

**ORDINANCE NO. 2021-07-15-01**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
LAGO VISTA, TEXAS, AMENDING ORDINANCE 18-09-20-04,  
RULES OF PROCEDURE, PROVIDING FOR PUBLICATION,  
PROVIDING FOR PENALTIES, AN EFFECTIVE DATE,  
REPEALER, SEVERABILITY, PROPER NOTICE AND OPEN  
MEETINGS CLAUSE.**

**WHEREAS**, the City of Lago Vista, Texas is a Home Rule City; and

**WHEREAS**, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary of proper for carrying out a power granted by to the City; and

**WHEREAS**, Article III, Section 3.13 of the City Charter of Lago Vista, Texas requires the City Council to establish by ordinance its procedures for conducting Council meetings; and

**WHEREAS**, on September 20, 2018, the City Council of the City of Lago Vista adopted Ordinance No 18-09-20-04 establishing Rules of Procedure applicable to the City Council and all City commissions, boards and advisory committees; and

**WHEREAS**, the City Council finds that it is necessary and proper for the purpose of promoting effective and efficient government of the City to amend the Rules of Procedure by repealing and replacing the current version.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF  
THE CITY OF LAGO VISTA, TEXAS, THAT:**

**SECTION 1. FINDINGS OF FACT.** All of the above and foregoing recitals are hereby found to be true and correct legislative findings of the City and are incorporated herein as findings of fact.

**SECTION 2. AMENDMENT.** The City Council of the City of Lago Vista, Texas, does hereby repeal and replace Ordinance No 18-09-20-04, Rules of Procedure applicable to the City Council and all City commissions, boards and advisory committees as shown in Exhibit "A."

**SECTION 3. REPEALER.** All ordinances, orders or resolutions heretofore passed and adopted by the City Council of the City of Lago Vista, Texas, are hereby repealed to the extent said ordinances, orders or resolutions or parts thereof are in conflict herewith.

**SECTION 4. SEVERABILITY CLAUSE.** If any section, subsection, article, paragraph, sentence, clause, phrase or word in this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council

hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

**SECTION 5. CODIFICATION AND PUBLICATION.** The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City's Code of Ordinances as authorized by Section 52.013 of the Texas Local Government Code.

**SECTION 6. EFFECTIVE DATE.** This Ordinance shall take effect immediately upon its passage and publication in accordance with the Texas Local Government Code.

**SECTION 7. OPEN MEETINGS.** It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

**AND, IT IS SO ORDERED.**

**PASSED AND APPROVED** this 15<sup>th</sup> day of July 2021 by a vote of the City Council of the City of Lago Vista, Texas.



Ed Tidwell  
Ed Tidwell, Mayor

ATTEST:

Sandra Barton

Sandra Barton, City Secretary

On a motion by Councilmember Prince, seconded by Councilmember Sullivan, the above and foregoing ordinance was passed and approved.

Exhibit “A”

# **RULES OF PROCEDURE**

## **FOR THE CITY COUNCIL, COMMISSIONS, BOARDS, AND ADVISORY COMMITTEES OF THE CITY OF LAGO VISTA, TEXAS**



Adopted: 2021

Sources Include: Robert's Rules of Order, Rosenberg's Rules of Order, National Association of Parliamentarians, and the Texas Cities of Bellaire, Huntsville, Kerrville, Killeen, Murphy, West University Place, and Weatherford.

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## **ARTICLE 1. AUTHORITY, APPLICABILITY, AMENDMENT, AND ANNUAL REVIEW**

### **1.1 Authority.**

Article III, Section 13 of the City Charter of the City of Lago Vista, Texas grants the City Council the right to determine its own rules of procedure; the following rules are enumerated under and by authority of said provision.

### **1.2 Applicability.**

The rules of procedure adopted by the City Council are applicable not only to the City Council, but also to the commissions, boards, and committees of the City of Lago Vista, in accordance with the Charter. In addition, all ethics and open meeting requirements of the City Council also apply to city boards, committees, and commissions. Processes for disciplinary action will be similar for the City Council and the regulatory boards and commissions but will vary for the non-regulatory commissions, boards, and committees. Any reference to Mayor also applies to the presiding officer of a commission, board, or committee of the City of Lago Vista. Any reference to City Council also applies to any commission, board, or committee. Decisions made by state-mandated boards and commissions, like those of City Council, may require a super-majority vote. Detailed, unique information about commissions, boards, and committees can be found in Article 7 of this document.

### **1.3 Amendment.**

These rules may be amended, or new rules adopted, by a majority vote of the members of the City Council present.

### **1.4 Annual Review.**

Following the municipal elections each year, Council may review these Rules of Procedure, make changes as appropriate, and adopt their own rules of procedure in accordance with the Charter. In the event no annual review occurs, the standing Rules of Procedure continue in effect. This does not limit the Council's right and ability to amend the rules at any other time during the year, in accordance with the Charter.

## **ARTICLE 2. GENERAL RULES OF PROCEDURE AND POLICIES**

### **2.1 Construction of Authority.**

The construction of authority in all matters associated with the meetings and activities of the City Council, including the agenda, shall be: (1) the U.S. Constitution and laws of the United States of America; (2) the Texas Constitution and statutes of the State of Texas; (3) the City Charter; (4) the Code of Ordinances of the City of Lago Vista, Texas; (5) these Rules; and, (6) Rosenberg's Rules of Order as amended and set forth herein.

### **2.2 Meetings Shall Be Public.**

All meetings of the City Council shall be public, and notices thereof shall be posted as provided under the Texas Government Code, Chapter 551, Open Meetings Act. Except in the case of an emergency meeting, notice of all meetings shall be given 72 hours before the time set for any meeting.

The Lago Vista City Hall is wheelchair accessible and special parking is available on the east side of the building. If special accommodations are required, please contact the city secretary a minimum of 24 hours in advance at (512) 267-1155.

