

# CITY OF HORSESHOE BAY

## CITY COUNCIL RULES OF PROCEDURE

### SECTION 1: AUTHORITY

- 1.1 The Charter of the City of Horseshoe Bay provides that, "Except as otherwise provided by this Charter and by the State of Texas, all powers conferred on the City shall be exercised by a City Council to be composed of a Mayor and five (5) Council Members." (Charter Art. 2.01) The Charter also provides that, "The City Council shall determine its own rules of procedure." (Charter Art. 3.06) In order to provide the framework for the execution of these powers and authority, the following set of rules shall be in effect upon their adoption by the City Council and until such times as they are amended or new rules adopted.

### SECTION 2: GENERAL RULES

- 2.1 Meetings to be Public: All meetings of the City Council shall be open to the public, with the exception of Executive Session.
- 2.2 City Council: For purposes of these rules, the collective membership of the Mayor and Council Members shall be known as the City Council. Individually, each shall be referred to as Mayor or Council Member.
- 2.3 Quorum: Three (3) Council Members, excluding the Mayor, shall constitute a quorum for the City Council.
- 2.4 Minutes of Meetings: An account of all proceedings of the City Council shall be kept by the City Secretary and shall be entered in a book or electronically which entry shall constitute the official record of the City Council. The Official City Council Minutes shall describe the action taken by the City Council and a summary of subjects discussed.
- 2.5 City Manager: The City Manager, or designee, shall attend all City Council meetings unless expressly excused. The City Manager may make recommendations to the City Council and take part in all discussions of the City Council, but shall have no vote.
- 2.6 City Attorney: The City Attorney, or designee, shall attend all regular meetings of the City Council unless expressly excused and, shall upon request give an opinion, either written or oral, on questions of law during the meeting. The City Attorney shall act as the City Council's Parliamentarian. The City Attorney shall give an opinion, either written or oral, on questions of law to the City Manager or designated representative, during the course of daily affairs of the City. The City Attorney may make recommendations to the City Council and take part in all discussions of the City Council, but shall have no vote. The City Attorney shall confer and discuss with a Council Member or the Mayor regarding a question of law pertaining to the affairs of the City. In such event, the City Attorney shall advise the City Manager of the question posed and information provided. The City Manager shall forward the information to the full City Council as soon as reasonably practical.
- 2.7 City Secretary: The City Secretary, or designee, shall attend all meetings of the City Council unless expressly excused, and shall keep the official minutes and perform such other duties as may be requested by the City Council.

- 2.8 Employees: Any employee of the City, when requested by the City Manager, shall attend any meeting of the City Council and, if requested to do so by the City Manager, such employee may present information relating to matters before the City Council. Council Members may request presentations by staff and/or particular staff members, but the City Manager will determine the staff spokesperson for providing information, for a particular agenda item, at the City Council meeting.
- 2.9 Executive Session: All matters taken up in Executive Session shall meet the requirements for such sessions as set out in the Texas Open Meetings Act. For the opening and closing of an Executive Session, the Mayor shall do such at the location as noted on the official agenda notice posted in compliance with the Texas Open Meetings Act. For purposes of regular agenda meeting postings, the opening and closing of an Executive Session shall be done in the Council Conference Room of City Hall.

