

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GEORGETOWN, TEXAS ("CITY") AMENDING CHAPTER 2.24 OF THE CODE OF ORDINANCES RELATING TO CITY COUNCIL PROCEDURES; MAKING SUCH OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council periodically reviews and updates the Code of Ordinances; and

**WHEREAS**, during the 86th regular session, the Texas State Legislature approved House Bill 2840, updating certain provisions regarding public testimony in Chapter 551 of the Government Code; and,

**WHEREAS**, the City Council reviewed and discussed amending Chapter 2.24 of the Code of Ordinances related to City Council Procedures at the May 28, 2019 City Council meeting; and

**WHEREAS**, the City Council desires that the Code of Ordinances is updated in accordance with state law.

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GEORGETOWN, TEXAS THAT**

**Section 1.** The meeting at which this ordinance was approved was in all things conducted in compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

**Section 2.** Chapter 2.24 of the Code of Ordinances is amended as shown on Exhibit A.

**Section 3.** If any provision of this ordinance or application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions, or application thereof, of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are hereby declared to be severable.

**Section 4.** The Mayor is hereby authorized to sign this ordinance and the City Secretary to attest. This ordinance shall become effective in accordance with the provisions of the Charter of the City of Georgetown.

**PASSED AND APPROVED ON FIRST READING on the \_\_\_\_ day of \_\_\_\_\_, 2019.**

**PASSED AND APPROVED ON SECOND READING on the \_\_\_\_ day of \_\_\_\_\_, 2019.**

**ATTEST:**

**THE CITY OF GEORGETOWN:**

\_\_\_\_\_  
Robyn Densmore  
City Secretary

\_\_\_\_\_  
Dale Ross,  
Mayor

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Charlie McNabb,  
City Attorney

## **Exhibit A**

### **CHAPTER 2.24. - CITY COUNCIL MEETING RULES AND PROCEDURES**

#### **Sec. 2.24.010. - Meetings.**

Three types of meetings are recognized:

- A. Regular Meetings. Regular meetings will be held on the second and fourth Tuesday nights of each month. The meeting will be held in the Council Chambers commencing no earlier than 6:00 p.m., unless otherwise posted. The Council may reschedule or cancel meetings in order to avoid conflicts, holidays and vacation schedules.
- B. Workshop Meetings. The purpose of workshop meetings shall be for the Council to discuss or to explore matters of interest to the City without taking specific action beyond general direction to City staff.
- C. Special Meetings. Special meetings may be called at any time by the City Secretary upon the request of the Mayor, the City Manager or three Councilmembers. Notice of special meetings shall be given to all members of the Council who are not absent from the City; provided, however, that any member of the Council who did not receive notice of a special meeting may, either before or after such special meeting is held, waive such notice. It shall not be necessary to give notice to a Councilmember of a special meeting held at a time when such Councilmember is absent from the City, and it shall not be necessary for such absent Councilmember to waive such notice.

#### **Sec. 2.24.020. - Agenda—Placing items on the agenda.**

- A. The Mayor, a Councilmember, or the City Manager may request an item be placed on the agenda. Agenda items, including any supporting materials to be included in the agenda packets, must be received by the City Secretary's office by the agenda deadline, 5:00 p.m. two Fridays preceding the meeting at which the item is to be considered. A Councilmember request to add an agenda item must be submitted with support from another Councilmember.
- B. A Councilmember or the Mayor requesting an agenda item shall be responsible for the preparation of an appropriate agenda item cover sheet, supporting information and documentation, and for presentation of the item at the meeting. If the Mayor or a Councilmember requires City staff assistance to prepare the agenda item, assistance shall be requested through the City Manager's office in a timely manner to provide staff enough time to prepare agenda materials in advance of the desired meeting. If the Mayor's or a Councilmember's agenda item is not properly submitted or cannot be placed on the desired meeting agenda, the City Attorney will advise the Mayor or Councilmember who submitted the item as soon as possible, and will assist the Mayor or Councilmember to correct the agenda item for presentation.

C. Any member of the City staff wishing to have an item placed on the agenda shall submit that item to the City Manager's office for approval. The City Manager may establish procedures for submission of routine items without his approval.

Sec. 2.24.030. - Agenda—Consent agenda.

Routine matters may be placed on a consent agenda which will be treated as one agenda item. Each item included on the consent agenda must be numbered separately and be reasonably explained. Questions and explanation of consent agenda items will be permitted, but there will be no general discussion or debate. Before the consent agenda is voted upon, any item included can be removed upon the request of any Councilmember. Any item removed from the consent agenda upon request will be handled separately in the same manner as an agenda item. Council will vote on the consent agenda as one item; passage of the consent agenda will be passage of each item included thereon. Failure to pass the consent agenda will not defeat each item included thereon, in such event, each item will be considered individually.

