

# City of Bridge City



## **Council Decorum and Procedures Policy**

***Adopted by the City Council on January 15, 2018***

*(Sections 12 and 17 Amended by City Council Action on May 15, 2018)*

### **Section 1. Council Meetings – Location**

- a. The Regular Meetings and Work Sessions of the City of Bridge City Council shall be held in the City Hall, 260 Rachal, Bridge City, Texas.
- b. Meetings for special occasions may be held at other locations as determined by the Mayor / Council.

### **Section 2. Council Meetings / Work Sessions – Date / Time**

- a. The City Charter stipulates that the Council shall hold at least two regular meetings in each month at a time to be fixed by the Council for such regular meetings and may hold as many additional meetings during the month as may be necessary for the transaction of the business of the City.
- b. Each year the Council sets the schedule of meetings for the forthcoming year.
- c. The schedule currently in effect requires that the Regular Meetings of the City Council be held on the first and third Tuesday of every month at 6:00 PM.
- d. Special Meetings may be called by the Mayor, or at least two (2) members of the Council.
- e. At the discretion of the Council, a meeting may either be cancelled or changed to another date.

### **Section 3. Open to the Public**

- a. All meetings of the City Council of the City of Bridge City shall be open to the public, except as provided for in the Texas Open Meetings Act.

## **Section 4. Executive Sessions**

- a. Executive Sessions may be held for only those matters that are provided for in the Texas Open Meetings Act. Basically, Executive Sessions fall into one of four (4) 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.
- b. Decisions resulting from Executive Session deliberations must be made in an open session following the closed meeting.
- c. Information discussed in Executive Sessions is to remain confidential and may be released only upon the order of a court of competent jurisdiction.
- d. 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.

## **Section 5. Presiding Officer**

- a. The Mayor shall be the presiding officer at all meetings of the City Council, and shall be recognized as the head of the City for all ceremonial purposes.
- b. In case of the Mayor's absence or temporary disability, the Mayor Pro Tem shall act in his behalf.

## **Section 6. Council Standards**

- a. Public officials are agents of the public, and hold office for the benefit 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 Charter and Ordinances of the City of Bridge City on an impartial basis.
- b. 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 considerations, recognizing that the public interest must be their primary concern.
- c. Council Members should be independent, impartial and responsible to the citizens, and public office shall not be used for personal gain.
- d. The conduct of each member in both their official and private affairs should be above reproach.
- e. Council Members must represent unconflicted loyalty to the interest of the citizens of the entire City. This accountability supercedes any conflicting loyalty, advocacy or special interest group, or any individual, or membership of (or affiliation with) any company or other private or public organization.

## **Section 7. Council Etiquette**

- a. Council Members are to provide advance notice to the City Secretary's office in advance 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.
- b. 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.
- c. Speaking in Council meetings is prohibited except when recognized by the Mayor.
- d. The Mayor shall be addressed as "Mayor (Surname)", "Your Honor", or "Mr./Madam Mayor". The Mayor Pro Tem and other Council Members shall be addressed as "Mayor Pro Tem (Surname)" or "Council Member (Surname)".
- e. Speaking over others or interrupting while others have the floor is not permitted.
- f. Cell phones and pagers should be turned off or shall be set to vibrate during meetings.
- g. If Council Members must take a call during a meeting, the call should be taken outside of the meeting room so as to not distract from the proceedings of the meeting, unless doing so would cause the Council to fall below a quorum.
- h. After the Council has taken an official position on an issue, all official correspondence should reflect this position. Council Members who may disagree with a correspondence should reflect this position. Council Members 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.
- i. Members of the Council should not become or appear to be an advocate of one City operation. The appearance of favoritism or undue focus on one City operation should be avoided.
- j. No official shall be empowered to grant any special consideration, treatment, advantage or favor to any individual, group, company or organization beyond that which is generally available to the public at large.
- k. No official should make, encourage or accept any ex-parte or other unilateral request or communication, when such is designed to influence official decisions.
- l. Council Members 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.

## **Section 8. Duty to Perform / Conflict of Interest**

- a. It is considered that by seeking and accepting public office, each Council Member 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.
- b. An exception to the duty to vote would be in the case of a conflict of interest. In such case, the abstaining Council Member shall have the right to explain for the record the nature of the conflict of interest.
  - c. Abstentions from voting without declaring a conflict of interest are unacceptable.
  - d. Each Council Member shall maintain a current statement regarding actual and potential conflicts of interests, as required by law, with the City Secretary.
  - e. Council Members shall disclose orally prior to the discussion and action of any agenda item any actual conflicts of interest that exist with that item.
  - f. Council Members shall not participate in the discussion or vote on any agenda item in which the Council Member has any conflict of interest.

