

## CITY OF ATHENS COUNCIL RULES AND PROCEDURES

### **Regular Meetings.**

Regular meetings of the City Council will be held on the second and fourth Mondays of each month, except as specifically modified by the City Council. Said meetings will generally commence at 5:30 pm. Regular meetings of the City Council may be held at such other times as may be necessary or beneficial. Public notice of all regular meetings of the City Council shall be given as required by the Texas Open Meetings Act, Section 551.001 *et seq.* of the Government Code.

### **Special Meetings.**

Special meetings of the City Council shall be held on such dates and at such times as called by the Mayor or, in the Mayor's absence, the Mayor Pro Tem, or as recommended to the Mayor by the City Manager. Public notice of all special meetings of the City Council shall be given as required by the Texas Open Meetings Act, Section 551.001 *et seq.* of the Government Code.

### **Council Work Sessions.**

The City Council may hold work sessions as needed. Public notice of all City Council work sessions shall be given as required by the Texas Open Meetings Act, Section 551.001 *et seq.* of the Government Code.

### **Council Retreats.**

The City Council may generally hold retreats annually in lieu of City Council work sessions. Public notice of all City Council retreats shall be given as required by the Texas Open Meetings Act, Section 551.001 *et seq.* of the Government Code.

### **Joint Meetings.**

The City Council may hold a joint meeting with each board, commission, and task force appointed by the City Council when a specific item requires the combined efforts of the City Council and the board, commission, or task force. Public notice of all joint meetings shall be given as required by the Texas Open Meetings Act, Section 551.001 *et seq.* of the Government Code.

### **Preparation of the Agenda.**

The City Manager shall ensure the preparation of the agenda for each meeting, work session, retreat or joint meeting.

### **Categories for Council Agendas.**

For each Council meeting, the agenda may contain any of the following categories:

- (a) Call to order;
- (b) Invocation and Pledges of Allegiance;
- (c) Declaration of Conflict of Interest;
- (d) Announcements and Proclamations;
- (e) Consent Agenda;
- (f) Approval of Minutes;
- (g) Reports;
- (h) Second Reading and Possible Action on Ordinances;
- (i) First Reading and Public Hearing on Ordinances;
- (j) Consideration and Possible Action on Resolutions;
- (k) Discussion and Staff Presentations;
- (l) Executive Session;
- (m) Possible Action on Executive Session Matters;
- (n) Citizen Communications; and
- (o) Mayor, City Council and/or City Manager updates involving Community Events and issues of Public Safety
- (p) Mayor and City Council request for future agenda items
- (q) Adjournment.

The categories listed above are demonstrative and are not meant or intended to be exclusive.

**Consent Agenda.**

All second readings and resolutions shall presumptively be placed on the consent agenda. Any item on the consent agenda shall be removed at the request of a single Councilmember. A request for removal from the consent agenda may be made prior to the Consent Agenda being called for action. Any item removed from the consent agenda shall be considered as a separate action item at the meeting on which such item appears on the consent agenda.

**Placement of Agenda Items by Councilmember.**

Any Councilmember may request the placement of any item on an upcoming agenda which will be honored within a reasonable time, or per state statute. The Mayor may coordinate the placement and timing of the item after initial request is submitted, but placement may not exceed thirty (30) days from receipt of initial request. Any agenda item so requested shall bear the requesting Councilmember's name on each occasion at which the item appears on the agenda. A Councilmember may request the placement of any item on the agenda (a) during Mayor and Council Comments at a meeting, or (b) in writing directed to the Mayor, with copy to the City Manager and distributed to the entire City Council by the City Manager, or City Manager's designee.

**Public Availability of Agenda.**

In addition to the requirements of the Texas Open Meetings Act, Section 551.001 et seq. of the Government Code, the City Council agenda and supporting materials, excluding exempt materials, shall be made available to any member of the public who requests the same. However, any member of the public requesting the City Council agenda and supporting materials, excluding exempt materials, shall pay all costs associated with the reproduction of the City Council agenda and/or supporting materials, excluding exempt materials, in accordance with the standards established by the General Services Commission.

**Description of Certain Agenda Items.**

For each agenda item requiring consideration and/or action by the City Council, excluding items on the executive session agenda, the agenda shall (i) reflect a brief substantive description of the matter for consideration and/or action, (ii) identify the staff resource person(s) responsible for the item, and (iii) if appropriate, provide a staff recommendation for action. Any item filed or requested to be on the agenda must contain sufficient information so that full disclosure of the item to be addressed is presented so as to alert the public and the City Council of the topic to be considered.

