

# CITY OF HICO GOVERNING BODY RULES OF PROCEDURE

Adopted 2-13-12

## I. PREAMBLE

Meetings of the Governing Body of the City of Hico are convened in accordance with the provisions of the Open Government laws of the State of Texas to deliberate and attend to the business of the City. Section 22.038 of the Local Government Code provides that, "The governing body shall determine the rules of its proceedings and may compel the attendance of absent members and punish them for disorderly conduct." In keeping with that provision, these rules of procedure are established to provide for the orderly conduct of the business of the City of Hico.

## II. MEETINGS

- A. The Regular Monthly Meeting of the Governing Body of the City of Hico shall be called to order on the second Monday of each month at 5:30 p.m. at the City Council Chambers, City Hall, 120 West First Street, Hico, Texas.
- B. Special Meetings may be called as provided by Local Government Code Section 22.038(b): "The mayor may call a special meeting on the mayor's own motion or on the application of three aldermen. Each member of the governing body, the secretary, and the municipal attorney must be notified of the special meeting. The notice may be given personally or left at the person's usual place of residence."
- C. Unless otherwise specified, all meetings shall be conducted at the City Council Chambers, City Hall, 120 West First Street, Hico, Texas.
- D. Should a meeting be scheduled for an alternate location, prior to the meeting being convened, directions to that location shall be posted at City Hall.

## III. THE AGENDA

- A. Each City Council meeting shall strictly follow a written agenda, which shall be posted in accordance with State Law.
- B. Items shall be placed on the agenda at the request of either the Mayor or any two aldermen. Unless otherwise approved by the Mayor, all agenda items must be submitted for inclusion no later than noon on the day before the agenda is required to be posted.
- C. The agenda shall allow for the hearing of visitors concerning items not on the agenda. Speakers are limited to 3 minutes. Subject matter is not debatable and cannot be commented on by Council members except to ask clarifying questions.
- D. The agenda may provide items for staff reports and recommendations, and Mayor and Council comments. These items will be for informational purposes only, and no substantive action shall be taken on issues discussed under these agenda items.
- E. Routine matters may be considered and acted upon under the form of a Consent Agenda. There will be no separate discussion of these items other than the asking of questions for simple clarification. On objection by any party to the inclusion of any item on the Consent Agenda, that item shall be removed from the Consent Agenda. Such objection may be recorded any time prior to the taking of a vote on the motion to approve the Consent Agenda. All such items shall be considered individually in the order in which they are objected to, immediately following the consideration of the Consent Agenda.
- F. At the Mayor's discretion, agenda items may be taken up in a different order than as listed.
- G. At the Council's discretion and as allowed by provisions of Chapter 551 of the Government Code relating to executive sessions, the Council may choose to retire into executive session.

## IV. GENERAL CONDUCT

- A. The Mayor shall recognize if a quorum, as established by the Local Government Code\*, is present before calling the meeting to order. If a quorum is not present, the Mayor may compel the attendance of absent members with the assistance of law enforcement personnel.
- B. The Mayor shall preside over each meeting\*\* and shall rule on all points of order with the advice of the City Attorney. The decision of the presiding officer may be appealed to the Council, a majority of whom may override it.
- C. The Mayor shall preserve order and decorum and, if necessary, shall cause to be silenced or removed from the council chamber any person speaking out of order or disrupting the order of the meeting. No person shall speak on a matter until recognized by the Mayor.
- D. All visitors or members of the public who speak with permission of the Mayor shall speak from the podium and shall identify themselves for the record prior to their comments.
- E. Unless an agenda item is designated as a public hearing, no member of the public shall be entitled to speak or comment, and may do so only with the Mayor's permission.
- F. On agenda items designated as public hearings, each person wishing to speak shall confine remarks to 5 minutes in length unless the Mayor allows additional time. The Mayor may set additional rules for public hearings as may be necessary for orderly conduct of the meeting.

- G. Visitors shall refrain from disruptive comments, direct conversation with Council members or noisy conversation with each other while the meeting is in session.

## V. MOTIONS AND VOTING

- A. Each agenda item shall be presented by the Mayor, or by the Mayor's designee. When an ordinance is being considered, depending on its length, either the entire ordinance or its caption shall be read. After discussion, the Mayor will call for a motion. If no motion is made or if a motion is made but does not receive a second, the item will fail and the Council will proceed to the next agenda item.
- B. All motions must be clear and concise and shall track the language for the agenda item and clearly set out any variance from agenda wording. After a motion is seconded, the Mayor may allow for additional discussion or question or clarification; however, no new motion may be made unless the original motion is withdrawn. The following secondary motions, listed in order of rank, may be entertained:
  - 1. Motion to table the proposal and move on to the next agenda item.
  - 2. Motion to request discussion cease and the main question be voted upon (moving the previous question).
  - 3. Motion to limit discussion to a fixed amount of time.
  - 4. Motion to postpone action either until some definite time in the future, or indefinitely.
  - 5. Motion to refer the proposal to a committee.
  - 6. Motion to amend the main motion.

If multiple secondary motions are made, they must be acted on in order of rank. A secondary motion must receive a second, or fail for lack of one. A secondary motion must be put to a vote before the primary motion is put to a vote. The Mayor may call for a vote by ayes and nays, or at the Mayor's discretion the Council may be polled individually. In case of a tie vote, the Mayor must vote unless prohibited by law due to conflict of interest or other similar reason. All motions may be carried by a majority vote except for the motion to move the previous question which must be carried by a 2/3rds vote.

- C. Privileged motions may be raised at any time and must be acted upon before returning to other business under consideration. If another privileged motion is raised prior to the one(s) pending being put to a vote, the privileged motions must be acted upon in order of rank as listed below:
  - 1. Motion to set the time and place of the next meeting.
  - 2. Motion to fix the time of adjournment.
  - 3. Motion to adjourn.
  - 4. Motion to recess.
  - 5. Motions on questions of privilege.
  - 6. Motion to keep the meeting to the agreed order of business.

## VI. DEBATE

- A. Un-debatable motions include procedural questions, such as the above list of secondary motions, and must be put to a vote immediately after receiving a second.
- B. Motions of limited debate include privileged motions and may be subject to limited discussion as to the advisability of the action or as to the details of how long to recess, when to adjourn or when and where to schedule the next meeting.
- C. Fully debatable motions are subject to unlimited discussion unless a secondary motion is approved establishing a limit.

## VII. MISCELLANEOUS PROVISIONS

- A. Should any procedural matters arise not addressed in this document, deference shall be accorded the dictates of Robert's Rules of Order.
- \*B. A quorum as established by Section 22.039 of the Local Government Code consists of: "A majority of the number of aldermen established by Section 22.031 (five for a city where the aldermen are elected at large) for the municipality constitutes a quorum. However, at a called meeting or at a meeting to consider the imposition of taxes, two-thirds of the number of aldermen established by that section constitutes a quorum unless provided otherwise."
- \*\*C. Section 22.037 of the Local Government Code establishes the following provisions relating to the presiding officer: "The mayor shall preside at all meetings of the governing body of the municipality and, except in elections, may vote only if there is a tie. At each new governing body's first meeting or as soon as practicable, the governing body shall elect one alderman to serve as president pro tempore for a term of one year. If the mayor fails, is unable, or refuses to act, the president pro tempore shall perform the mayor's duties... If the mayor and the president pro tempore are absent, any alderman may be appointed to preside at the meeting."