

RESOLUTION NO. 2-63

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE
PRESCRIBING THE ORDER OF PROCEEDURE TO BE FOLLOWED BY THE CITY
COUNCIL IN THE CONDUCT OF ITS BUSINESS.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MESQUITE,
TEXAS:

SECTION 1. AUTHORITY: Under the provisions of Article IV,
Section 16 of the charter of the City of Mesquite, the following
order of procedure shall be in effect to govern the activities of
the City Council until amended or until a new order of procedure
is adopted by the Council.

SECTION 2. GENERAL PROCEDURE:

2.1 Public Meetings: All regular or special meetings
of the City Council shall be open to the public. (charter, Article
IV, Section 17)

2.2 Quorum: A majority of the City Council shall
constitute a quorum to do business, and the affirmative vote of
at least four of those attending at any meeting at which there is
a quorum present shall be necessary to adopt any ordinance or reso-
lution. (charter, Article IV, Section 17)

2.3 Compelling Attendance: The City Council may com-
pel the attendance of its absent members. (Charter, Article IV
Section 16)

2.4 Vacancies: In the event of a vacancy occurring in
the office of Mayor or Councilmen, for any cause, the remaining
members of the Council shall, by a majority vote at a regular meet-
ing, elect a member to fill the vacancy for the unexpired term.
If elected to place one, two, three or four, he must reside in the
corresponding district. (Charter, Article IV, Section 10)

2.5 Minutes of Meetings: Minutes of all Council pro-
ceedings shall be kept, to which any citizen may have access at
all reasonable times, and which shall constitute one of the archives
of the City. (charter, Article IV, Section 17)

2.6 Questions submitted to Council: All questions sub-
mitted for a vote shall contain only one subject. If two or more
points are involved, any member may require a division if the ques-
tion reasonably admits of a division.

2.7 RIGHT to Speak: Any member of the City Council
desiring to speak may do so after being recognized by the Chairman

and shall confine his remarks to the subject under consideration.

2.8 City Manager: The City Manager or acting City Manager shall attend all meetings of the City Council with the right to take part in the discussions, but having no vote. He shall recommend in writing to the Council such measures which he deems necessary or expedient. (Charter, Article VIII, Section 3)

2.9 City Attorney: The City Attorney or acting City Attorney shall attend Council meetings only on request by the City Manager or City Council to do so.

2.10 City Secretary: Unless excused by the City Council for good cause, the City Secretary or acting City Secretary shall attend all Council meetings and keep accurate meetings of its proceedings. (charter, Article IV, Section 25)

2.11 Officers and Employees: Other officers and employees of the City of Mesquite shall attend Council meetings only when requested by the City Manager to do so. If requested to do so they shall present information relating to matters before the Council.

2.12 Rules of Order: Roberts' Rules of Order Revised, shall govern the proceedings of the Council in all cases where not in conflict with these rules.

2.13 Suspension of Rules: Any provision of these rules not governed by the City charter, City ordinance or state law, may be temporarily suspended by a two-thirds vote of all members of the Council. The vote of any such suspension shall be taken by the "I's" and "Nay's" and entered on the record.

2.14 Amendment of Rules: These rules may be amended or new rules adopted by a majority vote of all members of the Council, provided that the proposed amendment shall have been introduced at a prior meeting of the Council.

SECTION 3. TYPES OF MEETINGS:

3.1 Regular: The City Council shall hold at least one regular meeting each month at the time to be fixed by it. The Council may hold as many additional regular meetings during the month as may be necessary for the transaction of the business of the City. It shall be the policy of the Council to meet at 2:30 PM on the first and third Mondays of each month. (charter, Article IV, Section 15)

3.2 Special Meetings: All special meetings shall be called by the Mayor or a majority of the Council. Notice shall be filed with the City Secretary in written form except when such announcement of special meeting is made at a regular meeting.

3.3 Conference: The City Council may meet informally in conference session at the call of the Mayor or of any four members of the Council, provided that all discussions and decisions shall be informal.

3.4 Recessed Meetings: Any meeting of the Council may be recessed to a later time by a majority vote of the Council, provided that no recess shall be for a longer period than until the next regular meeting.

SECTION 4. CHAIRMEN AND DUTIES:

4.1 Chairman: The Mayor, if present, shall preside as Chairman at all Council meetings. In the absence of the Mayor the Mayor Pro-Tem shall preside as Chairman. In the absence of both the Mayor and the Mayor Pro-Tem, the Council shall select a Chairman for such meeting. (charter, Article IV, Section 13)

4.2 Preservation of Order: The Council Meeting shall be called to order by the Chairman, and the Chairman shall preserve order and decorum and confine members in debate to the question under discussion.

4.3 Points of Order: The Chairman shall determine all points of order, subject to the right of any member to appeal to the Council. If an appeal is taken, the question shall be "Shall the decision of the Chairman be sustained." The question shall be decided by a majority of the members of the Council present.

4.4 Vote of Chairman: The Chairman shall be permitted to vote on all questions as any other member of the Council.

4.5 Question Stated: The Chairman shall state all questions submitted for a vote. A roll call vote shall be taken upon the request of any member.

4.6 Substitution for a Chairman: The Chairman may call any other member to take his place in the chair, such substitution not to continue beyond adjournment.

SECTION 5. ORDER OF BUSINESS:

5.1 Agenda: The order of business of each regular Council meeting shall be contained in the agenda prepared by the City Manager. The agenda shall be delivered to the residence or usual place of business of each Council member on Friday preceding the Monday meeting to which it pertains.