**Meeting Chair.**

The Mayor or, in the Mayor's absence, the Mayor Pro Tem shall preside over and conduct all Council meetings.

**Rules of Procedure.**

The City Council shall determine its own rules of procedure, voting, and order of business. Members of the City Council shall confine their discussions concerning a motion or a question to the merits of a motion made and seconded or to a question already presented to them. Council members will show respect and courtesy to fellow Council members, the public and staff in the conduct of a Council meeting and will refrain from making disparaging comments about the motives or character of a fellow Council member the public or staff.

**Parliamentarian.**

The City Attorney, or in the City Attorney's absence, the City Secretary shall serve as parliamentarian for the City Council, who shall construe all applicable procedural rules liberally, and serve as Sergeant at Arms in conjunction with any law enforcement representative present for the City.

**Call to Order.**

Council meetings shall be called to order by the Mayor, or in the Mayor's absence, by the Mayor Pro Tem. In the absence of both the Mayor and the Mayor Pro Tem, the meeting shall be called to order by the City Secretary until a Chair can be selected by City Council.

**Right to Floor.**

No Member of the City Council shall be allowed to speak more than once on any one subject until every member wishing to speak has spoken.

**Presentation by Applicant.**

With the exception of the consent agenda, the applicant for any item involving possible City Council action may make a presentation at the outset of a public hearing or before consideration of a possible action item. Such presentation shall be concise and non-repetitive.

**Presentation by City Staff.**

With the exception of the consent agenda, City staff may make any presentation necessary for a public hearing or before consideration of a possible action item. Such presentation shall be concise and non-repetitive.

**Written Presentation by City Staff.**

For each ordinance, resolution, and action item presented to the City Council, the following materials shall be provided to the City Council: (a) a written recommendation for action by City staff; (b) a written approval as to form of the ordinance or contract by the City Attorney, if City Attorney so requires.

**Public Presentation.**

After any presentation by the City staff, an applicant or other member of the public who desires to address the City Council during a public hearing may do so, provided that (a) he/she limits such presentation to three (3) minutes, and (b) he/she fills out and delivers to the City Secretary a registration card listing the agenda item to be discussed prior to addressing the City Council. If feasible, the registered speakers will be grouped into those in favor of the application and those opposed. Once a public hearing is closed there shall be no further citizen communication on that item without the unanimous consent of the City Council members present. In addition, a member of the public, upon the unanimous consent of the City Council members present, may speak to any agenda item requiring Council action for three minutes upon filling out a registration card.

**Citizen Communications.**

Any member of the public who desires to address the City Council during citizen communications may do so, provided that (a) he/she limits such presentation to three (3) minutes, and (b) he/she fills out and delivers to the City Secretary a registration card identifying the topic on which he/she desires to address the City Council.

**Registration Card.**

The registration card referred to in Rules above shall include the following information: (a) full name; (b) business or residential address; (c) business or residential telephone number; (d) representation; (e) agenda item or topic; (f) brief statement of position [e.g. for or against an agenda item or summary of communication].

**Expansion of Time for Public Presentation and Citizen Communications.**

The three-minute limitation imposed by Rules above may be extended one time per speaker for one minute upon the unanimous consent of the City Council members present. The giving or transferring of a person's three minutes to another is not allowed.

**Time Keeper.**

The City Secretary shall serve as time keeper for any public presentation made to the City Council.

**Repetitive Presentations.**

The Chair may deny any presenter the opportunity to address the City Council if the presentation made or offered is repetitive of a presentation previously made.

**Call of Agenda Items.**

The Chair shall call each agenda item by number or short caption only. It is not necessary for the Chair to call an agenda item by its complete caption or title.

**No Vote on First Reading.**

The City Council shall not vote on any first reading. The Chair shall allow discussion by the City Council of any item on first reading in order to provide direction to staff. The City Council may consider motions to amend, modify, or clarify any item on first reading.

**Council Vote.**

The City Secretary shall maintain, and the minutes shall reflect, the actions made by the City Council in open meeting.