### **SECTION 3: TYPES OF MEETINGS**

- 3.1 Regular Meetings: The City Council shall meet as provided in the Horseshoe Bay City Charter. (Charter Art. 3.06). The Regular City Council meetings shall be scheduled in advance for one year at the start of each fiscal year and meet the 72-hour posting requirement of the Texas Open Meetings Act. Any regular City Council meeting may be subject to re-scheduling, provided proper notice is given pursuant to the Texas Open Meeting Act.
- 3.2 Special Meetings: Special meetings of the City Council shall be those meetings, which are not regular meetings. Special meetings may be called upon the written request of the Mayor, or any two (2) Council Members. The posted notice for a Special Meeting shall list the subject or subjects to be considered and shall meet the 72-hour posting requirement of the Texas Open Meetings Act. Special Meetings are open to the public.
- 3.3 Emergency Meetings: An emergency meeting of the City Council shall be called only if immediate action is required because of an “imminent threat to public health and safety” or a “reasonably unforeseeable situation” has arisen. The posted notice to the public of an emergency meeting shall include the emergency or urgent public necessity and shall be posted no later than two hours before the meeting is convened.
- 3.4 Work Session Meetings: Work session meetings may be called by the Mayor, or by any two (2) Council Members for the purpose of discussing in depth, investigating or exploring matters of interest to the City. The time, place, and purpose of such work session meeting shall be stated in a notice complying with the Texas Open Meetings Act. Such work session meetings may be held in any appropriate location inside or outside the City Hall upon concurrence by any three (3) Council Members or as determined by the City Manager. Such work session meetings may include, meetings with one of the City's appointed boards, commissions, or committees, meeting with civic organizations or a meeting for Council Members to research, evaluate, explore, investigate, or discuss any matter of interest or possible action affecting the City, subject to compliance with the provisions of the Texas Open Meetings Act.

### **SECTION 4: CONDUCT OF MEETINGS**

- 4.1 Presiding Officer: The Mayor, if present, shall preside at all meetings of the City Council and enforce these rules and procedures during a meeting. In the absence of the Mayor, the Mayor Pro Tem shall preside. The presiding officer shall make decisions on questions of procedure subject to review respectively by the City Council as a whole. Following a decision of the presiding officer on a question of procedure, any two (2) Council Members may be entitled to appeal the decision to the City Council as a whole by the making and the seconding of a motion

of appeal. Once made, the appeal must be approved by an affirmative vote of a majority of the Council Members.

- 4.2 Call to Order: The meetings of the City Council shall be called to order by the presiding officer.
- 4.3 Rules of Procedure: Robert's Rules of Order shall be followed in all material respects.
- 4.4 Preservation of Order: The presiding officer shall preserve order and decorum, prevent clash of personalities, or the impugning of Council Members' motives to occur and confine Council Members in debate to the question under discussion.
- 4.5 Points of Order: The presiding officer shall determine all points of order subject to the right of any Council Member to appeal to the City Council as set out in 4.1. above.
- 4.6 Motions to be stated: The presiding officer shall re-state a motion being considered prior to the vote, and announce the results.
- 4.7 Substitution for Mayor: The Mayor may call the Mayor Pro Tem to take the Mayor's place in the meeting chair, such substitution not to continue beyond meeting adjournment.
- 4.8 Amendment to the Minutes: Amendments to the Minutes are made by a motion during the item to consider approval of the minutes. The Minutes provide the action taken by City Council and a summary of subjects discussed. If a Council Member desires that certain information be included in the minutes, the Council Member shall so indicate by stating, "For the record", prior to presenting the information. If it is a lengthy statement, a written copy shall be provided to the City Secretary.

## **SECTION 5: AGENDA**

- 5.1 Preparation of the Agenda:
  - A. The order of business of each meeting shall be as contained in the City Council agenda. The agenda shall be developed by the City Manager as directed by the Mayor, and produced by the City Secretary. The agenda shall be a listing by topic of subjects to be considered by the City Council.
  - B. The presiding officer may place any item on an agenda. Each Council Member may place an item on the agenda and provide supporting documentation by making a request in writing, which shall include e-mail. Such requests should be submitted to the Mayor and the City Manager not later than 1:00 p.m. on the Tuesday fourteen (14) days prior to a regular City Council meeting. The Mayor, City Manager, and City Council member submitting the item may communicate concerning the item, agenda language and preparation of supporting documentation.
  - C. The City Secretary shall prepare a Preliminary Agenda and distribute it to the Mayor and Council Members no later than the Friday eleven (11) days prior to the regular City Council meeting. City Council should have comments back to City Manager or City Secretary by 9:00 a.m. eight (8) days prior to the regular City Council meeting. Upon direction of the Mayor or the City Manager, the City Secretary shall send a copy of the Preliminary Agenda to the local newspapers for publication on the Tuesday seven (7) days prior to the regular City Council meeting.
  - D. The City Manager shall provide the City Council with a written analysis of and, if appropriate, recommendation of items to be acted on by the City Council at its meetings. These communications shall be generally referred to as the Agenda Packet.

