

ORDINANCE NO. _____

AN ORDINANCE REPEALING ORDINANCE NO. 2015-231 AND ENACTING A NEW SECTION 2-29 OF THE CITY OF DENTON CODE OF ORDINANCES RELATING TO RULES OF PROCEDURE FOR THE CITY COUNCIL OF THE CITY OF DENTON; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Denton desires to conduct the City Council meetings of the City of Denton in the most efficient and time effective manner; and

WHEREAS, the City Council also desires to allow open dialogue by citizens of the community regarding the business of city government; and

WHEREAS the City Council desires to streamline the City Council meetings, and facilitate citizen's access to make comments to their local governing body; NOW, THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. That Section 2-29 of the City Code, known as the Denton City Council Rules of Procedure, is hereby enacted to read as follows:

1. (2-29(a)) **AUTHORITY**

1.1(1) Charter: Pursuant to the provisions of Section 2.07 of the Charter of the City of Denton, Texas, the City Council hereby enacts these rules of procedure for all meetings of the City Council of the City of Denton, Texas.

During any meeting, a reasonable opportunity shall be given for citizens to be heard under these rules. These Rules of Procedure are enacted as guidelines to be followed by all persons in the Council Chamber including the city administrative staff, news media, and visitors.

2. (2-29(b)) **GENERAL RULES**

2.1 (1) Meetings to be Public: All official meetings of the Council and Council committees and subcommittees, except closed meetings permitted by the provisions of the Texas Open Meetings Act, Chapter 551, TEX. GOV'T CODE (Vernon 2014), as amended, shall be open to the public.

2.2 (2) Quorum: Four members of the Council shall constitute a quorum for the transaction of business. (Charter, Section 2.06)

2.3 (3) Compelling Attendance: No member shall be excused from attendance at a Council meeting except for good and valid reasons. It will be the duty of the Council member to notify the City Secretary prior to the meeting at which he or she is going to be absent. The City Secretary will record each Council member as being present or absent as a part of the minutes prepared for each Council meeting.

2.4 (4) Misconduct: The Council may punish its own members for misconduct consistent with any Ethics Policy adopted by the Council.

2.5 (5) Minutes of Meetings: An account of all proceedings of the Council shall be kept by the City Secretary and shall be entered in a book constituting the official record of the Council. A certified agenda shall be prepared and shall be approved by the Mayor for all closed meetings for which a certified agenda is required to be kept in accordance with the Texas Open Meetings Act.

2.6 (6) Questions to Contain One Subject: All questions submitted for a vote shall contain one subject, except the City Council may approve all items which are on the consent agenda in one motion, regardless of how many subjects are contained in the consent agenda, so long as all items have been properly posted in accordance with the Texas Open Meetings Act and have not been removed from the consent agenda by a Council member. If two or more points are involved, any member may require a division, if the question reasonably admits of a division.

2.7 (7) Right to Floor: Any member 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 member shall be allowed to speak more than once on any one subject until every member wishing to speak shall have spoken.

2.8 (8) City Manager: The City Manager, or Acting City Manager, shall attend all meetings of the Council unless excused. He or she may make recommendations to the Council and shall have the right to take part in all discussions of the Council, but shall have no vote. (Charter, Section 5.03 (d)).

2.9 (9) City Attorney: The City Attorney, or Acting City Attorney, shall be available upon request for all meetings of the Council unless excused and shall, upon request, give an opinion, either written or oral, on questions of law. The City Attorney shall act as the Council's parliamentarian.

2.10 (10) City Secretary: The City Secretary, or Acting City Secretary, shall attend all meetings of the Council unless excused, and shall keep the official minutes and perform such other duties as may be requested by the Council.

2.11 (11) Officers and Employees: Any officer or employee of the City, when requested by the City Manager, shall attend any meeting of the Council. If requested to do so by the City Manager, such employee may present information relating to matters before the Council.

2.12 (12) Rules of Order: These rules govern the proceedings of the Council in all cases, except that where these rules are silent, the most recent Edition of Robert's Rules of Order shall govern.

2.13 (13) Suspension of Rules: Any provision of these rules not governed by the City Charter or other City Code provisions may be temporarily suspended by the affirmative vote of four members of the Council. The vote on any such suspension shall be taken by yeas or nays and

entered into the minutes of the Council.

2.14 (14) Amendment of Rules: These rules may be amended, or new rules adopted by the affirmative vote of four members of the Council, provided that the proposed amendments or new rules shall have been introduced before the City Council at a prior Council meeting.