All meetings of the City Council, commissions, boards, and committees will be video recorded and posted to the city website. Meetings should be conducted in such a way that recordings are possible. Currently, that translates to conducting the meeting in Council chambers.

## **2.3 Conduct of Meetings.**

Meetings of the City Council shall be conducted according to the rules adopted by the City Council, as well as the terms and provisions of Rosenberg's Rules of Order as amended herein and when not inconsistent with these rules.

## **2.4 Regular Meetings.**

Regular meetings of the City Council shall be on the first and third Thursday of each month at 5:30 p.m. in Council chambers. Work sessions and executive sessions will be held before the regular session and may continue after the regular session. The City Council may, by majority vote at a regular meeting, change the days or times of meetings as circumstances may necessitate. Please refer to Section 1.331 of the Code of Ordinances for more information on meeting specifications.

## **2.5 Special/Town Hall Meetings.**

Special meetings of the City Council may be called upon request of the mayor, or two members of the City Council then seated. A request for a special meeting shall be filed with the city secretary or the city manager in written/electronic format unless made at a regular meeting at which a quorum of council members is present. The city manager and all Council members shall be notified of all special meetings.

## **2.6 Emergency Meetings.**

In case of an emergency or urgent public necessity, which shall be expressed in the meeting notice, it shall be sufficient if members receive, and notice is posted one (1) hour before the meeting is convened. Notice shall be provided also to the media in accordance with the Texas Government Code, Section 551.047.

## **2.7 Work Sessions.**

Work sessions are special meetings called for the purpose of conducting a detailed and thorough exploration of matters that may properly come before the City Council.

## **2.8 Executive Sessions.**

Executive sessions are sessions closed to the public. They are only permitted for the purpose of discussing matters enumerated in Chapter 551, Open Meetings Act of the Texas Government Code. Disclosure of topics to be discussed shall be made to the public in accordance with the requirements of the Open Meetings Act.

The City Council can convene into an executive session as stated on a posted agenda during a regular or special meeting. However, before said session begins, the presiding officer shall announce that the executive session is commencing and identify the section or sections of the Open Meetings Act under which the closed meeting is held. The order in which an executive session may appear on the agenda is subject to the discretion of the City Council. A certified agenda of the meeting will be created by the presiding officer or his or her designee, sealed and permanently kept in accordance with state law, subject to opening by court order. No voting or action shall be taken by the City Council during an

executive session. No other subject other than that posted on the agenda is to be considered. Adjournment of the executive session and any vote needed shall be made during the open public meeting.

Items discussed in executive session are to remain private. Except for action taken in open session, no Council Member, staff member or legal counsel may discuss or reveal the proceedings of an executive session. Section 551.146 of the Texas Government Code makes such an act a **class B misdemeanor** and opens the person who reveals such information personally liable for any damages resulting from such action.

## **2.9 Recessed Meetings.**

No meeting shall be recessed for a longer period of time than allowed by state law.

## **2.10 Quorum.**

The number of members of the City Council that shall constitute a quorum for the conduct of business shall be in accordance with the City Charter.

## **2.11 Conflict of Interest.**

Rules governing a City Council member's ability to vote when a conflict of interest exists shall be governed by the City Charter.

## **2.12 Presiding Officer.**

Rules governing the presiding officer are defined in the City Charter.

The Presiding Officer shall serve as the chair of all meetings and shall make final rulings on all questions pertaining to these rules. All decisions of the presiding officer are final unless overruled by the City Council through a motion to appeal as described in Article 3.9 – Courtesy, Decorum and Order of these rules.

The presiding officer is entitled to participate in the discussion and debate and is entitled to vote on all business before the City Council. Because the presiding officer conducts the meeting, it is common courtesy for the chair to take a less active role than other members of the City Council in debates and discussions. This practice in no way precludes the presiding officer from participating in the meeting fully and freely.

The presiding officer of commissions, boards, and committees shall be the person selected according to the rules defined in the appropriate enabling ordinance and powers vested in that presiding officer will also be defined in that same ordinance.

## **2.13 Minutes of Meetings.**

The city secretary shall keep an account of all proceedings of the City Council, and they shall be open to public inspection in accordance with the laws of the State of Texas.

## **2.14 Suspension and Amendment of Rules.**

Any provisions of these rules not governed by federal, state law or the City Charter may be temporarily suspended and/or amended by a super majority vote (see Article 3.7 of these rules) of the City Council and may be amended in a similar fashion if such amendment was introduced at the previous regular meeting of the City Council and shall have received preliminary approval of the City Council at such

meeting. For the purpose of this section, preliminary approval shall mean a motion and a second with a majority vote to preliminarily approve the amendment.

## ARTICLE 3. PARLIAMENTARY PROCEDURE

### 3.1 Purpose.

The purpose of these rules of parliamentary procedure is to establish orderly conduct of the meetings. The ultimate purpose of these rules of parliamentary procedure is to encourage and facilitate decision-making by the City Council. These rules enable the majority to express their opinion and fashion a result.