- E. The City Secretary shall prepare the final Agenda and compile the Agenda Packet on the basis of what is complete by 10:00 a.m. on the Thursday before the Council meeting.
- F. The Agenda and Agenda Packet shall be available to members of the Council not later than 3:00 p.m. on the Thursday prior to a regular City Council meeting.
- G. Any item not appearing on the agenda shall not be taken up for discussion as a matter of City Council business during a regular meeting unless it is of an emergency nature as authorized by the Texas Open Meetings Act and comes to the City's attention too late to appear on the agenda. Such special, urgent, or emergency issues shall be posted in compliance with the Texas Open Meetings Act and the City Charter, and may be added as a supplemental item to the published Agenda and Agenda Packet.
- H. The City Secretary shall post notices of all City Council meetings in compliance with the Texas Open Meetings Act.

- 5.2 Consent Agenda: In preparing the agenda, the City Manager shall give consideration to the number and degree of complexity of items to be considered by the City Council for the purpose of conserving the City Council's time in meetings. Items which are anticipated to be routine and require no discussion by the City Council shall be listed under the agenda category styled "Consent Agenda Items." Prior to taking up the Consent Agenda, the presiding officer shall determine if there are any items thereon which should be removed from the Consent Agenda for discussion. Any Council Member may, upon request, remove any item from the Consent Agenda for discussion and separate action. Thereafter, all remaining Consent Agenda items may be acted upon by a single motion approving the Consent Agenda. Items removed from the Consent Agenda shall be considered on the ending resolution, which is for action not otherwise approved.
- 5.3 Oral Presentations by the City Manager: Matters requiring the City Council's attention or action which may have developed since the deadline for delivery of the Agenda Packets may, upon approval of the City Council, and after satisfying the requirements of the Texas Open Meetings Act, be presented orally by the City Manager, or designated staff.

## **SECTION 6: CITIZEN PARTICIPATION AT MEETINGS**

- 6.1 Individual Items on the Agenda: Members of the public wishing to speak to an agenda item being considered during that meeting shall be allowed to address the Council provided the person has completed the signing in process prior to start of the meeting, unless waived by the presiding officer. Presentation by people shall be limited to a time-period of not more than three (3) minutes to speak on one or multiple agenda items. Groups of people from the same organization or group are asked to share ten minutes to address the Council on specific agenda items. The spokesperson for the organization or group should indicate the organization or group during the signing process and request ten minutes.
- 6.2 Time-Certain Items and Public Hearings: Members of the public must complete the signing in process for a time-certain item prior to its posted time of consideration. Each person will have three (3) minutes to speak.
- 6.3 Comments from the Public: Members of the public wishing to speak on an issue that is not related to an Agenda item for that meeting shall be allowed to address the Council, provided the person has

completed the signing in process prior to the time of the Agenda for Public Comment, unless waived by the presiding officer. Presentation by the public shall be limited to not more than three minutes.

## SECTION 7: DECORUM

- 7.1 The Council is committed to conducting its business in a courteous, reasonable, and respectful manner. All Council Members and all persons in attendance at the meetings shall demonstrate good conduct and act with propriety and decorum. No person shall make personal, impertinent, or slanderous remarks.
- 7.2 Any person who becomes unruly, boisterous and/or threatening while addressing the City Council or while attending the City Council meeting may be removed from the room if the security officer is so directed by the presiding officer, and such person shall be barred from further audience before the City Council during that session of the City Council.

## SECTION 8: PROCEDURES FOR CITY COUNCIL APPOINTMENTS

### 8.1 General:

A. As set out in Chapter 10 of the City of Horseshoe Bay Charter, the City Council has the authority to create, abolish, establish, and appoint such boards, commissions, and committees, composed of citizens of the City of Horseshoe Bay or residents within the City's extraterritorial jurisdiction, as it deems necessary to carry out the functions of the City and to prescribe the purpose, functions, and tenure of each board, commission, or committee.

