

RESOLUTION NO. _____

**RESOLUTION OF THE CITY OF PFLUGERVILLE, TEXAS AMENDING
RULES OF ORDER AND PROCEDURE FOR CITY COUNCIL MEETINGS**

WHEREAS, the City of Pflugerville Home Rule Charter Section 3.12 provides that the City Council shall determine its own rules and order of business by resolution; and

WHEREAS, the City Council of the City of Pflugerville adopted “Rules of Order and Procedure for City Council Meetings” on October 14, 2003 by Resolution 478-03-10-14-7B; and

WHEREAS, the City Council adopted a resolution amending the times for City Council regular meetings and worksessions on February 9, 2010 by Resolution 1238A-10-02-09-7D; and

WHEREAS, the City Council adopted a resolution Amending Rules of Order and Procedure for City Council Meetings on January 23, 2018 by Resolution 1610-18-01-23-0483; and

WHEREAS, the City Council adopted a resolution Amending Rules of Order and Procedure for City Council Meetings on November 26, 2019 by Resolution 1741-19-11-26-0680; and

WHEREAS, the City Council adopted a resolution Amending Rules of Order and Procedure for City Council Meetings on April 27, 2021 by Resolution 1869-21-04-27-0857; and

WHEREAS, the City Council finds it appropriate to amend the previously adopted Rules of Order and Procedure for City Council meetings to govern City Council meetings; and

WHEREAS, the City Council finds the attached Exhibit A "City of Pflugerville Rules of Order and Procedure for City Council Meetings” to be appropriate as amended.

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

That the City Council hereby amends the City of Pflugerville Rules of Order and Procedure as attached and incorporated herein as Exhibit A; and

That the adopted City of Pflugerville Rules of Order and Procedure are hereby in effect until amended, suspended, or new rules are adopted by subsequent resolution.

APPROVED AND ADOPTED, this the ____ day of _____, 2021.

Victor Gonzales, Mayor

ATTEST:

Karen Thompson, City Secretary

APPROVED AS TO FORM:

Charles Zech, City Attorney
DENTON NAVARRO ROCHA BERNAL & ZECH, PC

EXHIBIT A

CITY OF PFLUGERVILLE 2021 RULES OF ORDER AND PROCEDURE FOR CITY COUNCIL MEETINGS

1. CHARTER AUTHORITY

- a. The City of Pflugerville Home Rule Charter (Charter) Section 3.12 states: The city council shall determine its own rules and order of business by resolution. Rules of procedure shall ensure that citizens of the city have a reasonable opportunity at any meeting to address the council regarding matters under consideration.
- b. The rules and order of business below shall be in effect upon adoption by resolution of the Council and until such time as amended, suspended, or new rules are adopted by subsequent resolution. The meeting procedures set forth herein are to guide Councilmembers during meetings. Any errors or omissions by the Council or one or more Councilmembers to follow the procedures during any such meeting shall not invalidate the action or constitute the action to be illegal. The validity of any motions or meeting procedures not expressly defined herein shall be determined by the Presiding Officer, so long as the determination is consistent with State law.

2. CITY COUNCIL MEETINGS

- a. As required by Section 3.10 of the Charter, the Council shall meet at least once each month and may hold as many additional meetings as it deems necessary to transact the business of the city. City Council meetings may be held by telephone or video conference as allowed by order of the office of Governor or Texas Open Meetings Act.
- b. Regular meetings of the Council shall be scheduled to occur on the second and fourth Tuesdays of each month at City Hall, 100 East Main Street, Suite 500. Regular meetings shall be scheduled to begin at 7:00 p.m. and shall be called to order at that time or as soon thereafter as practical.
- c. Worksessions of the Council shall be scheduled to occur on the second and fourth Tuesdays of each month at City Hall, 100 East Main Street, Suite 500. Worksessions shall be routinely scheduled to begin at 6:00 p.m. and shall be called to order at that time or as soon thereafter as practical. Worksessions may be scheduled to begin earlier than 6:00 p.m. if it appears necessary to the City Manager in order to complete the business presented on the agenda.
- d. Worksessions are to generally allow the Council to review items of interest that may require substantial time to introduce or consider, and may be scheduled for

future presentation at a Council meetings. If Council or the City Manager deems appropriate, pre-Council Meeting worksessions may be canceled. While uncommon, the City Manager may call a Special Meeting in place of a Worksession to allow for discussion and action on one or more items, if considered necessary to conduct City business.

