

CITY OF COTTONWOOD SHORES

ORDINANCE 1109

**AN ORDINANCE BY THE CITY OF COTTONWOOD SHORES
ADOPTING REVISED RULES OF PROCEDURE, CONDUCT, AND
DECORUM FOR MEETINGS OF THE COTTONWOOD SHORES
CITY COUNCIL, REPEALING AND REPLACING ALL PREVIOUS
RELATED ORDINANCE AND/OR RESOLUTIONS.**

Whereas, the City of Cottonwood Shores ("City") desires to establish clearly defined rules of procedure and for the decorum and conduct governing interactions of City government and the public; and

Whereas, such rules of procedure, conduct and decorum have been in use by the City for many years in less formal formats;

Whereas, City Council of the City believes it to be in the best interest of the citizens of the City to formalize an update set of such rules; and

Whereas, the City Council of the City believes this revised policy of rules, conduct and decorum to aid in the fair and efficient conduct of City government business;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COTTONWOOD SHORES, HEREBY THAT:

The following Rules of Procedure and Conduct and Decorum shall govern all future interactions between City government and the general public with specific emphasis on the application of these rules to the planning and conducting of City Council meetings.

SECTION 1 - History

First adopted July 15, 2004 by Majority Vote of the Cottonwood Shores City Council and Amended May 19, 2005, July 7, 2005, November 17, 2005, January 5, 2006, April 19, 2007, May 17, 2007 by Majority Vote of the Cottonwood Shores City Council as Resolution No. 06212071, amended October 16, 2008, amended November 20, 2008, amended August 20, 2009.

August 19, 2010 amended Section 2, Line item 3 to include meeting time to begin at 6:30 pm. February 17, 2011 amended to repeal Ordinance No. 202 (Rules of Procedure, Conduct and Decorum) and to adopt Ordinance 4001.

May 5, 2011 Council repealed Ordinance No. 202 (Rules of Procedure, Conduct and Decorum) to new Ordinance No. 4001.

August 2, 2012: Codified from 4001 to 1109 General Provisions Chapter.

November 15, 2012 – Updated Meetings' Procedures

August 1, 2013 – Amended Council Meeting times to 6:00pm and voting procedures

May 15, 2014 – Amended for Agenda Protocol

SECTION 2 - Rules

1. All Meetings of the City of Cottonwood Shores City Council shall be scheduled and conducted in accordance with the provisions of the Texas Open Meeting Act, Chapter 551, and the Texas Local Government Code ("TLGC").
2. All Meetings of the City of Cottonwood Shores are open to the public, including representatives of the press and media.
 - 2.1. In accordance with the applicable section of the TLGC, Executive Sessions of the City Council are not open to the public, the press or the media and only those individuals expressly invited, requested or ordered to be present are allowed to attend Executive Session
 - 2.2. Written minutes of Executive Sessions shall be kept by the Mayor and are confidential. They are sealed by the Mayor, kept permanently in a safe place at City Hall and may only be opened upon an order from a competent (District) Court. Audio recordings of closed sessions are not required when minutes are taken
3. The City of Cottonwood Shores City Council meets in regular session on the first and third Thursdays of every month, meeting time to begin at 6:00 pm, but ONLY if the required quorum can be convened. Council Members and Staff should dress appropriately for the meetings (no shorts, t-shirts, or other inappropriate attire)
4. Agendas & Minutes:
 - 4.1. Agenda items are collected by the City Secretary.
 - 4.2. Citizens wishing to bring matters before the City Council may complete an Agenda Item Request at City Hall before 12:00 noon on Wednesday one week prior to the Thursday meeting.
 - 4.3. The City Secretary shall maintain a list of items pending Council action. This list shall be updated monthly and supplied to all Council members as a reminder and to allow selections to be added to agendas depending on the Councilmember's perception of the urgency of any item.
 - 4.4. Before an item requested by a Councilmember to be included in the agenda can be actually placed on the agenda, backup for the item must be sent to the City Secretary no later than 9:00 a.m. the Thursday prior to the next meeting.
 - 4.5. Agenda drafts will be sent to the city attorney for review by noon on Thursday prior to the meeting.
 - 4.6. An electronic Agenda draft will be emailed to Council members by noon on Friday prior to the Council Meeting for review and comment. Any feedback, additions, and/or

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corrections must be received by the City Secretary no later than 9 a.m. on the following Monday.

