



City Council Rules of Procedure City of Farmers Branch

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CITY COUNCIL RULES OF PROCEDURE

SECTION 1. MEETINGS

- (a) **Regular Meetings.** Regular meetings will generally be held on the first and third Tuesday of each month. Meetings will be held at Farmers Branch City Hall, commencing at 4:00 p.m. with a Study Session followed by the Regular Meeting at 6:00 p.m., unless otherwise posted.
- (b) **Special Meetings.** Special meetings are subject to call by the Mayor, City Manager, or three (3) members of the City Council with written notice to the City Manager or designee. These meetings will be posted in the same manner as regular meetings.
- (c) **Workshops.** Workshop meetings (study sessions) are subject to call by the Mayor, City Manager, or three (3) members of the City Council with written notice to the City Secretary, City Manager, or designee. The purpose of a workshop is to research, analyze, and/or receive information on any matter that requires review by the City Council. The City Council will take no official action during a workshop, provided that the City Council may give direction to staff regarding the subject matter(s) being reviewed. Workshops may be scheduled and posted as standalone meetings, but will typically be held on the same day as regular meetings of the City Council.
- (d) **Executive Sessions.** The Council may convene in open or closed executive session as allowed by law. Before convening into closed executive 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. Participants to open and close executive sessions are limited to City Council Members, the City Manager, Deputy City Manager(s), and the City Attorney(s). No other staff members, attorneys, board/committee members, or other individuals are allowed. At the request of the City Council or the City Manager, other individual(s) may be requested to attend to address or receive information or direction related to a specific executive session agenda item. Such individual(s) shall be dismissed from the executive session after the agenda item for which they are needed is completed and prior to addressing the next agenda item.
- (e) **Recessed Meetings.** Any meeting of the City Council may be recessed by the Mayor to a later time, provided that no recess shall be for a longer period than until the next regular scheduled meeting.
- (f) **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.

SECTIONS 2. AGENDAS

The following procedures relate to the agenda for meetings of the City Council.

- (a) Agenda Preparation. Except as provided in Section 2(b), below, the City Manager, working with the Mayor, will determine what items of business should come before the Council.
- (b) Agenda Items Requested by Council Members. Council members (other than the Mayor) may request that the City Manager, or designee, place an item on a future meeting agenda in conformance with the following procedures:
 - 1. Future Agenda Item Requests Outside of a Meeting. An item will be placed on a future agenda upon written request of three (3) or more Council members made outside of a public meeting, each of whom will be considered a “sponsor” for the item. This process applies to all Council agenda item requests made outside of a public meeting. The written request shall include sufficient background information on the topic and have a clearly defined scope for discussion, ensuring staff can adequately prepare the item for presentation.
 - 2. Future Agenda Item Requests During a Meeting. An item will be placed on a future agenda upon the request of one (1) or more Council members made during the ‘Future Agenda Items’ portion of a public meeting, each of whom will be considered a “sponsor” for the item. This process applies to all Council agenda item requests made during a public meeting. The request shall include sufficient background information on the topic and have a clearly defined scope for discussion, ensuring staff can adequately prepare the item for presentation. This information may be provided at the time the request is made or submitted to the City Manager in writing following the meeting.
 - 3. Procedures for Council-Sponsored Items. The City Manager will place Council-sponsored items on a future agenda as soon as reasonably practicable, taking into consideration the appropriate timing for consideration of the subject matter (e.g., discussing budget-related items during the budget process, etc.) and the amount of time staff will need to prepare the item. The item’s sponsor(s) will generally lead or participate in presenting the item at the meeting. Any request for information or assistance with the item from City staff should be submitted in writing to the City Manager’s office. Requests for agenda items under this Section 2(b) should generally be received by the City Manager’s Office ~~no later than~~ within four (4) weeks preceding the meeting for which the request is made, and in no event later than ~~noon on~~ the Tuesday prior to the Council meeting (or no later than ~~noon on~~ the fourth (4th) business day prior to the date of the meeting if the meeting is other than a Tuesday). The procedures in this section apply to all Council-sponsored requests, whether the request is made during a meeting or outside of a meeting.
- (c) Recurring Agenda Items. Except as provided otherwise herein or in Section 3(ig), Council members may not request a Council-sponsored agenda item that has been previously

resolved by the Council to be placed back on an agenda for further consideration within ~~twelve (12) months~~thirty days from the date of the Council's previous consideration of the item. In the event of a material change to the item or new information relevant to the Council's consideration of the item becomes available, the item may be placed on a future meeting agenda for further consideration (or reconsideration) ~~on or after~~ prior to the thirtieth (30th) day following the date the item was resolved.

