will include a report and related documents (i.e. ordinance, contract, bid tabulation, etc.) for each item on the Consent Action and/or General Action sections of the agenda.
- ii. Distribution: In most cases, the agenda packet should be made available to the City Council at least 5 (five) calendar days prior to the regularly scheduled City Council meeting.

**d. Agenda Item Pages:** Each AIP shall contain all pertinent information on the item of business. Generally, the report shall include the following order of information:

- i. Action requested of the City Council
  1. Items concerning an ordinance must identify the proponent of the ordinance in parenthesis following the action requested.
- ii. Background and/or historical information
  1. Input/Recommendations received from applicable City Boards or from the public
  2. Financial impact (i.e. source of funds)
  3. Identity of the City Manager's office contact and city departmental staff member whom Council and the public should contact for additional information

**e. Consent Agenda Items:** The City Manager may place on the consent agenda section of the agenda any items that, in the City Manager's view, are routine in nature. Consent agenda items should not include:

- i. First reading of any ordinance
- ii. An item concerning an election
- iii. An item authorizing the issuance (or notice of issuance) of any debt instrument (bonds, certificates of obligation, capital lease agreements, etc.)
- iv. A contract or purchase of a single good or professional service (i.e. excludes sole source and unit price supplies/materials) that exceeds \$200,000.00 regardless of whether or not the item is required to be bid.

*Posted consent agenda items may be removed from consent by any one councilmember who request the removal during the open meeting. Any posted item on the agenda that does not require a public hearing*

*may be added to the consent agenda by a vote of the city council during the open meeting.*

- f. **Councilmember's Obligations to be Prepared in Advance:** In order to provide for informed decision making and to instill confidence in the electorate, in advance of each meeting, each Councilmember is expected to:
- i. Study and be familiar with all material in the agenda packet provided by the staff in advance of the meeting.
  - ii. Include staff and citizen contacts, field observations and inquiries in their preparation.
  - iii. Direct any questions about the agenda packet to the city manager's office or the staff member designated on the agenda report.

### III. **COUNCIL MEETINGS: RULES, PROCEDURES AND CONDUCT**

a. **Presiding Officer**

- i. The Mayor presides at meetings of the City Council (City Charter, Sec. 22(a)).
- ii. The Mayor Pro Tem, who shall act as mayor during the absence or disability of the Mayor (City Charter, Sec. 22(b)).
- iii. In the event the Mayor and Mayor Pro Tem are absent, the Councilmember in attendance with the longest tenure shall preside over the meeting. In the event of a tie in tenure, the members may draw lots to determine who shall preside.

b. **Burleson Rules of Order**

- i. The rules contained in Section V of this Policy shall govern the Burleson City Council meetings in all cases to which they are applicable and not in direct conflict with State laws. These rules are intended to be fair and complete.

c. **Executive Session (Closed Session)**

- i. The Texas Open Meetings Act provides for narrowly drawn exceptions to the requirement that meetings be open to the public. The City Council shall follow TOMA with regards to executive sessions requirements.

- d. **Annual Meeting Calendar:** The City Council shall adopt a calendar outlining their scheduled regular meetings for any calendar year no later than December 1<sup>st</sup> of the preceding year.
- e. **Citizen Appearances:** Each person in attendance who desire to speak to Council on an item not posted on the agenda, shall speak during this section. Each person in attendance who desire to address the Council on an item posted on the agenda or at a public hearing shall address the council when that item is called forward for consideration.

A speaker card must be filled out and turned in according to speaker rules listed in this section. Under the Texas Open Meeting Act the city council may take action only on legally posted items on the agenda. There will be no discussion of any un-posted items, council will only receive comments and may only ask clarifying questions and respond with facts or explanation of policy.

- i. Speaker Rules
  - 1. Each person will be allowed three (3) minutes and will not be interrupted by Council or staff.
  - 2. Council may request the City Manager place the subject on a future Council meeting agenda or request staff meet with the person for further discussion.
  - 3. Speaker Cards
    - a. Speaker cards will be provided at the council meetings for in-person speakers and can be handed directly to the City Secretary Office staff.
    - b. Online speaker cards will be provided through the city's website and available to anyone not attending the council meeting in-person. Online speaker cards will be read aloud by the City Secretary at the time the item is presented for speakers.
    - c. All online speaker cards received after the item is discussed will be forwarded to the city council as soon as possible.

