Proposed Amendment to Ordinance Chapter 2, Article II, Sec.2-23

CITY OF

EAST MOUNTAIN

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**CITY COUNCIL RULES OF ORDER AND**

**PROCEDURE**

# CITY COUNCIL

RULE OF ORDER AND PROCEDURE

1. **AUTHORITY**

# PRESIDING OFFICER

* + 1. Pursuant to Charter Section 3.02 the Mayor shall be the presiding officer at all meetings of the City Council and enforce the rules of the City Council, and determine the order of business under the rules of the Council.

The Mayor shall be recognized as the head of the City for all ceremonial purposes.

* + 1. In case of the Mayor's absence or temporary disability, the Mayor Pro-Tern shall act in his or her behalf.

# COUNCIL STANDARDS

* + 1. Public officials are agents of the public and hold offices for the benefits of the public. Each member of the City Council is bound to uphold the Constitution of the United States and of the State of Texas, to carry out applicable laws and the provisions of the City and Ordinances of the City of East Mountain on an impartial basis.
    2. Each elected official is bound to observe in his/her official acts the highest standards of morality and to discharge faithfully the duties of the office regardless of personal consideration, recognizing that the public interest must be their primary concern.
    3. Councilmembers should be independent, impartial, and responsible to the citizens, and public office shall not be used for person gain.
    4. The conduct of each member in both their official and private affairs should be above reproach.
    5. Councilmembers must represent non-conflicted loyalty to the interest of the citizens of the entire City. This accountability supersedes any conflicting, loyalty, advocacy, or special interest group, or any individual, or membership of (or affiliation with) a company or other private or public organization.

# COUNCIL ETIQUETTE

* + 1. Councilmembers are to provide advance notice to the City Secretary or Mayor of an impending absence unless the absence is attributable to a sudden unanticipated event. This information is necessary in order for the staff to determine in advance whether a quorum will be available for a meeting.
    2. Council members are expected to attend all regularly scheduled Council Meetings, Work Sessions and Executive Sessions, and to be in their seats by the time that the meeting is scheduled to start.
    3. The Mayor is in charge of maintaining order of Council Meetings.
    4. Speaking over others or interrupting while others have the floor is not permitted.
    5. After the Council has taken an official position on an issue, all official correspondence should reflect this position. Councilmembers who may disagree with a correspondence should reflect this position. Councilmembers who may disagree with a position taken by the council are free to prepare correspondence on such issues identifying the information or opinions as solely their own. No staff support or City letterhead will be used in such instance.
    6. Councilmembers should remember that they are only one individual member, and discretion should be used when speaking on issues, and they should refrain from making individual statements that give the appearance of advocacy whenever issues are brought before Council for which the full array of relevant facts has not yet been accumulated and evaluated.

# DUTY TO PERFORM/ CONFLICT OF INTEREST

* + 1. It is considered that by seeking and accepting public office, each councilmember is bound to perform the inherent duties of his/her office, one of the foremost of which is to vote on every issue that is brought before the Council for a vote.
    2. An exception to the duty to vote would be in the case of a conflict of interest. In such case, the abstaining Councilmember shall have the right to explain for the record the nature of the conflict of interest.
    3. Abstentions from voting without declaring a conflict of interest are unacceptable.
    4. Each Councilmember shall maintain a current statement regarding actual and potential conflicts of interests, as required by law.
    5. Councilmembers shall disclose orally prior to the discussion and action of any agenda item any actual conflicts of interest that exist with that item.
    6. Councilmembers shall not participate in the discussion or vote on any agenda item in which the councilmember has any conflict of interest.

# ROLE OF COUNCIL

* + 1. City Council's role is to establish policies and priorities within the terms of the City and applicable State and Federal Statutes.
    2. Mayor is responsible for directing and managing the daily operations of the City Government.
    3. Mayor is responsible to the City Council as a whole rather than to individual Councilmembers. No individual Councilmember has the authority to direct the City Secretary or any member of his/her subordinate staff.
    4. In the event that councilmembers are approached by city Employees concerning City issues, those employees should be referred to the appropriate employment chain of command, unless the item is of such a nature that doing so would frustrate the purpose of the chain of command, in that event the item shall be directed to the Mayor. If the Councilmember believes that bringing the matter to the Mayor is unwarranted, then he or she shall discuss further action with the City Attorney.
    5. Mayor shall determine if information requested by an individual councilmember requires resources that would be detrimental to other priorities and shall decide whether the request shall be granted.
    6. Any information or material that the Mayor or his/her staff prepares in response to a request by a single council member shall be made available to the entire Council.
    7. Councilmembers, who wish to request information or services, or submit complaints about City operations, should present such request/complaints thru the Mayor.