### 3.2 Model Format for an Agenda Item Discussion.

The following nine (9) steps may be used as a model or guidebook by the presiding officer. The meeting is governed by the agenda and the agenda constitutes the only items to be discussed. Each agenda item can be handled by the presiding officer (Mayor) in the following basic format:

- 1. Announce the Item.** The mayor should announce the agenda item number and should clearly state the subject matter of the agenda item by reading the caption for the item being considered.
- 2. Receive a Report.** The mayor should invite the appropriate people to report on the item, including any recommendation they might have.
- 3. Ask Clarifying Questions.** The mayor should ask the council members if they have any technical questions for clarification. At this point, members of the City Council may ask clarifying questions to the people who reported on the item, and they should be given time to respond.
- 4. Seek Citizen Input.** The mayor should invite citizen comments – or if a public hearing, open the public hearing. Upon conclusion, the mayor should announce that public input is closed, or if a public hearing, close the public hearing.
- 5. Motion First.** The mayor should invite a motion from the City Council before debate is given on the merits of the item. The mayor should announce the name of the member who makes the motion.
- 6. Motion Second.** The mayor should determine if any member of the City Council wishes to second the motion. The mayor should announce the name of the member who seconds the motion. If no member of the City Council wishes to second the motion, then the motion fails, and should be so stated by the mayor.
- 7. Discuss the Motion.** The mayor will announce that there is a motion and a second, and will restate the motion, and will invite the members of the City Council to discuss the motion. If there is no desired discussion, the mayor may call for a vote. If there has been no discussion or a brief discussion, then there is no need to repeat the motion before taking a vote. If the discussion has been lengthy, it is a good idea to repeat the motion before calling for the vote.
- 8. Vote.** The mayor calls for the vote. A simple majority vote determines whether the motion passes or fails unless a super-majority is required for passage. All Council members, including the mayor, shall vote upon every question, ordinance, or resolution, unless recused because of a conflict of interest as defined in the City Charter. Unless so excused, any Council Member refusing to vote shall be recorded in the minutes as voting with the majority. Action items require a vote.

9. **Announce the Outcome.** The mayor announces the results of the vote and should also state what action (if any) the Council has taken.

### **3.3 The Basic Motions.**

The basic motion is the one that puts forward a decision for consideration. A basic motion might be: "I move approval of the ordinance as submitted," or "I make a motion that we deny the resolution."

### **3.4 The Motion to Amend.**

If a member wants to change a basic motion, the member will have to move to amend the original or previously amended motion. A motion to amend might be: "I move that we amend the motion to include the changes we discussed to the ordinance." A motion to amend seeks to retain the basic motion on the floor (a motion made and seconded), but to modify it in some way. A motion to amend requires the agreement of the person making the original motion. If the basic motion has already been seconded, the motion to amend must be acknowledged and accepted by the member who seconded the basic motion.

### **3.5 Discussion and Debate.**

The basic rule of motions is that they are subject to discussion and debate. Accordingly, the basic motion and the motion to amend are all eligible, each in their turn for full discussion by and before the City Council. Discussion and debate can continue as long as the members wish to discuss it, or until a motion is made to limit debate (call the question or move the question) which requires a super majority. At that time, the mayor shall call for a vote on the motion.

### **3.6 Other Motions.**

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the Council to move on. The following motions are NOT debatable, and the mayor must immediately call a vote on the motion, if seconded by another Council Member.

- ***Motion to Adjourn.*** This motion, if passed, requires the Council to immediately adjourn to its next regularly scheduled meeting. This motion requires a simple majority vote.
- ***Motion to Recess.*** This motion, if passed, requires the Council to immediately take a recess. Normally the Mayor will determine the length of the recess which could last for a few minutes to several hours. It requires a simple majority vote.
- ***Motion to Fix the Time to Adjourn.*** This motion, if passed, requires the Council to adjourn the meeting at the specific time set in the motion. For example, "I move we adjourn this meeting at Midnight." It requires a simple majority vote.
- ***Motion to Table.*** This motion, if passed, requires discussion of the agenda item to be halted immediately, and the agenda item to be placed on hold. The motion may contain a specific time to bring the item up again, or it may not specify a time. If no time is specified, the item shall be placed on the agenda at the very next regular Council meeting.
- ***Motion to Remove from Table.*** This motion, if passed, allows the Council to remove an item previously placed on hold. A vote in favor of removing an item from the table must be made before the Council can take action on an item that was tabled.

### 3.7 Motions Requiring a Three-Fourths or Supermajority Vote to Pass.

Normally a super majority vote consists of six votes (four to pass as a simple majority, plus two more). For the purposes of these rules and as defined in the Charter, a three-fourths vote shall be referenced as a Supermajority vote. In exceptional circumstances where the number of council members is diminished due to vacancy, the following shall constitute a three-fourths or super majority vote:

NUMBER OF COUNCIL MEMBERS	NUMBER OF VOTES FOR SUPER MAJORITY
6	5 or more
5	4
4	3
3	3

- ***Motion to Limit Debate.*** This motion is sometimes referred to as, “moving the question” or, “calling the question.” When a member of the Council makes such a motion, the member is saying, “I have had enough discussion, let’s vote on the issue.” When such a motion is made, the mayor should ask for a second, stop the discussion and vote on the motion to limit debate. The motion requires a super majority vote to pass.
- ***Motion to Object to the Consideration of an Item.*** This motion, if passed, precludes the City Council from even considering the item on the agenda. It does not preclude the item from appearing on a future agenda. The motion requires a super majority vote to pass. (Normally, this motion is unnecessary because the objectionable item can be defeated outright or tabled.)
- ***Motion to Suspend the Rules.*** This motion is debatable but requires a super majority vote to pass. This motion allows the Council to suspend its own rules for a particular purpose. For example, the Council may desire to give a particular speaker more time than normally allowed. A “motion to suspend the rules and give the speaker ten additional minutes,” accomplishes this desire.
- ***Motion to Hire/Fire the City Manager.*** The city manager shall be appointed or removed by a vote of at least 5 members, provided that his or her salary may be set by a simple majority vote. (Charter Art. IV Section 4.01 – City Manager.)

### 3.8 Motion to Reconsider.

There is a special motion that requires a bit of explanation all by itself: the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure on the issue. As such, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to reconsider is made.

A motion to reconsider requires a simple majority vote to pass, but there are two special rules that apply only to the motion to reconsider.

The first rule involves timing. A motion to reconsider must be made at the meeting where the item was first voted upon or at the very next regular meeting (if properly noticed and on the posted agenda). A motion to reconsider made at a later time is considered untimely and it may not be considered unless the Council suspends the rules to consider it.