### **Section 9. Role of Council / City Manager**

- a. The City Council's role is to establish policies and priorities within the terms of the City Charter and applicable State and Federal Statutes.
- b. The City Manager is responsible for directing and managing the daily operations of the City government.
- c. The City Manager is responsible to the City Council as a whole rather than to individual Council Members. No individual Council Member has the authority to direct the City Manager or any member of his/her subordinate staff.
- d. In the event that Council Members 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 City Manager. If the Council Member believes that bringing the matter to the City Manager is unwarranted then he shall discuss further action with the City Attorney.
- e. The City Manager shall determine if information requested by individual Council Members requires resources that would be detrimental to other priorities, and shall decide whether the request shall be granted.
- f. Any information or material that the City Manager or his/her staff prepares in response to a request by a single Council Member shall be made available to the entire Council.
- g. Council Members who wish to request information or services, or submit complaints about City operations, should present such requests/complaints through the City Manager.

### **Section 10. City Attorney's and City Secretary's Relationship to Council**

- a. The City Attorney is accountable to the City Council as a body, not to any individual member or group of members, nor the Mayor, City Manager, Municipal Judge or Chief of Police.

- b. The City Secretary is accountable to the City Council as a body, not to any individual member or group of members, nor the Mayor, City Manager, Municipal Judge or Chief of Police.

### **Section 11. Agenda Posting Time**

- a. Agendas must be posted at designated locations in clear public view at entryways at the Bridge City City Hall at least seventy-two (72) hours in advance of the time of the meeting to be in compliance with the Texas Open Meetings Act.
- b. A meeting is defined as any deliberation relating to a City matter by a quorum of Council Members. Which in our case is five (5) individuals.
- c. An emergency meeting requires only two (2) hours advance posting, and the issue that constitutes an emergency must be described on the Agenda.

### **Section 12. Who May Place Items on the Agenda**

*Amended by City Council Action on May 15, 2018*

- a. Items may be placed on the Agenda either by the Mayor, the City Manager, the City Attorney, or by a Council Member with the agreement of the Mayor.
- b. All requests for Agenda items should be submitted to the City Manager's office in order for proper processing and accumulation of supporting material. Council Member's request shall be placed in writing and signed by the submitting Council Member and the Mayor. The City Secretary may produce a form for this purpose.
- c. The agenda item must be of sufficient clarity and specificity as to provide every citizen who may be interested in said matter to have particular notice of the issue to be discussed and to provide the City Council notice, and adequate time to prepare for the specific items discussed. For example, the subject matter should be specific such as "to discuss repairs of the potholes on Turner Drive." The subject should not be general in nature as in "to discuss city streets."

### **Section 13. Agenda Packets**

- a. The City Secretary, under the direction of the City Manager, shall prepare a packet for each member of the Council containing a copy of the Agenda together with supporting material for each item to be considered by the Council.
- b. Such packets shall be placed in the mailbox of or personally delivered to each Council Member in advance of the time of the meeting. Each Council Member should obtain his/her packet prior to the meeting, and review all of the material contained therein to enable an informed decision to be made on each issue that is considered.
- c. If any Council Member has questions about any information contained in the packet, he/she should speak with the City Manager, who will answer questions and provide any additional information that is available.

## **Section 14. Action on Agenda items**

- a. 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.
- b. At his/her discretion, the Mayor may wish to explain the issue, or call upon a staff member or another person with unique knowledge of the issue to do so.
- c. This will primarily be done when the issue is either complicated, was not adequately covered in the Work Session, has substantial financial implications, or is otherwise one of significant public interest.
- d. If a motion is not made, the Mayor shall announce, that the matter dies for lack of a motion.
- e. If a motion is made, a second may be volunteered by any Council Member.
- f. If a second is not forthcoming, the Mayor shall inquire as to whether there is a second.
- g. If a second is not made, the Mayor shall announce that the motion dies for the lack of a second.
- h. If a second is received, the Mayor shall ask if there any questions, and all questions or discussion on the issue shall be concluded prior to voting.
- i. 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. Like wise, any member of the Council may call upon the Mayor to intervene in such case.
- j. If there are no questions or further discussion, the Mayor shall then call for a vote.
- k. Once the vote has been taken, no further questions or discussion on the issue shall be allowed except at the discretion of the Mayor.
- l. The Mayor may call a recess at any time during a meeting.

## **Section 15. Vote of Council**

- a. Normally a majority of Council is required for approval of an issue.
- b. Failure of a Council Member, who is in attendance, to cast a vote on an item shall be deemed to cast a “no”, or “against”, as the context requires.

## **Section 16. Council Member Inquiries, Complaints or Comments**

- a. Council Members shall not comment, deliberate or discuss any item that is not on the agenda.
- b. Individual Council Members 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 City Manager, or to 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.

- c. Requests 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 two (2) members of the City Council, or the City Manager or the Chief of Police.