**IV. COUNCIL MEETINGS: ORDER OF BUSINESS See Comparison Chart at the end**

Council meetings shall generally adhere to the following order of business:

**a. Regular Session:**

- i. Should begin with a Call to Order by the Mayor (presiding officer)
  1. formal roll call or statement by presiding officer (or city secretary) indicating quorum present
  2. statement of date and time – 7:00 p.m. start time may be adjusted due to the requirements of meeting
  3. invocation
  4. pledge of allegiance – United States and Texas
- ii. Public Presentations: Proclamations, recognitions, general reports, and updates from the public or community organizations.
- iii. Community Interest Items: In accordance with the Texas Open Meetings Act, an "item of community interest" includes the following:
  1. expressions of thanks, congratulations, or condolence;
  2. information regarding holiday schedules;
  3. honorary recognitions of city officials, employees, or other citizens;
  4. reminders about upcoming events sponsored by the city or other entity that is scheduled to be attended by city official or city employee; and
  5. announcements involving imminent public health and safety threats to the city.
- iv. Items to be continued or withdrawn: Any City Councilmember or the City Manager may request an item be removed from consideration and either (1) continued to a future meeting date or (2) withdrawn from consideration altogether or (3) move in the order of the agenda.
- v. Items to be withdrawn from Consent Agenda for separate discussion or items to be added to the consent agenda
  1. Items to be withdrawn from the consent agenda for separate discussion: Any Councilmember wishing to discuss and vote on a consent agenda item individually should make that request.
  2. Items to be added to the consent agenda: Any councilmember may request a posted agenda item that

does not require a public hearing be moved to the consent agenda via council vote.

vi. Citizen Appearances:

It is the policy of the City Council of the City of Burleson to encourage open government and the opportunity for all citizens to address the Council and receive fair consideration for each item listed on the agenda. Therefore, and in the interest of time, decorum and the constraints of the Texas Open Meetings Act, there are rules that must be enforced. On items not posted on the agenda, the Council may receive comments or suggestions. The Council cannot discuss or deliberate on the unposted matter. The Council may, however, ask clarifying questions, respond with facts, explain a policy, and propose that the item be placed on a future agenda.

1. In accordance with Section 551.007 of the Texas Open Meetings Act, the public has a right to speak on items on the agenda either at the beginning of the meeting or during the meeting when an agenda item is being considered.
2. Under the Texas Open Meetings Act and Public Information Act laws of the State of Texas, the City Council may take action only on items legally posted on the agenda.
3. On items not posted on the agenda, the Council may receive comments or suggestions. The Council cannot discuss or deliberate on the unposted matter. The Council may, however, ask clarifying questions, respond with facts, explain a policy, and propose that the item be placed on a future agenda.
4. Each person will be allowed three (3) minutes to comment on any particular subject. Council and staff will not interrupt speaker's time and will ask questions or clarification after the three (3) minutes of time. If the person requires a translator, they will receive six (6) minutes to allow to address the Council.
5. Each person shall fill out a speaker card and present to the City Secretary before speaking.
6. Profanity or threatening language will not be tolerated and may result in the following:

- i. Cancellation of remaining time;
  - ii. Removal from the Council Chambers; and/or
  - iii. A contempt citation.
- vii. Council Intermission: This should be a brief intermission allowing councilmember time to engage with the public.
- viii. Presentations and Reports: An opportunity for the City Manager or his/her staff to obtain direction from Council on a future item, provide information on current items, or respond to previous Councilmember requests for information.
- ix. Consent Action Agenda: All items listed are considered to be routine by the City Council and will be enacted with one motion. There will be no separate discussion of the items unless a Councilmember or citizen so requests, in which event the item will be removed from the consent agenda and considered in its normal sequence.
- x. General Action Items: Items may include, but are not limited to: Public Hearings, Ordinances & Resolutions, Contracts & Agreements, etc. Items scheduled for public hearing or which involve outside organizations should, typically, be listed first.
- xi. City council request for future items or reports: An opportunity for any member of the city council to request a future council meeting item.
- xii. Executive Session (if needed): The City Council may choose to meet in Executive Session in accordance with state law. Executive Session may be held at any time when a City Council meeting is convened.
- xiii. Adjourn: With no further business the presiding officer shall request a motion to adjourn. No vote is necessary.