Second, the motion to reconsider can only be made by a member of the Council who voted in the majority on the original motion. The motion to reconsider may be seconded by any member of the City Council regardless of how they voted on the original motion. If a member of the Council who voted in the minority on the original motion seeks to make a motion to reconsider, it must be ruled out of order by the mayor. The purpose of this rule is finality. If a member of the minority could make a motion to reconsider, then the item could be brought back again and again, which would defeat the purpose of finality.

If a motion to reconsider passes, then the original matter is back before the Council, and a new original motion is in order. The matter may be discussed as if it were on the floor for the first time.

### **3.9 Courtesy, Decorum and Order.**

These rules of order are meant to promote an atmosphere of courtesy and decorum appropriate for the efficient discussion of business. It is the responsibility of the mayor (and the members of the City Council) to maintain that atmosphere of courtesy and decorum. The mayor should always ensure that debate and discussion focus on the item and the policy in question, not on the personalities of the participants in the discussion. Debate on policy is healthy; debate on personalities is not. In order to assist in the creation and maintenance of that atmosphere, the following rules shall govern all meetings:

1. ***Request to Speak.*** Before a council member, staff member or an audience member may speak, they must first be recognized by the mayor. Upon recognition the person requesting to speak shall hold the floor and shall make their point clearly and succinctly. Public comments must be kept relevant to the subject before the Council. The mayor shall rule on the relevance of comments. Persons making irrelevant, personal, impertinent, overly redundant, or slanderous remarks may be barred by the mayor from further comment before the Council during the meeting. Audience members who wish to speak during an agenda must first complete a 'request to speak card' and submit it to the city secretary. The mayor has the right to cut a speaker off if the discussion becomes too personal, too loud, too crude, irrelevant, impertinent, redundant, or slanderous.
2. ***Order.*** If a person fails to request to speak before speaking, the mayor shall rule them 'out of order' and remind them that they do not have the floor. While the City Council is in session, all council members must preserve order and decorum. A person shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the meeting, nor disturb any other person while speaking or refuse to obey the orders of the mayor.
3. ***Improper References Prohibited.*** Every person desiring to speak shall address the entire Council and shall not single out a member of the Council, the audience, or a staff member. Speakers shall confine themselves to the question under debate, avoiding all personal attacks and indecorous language.
4. ***Interruptions.*** A council member, once recognized, shall not be interrupted when speaking unless it is to call him or her to order, or other such interruption expressed below. If the council member, while speaking, is called to order, he or she shall cease speaking until the question of order is determined, and if the council member is found to be in order, he or she shall be permitted to proceed speaking. Allowable interruptions or points of order available to council, city manager, city secretary, or city attorney are as follows:
  - a. ***Point of Privilege.*** The proper interruption would be: "Point of Privilege." The mayor would then ask the interrupter to, "state your point." Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room might be too hot or too cold or a fan motor might interfere with a council members ability to hear.

- b. **Point of Order.** The proper interruption would be: "Point of Order." The mayor would then ask the interrupter to, "state your point." Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the mayor called for a vote on a motion that permits debate without allowing any discussion.
- c. **Motion to Appeal.** If the Mayor makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the mayor by stating, "motion to appeal." If the motion is seconded and after debate if it passes by a simple majority vote, the ruling of the mayor is reversed.
- d. **Call for orders of the day.** This is simply another way of saying, "let's return to the agenda." If a council member believes the discussion has strayed from the agenda. The motion does not require a vote. If the Mayor discovers that the discussion has strayed from the agenda, he or she simply returns to the business of the day.
- e. **Withdraw a Motion.** During the debate and discussion of a motion, the original maker of the motion on the floor, at any time, may interrupt the speaker to withdraw his or her motion. The motion is immediately deemed withdrawn and discussion on the motion shall cease. Council members are free to make the same motion or another motion.

### **3.10 Enforcement of Rules and Procedures.**

The following provisions may be used to enforce the good order and decorum of the meeting. The action may be taken by the mayor under his or her own action, or upon a motion to enforce by any council member. Reference to sergeant at arms only refers to city council meetings and at board, committee, or commission meetings as requested by the council liaison and approved by the city manager.

- 1. **Warning.** The mayor may order any person (council member, staff member or audience member) in violation of these rules to be silent.
- 2. **Removal.** If, after receiving a warning from the mayor, the person continues to disturb the meeting or breach the peace and good order of the meeting, the mayor may order the person to leave the meeting. If the person does not leave the room, the mayor may order the sergeant-at-arms to remove the person.
- 3. **Sergeant-at-Arms.** The sergeant-at-arms shall be the highest-ranking police officer in attendance at the council meeting, or such other officer designated by the chief of police for that purpose.

Upon instruction of the mayor, it shall be the duty of the sergeant-at-arms to remove from the meeting any person who intentionally disturbs the proceedings of the City Council. A violation of these rules may be deemed an attempt to disrupt, obstruct, and/or interfere with a lawful meeting and subject the violator to prosecution under state law for disrupting a lawful meeting. (Section 42.05, Texas Penal Code).

- 4. **Resisting Removal.** Any person who resists removal by the sergeant-at-arms may be charged with violating Section 42.05 of the Texas Penal Code.
- 5. **Motion to Enforce.** Any council member may move to require the mayor to enforce these rules and the affirmative vote of a simple majority of the Council shall require the mayor to do so. A motion to enforce is an allowable interruption and is not debatable.

### **3.11 Council May Discipline its Own Members.**

In the event a council member violates the Charter, these Rules or any other ordinance of the City or acts in a manner that causes embarrassment or disgrace to the City of Lago Vista, the City Council on supermajority vote may discipline the offending member. This process will be in force for the City council and the three commissions with regulatory authority. Discipline of advisory boards is addressed in Section 7.8 of this document. The issue shall be raised within 30 days of the offense, or it is no longer actionable.