- (d) Amendment or Removal of Agenda Items. Any item may be amended or removed from the agenda at any time prior to the agenda being posted. Once the agenda is posted, items may not be amended or removed from the agenda. Council-sponsored items may only be amended or removed prior to the agenda being posted and only upon the written request of one (1) or more of the item's sponsors.
- (e) Agenda Packet. The agenda packet for all regular meetings will be delivered electronically by City staff to members of the Council no later than the fourth (4th) business day prior to the meeting date.
- (f) Notice of Meeting. The City Secretary's office is responsible for ensuring that notices for all Council meetings comply with the Texas Open Meetings Law (TOMA).

SECTION 3. MEETING PROCEDURES

- (a) 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. Upon a second, the Mayor shall announce that a motion and a second have been made and instruct the Council members to make their vote. No further discussion of the item may occur once a motion and a second have been made (unless either is withdrawn prior to the vote). If a motion to amend the primary motion is made, the Council may engage in limited discussion of the item solely to the extent necessary to resolve the motion to amend, at which time the Mayor shall immediately call a vote on the primary motion (or the motion as amended). A list of common procedural matters and 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
- (b) Presiding Officer. The Mayor shall be the presiding officer at all meetings, provided that the Mayor Pro-Tempore shall preside at meetings in the absence of the Mayor, and the Deputy Mayor Pro-Tempore shall preside at meetings in the absence of the Mayor and Mayor Pro-Tempore. The Mayor shall ensure the order and decorum of all Council proceedings. The Mayor will preside with fairness and respect toward all members of the Council, staff, and persons in attendance. In addition, the Mayor shall:
 - 1. Call the meeting to order and give the time.
 - 2. Announce every question coming before the Council.
 - 3. Call upon Council members wishing to speak in conformance with these rules.
 - 4. Call for a motion on action items after the conclusion of deliberations.

5. Announce the decision of the Council.
 6. Open and close all public hearings (announcing for the record the time the hearing is opened and closed).
 7. Administer the order of the agenda and the order of public speakers.
 8. Maintain control of public speakers regarding time limits, disruptive remarks, and/or unruly behavior.
 9. Announce the adjournment of the meeting and the time.
- (c) Participation by the Mayor. The Mayor may participate in the discussion of matters before the Council but shall not vote on any matter, except in instances where the Charter or applicable law provides otherwise.
- (d) Presentation of Items. When an item is presented to the Council, the Mayor shall recognize the presenter(s) and the order of presentation. Each Council member, including the Mayor, will be allowed to ask questions following presentation of an agenda item in conformance with these rules.
- (e) Council Discussion. During Council discussion of an item, the Mayor shall recognize members of the Council who desire to speak on an item. For Council-sponsored items, the Mayor will first recognize the sponsoring member(s) who desire to speak on the item. For all other items, the Mayor will first recognize the Council's district representative (if applicable). Thereafter, the Mayor will recognize all remaining Council members in place order (either from 1st to 5th or from 5th to 1st). No Council member shall be allowed to speak more than once on any item until every Council member wishing to speak has done so. The Mayor shall speak last. Once all Council members have had an opportunity to speak, the members shall be allowed to speak and ask additional questions in the same manner until no member has additional comments or questions, provided that the Mayor may reasonably limit the time for discussion on any item as the Mayor deems appropriate based upon the circumstances. The procedure described herein is intended to give each member a timely opportunity to speak and to avoid one member monopolizing the floor for an extended period of time before others have an opportunity to speak.
- (f) Preservation of Order. The Mayor shall maintain order and require Council members engaged in debate to limit their discussion to the question under consideration. Members of the Council shall adhere to these rules of procedure and refrain from interrupting or delaying the proceedings.
- (g) Motions. Motions may be made and seconded by any member of the Council. Upon a second, the Mayor shall announce that a motion and a second have been made and ask the members of Council if there is any further discussion on the item prior to calling for a vote. If a motion to amend the primary motion is made, the Council may engage in limited discussion of the proposed amendment to the extent necessary to resolve the motion to amend, at which time the Council may resume its discussion of the item or vote on the motion, as applicable. A list of common procedural matters and motions applicable to meetings of the City Council is included in Appendix A. ~~Motions may be made and seconded by any member of the Council (including the Mayor). The Mayor shall announce~~