- 4.7. A signed, final agenda along with electronic and physical supplemental information shall be in dropbox and available for pick-up by Council Members at City Hall by 2 p.m. on Monday prior to the Thursday Council Meeting.
 - 4.8. Final Agendas shall be posted on the City's Official Notices Board at least 72 hours before the date/time of the meeting and on the City's website as soon as practical.
 - 4.9. Only the Mayor may, after that time, make any changes to the posted Agenda, and then only in the case of emergencies.
 - 4.10. Agendas shall be styled following the example attached.
 - 4.11. All routine items are listed on the Agenda as Consent items and may be acted upon with one motion. There will be no separate discussion of these items except on special request by a Councilmember or citizen, in which event the item may be moved to the general order of business and be considered in its normal sequence.
5. Council Meetings & Public Hearings
- 5.1. The Texas Open Meetings Act obliges the City Council to provide open public access to the City Council and to address issues of City Government.
 - 5.2. The business of the City of Cottonwood Shores is conducted by and between the members of the City Council and by those members of the Cottonwood Shores City staff, elected and/or appointed officials, department heads, consultants, experts and/or members of the public who were formally invited and/or ordered to be present at any given meeting.
 - 5.3. In order to insure orderly conduct of meetings the City Council requires sign-up by anyone wishing to address the Council at a meeting or hearing.
 - 5.4. Items not on the Agenda may be brought before the Council during the citizen's comments period set aside for this purpose on all meeting agendas. But, TLGC prohibits City Council members from discussing or taking action at this time on any matter not on the agenda.
 - 5.5. Citizens may address the City Council on any subject during this period unless the issue they wish to discuss is already on that meeting's agenda. If the citizen is reading from a prepared document, the document or a copy of the document will be given to the City Secretary for the minutes.
 - 5.6. The Mayor may limit speaking time to 3 minutes for all commenters to allow fair time for everyone to express themselves. The City Secretary will time the speakers.
 - 5.7. There will be no deferments of time to another speaker

- 5.8. Citizens wishing to address agenda items must also sign in to speak using the same form. They will be recognized in the order of sign-in during the discussion period for the respective item and before any vote on the subject is taken.
- 5.9. The Council may answer questions from the public to clarify the issues.
- 5.10. Council may invite/allow third parties such as City staff or consultants to assist.
- 5.11. After the close of the agenda item, citizens' comments session or Public Hearing no further comments on the subject matter will be permitted.
- 5.12. The City Secretary is the recording secretary and will keep notes as well as audio recordings.
- 5.13. City Council Protocol for each Agenda Item
 - 5.13.1. Item is read by chair.
 - 5.13.2. Discussion regarding the item is had by council only, one at a time, as acknowledged by chair.
 - 5.13.3. Discussion is then open for citizens, but speakers must be acknowledged by chair one at a time and come to podium. Speaking time is limited to 3 minutes.
 - 5.13.4. Mayor then asks if there is any further discussion required by council.
 - 5.13.5. Mayor will then entertain a motion and a second.
 - 5.13.6. When council members make a motion and a second, they will speak clearly so that everyone in the room is able to hear.
 - 5.13.6. Mayor calls for a vote.
- 5.14. Voting Procedures:
 - 5.14.1. An abstain or present vote is considered no vote at all and does not count
 - 5.14.2. Council members should only vote abstain or present if the item voting on is a financial conflict of interest or if the member feels there is not enough information provided to vote conclusively
 - 5.14.3. Majority Vote: The majority is determined by the number of votes cast on an item. Example: When a board consists of 5 members and only 3 members vote, a majority vote of 2 would be required to pass the item
6. Activities of the Development Committee are exempt from the requirements of the Texas Open Meetings Act (TLGC) and are not reported in meetings. The Development Committee makes recommendations to City Council and/or the Planning & Zoning Commission, which will publicize any proposed considerations in compliance with this Texas Open Meetings Act when subject matter has matured to that point.
7. The TLGC require Public Hearings under certain circumstances to guide Council in its decisions. For the convenience of all, these may be called, with the notice required by the TLGC, to coincide with Council Meetings or, if necessary as stand-alone meetings. Their purpose is to hear public comment which may be presented in writing, by representation or in person.
8. After the meeting:

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- 8.1. The City Secretary will produce minutes from the notes within 3 workdays, for approval at the next meeting.
- 8.2. These minutes will be transcribed into a simplified format as follows:
 - 8.2.1. Agenda Item
 - 8.2.2. Motion made and by whom
 - 8.2.3. Motion seconded by
 - 8.2.4. Outcome of the vote
- 8.3. The minutes will be kept with a copy of the agenda and the original audio recording. Recorded Minutes will not be transcribed.
- 8.4. Minutes will be posted on the City's website as soon as approved by Council at the next following meeting.
- 8.5. Information requests for meeting minutes will be handled in accordance with the Texas Public Information Act.
9. The Mayor may call special meetings of the City Council whenever the Mayor deems necessary, or upon application of three council members {Local Gov't. Code Sec. 22.038}.
10. These rules of procedure, Conduct and Decorum at Meetings of the City of Cottonwood Shores City Council shall apply to all meetings.
11. Members of the public are reminded that the City Council has the power to issue citations under Section 42.05 (Class B) and section 38.13 (Class A) of the Texas Penal Code for the public's failure to observe the rules applicable to City Council meetings. Accordingly, members of the public in attendance at any City Council Meeting are required to conduct themselves with proper respect and decorum in the presence of the Council, in addressing the Council and in participating in public discussions before the Council.
 - 11.1. Members of the public who do not conduct themselves in an orderly and appropriate manner will be ordered to leave the meeting. Refusal to abide by the Council's Order and/or continued disruption of the meeting may result in a Contempt of Court Citation.
 - 11.2. The City of Cottonwood Shores does not provide a public forum for the demeaning of any individual or group.
 - 11.3. The Council does not allow a member (or members) of the public to insult the Council, collectively or members of the Council individually. Accordingly, profane, insulting or threatening language directed toward the Council and/or any person in the Council's presence and/or racial, ethnic or gender slurs or epithets will not be tolerated. Violation of these rules may result in the following sanctions:
 - 11.3.1. Cancellation of the speaker's remaining time;
 - 11.3.2. Removal from the City Council room;
 - 11.3.3. A Contempt Citation; and/or Statutes and Codes of the State of Texas.
 - 11.4. Likewise, the Mayor, all Council Members, and City Staff/Employees are required to display the same appropriate conduct as described above, and to lead by example.
 - 11.4.1. Council Members, Mayor, and City Staff/Employees shall not insult any person, group, fellow elected official or City Staff/Employee, individually or