1. The purposes of this policy are to establish uniform procedures for the following:
  - a. The establishment and termination of all City of Horseshoe Bay boards, commissions, and committees; and
  - b. The appointment of citizens or residents to serve as members of Horseshoe Bay boards, commissions, or committees or as an official representative of the City of Horseshoe Bay.
2. This procedure for City Council Committees and Appointments applies to all City Council committees and appointments with the following exceptions:
  - a. The appointment of a Council Member by the Mayor for a special assignment. Such assignment shall be reported to the City Council as soon as possible.
  - b. The establishment of ad hoc work groups or forums by the City Council upon the recommendation of the Mayor or City Manager for the purpose of facilitating community coordination and communication on a specific issue. The members of such a working group or forum may be determined by the Mayor or City Council.

### B. Definitions:

1. ***Application:*** The "City of Horseshoe Bay Application for Consideration of Appointment" as adopted by the City Council and published by the City Secretary.
2. ***Active Application:*** A completed Application on file with the City Secretary that is less than two years old from the date of filing with the City Secretary. All Active Applications shall be maintained by the City Secretary, unless applicant moves or requests that their application be removed.
3. ***City Appointee:*** Citizen named by the City Council to represent the City of Horseshoe Bay as a member of another entity's Board, Commission, or Committee.

4. **City Board, Commission, or Committee Member:** Citizen named by the City Council to serve on a City Special Purpose Committee or on a City Standing Board, Commission, or Committee.
5. **City Special Purpose Committee:** A committee formed by the City Council through a Resolution to meet a special purpose.
6. **City Standing Board, Commission, or Committee:** A board, commission, or committee established by the City Council through an Ordinance to perform designated functions. A City Standing Board, Commission, or Committee continues from year to year with changing membership until it is formally terminated by action of the City Council.
7. **Qualified Applicant:** A citizen who meets the member eligibility qualifications and has an Active Application on file with the City Secretary.

8.2 Establishment and Termination of City Boards, Commissions, and Committees:

- A. The City Council shall establish statutory boards, commissions, and committees as required by Texas law to assist in the conduct and operation of the City such as the Board of Adjustment and the Planning and Zoning Commission.
- B. In addition, the City Council may establish citizen advisory committees to provide input, information, and guidance concerning a designated area as the need may arise.
- C. All City Boards, Commissions, and Committees shall be established by Ordinance or Resolution by the City Council and shall be dissolved as directed by the City Council. Information concerning the purposes and expectations of each committee shall be set forth in the enabling Ordinance or Resolution.
- D. The duties of all City Boards, Commissions, and Committees may not be inconsistent with the Horseshoe Bay City Charter or City of Horseshoe Bay Code of Ethics.

8.3 Selection and Appointment of City Representatives and Members to City Boards, Commissions, and Committees:

- A. Through the appointment of City Representatives and Board, Commission, and Committee Members, the City Council shall seek to draw from the rich talents, experiences, and expertise of the citizens, and to provide a structure for citizen input and feedback.
- B. Citizens are appointed to serve on a City Board, Commission, or Committee or as a City Appointee at the pleasure of the City Council. The City Council retains the right to excuse an appointed member from service or to replace any appointed member at any time for any reason.
- C. No City Board, Commission, or Committee Member shall get involved in the daily operations of the departments of the City or in personnel matters. No City Board, Commission, or Committee Member is authorized to speak for the City Council.
- D. For a citizen to be eligible for consideration for appointment or re-appointment to a City Board, Commission, or Committee or to serve as a City Appointee, they must meet the following qualifications:
  1. Must be a citizen or resident in the City of Horseshoe Bay or a resident in the City's extraterritorial jurisdiction;
  2. Must not be in arrears in the payment of any taxes or other liability due to the City;
  3. Must have an Active Application on file with the City Secretary;

