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RESOLUTION NO. 40-86

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, ADOPTING CERTAIN RULES AND PROCEDURE FOR THE CITY COUNCIL; PROVIDING FOR THE REPEAL OF ANY RULE OF PROCEDURE IN CONFLICT HERewith AND PROVIDING THE EFFECTIVE DATE THEREOF.

WHEREAS, the rules of procedure for the City Council require periodic review and updating to meet the needs of the City;


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

SECTION 1. That the proposed rules and procedure of the City Council of the City of Mesquite, Texas contained in the attached exhibit be and the same are hereby adopted as the official rules of procedure for City Council in all meetings and deliberations unless otherwise provided by City Charter or State law.


SECTION 2. That any rule of procedure heretofore adopted in conflict with these rules of procedure is hereby expressly repealed to the extent of such conflict.

SECTION 3. That this resolution take effect from and after its date of passage as the law in such cases provides.

DULY RESOLVED by the City Council of the City of Mesquite, Texas, on the 1st day of December, A.D., 1986.

  
Mrs. Brunhilde Nyström  
Mayor

ATTEST:

  
Lynn Prugel  
City Secretary

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*Rules of Procedure*  
CITY COUNCIL



CITY OF MESQUITE, TEXAS

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RULES OF PROCEDURE  
CITY COUNCIL  
OF THE  
CITY OF MESQUITE

Adopted  
February 4, 1963

Revised  
April 2, 1973  
December 3, 1973  
December 1, 1986

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RULES OF PROCEDURE

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RULES OF PROCEDURE

1. AUTHORITY

1. Charter: Article IV, Section 16 of the Charter of the City of Mesquite provides that the City Council shall determine its own Rules of procedure. The following set of Rules shall be in effect upon their adoption by the City Council until such time as they are amended or new Rules are adopted in the manner provided for by these Rules.

2. GENERAL PROCEDURE

- 2.1 Meetings to be Public: All meetings of the City Council shall be public.  
(Charter, Art. IV, Sec. 17)

- 2.2 QUORUM: A majority of the City Council shall constitute a quorum. No valid action will be taken unless a quorum is present.  
(Charter, Art. IV, Sec. 17)

Four members shall be considered a quorum. More than half the members present shall be considered a majority if a quorum is present.

- 2.3 Attendance: The City Council may compel the attendance of its members.  
(Charter, Art. IV, Sec. 16)

- 2.4 Absences: Where any member of the City Council is absent for three consecutive meetings of the City Council, without first having obtained leave of absence at a regular meeting, the City Council may, by a majority vote of the City Council declare the office vacant and proceed to fill such vacancy in the same manner as other vacancies in said City Council.  
(Charter, Art. IV, Sec. 10)

- 2.5 Vacancies: In the event of a vacancy existing in the office of Mayor or Council Member from any cause whatsoever, the remaining members of the City Council shall by a majority vote thereof at a regular meeting elect a member or members to fill the vacancy or vacancies thus existing; and such member or members so elected by the City Council shall serve in such position until the next municipal election, at which time the candidate then elected shall serve for the remaining term of office or for the succeeding term of office.  
(Charter, Art. IV, Sec. 10)



- 2.6 Minutes of Meetings: Minutes of all City Council proceedings shall be kept by the City Secretary, to which any citizen may have access at all reasonable times, and which shall constitute one of the archives of the City.  
(Charter, Art. IV, Sec. 17)
- 2.7 Questions Submitted to City Council: All questions submitted for a vote shall contain only one subject. If two or more points are involved, any member of the City Council may require a division if the question reasonably admits of a division.
- 2.8 Right to Speak: Any member of the City Council desiring to speak may do so after being recognized by the presiding officer and shall confine his remarks to the subject under consideration.
- 2.9 Rules of Order: Roberts' Rules of Order Revised shall govern the proceedings of the City Council in all cases where not in conflict with these Rules.
- 2.10 Suspension of Rules: Any provision of these Rules not governed by the City Charter, City Code or State Law may be temporarily suspended by a majority vote of all members of the City Council who are present.
- 2.11 Amendment of Rules: These rules may be amended or new Rules adopted by a majority vote of all members of the City Council, provided that the proposed amendment or new Rules shall have been introduced at a prior meeting of the City Council.
- 2.12 Attendance of City Manager: The City Manager shall attend all meetings of the City Council with the right to take part in the discussion, but having no vote.
- 2.13 Attendance of City Secretary: Unless excused by the City Council for good cause, the City Secretary shall attend all meetings of the City Council and keep accurate minutes of its proceedings.  
(Charter, Art. IV, Sec. 25)
- 2.14 Attendance of Officers and Employees: Other officers and employees of the City of Mesquite shall attend City Council meetings when requested to do so by the City Manager. If requested to do so by the City Manager, they may present information relating to matters before the City Council.