Such action may only take place after an executive session is held to discuss the offense. The offending member shall be present at the executive session to answer any questions asked by members of the City Council or make other statements as he or she may desire to make in his or her defense. If the offending member refuses to attend the executive session, the remaining members of the City Council may proceed in his or her absence.

The outcome of the executive session may be as follows and shall be made publicly in open session in accordance with the Texas Open Meetings Act:

1. ***No Action.*** The City Council chooses to take no action.
2. ***Private Censure.*** The City Council may choose to privately censure the offending member, leaving their comments to the offending member in the confines of the executive session.
3. ***Public Censure.*** The City Council may choose to publicly censure the offending member through a resolution passed by supermajority vote and entered into the public record.

If one of the regulatory boards or commissions holds a disciplinary session and cannot come to a resolution about one of the above options, the council liaison will bring the matter to the council for resolution.

## **ARTICLE 4. MEETING AGENDAS**

The mayor and the city manager or an appropriate designee, shall prepare an agenda and cause the same to be posted a minimum of 72 hours prior to the meeting. Agendas shall be delivered to the City Council, in the format requested by each council member, on or before 6:00 PM of the day of the posting, or within such other times as established by the City Council from time to time. In the event of an emergency meeting of the City Council, this provision shall be suspended when not inconsistent with the provisions of federal or state law or the City Charter.

To facilitate the agenda process, the mayor, two council members, or the city manager may place an item on the agenda. Staff assistance, if required, should be requested through the city manager. Agenda items must be provided to the city manager's office at city hall by 12:00 noon on the seventh (7) calendar day preceding the date of the regular meeting. If the agenda topic does not allow for staff to adequately prepare information for City Council's consideration, the item may be postponed until the next regular meeting.

### **4.1 Call to Order & Announcement of a Quorum**

The mayor shall call the meeting to order. The mayor shall announce that a quorum of the City Council is present and shall state for the record the names of all members of the City Council who are absent.

#### **4.2 Executive Session Items.**

This section is only used when it is necessary for the Council to convene in executive session. Executive sessions are sessions closed to the public. They are only permitted for the purpose of discussing matters enumerated in Chapter 551, Open Meetings Act of the Texas Government Code. Disclosure of topics to be discussed shall be made to the public in accordance with the requirements of the Open Meetings Act.

If the subject of the executive session warrants, the executive session may be held prior to the regular session and after the regular session, as necessary.

#### **4.3 Action on Executive Session Items.**

This section is only used if Council conducts an executive session. Action on executive session items must be taken during public/open session of the Council. Action may include the taking of no action at all.

#### **4.4 Pledge of Allegiance to the United States Flag and Texas Flag and Invocation**

The Council shall recite the Pledge of Allegiance to the United States Flag and pledge to the Texas Flag. In addition, an Invocation may be made at this time. committees, boards, and commissions can independently determine if they would like to recite the pledges and conduct an invocation.

#### **4.5 Citizen Comments on Non-Agenda Items.**

All persons desiring to speak to the City Council on a non-agenda item must submit a 'request to speak card' to the city secretary at least five (5) minutes before meeting starts.

#### **4.6 Items of Community Interest.**

The mayor, council members, and citizens will have an opportunity to speak about items of community interest.

#### **4.7 Presentations & Proclamations.**

The mayor shall make any presentation or deliver any proclamation as may be required from time to time. Outside entities and organizations granted permission to make a presentation shall be placed in this section.

#### **4.8 Public Hearings.**

This section is only used when a statutorily required public hearing is part of the order of business. The mayor shall first request staff comments. The mayor shall open the public hearing and receive citizen input. While the public hearing is open, City Council may ask questions of the speakers, but may not deliberate or argue with the public on the matter at hand. Those speaking at a public hearing are required to follow the rules established herein for citizen comments. Upon conclusion of citizen comments, the mayor shall close the public hearing. Council may deliberate or take action on the matter at hand upon the closing of the public hearing.

#### **4.9 Regular Agenda Items.**

Items for individual consideration shall be considered by the City Council individually and approved by either a simple majority vote or a super majority vote as may be required.

#### **4.10 Citizen Comments on Agenda Items.**

All persons desiring to speak to the City Council on an agenda item must submit a "request to speak card" (or its digital/remote equivalent) to the City Secretary at least five (5) minutes before meeting starts.

#### **4.11 Approval of the Minutes.**

The Council shall consider the minutes of any meeting presented for their review since the last regular meeting. This heading will only be used when there are no other items listed on a consent agenda.

#### **4.12 Consent Agenda Items.**

There is hereby established, as a part of every agenda for regular and/or special called meetings of the City Council, a portion of said agenda that shall be labeled "consent agenda." Said consent agenda may consist of any and all business regularly coming before the City Council (except required public hearings and items requiring a supermajority vote) including approval of the minutes of previous meetings.

All items set out in the consent agenda shall be deemed passed upon passage of an affirmative motion, by a vote of the majority of the members of the City Council then seated, that the consent agenda be adopted. No further action shall be deemed necessary, and all such items appearing on the consent agenda, upon passage of such motion, shall be deemed adopted as if voted upon separately and as if the caption and/or body of any ordinance therein set out shall have been read in full.

Any member of the City Council may request that any item be removed from the consent agenda and considered separately. Such a request shall be honored as if it had been passed by majority vote.

If any item was removed from the consent agenda, it will be considered immediately following approval of the remainder of the consent agenda.

#### **4.13 Discussion Items.**

Discussion items for individual consideration shall be considered and discussed by the City Council individually.

#### **4.14 Staff Reports.**

This section is used for routine reports provided by staff to the Council and discussion of staff reports previously distributed to council.

#### **4.15 Future Agenda Items.**

Council members may request items to be placed on a future agenda at this time. No discussion or deliberation of the items may take place at this time, other than a determination of City Council consensus to direct staff to place the item on a future agenda.