4. Must meet any certain requirements as set out in State statute; and
  5. May not hold any other public office, including other City Council appointments, except that of Notary Public or as a member of the Armed Services or National Guard.
- E. Information about all City appointments that will be open at the end of each year will be distributed to the public beginning in September of that year. Applications shall be solicited in a variety of ways to include newspaper articles, website information, posting of notice on official bulletin board, encouragement by word of mouth, and by invitation.
- F. Applications are available and may be completed and returned to the City Secretary at any time during the year. To be considered for vacancies for terms expiring that year, the deadline for filing Applications is the first Monday of November of that year. Incumbents seeking re-appointment must have an Active Application of file by that date. Applicants may indicate an interest in more than one board; however, no person shall serve concurrently on more than one board.
- G. When a vacancy becomes open, the City Council shall be informed of all Qualified Applicants who have indicated an interest in appointment or re-appointment to that City Board, Commission, or Committee, and any other Qualified Applicant with relevant experience.
1. This information will be provided to the City Council in November for review for consideration of appointments for the next year.
  2. If a vacancy becomes open during the calendar year, the City Council shall be provided the same information as early as possible before action is taken to make a new appointment.
- H. After reviewing this information, the City Council shall make appointments with consideration for appointing members with qualifications that enhance the whole committee while providing a mix of experienced and new members.
- I. Term of Office:
1. Citizens are appointed to serve on a City Board, Commission, or Committee or as a City Appointee at the pleasure of the City Council. The City Council retains the right to replace any appointed member at any time for any reason.
  2. City Board, Commission, and Committee Members and City Appointees are appointed for a limited purpose and time, and once the assigned term of office is completed, they are excused from this appointment unless the City Council selects the citizen for another term of service.
  3. A City Appointee shall serve for a term of one (1) year and is eligible for reappointment for only one additional term unless specifically extended by the City Council. In the event a vacancy occurs prior to the expiration of a full-term, the City Council may appoint a new member from the pool of Qualified Applicants to complete the unexpired term.
  4. A City Standing Board, Commission, or Committee Member will be appointed by the City Council for a term of two (2) years. No citizen shall be appointed to the same City Standing Board, Commission, or Committee for more than two consecutive terms unless specifically extended by the City Council. Terms will be staggered so approximately one-half of the membership at any one time has experience. In the event a vacancy occurs prior to the expiration of a full-term, the City Council may appoint a new member from the pool of Qualified Applicants to complete the unexpired term.

5. A City Special Purpose Committee Member shall be appointed for the time as designated by the City Council, or until disbanded by the City Council or at such time the final report of the Committee is received by the City Council.
  6. All terms for appointments to City Boards, Commissions, and Committees and for City Appointees shall run on a calendar year from January through December.
- J. Any City Board, Commission, or Committee Member or City Appointee who ceases to reside in the City of Horseshoe Bay during their term of office shall immediately forfeit their position.

### **SECTION 9: CONFIDENTIALITY**


- 9.1 **Litigation**: When the City of Horseshoe Bay is involved in litigation or a legal dispute, Council Members shall not comment on settlements, appeals, or other issues related to the subject until the matter is resolved. The City Attorney shall be authorized to provide any public responses or comments, as needed on matters involving litigation.
- 9.2 **Executive Sessions**: All matters discussed in Executive Session, as authorized by the Texas Open Meetings Act, may be deemed confidential by law, and participants authorized to attend Executive Sessions are not required to make public disclosure concerning the matters discussed in Executive Session. It shall be the policy of the City Council that the Mayor, individual Council Members, City Manager, City Attorney, City Secretary, and others who are authorized to attend Executive Sessions shall not make selective disclosure of confidential matters where the information has not been released to the general public. The presiding officer may be authorized to issue a statement regarding confidential matters upon approval of same by the City Council. Violations of this procedure shall be enforced in accordance with the Ethics Policy and practices as adopted by the City Council.

**ADOPTED AND APPROVED** as amended on this the 26<sup>th</sup> day of August, 2014 by a unanimous vote of the City Council of the City of Horseshoe Bay, Texas.

CITY OF HORSESHOE BAY, TEXAS

  
STEPHEN T. JORDAN, MAYOR

ATTEST:

  
Teresa L. Moore, TRMC  
City Secretary