3. TYPES OF MEETINGS

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- 3.1 Regular Meetings: The City Council shall hold at least one regular meeting each month at the time to be fixed by the City Council for such regular meeting, and may hold as many additional meetings during the month as may be necessary for the transaction of the business of the City and its citizens.  
(Charter, Art. IV, Sec. 15)

It shall be the policy of the City Council to meet at 3:00 p.m. on the first and third Mondays of each month unless otherwise changed.

It shall also be the policy of the City Council to meet at 7:00 a.m. on the fifth day preceding all regular meetings held in accordance with the City Charter (except those held to approve Agenda items).

- 3.2 Special Meetings: Special meetings may be called by the Mayor, the Mayor Pro Tem (when acting in place of the Mayor) or by any four members of the City Council.

The call for a special meeting shall be filed with the City Secretary in written form signed by the Mayor, Mayor Pro Tem (when acting in place of the Mayor) or four City Council members at least three days prior to the special meeting, except in case of an emergency, in which case the nature of such emergency shall be expressed in the notice. The call for a special City Council meeting made at a regular meeting at which all members of the City Council are present shall be sufficient notice of such meeting. If any member of the City Council is absent from any regular meeting when such special meeting is called, such member shall be given written notice by the City Secretary. In the case of an emergency meeting, all members shall receive written or telephonic notice as the circumstances allow. The call for a special meeting shall specify the day and hour of such meeting and the items to be considered.

- 3.3 City Council-City Staff Work Sessions: City Council-City Staff work sessions may be held as a part of the regular meetings or as additional meetings, as the business of the City requires.

- 3.4 Executive Sessions: The City Council may meet in executive sessions at the call of the Mayor, Mayor Pro Tem (when acting in place of the Mayor) or any four members of the City Council upon those matters allowed under State law.

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

4. PRESIDING OFFICER OF THE CITY COUNCIL AND DUTIES

- 4.1 Presiding Officer: The Mayor, if present, shall preside at meetings of the City Council.

The Mayor Pro Tem shall be selected from among the members of the City Council and shall perform all duties of the Mayor in his absence or disability.  
(Charter, Art. IV, Sec. 11)

In the absence of both the Mayor and the Mayor Pro Tem, a majority of the members of the City Council who are present shall select one of their number to act as presiding officer for such meeting.

- 4.2 Preservation of Order: The City Council meeting shall be called to order by the presiding officer, and the presiding officer shall preserve order and decorum and confine members in debate to the question under discussion.
- 4.3 Points of Order: The presiding officer shall determine all points of order, subject to the right of any City Council member to appeal to the members of the City Council who are present. If an appeal is taken, the question shall be: "Shall the decision of the presiding officer be sustained?" The question shall be decided by a majority vote of the members of the City Council present.
- 4.4 Question Stated: The presiding officer shall state all questions submitted for a vote prior to the vote.
- 4.5 Vote of Presiding Officer: The presiding officer may participate in the discussion of all matters coming before the City Council and shall be entitled to vote as a member thereof on all legislative and other matters, but shall have no veto power.  
(Charter, Art. IV, Sec. 13)

5. AGENDA PREPARATION AND APPROVAL; ORDER OF BUSINESS.

- 5.1 Agenda Preparation: A tentative Agenda shall be prepared under the supervision of the City Manager for approval by the City Council.
- 5.2 Approval by Council: The City Council shall consider items to appear on the Agenda for regular meetings to be held on the first and third Mondays of each month in regularly scheduled meetings on the Wednesday preceding such meeting. The meeting to approve items to be included on the agenda shall be held at 7:00 a.m. unless otherwise changed by a majority of the City Council. Any item may be approved for inclusion upon the Agenda by a majority of the City Council members present.