#### **4.16 Executive Session**

If the City Council did not finish deliberations on the executive session items at the early session, Council may reconvene into executive session after the regular session as necessary.

#### **4.17 Adjournment.**

The mayor shall adjourn the meeting upon passage of the appropriate motion.

## ARTICLE 5. WORK SESSION POLICIES AND PROCEDURES

### 5.1 Purpose.

City Council may call and hold work sessions for the purpose of conducting a detailed and thorough exploration of matters that may properly come before the City Council. The following rules shall prevail for the call and conduct of work session meetings.

### 5.2 Agenda.

Only a limited number of matters shall be considered by the City Council during a work session, and sufficient time for consideration of such matters shall be provided. An abbreviated agenda order shall be used for all work session agendas.

### 5.3 Documents and Exhibits to be Presented.

Staff shall make available to the City Council all documents, exhibits, maps, plats, architectural drawings, specifications, or other similar documents at least 72 hours before the beginning of the session. When necessary, the mayor and city manager can introduce new material after the 72-hour deadline when new information is vital to an agenda item.

### 5.4 Technical Questions.

All questions of a technical nature, which require a detailed explanation for understanding, may be considered in a work session. Council may, through the city manager, request the attendance of such staff members or outside experts as may be required to answer such questions.

### 5.5 Prohibitions Against Formal Actions.

No formal actions may be taken at a work session. Council may provide staff direction on the matter being considered and ask that the item be placed on a regular or special called meeting agenda for formal action.

### 5.6 Audience Comments or Questions.

Audience comments or questions will be considered at a work session subject to legal time constraints.

## ARTICLE 6. RULES GOVERNING CITIZEN COMMENTS

### 6.1 Purpose.

It is the desire of the City Council to hear from the citizens of Lago Vista and to stimulate discussion and offer a forum for a cordial and meaningful public debate on matters that are properly a concern of the City Council. The following rules shall control and govern audience comments and may be included in the agenda as a reminder.

### 6.2 Rules Governing Citizen Comments.

1. A maximum of 30 minutes will be devoted to receiving comments from the public on non-agenda items.
2. Each speaker is limited to one presentation per agenda item and a maximum timed limit of three minutes on any item unless the council, by supermajority, votes to suspend the rules.
3. No individual may address City Council without submitting a speaker card at least five (5) minutes prior to the beginning of the meeting. The card must clearly state the subject or issue on which the citizen wishes to speak. If the subject matter does not pertain to city business, the mayor shall

advise the individual and/or make recommendations as to how they may get the issue addressed. The mayor can consider comments from citizens that did not submit a request as time permits.

4. Citizens speaking on agenda items shall restrict their comments to the subject matter listed.
5. Citizens speaking on non-agenda items shall only speak on matters pertaining to city business or issues which the Council would have the authority to act upon if brought forth as an agenda item.
6. Council may not act upon or discuss any issue brought forth as a non-agenda item; except to:
  - a. Make a statement of specific factual information given in response to the inquiry, or
  - b. A recitation of existing policy in response to the inquiry.
  - c. Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting.
7. Proper respect, decorum, and conduct shall prevail at all times. Impertinent, slanderous, or personal attacks are strictly prohibited, and violators may be removed from the council chambers.
8. No placards, banners or signs may be displayed in the council chambers or city hall. Exhibits relating to a presentation are acceptable.
9. Arguing, intimidation or other disruptive behavior is prohibited. Discussion and/or debate are acceptable only on items specifically listed on the agenda.
10. Unauthorized remarks from the audience, stomping of feet, applauding, whistles, yells, or any type of disruptive behavior is prohibited. Applause of appreciation may be acceptable when recognizing a significant event or achievement.

### **6.3 Preservation of Order.**

Immediately preceding the opening of a public hearing, the mayor may read or may direct the city secretary to read the rules governing citizen comments. Council meetings are the workplace to carry out the business of the City of Lago Vista; therefore, any conduct that could constitute harassment in the workplace is prohibited. The mayor shall preserve order and decorum and, if necessary, shall cause to be silenced or removed from the council chambers any person speaking out of order or disrupting the order of the meeting. In all cases, the mayor shall preside over the Council meeting and ensure that proper conduct and decorum is adhered to.

## **ARTICLE 7. BOARDS AND COMMISSIONS**

### **7.1 General.**

All standing boards and commissions are described under Article VII, Commissions and Boards, of the City of Lago Vista City Charter. Ad hoc boards may be temporarily appointed and terminate upon completion of a specific task or special purpose for which it was created, or when abolished by a majority vote of the City Council. No ad hoc board shall have powers other than advisory to the City Council and all Rules of Procedure apply to them.

### **7.2 Meeting Times and Agenda Order.**

All boards, commissions, and committees shall be subject to these rules. Each board, commission, and committee shall set their own agenda, so long as it is in accordance with the Texas Open Meetings Act.

### **7.3 Boards with Regulatory Authority.**

In no specific order: Planning and Zoning Commission, Building and Standards Commission, and Board of Adjustment.

## **7.4 Committees without Regulatory Authority.**

In no specific order: Lago Vista Parks and Recreation Advisory Committee, Lago Vista Airport Advisory Board, Lago Vista Economic Development Advisory Committee, Lago Vista Library Advisory Board, Lago Vista Golf Course Advisory Committee, Lago Vista Youth Advisory Committee, and any additional non-regulatory city committees or boards that are created.

## **7.5 Appointments.**

City Council Members shall review applications of all eligible applicants for vacant positions on the City's boards, commissions, and committees. Each Council Member assigned as Liaison to a board, commission, or committee shall nominate appointees to the specific board. City Council shall vote to approve or deny nominations, by majority vote, until such time as all vacancies have been filled on the specific board, commission, or committee.