Sec. 2.24.040. - Agenda—Agenda packets.

The agenda packets for all regular, workshop, and special meetings will be made available to Councilmembers and for public review on the City's website by 5:00 p.m. on the Friday preceding the meeting.

Sec. 2.24.050. - Agenda—Notice of meetings.

The agenda for all meetings shall be posted by the City Secretary or his/her designee on the City's official bulletin board and on the City's website. Notice of all meetings shall be given by the City Secretary pursuant to State law.

Sec. 2.24.060. - Chairperson.

The Mayor, or in his/her absence, the Mayor Pro Tem, shall preside as Chair at all meetings of the Council. In the absence of both the Mayor and Mayor Pro Tem, the Council shall elect a temporary Chairperson.

Sec. 2.24.070. - General rules—Quorum.

Four Councilmembers plus the Mayor or five Councilmembers shall constitute a quorum for the transaction of business.

Sec. 2.24.080. - General rules—Attendance.

Notification shall be made to the Mayor, the City Manager and the City Secretary if a Councilmember is unable to attend a meeting.

Sec. 2.24.090. - Call to order.

The meetings of the Council shall be called to order by the Mayor, or in his/her absence, by the Mayor Pro Tem. In the absence of both the Mayor and the Mayor Pro Tem, the meeting shall be called

to order by the City Secretary, and a temporary Chairperson shall be elected as provided in Section 2.24.070.

Sec. 2.24.100. - General rules—Right of floor.

- A. Councilmembers. Any Councilmember desiring to speak shall be recognized by the Chairperson, and shall confine his or her remarks to the subject under consideration or to be considered. No Councilmember shall be allowed to speak more than once on any one subject until every Councilmember wishing to speak has spoken. No Councilmember shall be permitted to interrupt another.
- B. Members of the Public. Members of the public are welcome and invited to attend all meetings of the Council and will be admitted to the Council Chamber up to the fire safety capacity of the room. Persons who disrupt the meeting may be asked to leave and be removed. Members of the public wishing to address the Council must sign up to speak in accordance with the policy of the Council concerning general public comment at public meetings. Members of the public shall be allowed a maximum of three minutes to speak but may take up to a maximum of six minutes, if another individual who has signed up to speak and is present at the meeting yields his/her time to that speaker; provided however, if more than twenty speakers sign up to speak on an agenda item, each member of the public shall be allowed a maximum of two minutes to speak but may have up to a maximum of four minutes, if another individual who has signed up to speak and is present at the meeting yields his/her time to that speaker. A member of the public may address the Council by: (a) submitting to the City Secretary, at a Council Meeting, the registration form stating the agenda item to be addressed, or (b) filing a request with the City Secretary by noon of the Wednesday prior to the Tuesday Council Meeting stating the subject to be addressed.
- C. Special Presentations. Certain topics under consideration of Council may require detailed communication from an individual or organization. Prior approval for consideration as a special presentation must be obtained from the City Manager's office by the agenda deadline of 5:00 p.m. Tuesday preceding the meeting.

In order to qualify as a special presentation, the item should relate to or involve:

- 1. An economic development project;
- 2. A development project;
- 3. Job growth and maintenance;
- 4. Health and welfare of the community;
- 5. State or federal legislative update;
- 6. An organization to which Councilmembers belong as representatives of the City; or
- 7. Other matters of concern to the City as determined by the City Manager in his discretion.

Sec. 2.24.110. - Code of conduct—Councilmembers.

- A. During Council meetings, Councilmembers shall preserve order and decorum and shall, neither by conversation or otherwise, delay or interrupt the proceedings nor refuse to obey the orders of the Mayor or presiding officer or the rules of the Council.
- B. The Mayor and Councilmembers shall treat each other with dignity, respect and civility.
- C. If a member is speaking out of turn or otherwise transgressing the rules of the Council, the presiding officer shall, or any Councilmember may, call him/her to order, in which case he/she shall immediately refrain from such transgression, unless permitted to explain. The Council shall, if appealed to, decide the case without debate. If the decision is in favor of the member called to order, he/she may proceed, but not otherwise.

Sec. 2.24.120. - Parliamentary procedure.