## **Section 17. Citizen Requests for Placement of Items on the Agenda**

*Amended by City Council Action on May 15, 2018*

- a. Citizens who wish to place an item on the Agenda must submit a written request to the City Secretary's office. Citizen's contact information, including their full name, address, phone number, email and preferred manner of contact must be included in the request. The City Secretary may produce a form for this purpose. The City Manager shall coordinate the City staff to, as soon as practicable, research the proposed agenda item, including the history and factors that may impact the item, as well as the most appropriate department(s) for the item's resolution.
- b. The City Secretary shall refer the request, and conclusions of Section 17 (a) above, to the appropriate City Council Member for investigation and resolution. The City Secretary shall also make the same information available to members of the City Council, at their request. The assigned City Council Member, also referred to herein as the "sponsoring City Council Member", shall be the City's contact for the citizen and shall insure that all available administrative remedies in the City have been exhausted.
- c. If the matter cannot be resolved and the City Council Member believes that it would be in the best interest of the City for the entire City Council to be involved in the matter, that City Council Member, in conformity with Section 12 above, may request that the issue be placed on the agenda.
- d. The agenda item must be of sufficient clarity and specificity as to provide every citizen who may be interested in said matter to have particular notice of the issue to be discussed and to provide the City Council notice, and adequate time to prepare for the specific items discussed. For example, the subject matter should be specific such as "to discuss repairs of the potholes on Turner Drive." The subject should not be general in nature as in "to discuss city streets."

Please remember that State law will not allow City Council to discuss issues nor topics not clearly noticed in the agenda.

- e. Once the City Secretary receives the proposed agenda item he/she shall coordinate with the sponsoring City Council Member and make any revisions necessary to ensure that the proposed item has followed the City of Bridge City's Decorum Policy and applicable state and federal law.

The City Secretary shall, as soon as practicable, consistent with best interest of the City and the needs of the citizens, place the approved proposed agenda item on the City Council agenda. Every effort should be made to schedule the agenda item on a meeting date when the entire City Council is scheduled to be present.

### **Section 18. Citizen Appearances Before Council**

- a. Members of the public may address the council, as recognized by the Mayor, in the citizen communication section of the agenda.
- b. Every person addressing the Council shall step up to the lectern, shall state their name, address, and subject of their comments in an audible tone of voice for the record.
- c. All comments or questions from a member of the audience shall be directed to the Mayor.
- d. The Mayor must recognize the requesting party before the party shall be allowed to speak.
- e. The speaker shall be limited to (3) three minutes.
- f. Only business directly related to City matters shall be addressed.
- g. Matters of a personal nature shall not be a part of any discussion. If the Mayor decides that the comments are not relevant, or that they are redundant, discourteous or abusive, he/she may order the speaker out of order, and direct the speaker to modify his/her comments, or direct the speaker to refrain from speaking, or take other steps that he/she deems necessary to ensure the efficient and orderly conduct of the Council's business.
- h. 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 City Manager/City Attorney or Chief of Police for a response.
- i. The Mayor may request a limit to discussion on group issues to a person designated by the group, or if more than one person is allowed to speak the Chair may impose a time limit on each speaker.
- j. Unless approved by the Mayor, comments or questions by a member of the audience shall not be directed to a party who is addressing the Council. Comments or questions directed to another member of the Council or staff by a member of the audience shall not be permitted unless approved by the Mayor.
- k. 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 directed to do so by the Mayor.

### **Section 19. Appointment of Board / Committee Members**

- a. The Mayor shall have the discretion to appoint various members of the council to boards/committees.

## **Section 20. Ordinances**

- a. An ordinance is the most authoritative form of action the Council can take. An adopted Ordinance becomes an establish rule of law of the City and remains in effect until otherwise rescinded or amended by the Council.
- b. All proposed Ordinances must be either drafted by, or approved by, the City Attorney.

## **Section 21. Resolutions**

- a. 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 in written form, but need not be published. Resolutions shall be drafted by, or pre-approved by, the City Attorney.

## **Section 22. Motions**

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

## **Section 23. Work Sessions**

- a. Work Sessions of the Council are held as scheduled by City Council.
- b. A quorum is required at Work Sessions. The Texas Open Meetings Acts prohibits deliberation upon any issue that is not on the Agenda.
- c. As in the case of Regular Meetings, all comments shall be directed to the Mayor, and all decorum and procedural issues that apply to Regular Meetings shall also apply.
- d. Any requests for additional Agenda items shall be handled pursuant to Sections 13 & 18.
- e. The purpose of the Work Sessions is to allow council to have a forum for an informal review of items of general interest to the City.
- f. A copy of the Agenda and a packet of supporting material shall be placed in the mailbox of, or delivered to, each Council Member at least seventy-two (72) hours prior to the Work Session. Each Council Member is encouraged to obtain his/her packet in advance to enable an informed and meaningful review of each issue to be acted upon.

## **Section 24. Violations of this Policy**

- a. Whenever the Mayor or another member of the Council perceives that this policy is being violated, a point of order may be called. The Mayor shall rule on whether a violation has occurred, and shall take whatever steps that he/she deems appropriate to remedy any such violation.