- e. In the event the anticipated public attendance at any Council meeting will exceed the occupancy capacity of the City Council chambers, the City Manager is not required, but is authorized to schedule any Council meeting to occur at an alternative available location appearing to accommodate the anticipated public attendance and which will still allow the public business to be conducted.
- f. When the day for any Council meeting falls on a legal holiday, regularly scheduled Council meetings for such day shall be canceled unless otherwise specified by the Council. When the day for any Council meeting falls on a date occupied by a special event, or when otherwise considered appropriate, one or more Council meetings may be canceled or rescheduled. by a majority vote of the Council.
- g. Special Council meetings may be called by the Mayor, City Manager, or by petition of three Councilmembers, to address business that either cannot be accommodated during regular meetings or due to necessity needs to be addressed before the next regularly scheduled Council meeting.
- h. In the case of emergency or urgent public necessity, which shall be expressed in the notice of the meeting, an emergency meeting may be called by the City Manager or Mayor, and shall be sufficient if the notice is posted as required by the Texas Open Meetings Act, as amended.

3. Agenda Preparation and Order of Business:

- a. The Mayor shall, with the assistance and input of the City Manager, advice of the City Attorney and assistance from the City Secretary and other City staff members as appropriate, prepare agendas for all Council meetings. The Agenda shall be prepared in accordance with this Resolution and shall be prepared in compliance with the Texas Open Meetings Act, as amended.
- b. Any councilmember upon written request to the Mayor may place items on an agenda for a subsequent regular council meeting with the consent of a second city council member as provided by the City Charter Section 3.05 and may offer an ordinance in writing for consideration after it has been approved as to form by the city attorney and placed on the agenda of a regular council meeting.as provided by the City Charter Section 3.15(b). All item requests shall be made in writing and include specific agenda item language and designate if the item is for discussion only or consideration of action, if discussion in a worksession is requested, if discussion in executive session is requested, and if there is a deadline for placing the item on an agenda. Item requests shall be made no later than noon six days prior to the meeting. The language of any item to be placed on the agenda may be modified by the City Attorney to allow for discussion based on the

scope and subject matter of the item to ensure compliance with the Texas Open Meetings Act.

- c. The Mayor shall manage the number of items and the order of items on each Agenda to provide for efficient and effective City Council deliberation and action on items to be considered at each meeting.
- d. The City Secretary shall make the draft agenda available to the City Attorney's Office who shall review it, prior to posting, and upon finding it compliant with the Texas Open Meetings Act, shall approve the agenda for posting. The approval shall include a finding that the Agenda complies with the Texas Open Meetings Act and will meet the standard set forth in Texas Government Code § 551.144(c), as amended.
- e. The City Secretary shall cause copies of the agenda to be prepared in advance, posted and filed in accordance with all state laws and city ordinances relating thereto.
- f. Ordinances, resolutions and agreements, to be considered for approval by the City Council must be in final form and made available for City Councilmember review at least three days prior to the meeting for the item to be considered, unless circumstances require, as determined by the City Manager, with consent of the Mayor.

4. EXECUTIVE SESSIONS

- a. The City Council may retire into Executive Session as authorized by the Texas Open Meetings Act (Texas Government Code Chapter 551, as amended).
- b. These Rules of Procedure shall apply to the conduct of Councilmembers in an Executive Session, provided they do not conflict with the provisions of the Open Meetings Act.
- c. The City Council may include or exclude from any Executive Session any person or persons which it is authorized by State law to include or exclude. The City Council may, but is not required to allow a person, who meets the below criterion to attend certain executive sessions:
 - (1) A non-Council/Board member may be admitted to an executive session on economic development or real property if:
 - (a) The person's interests are not in opposition or adverse to the governmental body's;
 - (b) The person's presence is deemed necessary to the issues to be discussed; and,

- (c) If legal advice is to be included, whether the governmental body would waive the attorney-client privilege by including the non-member.
 - (2) Attendance of anyone other than the City Council, appointed City Officials and City Staff should be pre-cleared with the City Attorney for Texas Open Meetings Act compliance.
 - (3) The presiding officer shall invite or exclude any authorized individual to join the council in executive session.
 - (a) If any councilmember objects to the inclusion of an individual in the executive session proceedings, the Council will return to regular session and require a majority vote to include that individual.
 - (b) If two council members object to the exclusion of an authorized individual in the executive session proceedings, the council will return to regular session and require a majority vote to include that individual.
- d. As required by law, a Certified Agenda of each Executive Session shall be completed, approved and executed by the presiding officer and presented to the City Secretary in a sealed envelope.

5. NOTICE

- a. Notice of each meeting will be given pursuant to the requirements of the Texas Open Meetings Act. (Texas Government Code. Section 551, as amended).

6. QUORUM

- a. As specified by Charter Section 3.11, four Council members shall constitute a quorum for the purpose of transacting business. Except as otherwise provided by the Charter or State law, the affirmative vote of a majority of those members present and voting shall constitute valid action by the Council.