- A. Robert's Rules of Order, Newly Revised, is adopted and shall prevail if there are procedural questions not addressed by provisions of the City Charter and/or the rules of procedure contained in this Chapter. In the event of conflict between the Charter or Code of Ordinances and Robert's Rules of Order, Newly Revised, the Charter and/or Code of Ordinances shall prevail.
- B. Motion to Approve. To approve, or ratify, an agenda item, a Councilmember shall make a motion to approve. Any Councilmember, except the original mover, may second the motion. The Chair shall identify the question before Council and call for the vote.
- C. Motion to Adjourn. To close a meeting, a Councilmember shall make a motion to adjourn. Any Councilmember, except the original mover, may second the motion. The Chair shall identify the question before Council and call for the vote. Interruptions of the speaker, debate, and amendments are not allowed. A majority vote is required.
- D. Motion to Recess. To take a break, a Councilmember shall make a motion to recess. Any Councilmember, except the original mover, may second the motion. The Chair shall identify the question before Council and call for the vote. Interruptions of the speaker and debate are not allowed. Amendments may be made if necessary. A majority vote is required.
- E. Motion to Table. To postpone the question under discussion, a Councilmember shall make a motion to table. Any Councilmember, except the original mover, may second the motion. The Chair shall identify the question before Council and call for the vote. Interruptions of the speaker, debate, and amendments are not allowed. A majority vote is required.
- F. Motion for Previous Question. To end debate and amendments after each Councilmember has had an opportunity to speak, a Councilmember shall make a motion for previous question. Any Councilmember, except the original mover, may second the motion. The Chair shall identify the question before Council and call for the vote. Interruptions of the speaker, debate, and amendments are not allowed. A two-thirds vote is required.
- G. Motion to Amend. To alter the wording of a motion, a Councilmember shall make a motion to amend. Any Councilmember, except the original mover, may second the motion. The Chair shall identify the question before Council and call for the vote. Interruptions of the speaker are not allowed. Debate and amendments are allowed. A majority vote is required.

- H. Motion to Withdraw. To retract a motion, a Councilmember shall make a motion to withdraw. A second is not required. Interruptions of the speaker, debate, and amendments are not allowed. No vote is necessary.
- I. Take from the Table. To call up a question previously tabled, a Councilmember shall make a motion to take from the table. Any Councilmember, except the original mover, may second the motion. The Chair shall identify the question before Council and call for the vote. Interruptions of the speaker, debate, and amendments are not allowed. A majority vote is required.

Sec. 2.24.130. - Motion to Rescind or Amend Something Previously Adopted.

When a question has once been determined by the Council, the same question shall not again be considered until either 90 days thereafter or by a motion to rescind or amend something previously adopted made by a member who voted with the prevailing side of such question.

Sec. 2.24.140. - Voting guidelines.

- A. The Mayor shall be entitled to vote only in case of a tie upon all affairs considered by the Council and shall have no veto power as provided in the Charter, Article II, Section 2.06.
- B. The Mayor Pro Tem, or Councilmember serving as Chair, shall be entitled to vote as provided in the Charter, Article II, Section 2.06.
- C. No Councilmember shall be excused from voting, except as provided in this Section.
- D. Councilmembers shall abstain from voting on matters involving the consideration of his/her own official conduct, or where his/her personal interests are involved. Any member prohibited from voting by this Section, other ordinance or State Law shall:
  - 1. File a conflict of interest affidavit with the City Secretary stating the nature of the conflict;
  - 2. Upon commencement of consideration of the matter, announce that he/she is excused from voting on the matter; and
  - 3. Shall not enter into discussion or debate on the matter.
- E. Any member who reasonably believes that his/her voting on a matter would create an appearance of impropriety shall be excused from voting. Such member shall state publicly the reason(s) she/he believes voting would be improper.
- F. Any Councilmember excused from voting shall be treated as if that member was absent.
- G. An affirmative vote of a majority of the Council present and qualified to vote is necessary to repeal or approve any ordinance or take any official action in the name of the City, except as otherwise provided in the Charter, other City ordinances, or the laws of the State of Texas.
- H. When considering planning, zoning and development applications, the failure of a positive motion to receive an affirmative vote by the required number of Councilmembers (majority, three-fourths vote, or supermajority) shall be deemed to be a denial of the application by the City Council, unless a subsequent positive motion is affirmatively passed during discussion of the agenda item on the day of the failed motion, or such subsequent meeting of the City Council, if the item is deferred for further consideration.

Sec. 2.24.150. - Suspension of rules.

Any one or all of the provisions of this Chapter may be suspended by a vote of a majority plus one of the members of the Council present and qualified to vote, except such provisions that embody provisions of the Charter, identically or substantially.

Sec. 2.24.160. - Governance policy.

The City Council may adopt a governance policy by resolution consistent with and in furtherance of this Chapter.