## **7.6 Board Members' Service.**

Members appointed to boards or commissions that have regulatory authority shall serve 2-year terms in accordance with the City Charter. Members appointed to boards or commissions that *do not have* regulatory authority shall also serve 2-year terms, serve at the will of the Council, and may be removed, replaced, or not reappointed at the discretion of City Council by majority vote, with or without cause. When conducting the business of the City, appointed members of all boards, commissions or committees shall follow the Rules of Procedure set forth for the City Council. Members of boards, committees, and commissions are selected in order of best qualified in accordance with the criteria adopted by ordinance for the specific body, but secondarily by lack of membership on any other board, committee, or commission so as to encourage a broad base of citizen participation.

## **7.7 Open Government Training.**

Upon initial appointment, within 90 days of taking the oath of office or assuming duties, all board, commission, and or committee members shall be required to watch the Texas Public Information Act and the Texas Open Meetings Act training videos as provided by the Office of the Attorney General. At the conclusion of the training video, the appointee will be given an opportunity to print from the Attorney General's website a Certificate of Completion. The certificate should be filed with the city secretary, as proof of Open Government training.

## **7.8 Council Liaisons and Committees, Boards, and Commissions.**

### **1. Definition of Liaison**

Liaison: a person who establishes and maintains communication for mutual understanding and cooperation (Merriam-Webster Dictionary).

### **2. Council Liaison**

With City Council approval, a Council member may serve for a calendar year as the City Council's Liaison (i.e., representative) to an organization, and may be reappointed for subsequent years. A Liaison is responsible for facilitating communication, collaboration, and coordination with the designated organization, and with regular reporting and accountability to the City Council. There are typically Council Liaisons to four types of organizations:

- a. a county-wide or regional policy or governing body or inter-governmental organization, such as Travis County Tax Appraisal District, Emergency Service Districts, Property Owners Associations, etc.; and
- b. A community organization, such as arts, business, or social service organizations; and
- c. A governing or inter-agency board or commission, such as the Planning and Zoning Commission, Building and Standards Commission, or Board of Adjustment; and

- d. A citizen advisory board or committee of the city, whether or not the City Charter calls for an ex-officio Council member, such as the Airport Advisory Board, the Library Advisory Board, Economic Development Advisory Committee, Parks and Recreation Advisory Committee, and the Golf Course Advisory Committee.

### **3. Council Liaison Procedures**

Individual members of the City Council may be assigned as liaisons whose duties involve staying current with a group or activity by attending meetings or conferring with members and keeping the City Council informed. Liaisons may advocate City Council actions on behalf of their assigned group or activity. Liaisons' functions and duties may be further defined and/or directed by the mayor or mayor pro tem, in the absence of the mayor, with concurrence of the City Council.

### **4. Duties and Expectations of a Council Liaison**

- a. A Council member acting as a Liaison to a Council advisory committee or other body (board or commission) is not a member of the committee. Rather, the Councilmember is a positive resource to support the committee in the completion of its work, subject to the rules stated below.
- b. A Council member liaison is acting as a representative of the full City Council and, as such, has no authority to provide direction or guidance to the committee other than direction or guidance provided by the full City Council.
- c. The Council member liaison shall work to ensure that the committee is only taking actions or doing work that is within the scope of the committee as determined or approved by City Council. The liaison can do this, for example, by reminding the committee of the scope of work that the City Council set for the committee.
- d. The Councilmember liaison shall bring to the Council, via an agenda item, any requests from the committee, such as the following:
  - o Questions raised by a committee about the committee's scope of work; and
  - o Requests from the committee to change the committee's scope of work; and
  - o Requests for expenditures of the city resources to further the committee's work (money, staff time, or other resources); and
  - o Requests from the committee to place an item on a Council meeting agenda.

### **5. Selecting, replacing, and training of committee members**

- a. The council liaison takes the lead in filling vacancies, reviewing applications with the chair, and interviewing candidates for the board, committee, or commission. No candidate can be nominated to a committee without an application on file. The city council shall call for applications to be submitted by applicants in the October/November time frame and then makes appointments in the December timeframe. Vacancies that occur at other times will be filled by applicants that submitted applications during the typical October/November timeframe or subsequently. Should the list of candidates be exhausted, the City Council can make the decision to publicize the acceptance of additional applications outside the normal October-December timeframe.
- b. The council liaison is responsible for resolving any issues with a committee member in consultation with the committee chair and city attorney as appropriate. If the issue is with the committee chair, the council liaison will resolve the issue in consultation with the mayor and city attorney as appropriate. If the issue is judged to be of a nature that requires the full council to review and adjudicate, then the issue will be brought to the council for action within a timely

manner. If a council member becomes aware of a situation with a committee, board, or commission member that is not being handled by the associated council liaison, the council member will discuss the issue with the council liaison. If the council liaison continues to not address the situation, the other council member shall bring the issue to the mayor and city attorney for evaluation.

Possible actions of the Council include:

- i. **No Action.** The City Council chooses to take no action.
- ii. **Private Censure.** The City Council may choose to privately censure the offending member.
- iii. **Public Censure.** The City Council may choose to publicly censure the offending member through a resolution passed by supermajority vote and entered into the public record.
- iv. **Removal.** If the violation is severe enough in nature, the council; may make the decision to remove the member from the board or commission.

- c. Removal of a chairperson is brought to council for resolution by the liaison, working with the mayor. Any actions to remove a committee member must conform with rules covered in the city charter, ordinances, and state law.
- d. The council liaison and staff liaison are responsible for securing any training requirements for new or replaced committee members. This includes appropriate legal and/or specific subject-matter content training. This may require expenditure of funds for registration and/or travel that would need to be included in the City's budget.