5.2 Agenda Deadline: Any person desiring to present a subject for the Council's consideration shall advise the City Manager of such fact no later than 5 PM on Thursday preceding the meeting at which he wishes the matter considered. Without such

prior notice, matters may be presented to the City Council only with the unanimous consent of the Council.

SECTION 6. CONSIDERATION OF ORDINANCES, RESOLUTIONS AND MOTIONS:

6.1 Form of Presentation: Each proposed ordinance or resolution shall be introduced in written or printed form and shall not contain more than one subject, which shall be clearly expressed in the title.

6.2 City Attorney to Approve: All ordinances and resolutions shall be approved as to form and legality by the City Attorney prior to submission of the same to the City Council.

6.3 Ordinances Deferred-Emergencies: Unless declared an emergency, no ordinance shall be finally passed on the date introduced, but must be passed, read and voted upon at two regular meetings of the Council. No ordinance, unless it be declared an emergency, can ever be passed at other than a regular Council meeting. (Charter, Article IV, Section 9)

6.4 Distribution of Ordinances: The City Manager shall distribute copies of proposed ordinances to each Council member with the agenda prior to the meeting at which the ordinance is introduced, provided such distribution has been requested by the Council.

6.5 Publication of Ordinances: Every ordinance imposing any penalty, fine, or forfeiture, shall, after passage, be published at least one time in the official newspaper. The ordinance shall take effect and be in force five (5) days after publication, unless otherwise provided. Ordinances not required to be published shall take effect immediately after passage by the Council, unless otherwise provided. (Charter, Article IV, Section 24)

6.6 Recording of Vote: The vote upon passage of all ordinances and resolutions shall be taken by the vote "I's" and "Nay's" and entered upon the minutes, and shall be recorded in a book kept for that purpose and shall be authenticated by the signature of the presiding officer and City Secretary. (Charter, Article IV, Section 17)

6.7 Vote Required: The affirmative vote of at least four (4) of the members of the Council attending any meeting in which there is a quorum present shall be necessary to adopt any ordinance or resolution. Where the State law requires a different number of votes for the adoption of an ordinance or resolution, the State law shall control. (Charter, Article IV, Section 17)

6.8 Tie Vote: In case of a tie vote on any proposal, the proposal shall be considered as failing to carry.

6.9 Abstention from Voting: No member shall be excused from voting except on matters involving the consideration of his own official conduct, or where his financial interests are involved.

6.10 Withdrawal of Motions: The maker of a motion may withdraw or modify the motion at any time until it has been stated by the Chairman. If a motion is modified, the Council member who seconded the motion may withdraw his second.

6.11 Amendments to Motion: No motion or proposition of a subject different from that under consideration shall be admitted under color of an amendment, as determined by the Chairman. A motion to amend and amendment shall be in order.

6.12 Appropriations of Money: Before formal approval of the Council of motions providing for appropriations of money, information must be presented to the Council showing the purpose of the appropriation and the account to which it is to be credited. Before finally acting on such appropriation, the Council should obtain a report from the City Manager as to the availability of funds and his recommendation as to the desirability of the appropriation.

6.13 Transfer of Appropriation: The transfer of an unencumbered balance of an appropriation made for the use of a department to another department may be made only by the City Council after receiving written recommendation of the City Manager.

SECTION 7: CREATION OF COMMITTEES, BOARDS AND COMMISSIONS:

7.1 Committees: The Council, may, as the need arises, authorize the appointment of Council committees. Except where otherwise provided, the City Manager shall appoint the members of the committees. Any committee so created shall cease to exist upon the completion of its purpose, or when abolished by the Council.

7.2 Intra-Council Committees: The Mayor, may, as the need arises, appoint intra-council committees. Any committee so created shall cease to exist upon the completion of its purpose, or when abolished by the Mayor.

7.3 Boards and Commissions: The Council may create Boards and commissions to assist in the conduct and operation of the City government with such duties as the Council may specify. Such duties may not be inconsistent with the City Charter or City Code. Such boards and commissions shall cease to exist upon the completion of their special purpose or when abolished by the Council.

SECTION 8. VOTING-STATE STATUTORY REQUIREMENTS:

8.1 Charter Amendment: Ordinances submitting proposed charter amendment shall be adopted by two-thirds vote of the Council. (Article XI, Section 3, Texas Constitution and Article 1165 of Revised Civil Statutes)

8.2 Levying Taxes: Ordinances providing for the assessment and collection of taxes shall require the approval by two-thirds of the members of the City Council. (Article 1033, Revised Civil Statutes)

8.3 Changes in Zoning Ordinance: Changes in zoning classifications, shall not become effective except by the favorable vote of three-fourths of all members of the City Council in case of a protest against such change, signed by the owners of twenty (20%) per cent or more of either of the area of the lots included in such proposed change or of those immediately adjacent in the rear thereof extending 200 feet therefrom, or of those directly opposite thereto extending 200 feet from the street frontage of such opposite lots. (Article 1011e, Revised Civil Statutes)

8.4 Remission of Fines: Remission of fines belonging to the City which may be imposed under state statutes or Council ordinance or resolution may be accomplished by a two-thirds vote of all members present. (Article 1014, Revised Civil Statutes)

SECTION 9. That this resolution shall become effective immediately from and after its passage, as the law in such cases provides.

DULY ADOPTED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, on the 4 day of February, 1963.

APPROVED:

B. W. Cline
Mayor

DULY RECORDED:

W. M. H. H. H.
City Secretary

APPROVED AS TO FORM:

H. Louis Nichols
City Attorney