# CITY ATTORNEY'S, CITY SECRETARY'S AND MUNICPAL JUDGE'S RELATIONSHIP TO COUNCIL

* + 1. The City Attorney, City Secretary, and Municipal Judge are accountable to the City Council as a body, not as an individual member or group of members nor the Mayor, or Chief of Police.

1. **COUNCIL MEETING**

# REGULAR MEETINGS

Consistent with Charter Section 3.08, all meetings of the City Council shall be held in the City Hall or at any other location designated by the City Council and at such times to be prescribed by the City Council. The City Council shall have at least one meeting each month unless canceled by the City Council or Mayor. All meetings of the city council shall be held in accordance with the **Texas Open Meetings Act.**

The City Council shall adopt a meeting schedule for the year. The adopted schedule may be changed in accordance with the **Texas Open Meetings Act.**

# SPECIAL MEETING

Consistent with Charter Section 3.09, special meetings of the City council shall be called by the City Secretary or Mayor or three Council members.

# EMERGENCY MEETINGS

In case of emergency or urgent public necessity which shall be expressed in the notice of the meeting, an emergency meeting may be called in accordance with the **Texas Open Meetings Act.**

# EXECUTIVE SESSIONS

The City Council may meet in a closed Executive Session in accordance with the Texas Open Meetings Act, at any time during any meeting, workshop or anytime otherwise authorized by State law, to consider or discuss any matter that is authorized by State law to be discussed or considered in closed Executive Session.

* + 1. Executive Session fall into one of four categories: (1) Consultation with Attorney relating to contemplated or pending litigation, (2) Acquisition or sale of real estate, (3) A personnel matter involving an individual employee of the City, and (4) Deliberations about security devices.
    2. Council members may not disclose the nature of discussion from a closed Executive Session unless required by State law; disclosure of the discussion from a closed Executive Session is a violation of the City's Code of Ethics.
    3. Decisions resulting from Executive Session deliberations must be made in an open session following the closed meeting.
    4. The notice posting time requirements for an Executive Session are the same as those for a regular meeting, and the subject matter to be discussed is to be described on the notice, together with a reference to the specific section of the Texas Open Meetings Act that applies.

# AGENDA POSTING TIME

* + 1. Agenda must be posted at designated locations in clear public view at entryways at the City of East Mountain, at least seventy-two (72) hours in advance of the time of the meeting to be in compliance with the Texas Open Meeting Act.
    2. A meeting is defined as any deliberation relating to a City matter by a quorum of councilmembers. A quorum for the City of East Mountain consists of three (3) Councilmembers.
    3. An emergency meeting requires only one (1) hour advance posting and the issue that constitutes an emergency must be described on the Agenda. Emergency must meet requirements as defined by law.

# AGENDA

* + 1. City Secretary shall be responsible for the placement of agenda items.
    2. Any member of the City Council shall have the unabridged right to place an item on the agenda of a duly convened meeting of the council and nothing contained in this Decorum and Procedure Policy shall be construed to limit or circumscribe such right.
    3. A councilmember may place an item on the agenda by presenting in writing, to the City Secretary, no later than noon (12:00 PM) on the Monday, two weeks before the Council meeting. The city Secretary shall acknowledge receipt of the request. The City Secretary may discuss with the requesting councilmember delay of the agenda item to the next regular meeting. However, the Councilmember may choose to direct the Mayor to place the agenda item on the upcoming Council meeting without delay. Such direction shall be noted in the agenda communication regarding the agenda item.