~~that a motion and a second have been made and instruct the Council members to make their vote (in conformance with these rules). A list of common procedural motions applicable to meetings of the City Council is included for reference in Appendix A.~~

- (h) Voting. All members of the Council (except for the Mayor) shall vote on all matters before the Council, whereupon the Mayor has called for a final vote unless a member abstains from the vote due to a conflict of interest or other legal basis for abstention, following the procedures for abstention set forth in Section 5. Voting shall be by "Aye," "No," or "Abstain", and shall be by roll call upon request of the Mayor or in such cases as the law may require. A vote of "Abstain" shall not be recorded as an affirmative or a negative vote. When abstaining, the Council member shall state for the record the basis for abstention and, if applicable, file a "Conflict of Interest Affidavit" with the City Secretary's office.
- (i) Effect of Denial. Following the presentation and discussion of a Council-sponsored agenda item, if a motion to deny the agenda item passes, the same item may not be placed on a future meeting agenda for consideration for a period of ~~twelve (12) months~~ thirty days from the date the item was denied. In the event of a material change to the item or new information relevant to the Council's consideration of the item becomes available, the item may be placed on a future meeting agenda for reconsideration on or after prior to the thirtieth (30th) day following the date the item was denied. This rule shall be waived if the motion to deny includes a waiver of prejudice such as, "*I move to deny [the item] without prejudice.*"
- (j) Discussion of Items Not on the Agenda. If, at a meeting of the Council, a member of the Council (including the Mayor) or the public inquires about a subject for which notice has not been given as required by law, only the following may be provided unless otherwise allowed by law: (1) a statement of specific factual information given in response to the inquiry, or (2) a recitation of existing policy in response to the inquiry. Unless otherwise allowed by law, any deliberation of or decision about the subject of such inquiry shall be limited to a request to place the subject on a future agenda.
- (k) Remote Attendance. Members of the Council may attend a meeting remotely when a member is unable to attend the meeting in-person, provided that the ~~e~~-member's remote attendance is able to be administered in full conformance with Section 551.127 of the Texas Government Code and any applicable City policies. A member desiring to attend a meeting remotely shall, prior to the meeting, notify the City Manager of the member's request and the circumstances necessitating the member's remote attendance. -Each remote location from which a member participates must have an internet connection that is of sufficient quality to ensure a 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, prior to the start of the meeting, 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. Members of the Council may not attend a meeting remotely more than four times a year beginning when sworn in; however, the

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Council may allow for additional remote attendance should the circumstances so necessitate.

