



Rules of Procedure City of Farmers Branch City Council

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FARMERS BRANCH CITY COUNCIL

RULES OF PROCEDURE

1. AUTHORITY AND SCOPE

a. Authority

Ordinance No. _____ of the City of Farmers Branch was adopted on _____, establishing these Rules of Procedure of the City Council. These rules shall be in force until such time as the Ordinance is amended or revoked.

b. Scope

These general rules of procedure shall govern all regular and special meetings of the Council (including Study Sessions). The Council, by a majority vote of those present, may apply these rules of procedure to govern other official proceedings of the Council as deemed appropriate.

2. GENERAL PROCEDURES

a. General

The rules of procedure as defined herein are intended as general guidelines. The Council may adopt, modify, or repeal these rules of procedure by ordinance at any time.

b. Parliamentary

The City Secretary shall serve as the Parliamentarian of the Council. At any time, the City Secretary or the City Attorney may make recommendations to the Presiding Officer to advise on procedural matters. The Presiding Officer shall have the final authority to determine all procedural matters.

c. The Presiding Officer

The Mayor shall serve as the Presiding Officer for each meeting. In the absence of the Mayor, the Mayor Pro Tem shall serve as the Presiding Officer. In the absence of the Mayor Pro Tem, the Deputy Mayor Pro Tem shall serve as the Presiding Officer.

d. Duties of the Presiding Officer

The Presiding Officer shall ensure the order and decorum of all proceedings of the Council. The Presiding Officer will preside with fairness and respect toward all members of the Council, staff, and persons in attendance. In addition, the Presiding Officer shall:

- i. Call the meeting to order and give the time.
- ii. Announce every question coming before the Council.
- iii. Call upon Council members wishing to speak by order of request.

- iv. Call for a motion on action items after the conclusion of deliberations.
- v. Announce the decision of the Council.
- vi. Announce the time each public hearing is opened and closed.
- vii. Administer the order of the agenda and the order of public speakers.
- viii. Maintain control of public speakers regarding time limits, disruptive remarks, and/or unruly behavior.
- ix. Announce the meeting adjournment and give the time.

e. Duties of the Members of Council

All members of the Council shall:

- i. Maintain respectful decorum during all proceedings of the Council.
- ii. Refrain from name-calling, degrading remarks, unduly interrupting other members of the Council, delaying proceedings, or disobeying the order of the agenda.
- iii. Shall not unreasonably interrupt or delay the proceedings and shall not refuse to obey the rules of the Council.
- iv. Speak directly to the Presiding Officer for all matters related to meeting procedure, including making a motion, tabling an item, and requesting the Presiding Officer enforce or maintain meeting decorum.
- v. Deliberate and vote on questions brought before the Council.
- vi. Respond with “Aye,” “No,” or “Abstain” when the Presiding Officer calls for a vote.

3. MEETING PROCEDURES

The meeting procedures outlined in this section generally apply to all meetings of the Council.

a. Meeting Agenda

The following procedures shall apply to the preparation of meeting agendas:

- i. The Mayor, working with the City Manager, shall be responsible for placing items on the agenda. The Mayor, City Manager, City Secretary, or any member of the Council may request that an item be placed on the agenda for consideration. An item shall be placed on the agenda upon request of three (3) or more members of the Council.
- ii. Any request by the Mayor or by members of the Council for an item to be placed on the agenda should be submitted in writing to the Mayor and City Manager at least two (2) weeks prior to the meeting. The request should include sufficient background information on the topic and shall be easily understandable to allow staff to present the item sufficiently. Items requested by members of the Council may only be removed by the member(s) who originally requested the item.

- iii. The City Manager or designee and the City Secretary shall compile and review the agenda packet prior to posting and delivery to the Council. The Presiding Officer shall control the order of the agenda during proceedings of the Council and shall have the authority to re-arrange the order of items during the proceeding. Agenda items shall have sufficient supporting documentation, including such drafts, ordinances, resolutions, contract documents, and financial information as may be reasonably necessary to allow the Council to have an informed discussion and take any necessary action on the item.
- iv. The City Manager, or their designee, shall answer any questions from the Council members concerning agenda items before the meeting.

b. Quorum

Pursuant to Section 2.14 of the City Charter, any four (4) members of the Council (which may include the Mayor) shall constitute a quorum necessary for the transaction of official business at any meeting of the Council.

c. Parliamentary Procedure

These rules of procedure are intended as a general guide for parliamentary procedure applicable to meetings of the Council. Motions may be made and seconded by any member of the Council. The Presiding Officer shall announce that a motion and a second has been made and, in the absence of further discussion on the item, instruct the Council members to make their vote. A list of common procedural motions applicable to meetings of the City Council is included in **Appendix A**. The Council may consult Robert's Rules of Order as a guide in instances not addressed by these rules.