- (a) Consent Agenda. The City Council shall vote on the Consent Agenda by voice vote or by show of hands as directed by the Chair.
- (b) Separate Action Items. All votes shall be by voice vote or by show of hands, unless a motion for a division of the assembly is approved by the City Council. In the event of a division of the assembly, the City Secretary shall poll the City Council as directed by the Chair.

**Executive Session; Certified Agenda.**

All executive sessions shall be recorded by certified agenda in conformity with Section 551.101 *et seq.* of the Government Code.

**Enforcement of Decorum.**

At the request of the Chair, persons disturbing a meeting shall be warned to be silent. If, after receiving a warning from the Chair, a person persists in disturbing the meeting, said Chair may order the person to leave the meeting. If the person so requested does not leave the meeting, the Chair may order the Sergeant at Arms to remove such person. Any person who resists removal by a Peace Officer shall be charged with violating Section 42.05 of Vernon's Annotated Penal Code.

**Mayor Pro Tem.**

By majority vote of the City Council Mayor shall designate the Mayor Pro Tem for one (1) year term no later than the first meeting of June, annually.

**Boards, Commissions, and Task Forces.**

No person shall serve on more than one board, commission, or task force appointed by the City Council, and no current Councilmember shall serve on any board, commission, or task force; however, this prohibition shall not apply to ad hoc or special purpose committees appointed by the City Council from time to time, and shall not prohibit Council's joint appointment of any two (2) or more boards, commissions, or task forces in their entirety, and shall not prohibit a Councilmember's concurrent service as director for reinvestment zones established by the City. Annually, each board, commission, or task force appointed by the City Council shall be responsible for selecting its chairperson, vice chairperson, and secretary following regular appointments to such board, commission, or task force. Annually, the Mayor may appoint an interim chairperson for each board, commission, or task force until each board, commission, or task force selects its officers.

**Appointments by Council.**

- (a) Except as otherwise provided herein this Code of Ordinances or by statute, each board, commission, and committee shall consist of no fewer than five (5) members. For each board, commission, and committee, each position shall be randomly assigned a permanent place designation from one (1) to the total number of positions on that board, commission, or committee, and the member for each

position shall, once such position becomes vacant, be appointed by the Council member holding the corresponding place designation on the Council at the time of the appointment.

- (b) For a board, commission, or committee with more than seven (7) members, a member for the first seven (7) positions shall be appointed in accordance with subsection (a), above; a member for every sixth (6th) position shall be appointed by the Mayor once such position becomes vacant; and positions 7 and higher shall be appointed by the Council members in order of their place designation.
- (c) For a board, commission, or committee with fewer than seven (7) members, a member for each position shall be appointed by motion and order by any Councilmember and approved by an affirmative vote by a majority of the Council.
- (d) For the Civil Service Commission, each member shall be appointed by the City Manager and then confirmed by Council, in accordance with Section 143.006 of the Texas Local Government Code, as amended.
- (e) All appointments of board, commission, and committee members shall require approval by an affirmative vote by a majority of the Council.
- (f) All board, commission or committee members will serve at the pleasure of the City Council and may be removed at any time by an affirmative vote by the majority of the Council.
- (g) Each board, commission or committee member will acquaint themselves with the City Council's Strategic Map and vision for the City. If appointed, each board, commission or committee member, by accepting such appointment, will agree to support the Strategic Map and the Council's vision, goals and objectives for the City in their appointed role.

#### **Procedure for Appointment.**

Applicants will be notified by the City Secretary when they should appear for interviews with the City Council. During a regularly scheduled or special meeting of the City Council, the City Council may hold public interviews for each prospective appointment to a board, commission, or task force. Prospective appointments to a board, commission, and task force shall be discussed in open session prior to consideration of the appointment by the City Council. All applicants will be notified of the selected appointment to the board, commission, or task force in writing by the City Secretary within five business days of the appointment.

#### **Nepotism.**

No person related within the second degree by affinity or the third degree by consanguinity to any member of the City Council or the City Manager shall serve on any board, commission, or task force appointed by the City Council.

#### **Policy Directives and Liaison.**

The City Council is ultimately responsible for the establishment of City's policies. Therefore, each commission, board, or task force appointed or authorized by the City Council must be cognizant of the City Council's primary responsibility to establish, approve, disapprove, or modify the City's policies. Each commission, board, or task force appointed or authorized by the City Council shall ensure that any policy directive initiated by such commission, board, or task force is reported to and approved by the City Council before issuance of any such policy directive.