7. PRESIDING OFFICER DESIGNATION AND DUTIES

- a. As specified by Charter Section 3.06, the Mayor shall be the Presiding Officer at all meetings of the Council. In absence of the Mayor, the Presiding Officer is the Mayor Pro-Tem. In the absence of both the Mayor and Mayor Pro Tem, the Councilmembers present shall vote to elect a Presiding Officer for the meeting.
- b. The Presiding Officer shall begin each meeting at the time given on the meeting's agenda or as soon thereafter as practical.

- c. The Presiding Officer shall conduct the meeting by following the order of business as set out in the agenda. However, the Presiding Officer, as necessary to benefit or expedite the meeting, may call an item alone, call an item together with other related items, or call any item or items out of order if there is no objection from any member of Council. If a member of Council objects to the Presiding Officer's suggestion to take an item out of order, the Presiding Officer may request a vote to reorder business on the agenda. A majority vote is required to reorder the business against an objection.

- d. All meetings of the Council shall be open and public in accordance with the terms and provisions of the Texas Open Meetings Act except executive sessions as provided by State law.
 - (1) All persons attending Council meetings shall observe the rules of propriety, decorum, and good conduct as determined by the Presiding Officer. Anyone that does not comply with the rules of propriety, decorum and good conduct is interfering with the meeting, is subject to forfeit any opportunity to speak, may be orally reprimanded by the Presiding Officer or, in the event of a disruption, may be expelled from the meeting.
 - (2) In accordance with City Charter §3.12, these rules of procedure shall ensure the citizens of the city have a reasonable opportunity at any meeting to address the council regarding matters under consideration; therefore, the Presiding Officer shall recognize any person who wishes to speak on an item that is listed on the agenda for consideration of action.
 - (3) All meeting agendas which include items with consideration of action, shall include a Public Comment item. The Public Comment item shall be placed on the agenda in advance of any items with consideration of action. Each member of the public who requests to address the Council on items on the agenda shall be given the opportunity to speak at the meeting before or during the Council's consideration of the item, prior to action being taken. The Presiding Officer may allow for comments on agenda items during the Public Comment item, at any time prior to addressing the item or during consideration of the item at their discretion.
 - (4) The Public Comment item shall also be used to ensure citizens have a reasonable opportunity at a meeting to address the council regarding matters not on the agenda. No formal action, discussion, deliberation, or comment will be made in response to comments regarding matters not on the agenda unless authorized by the Texas Open Meetings Act, as amended.
 - (5) Any person recognized to speak in order to provide comments on an agenda item, at a public hearing or during the Public Comment item will normally be provided three minutes to speak, unless such time is extended or reduced, in advance of recognizing the first public speaker at the meeting, or for other good cause by the Presiding Officer. Members of the

public who address the Council through use of a translator will be given twice the amount of time as a member that does not require assistance. Speakers providing public comment, shall be allowed to distribute handouts to the Council, but shall not be allowed to use the City's computer equipment for video, presentation slides, photographs or any other use.

- e. The agenda shall, when appropriate, contain a set of Consent Agenda items that are posted to be acted upon by the Council in a single motion and vote, without deliberation or debate.
 - (1) When the Consent Agenda is reached, the Presiding Officer shall provide an opportunity for any member of Council to object to the inclusion of a one or more consent agenda items. Any item on the Consent Agenda objected to by a member of Council shall be removed from the Consent Agenda and the remaining Consent Agenda items are to be considered for approval without deliberation or debate.
 - (2) All items removed by the Consent Agenda are to be considered immediately after the Consent Agenda, in the order listed on the agenda, as discuss and consider action items.

8. CONSIDERATION OF DISCUSS ITEMS AND DISCUSS AND CONSIDER ITEMS:

- a. Generally, the order of consideration of an item will first allow for the introduction of the item (as necessary), then public comment on the item (if any), then Council deliberation and action (if any) on the item. If circumstances warrant, Council may consider multiple motions and take multiple actions on a single item. However, multiple motions on the same item are out of order if a subsequent action, if approved, would countermand previously approved action taken at the same meeting.
- b. The Presiding Officer will open debate on each agenda item by reading the item or having the item on the agenda read out loud. The Presiding Officer will then first acknowledge the introducing member of Council or staff for the item, and allow for the introduction of the item.
- c. The Presiding Officer shall then acknowledge any member of the public who wishes to address the current item under consideration, in a uniform manner. Public comment regarding an item on the agenda will normally be provided after the introduction of the item, but before members of Council are recognized to deliberate on the item. Interaction by the public during Council deliberation is generally out of order, unless circumstances warrant and the member of the public is recognized by the Presiding Officer.
- d. Members of the public in the audience at a Council meeting do not have the privilege to speak out at a Council meeting unless recognized to do so by the

Presiding Officer. Any person so recognized has the floor for generally three minutes, unless relinquished beforehand or unless the amount of time for public comment has been specifically modified. The Presiding Officer may allow additional time when circumstances warrant. If the Presiding Officer desires to acknowledge a person to speak the Presiding Officer shall do so by calling their name or title, or if name and title are unknown, by identifying the person visually, in addition to orally.