d. Voting

In accordance with the City Charter, except for deliberations regarding the City Manager or the removal of a Council member, the Mayor shall not vote. Voting shall be by "Aye," "No," or "Abstain" on roll call or by a show of hands. A vote of "Abstain" shall not be recorded as an affirmative or a negative vote.

e. Recess

The Presiding Officer may call a recess at any point during proceedings of the Council. Any member of the Council may make a request to the Presiding Officer to call a recess at any point during the proceedings of the Council. The Presiding Officer shall announce the time of the beginning of the recess and announce the time when the proceeding is called back into session.

f. Executive Session

The Council may convene into a closed (executive) session in connection with any regular, special, or study session meeting in conformance with the rules governing

closed meetings set forth in Chapter 551 of the Texas Government Code. Prior to convening into closed session, the Mayor shall (i) announce the applicable statutory exception(s) authorizing the closed session, (ii) identify the general purpose or subject matter to be discussed during the closed session to the extent permitted by law, and (iii) state the time in which the Council is convening into closed session.

g. Meeting Attendance

Members of the Council shall inform the Mayor and City Manager of an upcoming meeting absence as soon as possible. Members of the Council may attend a meeting remotely when a member is unable to attend the meeting in-person, provided, the member's remote attendance is able to be administered in full conformance with Section 551.127 of the Texas Government Code and the City's applicable IT policies. Each remote location from which a member participates must have an internet connection that is of sufficient quality to ensure continuous, live two-way audio and video communication with all other members of the Council during the entire meeting. While speaking, a member attending remotely must be clearly visible and audible to all other members of the Council and the public (except during a closed session). If a member intends to attend a closed session remotely, the member shall coordinate with the City Manager's office in advance to ensure that the remote location and connection are able to comply with all applicable security requirements.

h. Conflicts of Interest

All members of the Council shall abstain from participating in or voting on items in which they have a conflict of interest as set forth in the City's Code of Ethics or applicable law. If a Council member has such a conflict of interest, they shall file a "Conflict of Interest Affidavit" with the City Secretary's office. Upon introduction of the agenda item in which the member has a conflict of interest, the member should announce that they have a conflict of interest and refrain from participating in or voting on the item. All members of the Council are encouraged to conduct themselves above reproach. In the event that a Council member determines that it is necessary to abstain from participating in a matter to avoid a perceived conflict of interest or to avoid the appearance of impropriety, as soon as the individual member makes such a determination, the member shall declare the nature of the matter causing the abstention, abstain from participation in the matter.

i. Code of Ethics

The Mayor and Council members should comply with the City's Code of Ethics (Chapter 2, Article III of the City's Code of Ordinances) and are encouraged to conduct themselves above reproach at all times when acting in their official capacity.

j. Conflicts

Should a conflict arise between Council members during a meeting of the City Council, the Presiding Officer shall serve as the mediator and shall endeavor to promptly and amicably conclude the conflict. If the Presiding Officer is a part of the conflict, the Council shall, by a majority vote of the members present, determine the procedure to conclude the matter.

k. Public Speakers

As a general rule, members of the public attending a meeting may not participate in the discussions of the Council during the meeting. The public may speak on any item on the agenda during the Citizen/Public Comments portion of the meeting or during a public hearing held for the item. The following procedures shall apply to public speakers at meetings of the Council:

- i. Prior to the meeting, the City Secretary shall make available a public comment form, on which public speakers shall provide their name, address, and topic of discussion. Public comment forms should be submitted to the City Secretary prior to the meeting or as soon thereafter as reasonably practicable.
- ii. Public speakers desiring to present printed material to the Council should coordinate with the City Secretary prior to the meeting.
- iii. The Presiding Officer may impose a time limit on any individual or group wishing to speak. Members of the public will generally be given three (3) minutes to speak during the Citizen/Public Comments portion of the meeting or during a public hearing on an item. For public hearings, the Applicant and City Staff will generally be given additional time to present the item and address any questions of the Council on the item.
- iv. The Presiding Officer shall instruct the public speaker to give their name and address.
- v. Email or written public comments received by the Council in advance of the meeting will be acknowledged during the meeting but not read into the record. Email or written comments will be attached to and retained with the meeting minutes.
- vi. The Presiding Officer and members of the Council shall not engage in conversation with members of the public who wish to speak. Questions or complaints from members of the public may, when appropriate, be acknowledged by the Presiding Officer and referred to the City Manager, or their designee, for follow-up following the conclusion of the meeting.
- vii. The Presiding Officer and members of the Council shall not engage in discussion with each other during the Citizen/Public Comments portion of the meeting.
- viii. Signs presented in the City's public meetings must not block the view of attendees. Signs larger in size than 8.5 inches by 11 inches are prohibited during the Citizen/Public Comments and Public Hearing portions of the

meeting. All banners and props that block the view of attendees or are unreasonably disruptive of the proceedings are prohibited.