SECTION 4. CITIZEN PARTICIPATION AT MEETINGS

- (a) Public Speakers. As a general rule, persons attending a Council meeting may not participate in the Council's discussion or deliberation of agenda items. The public may speak on any item on the agenda during the Citizen/Public Comments portion(s) of the meeting, or a public hearing, in compliance with these rules of procedure.
- (b) Procedures for Public Comments. The following procedures shall apply to public speakers at all meetings of the Council:
 - 1. Prior to the meeting, the City Secretary shall make available a public comment agreement form, on which public speakers shall provide their name, address, and topic of discussion. Public comment agreement forms shall be submitted to the City Secretary prior to the meeting or as soon thereafter as reasonably practicable.
 - 2. Public speakers desiring to present printed material to the Council shall coordinate with the City Secretary prior to the meeting.
 - 3. The Mayor 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 a public hearing on an item. The applicant for an item presented during a public hearing (or their designated representative) will generally be allowed ten (10) minutes to present the item, exclusive of the time allowed for questions from the Council.
 - 4. The Mayor shall instruct each public speaker to give their name and address.
 - 5. Email or written public comments received by Council members may be acknowledged, without identifying the author's name(s), during the meeting, but will not be read into the record.
 - 6. Council members 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 Mayor and referred to the City Manager or their designee for follow-up following the conclusion of the meeting.
 - 7. Council members shall not engage in discussion with each other during the Citizen/Public Comments portion of the meeting.
 - 8. Council members are not permitted to speak as residents during the Citizen Comments portion of the meeting.

(c) Rules of Decorum for Public Speakers. The Mayor shall be responsible for enforcing the following rules of decorum for all public comments during the meeting:

1. Physical Obstructions. 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 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.
2. Prohibited Conduct. 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:
 - a. Engaging in personal attacks or insults that are not relevant to policy issues or other official business within the City's jurisdiction or authority;
 - b. Booing or hissing;
 - c. Foot stomping;
 - d. Amplifying sound other than City-provided microphones;
 - e. Playing music, videos, or other recordings;
 - f. Comments tending to incite outbursts, immediate threats, imminent violence, and or illegal conduct;
 - g. Creating or participating in a physical disturbance;
 - h. Speaking while not recognized by the presiding officer, or speaking beyond the allotted time;
 - i. Preventing others from speaking and/or observing the meeting; and/or
 - j. Throwing items
3. Violations. In the event of unruly behavior, intimidation, personal affronts, threats of violence, disobedience of the presiding officer, or any violation of the rules of decorum and conduct established herein, the presiding officer shall when necessary:
 - i. 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.
 - ii. 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.
 - iii. After the **third offense**, order the person to leave the meeting. 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.

SECTION 5. CODE OF CONDUCT

- (a) Code of Ethics. All members of the Council are expected to conduct themselves with the highest standards of integrity and ethics. The Mayor and Council members shall at all times comply with the City's Charter and Code of Ethics (Chapter 2, Article III of the City's Code of Ordinances) and with all other laws applicable to the conduct of Council members.
- (b) Conflicts of Interest. 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. If 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 and abstain from participation in the matter.
- (c) Use of Personal Electronics During Meetings. All members of the Council should have their personal communication devices (e.g., phones, tablets, etc.) in silent mode during all City Council meetings. Personal communication devices shall not be used to communicate with other Council Members during any City Council meeting to ensure compliance with the Texas Open Meetings Act.
- (d) Electronic Devices During Executive Session. No person may have or use any electronic device within the room where an executive session meeting is taking place during the meeting. City staff shall provide a designated place where persons attending the executive session meeting may store such devices while they attend the meeting. The room's electronics may be utilized during the meeting.
- (e) Council Member Conflicts. Should a conflict arise between Council members during a meeting, the Mayor shall serve as the mediator. If the Mayor is a part of the conflict, the Mayor Pro Tem shall serve as the mediator. If the Mayor and Mayor Pro Tem are part of the conflict, the Deputy Mayor Pro Tem shall serve as the mediator. If the Mayor, Mayor Pro Tem, and Deputy Mayor Pro Tem are all part of the conflict, the other members of the Council who are not involved in the conflict shall determine the procedure to conclude the matter.

SECTION 6. COUNCIL AND STAFF RELATIONS

- (a) Council Member Questions in General. 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 or direction to any member of City staff under the City Manager, either publicly or privately.

- (b) Council Member Questions for the City Attorney. Council members may at any time request the City Attorney advise on legal matters related to City business in conformance with these rules, including questions concerning personal conflicts of interest that are directly related to City business. Requests for legal opinions or advice from the City Attorney made outside of a meeting of the Council should be submitted through the City Manager, unless the subject matter of the request necessitates the member to directly contact the City Attorney or as -otherwise prescribed by applicable law (as confirmed by the City Attorney). All requests should include a complete description of the facts and context to allow the City Attorney to provide a thorough and competent opinion. Council members should be specific about what they need from the legal opinion and allow adequate time for research. The requesting Council member should also specify whether they are requesting an informal response (e.g., email or general discussion) or a formal written legal memorandum. Council members should not seek opinions or advice for personal matters unrelated to Council business.