# ACTION ON AGENDA ITEMS

* + 1. The procedure for presenting Agenda items for consideration is for the Mayor to read the item on the Agenda and then call for a motion.
    2. The consent Agenda consists of items that are presumed to be agreed upon by Council and need no discussion. Action on the consent Agenda should consist of a motion and a second to approve the Consent Agenda which includes ALL items contained therein and followed by a vote. Any Councilmember may request for an item to be removed from the consent Agenda for discussion. Items removed from the Consent Agenda will require a separate vote of the City Council.
    3. At his/her discretion, the Mayor may wish to explain the issue, or call upon a staff member with unique knowledge of the issue to do so. This will primarily be done when the issue is either complicated, was not adequately covered.
    4. If a motion is not made, The Mayor shall announce that the matter dies for lack of a motion
    5. If a motion is made; a second may be volunteered by any councilmember.
    6. If a second is not forthcoming, the Mayor shall inquire as to whether there is a second.
    7. If a second is not made, the Mayor shall announce that the motion dies for the lack of a second.
    8. If a second is received, the Mayor shall ask if there are any questions and all questions or discussion on the issue shall be concluded prior to voting.
    9. If, in the opinion of the Mayor, excessive time is being consumed by questions or discussion, or if the dialogue is redundant or not germane to the issue, the Mayor may limit or close discussion. Likewise, any member of the Council may call upon the Mayor to intervene in such case.
    10. If there are no questions or further discussion, the Mayor shall then call for a vote.
    11. Once the vote has been taken, no further questions or discussion on the issue shall be allowed except at the discretion of the Mayor.
    12. Mayor may call a recess at any time during a meeting.

# VOTE OF COUNCIL

A. A majority of council is required for approval of an issue.

B. Failure of a councilmember, who is in attendance, to cast a vote on an item shall be deemed to cast a "no" or "against" as the context requires.

# COUNCILMEMBER INQUIRIES, COMPLAINTS, OR COMMENTS

* + 1. Councilmembers shall not comment, deliberate, or discuss any item that is not on the agenda.
    2. Individual Councilmembers during a Council meeting should not make routine inquiries about City operations or requests for information or services in a City meeting, but any such inquiries or requests should be communicated directly to the Mayor, or the City Attorney in the case of a legal matter, or to the Chief of Police in the case of a Police Department issue, to

enable staff to properly research/investigate the issue and prepare a complete and appropriate response.

* + 1. Request for legal opinions, research or other legal information or action should be requested of the City Attorney either through the Council as a body, or the Mayor, or at least three members of the City Council, or the Mayor.

# CITIZEN APPEARANCES BEFORE COUNCIL

* + 1. Member of the public may address the council, as recognized by the Mayor, in the public forum section of the agenda.
    2. Any person wishing to address Council must sign in to participate prior to the start of the meeting. Any handouts, flyers, or information packets for Council or City Staff must be delivered to the City Secretary prior to the beginning of the meeting.
    3. Every person addressing the council shall state subject of their comments.
    4. All comments or questions from the person addressing Council shall be directed to the Mayor.
    5. Mayor must recognize the requesting party before the party shall be allowed to speak.
    6. The speaker shall be limited to three minutes.
    7. Only business directly related to city matters shall be addressed.
    8. Whenever a citizen or group appears before the Council with a complaint or a request for services or information, the matter shall be referred to the

Mayor or Chief of Police for response.

* + 1. In compliance with the Texas Open Meetings Act, the City council may not deliberate or vote on any mater raised in Citizens' Comments, except for the purpose of determining whether such matter should be placed on a future City Council agenda.
    2. Unauthorized remarks and disrupting demonstrations from the audience shall not be permitted by the Mayor, who may direct a law enforcement officer to remove offenders from the room.
    3. When Public Hearings are listed on the posted agenda, citizens wishing to speak during the Public Hearing will be asked to fill out a speaker card prior to the beginning of the meeting.
    4. Discourteous, personal or disruptive comments or behavior by any individual or group shall not be permitted and the Mayor may direct any such individual or group to leave the room unless such activity immediately ceases when direct to do so by the Mayor.

1. **ORDINANCES**
2. An ordinance is the most authoritative form of action the Council can take. An adopted Ordinance becomes an established rule of law of the City and remains in effect until otherwise rescinded or amended by the council.
3. All proposed Ordinances must be either drafted by, or approved.
4. **RESOLUTIONS**

Resolutions are acts of a relatively permanent nature and remain in effect until rescinded or amended by Council. Generally, resolutions implement or carry out the terms of an Ordinance, provide a statement of policy, or express Council's opinion on a public matter. Resolutions shall be drafted by, or pre-approved.

1. **MOTIONS**

A motion refers to a formal proposal by a Councilmember that the Council may take action upon. Motions are generally introduced by voice.

This Procedure has been amended and approved by majority vote of the Council on the of

, 2024, Ordinance-Chapter 2, Article 11, Sec. 2-23 City of East Mountain, TX

Mayor, Marc Covington Pro Tern, Eugene Brown

Council, Richard Lattier Council, Danny Medlin

Council, Paul Barber Council, Stormie Combs

City Secretary, Lisa Stewart