- ix. The Presiding Officer shall be responsible for decorum during all public comments. In the event of unruly behavior, intimidation, personal affronts, profanity, threats of violence, or disobedience of the Presiding Officer, the Presiding Officer shall:
 1. After the first offense, admonish the speaker, advise the person of the violation of the City's rules or governing city or state law, and advise that the unruly or disruptive behavior must cease immediately, or the person will forfeit the remainder of their time to present a comment or be ordered to leave the meeting.
 2. After the second offense, order the person to cease their comment, turn off the microphone amplifying the comment, and notify the person that any further comments will require them to leave the meeting.
 3. After the third offense, order the person to leave the meeting.
 4. If the person refuses to leave, order the on-duty police officer to have them removed on the basis of disrupting the meeting, as authorized by Texas Penal Code Sections 38.13, 42.01, and 42.05, or other applicable law. The on-duty police officer shall be any officer designated by the Chief of Police.

The following forms of speech or conduct are prohibited in the City's public meetings when they actually hinder, obstruct, interfere with, impede, or otherwise substantially disrupt the orderly conduct of the meeting:

1. Booing or hissing;
2. Foot stomping;
3. Amplifying sound other than City-provided microphones;
4. Playing music, videos, or other recordings;
5. Comments tending to incite outbursts, immediate threats, imminent violence; and or illegal conduct;
6. Creating or participating in a physical disturbance;
7. Speaking while not recognized by the Presiding Officer, or speaking beyond the allotted time;
8. Preventing others from speaking and/or observing the meeting; and
9. Engaging in personal attacks or insults that are not relevant to policy issues or other official City business.

4. COUNCIL AND STAFF RELATIONS

a. Council Questions

In accordance with the City Charter, all members of the Council shall communicate solely through the City Manager, or their designee, regarding all administrative and executive matters of the City, and neither the Council nor any member thereof shall give orders to any member of City staff under the City Manager, either publicly or privately.

b. Council Questions Regarding the Agenda

Members of the Council should attempt to ask any questions about the Council agenda packet to the City Manager prior to the meeting. This will allow City staff time to respond to the Council member's questions and, if necessary, to provide additional information to all members of the Council.

c. Staff Presentations

The City Manager shall designate the appropriate City staff member to address each agenda item and shall see that each presentation informs the Council on the issues that require Council action.

d. Council-Staff Conflicts

All members of the Council and City staff shall show respect and courtesy to each other and the general public at all times. In the event of a conflict between the staff and the Council, the Mayor will speak with the City Manager regarding the conflict but will not address the conflict directly with any member of City staff. The City Manager will then address the matter with the appropriate staff member(s) and update the Mayor and Council as appropriate. If the conflict is between a member of City staff member and the Mayor, the Mayor Pro Tempore will speak with the City Manager.

[End of Council Rules of Procedure]

APPENDIX A

Common Procedural Motions

This appendix provides an overview of common procedural motions applicable to proceedings of the City Council.

Motion to approve

“Mayor, I make a motion to approve this item as presented.”

Motion to approve with amendments

“Mayor, I make a motion to approve this item as amended to include...”

Motion to table¹

“Mayor, I make a motion to table this item for...”

Motion to deny

“Mayor, I make a motion to deny this item.”

Second the motion

“Mayor, I second the motion.”

Point of order

A point of order may be used to bring attention to a violation of a rule or procedural error during a meeting. A member of the Council may call a point of order and the point of order must be seconded. A majority vote of members present is required to pass a point of order.

“Mayor, I would like to call a point of order to...”

Call the question

This is used to end the deliberation on the item when a motion is pending and immediately call for a vote on the motion. Any member of the Council may make a motion to call the question and a second is required to end deliberation and proceed to a vote on the motion. Upon receiving a second to the motion, the Presiding Officer shall instruct the Council members to make their vote.

“Mayor, I move to call the question.”

The Council may consult Robert’s Rules of Order as a guide in instances not addressed by these rules.

¹ When a motion is made to table a public hearing item, the motion should include the date of the next meeting at which the item will be discussed. This process is sometimes referred to as ‘tabling the item to a date certain.’