These procedures are intended to ensure the City Attorney provides impartial, consistent, and legally appropriate advice that serves the interests of the City as a whole, not individual Council members separately.

- (c) Agenda Questions. Council members should attempt to ask questions to the City Manager about the agenda packet prior to the meeting. This will allow City staff time to respond to the question(s) and, if appropriate, provide additional information to all Council members to facilitate the Council's discussion of the subject matter during the meeting.
- (d) 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. The presentations should be professional, timely, and should list options available for resolving the issue when appropriate. Presentations will not be modified by members of the Council to ensure neutrality.
- (e) Handouts and Other Materials. Handouts and/or any other materials not included in the packet will not be distributed by the Council or staff during the meeting (excluding materials presented by City staff during executive session meetings).
- (f) 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.

- (g) New Council Member Orientation. The City Manager is responsible for seeing that all newly (first-time) elected members of the Council are provided with a thorough orientation on City staff procedures, municipal facilities, and other information of interest to municipal officials.

SECTION 7. MISCELLANEOUS

- (a) Suspension of the Rules. Any provision of these rules not governed by the City Charter or State law may be temporarily suspended by a majority vote (four) of all members of the City Council. The vote on any such suspension shall be taken and entered upon the records. If there is an objection to suspending the rules, a vote is required to proceed.
- (b) Enforcement. Any Council member may request that the Mayor enforce these rules of procedure, either informally or by calling for a point of order (*see Appendix A*). Should the Mayor fail to do so, a majority of all members present may direct the Mayor to enforce these procedures.
- (c) Amendments. These rules of procedure shall be in effect until such time as they are amended, replaced, or repealed. These rules may be permanently amended, or new rules may be adopted, by a majority vote of all voting members of the City Council (i.e., three (3) members). Amendments necessary to ensure these rules are in compliance with state law may be made by the City Secretary at any time, provided that the City Secretary shall provide all members of the City Council a copy of the updated rules immediately following any such amendment. All amendments hereto, except those described in the previous sentence, shall be adopted and recorded by resolution.

APPENDIX A

Common Procedural Motions

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

Motion to approve

"I move to approve this item as presented"

Second the motion

"I second the motion."

Motion to amend

"I move to amend the motion by..." [state the amendment]

Motion to approve as amended

"I move to approve this item as amended"

Motion to table

"I move to table this item for... to a date definite"¹This should be at least a month from the current meeting.

Motion to deny

"I move to deny item ..." [state the item # or read the agenda caption]

- (a) Withdrawal and Modification of Motions: A motion may be withdrawn or modified by its mover without asking permission until the Mayor has called for a vote on the motion. If the mover modifies their motion, the seconder may withdraw their second. After the Mayor has called for a vote, the mover may not withdraw or modify the motion without the consent of at least three (3) Council members (including the Mayor).
- (b) 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 the voting members present is required to pass a point of order.
"Mayor, I would like to call a point of order to address [state the rule or procedure being violated]..."
- (c) Call the question. This is used to end the deliberation on the item when a motion (with a second) 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 upon receiving a second to the motion, the Mayor shall immediately end discussion of the item and instruct the Council members to make their vote.
"I move to call the question."

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.'

- (d) Reconsideration. A motion to reconsider any action of the City Council can be made not later than the next succeeding regular meeting of the City Council. Such a motion can only be made by a member who voted with the majority. Any member can second the motion, and it shall require an affirmative vote of a majority of the voting Council members to pass. No question shall be reconsidered a second time, except by unanimous consent of the entire City Council. [Note: If an eligible Council member intends to make a motion for reconsideration at the next succeeding regular meeting, that Council member must, as soon as practicable, submit a request for a future agenda item with the required number of sponsors and otherwise comply with the requirements for requesting future agenda items.]

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