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5.2 Approval by Council - Continued --

The order of business for meetings to approve agenda items shall generally be as follows:

- I. Call to order.
- II. Consider Agenda items for next regular City Council meeting.
- III. Adjournment.

5.3 Emergency Items: Emergency items that are received after the Wednesday meeting shall be posted, and the City Council shall determine whether to hear such items at their regular meeting.

5.4 Order of Business for meetings held on first and third Mondays: The order of business of regular City Council meetings held on the first and third Mondays of each month (but not meetings held for the purpose of approving the Agenda) shall generally be as follows:

CITY COUNCIL-STAFF WORK SESSIONS

(The purpose of this portion of the regular meeting is to allow presentations by the City Staff on matters not requiring the same formality as the formal Agenda, or the participation of the general public.)

REGULAR CITY COUNCIL MEETING

- I. Invocation.
- II. Attention to Visitors.
- III. Citizens Forum.  
(At this time a number of citizens not to exceed 10 shall be allowed to speak on any matter other than personnel matters for a length of time not to exceed three (3) minutes on a first come - first served basis.

No council action or discussion is to be taken until such matter is placed on the agenda and posted in accordance with law.)

- IV. Appointments for Personal Appearances.
- V. Consent Agenda.  
(These items are routine items and may be approved with one motion; however, should any Council Member or any individual wish to discuss any item, said item may be removed by motion of the City Council.)
- VI. Public Hearings.
- VII. Consideration of Ordinances and Resolutions.  
(Not a routine item.)

5.4 Order of Business - Continued

- VIII. Consideration of Bids and Final Statements.  
(Not a routine item.)
- IX. Appointments to Boards and Commissions.
- X. Separate Items.  
(Includes miscellaneous items.)

The Agenda shall be delivered to the residence or usual place of business of each City Council member on Wednesday afternoon preceding the City Council meeting to be held on the following Monday.

- 5.5 Date, Time and Place for Submitting Request for Item to be on City Council Meeting Agenda: Any person desiring to present an item to be considered for inclusion upon the City Council Agenda may do so by written request to the City Council, addressed to the City Secretary, no later than 12:00 Noon on the Monday, one week preceding the City Council meeting at which the item is to be considered. Without such prior notice, items may be considered for inclusion upon the City Council Agenda only with the unanimous consent of the City Council at its agenda preparation session on the fifth day prior to the regular meeting.

- 5.6 Procedure for Hearing Requested items for City Council Consideration: An item requested to be on the City Council Meeting Agenda and thereafter approved for inclusion upon the agenda may be deferred not more than two regular meetings after receipt of the request.

Should a person fail to appear at the City Council meeting at which an item requested by him to be considered by the City Council and thereafter approved by it for inclusion upon the agenda, that item may be dropped or acted upon by the City Council.

- 5.7 Addressing the Council: Any person desiring to address the Council is requested to complete a registration card, which is available at the entrance to the City Council Chamber. This card may also be completed by those who wish to express their support or opposition on an item but do not wish to speak. The registration cards should be submitted to the City Secretary prior to consideration of the particular item.

- 5.8 Manner of Addressing the Council - Time Limit: In order to conserve time, and yet give persons an opportunity to express themselves at public hearings, the proponents, or applicants, are allowed 15 minutes for their presentation and 5 minutes for rebuttal. Special interest and other organized groups are allowed 15

5.8 Manner of Addressing the Council - Continued

minutes to express their support or opposition, and individuals are allocated 3 minutes. In certain large zoning applications, the presiding officer may announce at the beginning that additional time is being permitted due to the size or complexity of the case.

6. MOTIONS AND VOTING PROCEDURE

- 6.1 Withdrawal of Motions: The maker of a motion may withdraw or modify the motion at any time until it has been stated by the presiding officer. If a motion is modified, the City Council member who seconded the motion may withdraw his second.
- 6.2 Voting: All votes shall be by both hand vote and verbal "aye" or "nay."
- 6.3 Tie Vote: In case of a tie vote on any proposal, the proposal shall be considered as failing to carry.
- 6.4 Abstention from Voting: No member of the City Council shall be excused from voting except on matters where his financial interests are involved, or where otherwise prohibited by State law. (Charter, Article IV, Sec. 34)
- 6.5 Tabling an Agenda Item: Items tabled by action of the City Council, unless otherwise provided, shall be brought back up for consideration only by the City Council.