collectively.

- 11.4.2. Nor shall they use profane, insulting or threatening language. Racial, ethnic or gender slurs or epithets and comments of disrespectful, degrading, demeaning, demoralizing, or accusatory nature of anyone will not be tolerated.
 - 11.4.3. Elected officials are required and charged by their Oath of Office to conduct themselves and/or perform their duties in an ethical and professional manner at all times.
 - 11.4.4. Inappropriate or disruptive conduct by any elected, appointed or employed member of City Government shall be discontinued upon the majority vote of the remainder of the City Council as to a point of order.
 - 11.4.5. A disruptive individual may also be removed from the premises if the disruptive behavior continues, following a vote by Council to cease such behavior. Further outbursts or displays of disruptive conduct or inappropriate behavior may be addressed by the issuance of a Contempt Citation, and/or such other civil or criminal sanctions as may be authorized under the Constitution, Statutes and Codes of the State of Texas.
12. City Council may grant leave of absence to Council members when they are unable to attend a scheduled meeting for good reasons.
 - 12.1. Acceptable reasons are personal illness or that of a family member (Local Gov't Code Sec. 22.038(d) or any other reason approved by Council.
 - 12.2. Council members shall be fined \$3.00 for each unexcused absence from any council meeting.
 - 12.3. A Council member's office is considered vacant after missing three (3) consecutive regular scheduled meetings unexcused (Local Gov't Code Sec. 22.038 & 22.041).
 13. Special meetings called at other times are subject to the same regulations except that paragraph 9 above does not apply.
 14. The Mayor is the presiding officer and a fully participating member of the City Council. In the event of the absence of the Mayor, the Mayor Pro-tem shall preside. However, nothing herein shall prevent the Mayor Pro-tem from delegating this duty to another member of the City Council. In the event the Mayor either cannot or refuses to conduct the meeting, a point of order may be called. A motion may be made with requisite second and an immediate vote taken to 'pass the gavel' to the Mayor Pro-tem who will conduct the meeting from that point on.
 15. The Mayor (or the Mayor Pro-tem), is responsible for conducting all meetings. All participating members of the public must be recognized before they will be allowed to address the Council.
 16. The Chief of Police of the City of Cottonwood Shores, Texas, or his/her designated Officer shall serve as the Bailiff at all City Council Meetings. However, in the event of the absence of the Chief, or in the event that there exists a conflict of interest between the Chief, any member of the Police Department, and the City Council, or in the event of an Executive Session of the Court in which the Chief is not an authorized participant, then in such event, the Council shall appoint such other commissioned peace officer to serve as Bailiff as may be necessary.

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17. These rules of procedure, Conduct and Decorum at Meetings of the City of Cottonwood Shores City Council shall apply immediately upon adoption by the Council and shall remain in full force and effected until amended or repealed by a majority vote of the City Council.

Section 3 - Penalty

Any person found to be violating this Ordinance is guilty of a misdemeanor and, upon conviction, is subject to a fine not to exceed \$200.00 per offense. Each event of such violation constitutes a separate offense.

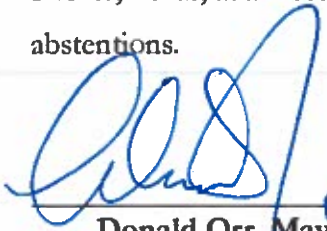
Section 4 -Severability

Should any word, phrase, sentence, paragraph, or portion of this Ordinance be determined by a court of competent jurisdiction to be invalid for any reason then in that event such invalidity shall not affect the remaining portions of the Ordinance.

Section 5 - Effective Date


This Ordinance shall become effective upon passage, adoption and publication in accordance with state law.

AMENDED ORDINANCE PASSED AND APPROVED by the City Council of Cottonwood Shores, Texas, at a meeting on the 15th day of May, 2014 with 3 votes in favor, 0 votes against and 0 abstentions.


Donald Orr, Mayor



Attest:


Sheila C. Moore, City Secretary