- e. After any public comment, the Presiding Officer shall permit each Councilmember an opportunity to speak on the item in the course of deliberation. The Presiding Officer, with the assistance of the City Attorney, shall limit the scope of remarks made regarding any item to the subject matter under consideration and, as necessary, may call persons out of order and retake the floor to ensure compliance with the Texas Open Meetings Act.
- f. All audience members who have the floor should always direct their remarks to the members of Council, even if responding to statements of another speaker.
- g. In deliberation and debate, all speakers shall confine their remarks to the subject matter before the Council. Arraigning the motives of any speaker is out of order. The nature or consequences of a measure may be condemned in strong terms. The subject of debate should be about the measure, rather than those that may support or oppose it.
- h. Any audience member speaking without first being acknowledged by the Presiding Officer is out of order. Any audience member who persists in disrupting the meeting by speaking out of order after being called down and warned by the Presiding Officer, may be charged with disorderly conduct and removed from the meeting. During the meeting, no audience member shall disrupt the proceedings by physical action or verbal utterance.
- i. The Presiding Officer and any Councilmember may close debate on an item by ordering the previous question (move the question). This is not debatable, and requires a majority vote to pass. If the vote to order the previous question is approved, debate and discussion will cease, and the Presiding Officer shall call for the vote on any pending motion, or call for a motion if deliberation is conducted without a motion pending. If, in the event no action is taken or after the action taken either fails or passes, the Presiding Officer shall move on to the next agenda item.

9. MOTIONS

- a. A main motion is used to initiate action on an item of business. A main motion requires a second, is debatable, and may be tabled or withdrawn before a final vote is taken.
- b. A Councilmember who wishes to make a motion or to second a motion should do so through a verbal announcement to the Presiding Officer.

- c. Any Councilmember making a main motion may, prior to receiving a second, withdraw or change it. After a second, withdrawal or amendment requires the approval of the person who seconded the motion.
- d. Once a motion has been properly made and seconded, the Presiding Officer shall allow for deliberation and debate.
- e. If a new main motion is sought, the previous motion must be disposed of, before a subsequent motion may be considered.
- f. Secondary motions may be made during deliberation prior to a motion, or during discussion after a main motion. Secondary motions require a second and a majority vote. Examples of secondary motions are: to table the main motion; to move the question; to table the item; to refer the item to staff or a committee; to amend the main motion; to recess; and to adjourn the meeting.
- g. The Presiding Officer shall not disregard any motion orderly made. All orderly motions will be entertained and properly disposed of.
- h. Once the matter has been fully discussed the Presiding Officer may call for a vote. If the vote is called, no further discussion is allowed, provided, however, Councilmembers may be allowed to explain their vote.

10. VOTING

- a. As specified in Section 3.13 of the Charter:
 - (1) Voting on all motions regarding official actions of the Council shall be by roll call;
 - (2) Each member's vote shall be recorded in the minutes; and,
 - (3) No ballots or other secret methods of voting will be used.
- b. As specified in Section 3.13 of the Charter, except as prohibited by conflict of interest laws or the Charter, all members of the Council shall vote "yes" or "no" on every action, resolution, or ordinance requiring a vote.
- c. When a Councilmember excuses themselves from a portion of a Council meeting or vote on an item because of a legal conflict of interest, the Councilmember shall briefly state, on the record, the nature of the conflict.

11. ADJOURNING MEETINGS

- a. In the event the Council reaches the end of an agenda for a meeting after consideration and disposition of each item on the agenda, the Presiding Officer shall declare the meeting adjourned as there is no further business legally to be conducted.

- b. In the event the Council elects to consider a motion to adjourn before considering and disposing of every item on the agenda for that meeting, a motion to adjourn the meeting should be used to adjourn the meeting. The motion to adjourn a meeting may be a main motion or a secondary motion. It requires a second, is not debatable, requires a majority vote to pass, and cannot be reconsidered.
- (1) If the motion to adjourn passes, the Presiding Officer shall declare the meeting adjourned. Further action or discussion of city business shall not take place.
 - (2) If the motion to adjourn fails, the Presiding Officer shall request the Council identify the item to be recalled for further consideration by agenda item number and shall recall that item for further discussion as provided by the agenda. In the event no item for recall is declared, the Presiding Officer shall declare the meeting adjourned as there is no further business legally to be conducted. Further action or discussion of city business shall not take place.