7. CONSIDERATION OF ORDINANCES AND RESOLUTIONS

- 7.1 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, except ordinances or resolutions making appropriations or authorizing the contracting of indebtedness or issuance of bonds or other evidence of indebtedness. (Charter, Art. IV, Sec. 18)
- 7.2 Vote Required: A majority of the City Council shall constitute a quorum to do business, and the affirmative vote of at least four members shall be necessary to adopt any ordinance or resolution. (Charter, Art. IV, Sec. 17)
- 7.3 Emergency Measure: No ordinance, unless it be declared an emergency measure, shall ever be passed at a called meeting,\* but may be passed at any regular meeting of the City Council unless otherwise provided. All

### 7.3 Emergency Measure - Continued --

resolutions or orders may be passed at any regular meeting or may be passed at any special or called meeting called for that purpose.  
(Charter, Art. IV, Sec. 18)

\*Note: "called meeting" is defined as being synonymous with "special meeting" as defined in Section 3.2.

An emergency measure is generally defined as an ordinance or resolution for the immediate preservation of the public business, property, health or safety or providing for the usual daily operation of municipal departments in which the emergency is set forth in such ordinance. Ordinances appropriating money to defray current or other expenses of the City where an emergency exists, or for any other purpose where an emergency exists may be passed as emergency measures; except that no ordinance making a grant, renewal or extension of a franchise or other special privilege or regulating the rate or rates to be charged for services furnished the public generally by public utilities shall be passed as an emergency measure, nor shall such an ordinance be finally passed on the date it is introduced, but must be passed, read and voted upon at two regular meetings of the City Council.

## 8. CREATION OF COMMITTEES, BOARDS AND COMMISSIONS

- 8.1 Committees: The City Council may appoint citizen advisory committees, as the need may arise. Any committee so created shall cease to exist upon the completion of its purpose or when abolished by the City Council.
- 8.2 Intra-Council Committees: The Mayor may, as the need arises, appoint intra-City Council committees. Any Committee so created shall cease to exist upon the completion of its purpose or when abolished by the Mayor.
- 8.3 Boards and Commissions: The City Council may create boards and commissions to assist in the conduct and operation of the City Government with such duties as the City Council may specify. Such duties may not be inconsistent with the City Charter or City Code. Such boards and commissions shall cease to exist when abolished by the City Council.

## 9. VOTING - STATE STATUTORY REQUIREMENTS

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

9.2 Changes in Zoning Ordinance: In cases of protests against changes in zoning classifications, signed by the owners of twenty (20%) per cent or more of either the area of the lots or land included in such proposed changes, or of the lots or land immediately adjoining the same and extending 200 feet therefrom, three-fourths vote of all City Council members is required. In computing the percentage of land area, the area of streets and alleys shall be included in the computation.  
(Art. 1011e, Revised Civil Statutes)

10. CLOSED MEETINGS.\*

\*Note: Closed meetings shall have the same meaning as "executive sessions" under Article 3.4 of these Rules of Procedure.

10.1 Purposes Allowed: Pursuant to State law as provided in Article 6252-17 V.A.C.S. the Council may conduct closed meetings for the purposes permitted by statute.

10.2 Notice Required: Closed meetings shall be placed on the Agenda and posted as in other cases and so much of the subject matter as may be required by law shall be declared.

10.3 Procedure: Before beginning a closed meeting a quorum shall assemble in open session and the presiding officer shall announce that the Council will go into closed meeting and state the subject of the meeting. Before final action is taken the Council shall reassemble in open meeting to vote upon the matter, if a vote is necessary.

10.4 Privileged Information: All matters discussed in closed meetings shall be privileged and may not be disclosed without consent of the majority or by lawful process from a court of competent jurisdiction.

Disclosure or electronic recordings of matters discussed in closed meetings without waiver of the privilege by majority consent shall constitute misconduct in office and a member, for such disclosure, may be disciplined as in other cases of misconduct in office. Provided, however, disclosure to one's attorney without release of the privileged nature of the matter shall not be misconduct.