## **V. BURLESON RULES OF ORDER**

The rules contained in this section the policy shall govern the Burleson City Council meetings in all cases to which they are applicable and not in direct conflict with state laws.

- a. **Presiding Officer**: The Mayor, if present, shall be the presiding officer. In the absence of the Mayor the Mayor Pro Tem shall be the presiding officer. In the absence of both the Councilmember with the most senior tenure should preside.

- i. Should by statement identify quorum present call the meeting to order according to posted agenda and clearly state date and time.
- ii. Should establish the order of the meeting by following the posted agenda and may call items out of order for purpose of functionality.
- iii. Shall not make initial motions on items before the Council, however may second a motion.

**b. Motion:**

- i. Motion dies from lack of second
- ii. No amendments to original motion, except by the member making the motion
- iii. Each item posted on the agenda should be voted on individually

**c. Point of Order:**

- i. Any Councilmember may request to identify procedural defect
- ii. Any Councilmember may make call a filibuster point of order
  1. Presiding officer request Councilmember speaking to yield the floor
  2. Presiding officer present to the other members of Council an opportunity to speak
  3. If no other member wishes to speak the officer can return the floor to the original member speaking

**d. Point of Information:**

- i. Any Councilmember may request additional information for other members to consider
- ii. There is no debate

**e. Call the Question: Only when a motion is on the table for consideration**

- i. Any Councilmember may call the question
- ii. Requires a second but no vote
- iii. Ends debate or discussion and requires immediate vote on item

**f. Public Hearing:**

- i. Council should fairly allow everyone to be heard before Councilmembers speak
- ii. After all speakers, Council may comment and recall speakers if needed



- iii. Each person will be allowed three (3) minutes to speak. Council and staff will not interrupt speaker's time and will ask questions or clarification after the three (3) minutes of time. If the person requires a translator, they will receive six (6) minutes to address the Council.

**g. Table:**

- i. Items will be tabled to a specific date and the request made by applicant or staff
- ii. If no date is stated when item is tabled, the item after 180 days will be placed on the next regular agenda and considered
- iii. In non-zoning cases, citizens may make a request to table

**h. Adjourn:**

- i. Adjournment of the meeting requires a motion and a second but no vote
- ii. Presiding officer will announce date and time of adjournment

**i. Executive Session:**

- i. Can be taken at any time during the meeting with proper notice to the public – presiding officer (or city secretary) shall announce the exceptions and time
- ii. Any member of the Council present may request to convene into executive session
- iii. City Manager, Deputy City Manager, City Secretary or Deputy City Secretary may request Council convene into executive session
- iv. All request to convene into executive session requires a motion, a second and a vote by Council
- v. All request to reconvene into open session requires a motion, second and a vote by Council

**VI. MAYOR/MAYOR PRO-TEM**

**a. Mayor:**

- i. Per Sec. 22 of the Charter of the City of Burleson, the Mayor presides at meetings of the City Council and, except in cases involving conflict of interests, must vote upon all items voted on by the City Council.

**b. Mayor Pro-Tem:**

- i. The City Council shall elect in accordance with Sec. 22 of the Charter from among its members, a Mayor Pro Tem, who shall act as Mayor during the absence or disability of the Mayor, and, if a vacancy occurs in the Mayor's place, shall become Mayor until the next general election. (City Charter, Section 22(b))
- ii. Qualifications: Any Councilmember who has served at least 2 years on the City Council shall be qualified to serve as Mayor Pro Tem.
- iii. Nomination process: Councilmembers interested in serving as Mayor Pro Tem shall, at least five business days prior to the meeting, submit to the City Secretary written notification of their interest of serving. The City Secretary shall present to Council, in executive session, all the names of the interested, qualified, Councilmembers. (*no discussion or vote will take place, this is informational only*)
- iv. Election: Each year at a regular meeting by August 31<sup>st</sup>, an agenda item for Election of Mayor Pro-Tem shall be placed on the Regular Session agenda. All action for election of the Mayor Pro-Tem shall occur during open session.

**VII. AUDIO/VIDEO USE**

- a. Recording of Council meetings on video equipment larger than a cell phone or tablet shall be located at the rear of the chambers so as not to interfere with the sight lines of the seated audience.