6. **Selecting and replacing council liaisons**
  - a. After elections each November, the city council members will discuss each committee, current liaison assignments, proposed changes, and make liaison assignments for the upcoming year.
  - b. When a problem exists with a council liaison, the committee chair will approach the mayor to discuss issues and resolutions related to the council liaison. The mayor will bring suggested resolutions to the full council for possible action.
7. **Selecting committee officers**

Each January, each committee is required to elect a chair, vice-chair, and secretary from among its members.
8. **Planning and reporting of the annual work plan of the committee**
  - a. At the beginning of each calendar year, each committee will conduct a workshop to lay out objectives for the year that tie to the Comprehensive Master Plan and create an annual work plan. The Planning and Zoning and Building and Standards Commissions generally have their work brought to them but shall develop work plans to update ordinances when necessary. In the case of non-state mandated boards and committees, they will be responsible for developing the work plan associated with the board or committee.
  - b. The committee and related department head will review the committee's annual work plan once a year.
  - c. Every June or July, the committee chair will report to the city council the progress on the committee's annual work plan. Objectives and priorities will be adjusted as required.

## **9. Preparing and publishing the agendas**

- a. The committee chair will have the ultimate responsibility for creating the agenda for each meeting.
  - i. The committee chair is responsible for accumulating desired agenda items from the other committee members.
  - ii. If council members or the city manager would like an item included on a board, committee, or commission's agenda, he/she will bring that item to the council liaison who will present it to the committee chair for inclusion on the upcoming agenda. If the item is being brought by a council member, it needs the agreement of the council liaison or another council member.
  - iii. If an item is presented by the council liaison, the committee chair cannot withhold the item from the agenda.
  - iv. The committee chair has the authority to interact with the council liaison and the department head related to the committee for the purpose of gathering appropriate information that should accompany agenda items. Should the committee chair feel he/she needs access to other city staff, he/she will do so through city manager.
  - v. The agenda should be emailed to the department head related to the committee a minimum of seven (7) days prior to the scheduled meeting, copying the city secretary and the council liaison. The department head will provide any feedback about necessary alterations, which the chairperson will be responsible for making and then forwarding to the appropriate city staff for legal posting.
- b. When deemed appropriate by the council liaison (i.e., agenda items that involve acquisition or divestiture of city assets, the expenditure of city funds, etc.), the committee chair and council liaison will be jointly responsible for:
  - i. determining what supporting material should be provided in a packet to the committee prior to the meeting.
  - ii. accumulating the appropriate material with support of city staff; and
  - iii. determining which city staff will be required to support the successful conduct of each item on the agenda and making the appropriate arrangements with city staff to attend the meeting.
- c. The committee secretary (whether committee member or city staff depending on whether it is a state mandated committee), chairperson, or related department head is responsible for the distribution of final agenda and packet items to committee members and council liaison.

## **10. Roles in committee meetings**

- a. Appropriate city staff and council liaison are permitted in committee executive sessions as appropriate for the items to be discussed.
- b. The secretary is required to take notes or audio recordings and prepare the minutes of the meeting (except for state mandated committees/boards where city designated staff will record and prepare the minutes).
- c. A council liaison plays a limited role in the operation of a committee meeting. The following points provide a guideline for the council liaison in this context:
  - i. The council liaison has no voting rights in committee meetings.
  - ii. The council liaison shall not influence the committee's recommendations with his/her opinions.
  - iii. A council liaison does not lead a committee meeting or participate other than:
    - A. to provide factual information to help support the committee's discussions and deliberations,
    - B. to answer committee member questions,
    - C. to provide input on future agenda item discussions, and

- D. to listen attentively so as to be able to be the primary two-way communication channel between the committee and council.
- iv. All the above apply equally to open and executive session segments of a committee meeting.
- v. A council liaison attends all committee meetings and should arrange a replacement council member if he/she cannot attend.

## **11. Sub-committees**

- a. Committees, boards, and commissions may make use of sub-committees (a non-quorum sub-set of the committee, board, or commission) to analyze issues and bring back recommendations to the full entity.
- b. To appropriately create a sub-committee, an item must be placed on the committee, board, or commission official agenda to discuss and possibly take action on the issue at hand and the use of a sub-committee to help study and derive recommendations on the issue. The full body can discuss the issue and vote to create a sub-committee to review the issue and report back information and recommendations to the full body. When creating a sub-committee, the full body in its approved motion should specify:
  - i. The issue the sub-committee will review;
  - ii. The members of the sub-committee (no more than 1 less than a quorum of the full body); and
  - iii. The time frame within which the sub-committee will operate.
- c. In the case of the Planning and Zoning Commission, any sub-committee work must comply with the Open Meetings Act.

## TABLE OF MOTIONS AND POINTS OF ORDER

MOTION/ORDER	REQUIRES SECOND	DEBATABLE	AMENDABLE	VOTE TYPE
Basic Motion	Yes	Yes	Yes	Simple
Motion to Amend	*	No	Yes	N/A
Motion to Adjourn	Yes	No	No	Simple
Motion to Recess	Yes	No	Yes	Simple
Motion to Fix the Time to Adjourn	Yes	No	No	Simple
Motion to Table	Yes	No	No	Simple
<b>Motion to Limit Debate</b>	Yes	No	No	<b>Super</b>
<b>Motion to Object to the Consideration of an Item</b>	Yes	No	No	<b>Super</b>
<b>Motion to Suspend Rules</b>	Yes	No	No	<b>Super</b>
Motion to Reconsider	Yes	Yes	Yes	Simple
Point of Privilege	No	No	No	N/A
Point of Order	No	No	No	N/A
Motion to Appeal	Yes	Yes	No	Simple
Call for Orders of the Day	No	No	No	N/A
Withdraw a Motion	No	No	No	N/A
Motion to Enforce	Yes	No	No	Simple
<b>Motion to Hire/Fire the City Manager</b>	Yes	Yes	Yes	<b>At least 5 votes</b>

- For the purposes of these rules, amendments are not debatable and only require the approval of the member who made the original motion and any member who seconded the motion. An amendment to an amendment, requires first the approval of the member who made the original amendment and secondly the approval of the members who made the original motion and seconded the motion.