3. (2-29(c)) CODE OF CONDUCT

3.1 (1) Council members:

a. During Council meetings, Council members shall preserve order and decorum and shall neither by conversation or otherwise delay or interrupt the proceedings nor refuse to observe the rules of the Council.

b. A Council member, once recognized, shall not be interrupted while speaking unless called to order by the Mayor or presiding officer, unless a point of order is raised by another member or the parliamentarian, or unless the speaker chooses to yield to questions from another member. If a Council member is called to order while he or she is speaking, he or she shall cease speaking immediately until the question of order is determined. If ruled to be in order, he or she shall be permitted to proceed. If ruled not to be in order, he or she shall remain silent or shall alter his or her remarks so as to comply with rules of the Council.

3.2 (2) Administrative Staff:

a. Members of the Administrative staff and employees of the City shall observe the same rules of procedure and decorum applicable to members of the Council, and shall have no voice unless and until recognized by the Chair.

b. While the presiding officer shall have the authority to preserve decorum in meetings as far as staff members and City employees are concerned, the City Manager also shall be responsible for the orderly conduct and decorum of all City employees under his or her direction and control.

c. The City Manager shall take such disciplinary action as may be necessary to insure that such decorum is preserved at all times by City employees in Council meetings.

d. All remarks and questions addressed to the Council shall be addressed to the Council as a whole and not to any individual member thereof.

e. No staff member, other than a staff member having the floor, shall enter into any discussion either directly or indirectly without permission of the presiding officer.

3.3 (3) Citizens:

a. Citizens and other visitors are welcome to attend all public meetings of the City Council, and will be admitted to the City Council Chamber or other room in which the City Council is meeting, up to the fire safety capacity of the room.

b. All meeting attendees shall conduct themselves with propriety and decorum. Conversations between or among audience members should be conducted outside the meeting room. Attendees will refrain from excessively loud private conversations while the Council is in session.

c. Unauthorized remarks from the audience, stamping of the feet, applauding, whistles, yells, and similar demonstrations shall not be permitted.

d. Placards, banners, signs, pamphlets, flyers, or political materials of any type will not be permitted in the City Council Chamber or in any other room in which the City Council is meeting. Exhibits, displays, and visual aids used in connection with presentations to the City Council, however, are permitted.

e. Audience members may not place their feet on any chairs in the City Council Chamber or other room in which the City Council is meeting.

f. Only City Council members and City staff may step onto the dais.

g. All people wishing to address the City Council shall first be recognized by the presiding officer and shall limit their remarks to the matter under discussion.

h. All remarks and questions addressed to the City Council shall be addressed to the City Council as a whole and not to any individual members.

i. Any person addressing the City Council in the City Council Chamber shall do so from the lectern unless physically unable to do so. People addressing the City Council shall not be permitted to approach the dais. If they wish to hand out papers or other materials to the City Council, they should express that desire to the presiding officer, and the City Manager shall direct a staff member to hand out the materials.

j. When the time has expired for a presentation to the City Council, the presiding officer shall direct the person speaking to cease. A second request from the presiding officer to cease speaking shall be cause of the removal of the speaker if that person continues to speak.

k. Equipment, apparatus, or paraphernalia such as camera tripods, easels, or wheelchairs shall not obstruct, block, or otherwise be located in the doorway, entranceway, or walkways of the City Council Chambers or of any other room in which the City Council may choose to meet. Representatives of the electronic media may set up cameras and other equipment only in the back of the room. It is permissible for television camera operators to film for short periods of time (several minutes) from the entranceway to the City Council Chambers. Any radio station, which broadcasts the regular City Council meetings live, may hook their equipment up at the front of the room as long as it remains out of sight and out of the way.

l. There will be a uniformed City of Denton police officer present at all regular meetings of the City Council. This police officer shall act in the capacity of a security officer/sergeant-at-

arms, and shall enforce the meeting rules and act upon the direction of the presiding officer.

m. Any person making personal, impertinent, profane, or slanderous remarks, or who becomes boisterous while addressing the City Council or who otherwise violates any of the above-mentioned rules while attending a City Council meeting shall be removed from the room at the direction of the presiding officer, and the person shall be barred from further audience before the City Council during that session of the City Council. If the presiding officer fails to act, any member of the City Council may move to require the offending person's removal, and the affirmative vote of a majority of the City Council shall require the presiding officer to act. The sergeant-at-arms, if so directed by the presiding officer or an affirmative vote of the majority of the City Council, shall remove the offending person from the meeting.

3.4 (4) Enforcement: The City Manager, in the absence of a designated law enforcement officer, shall act as Sergeant at Arms for the council, and shall furnish whatever assistance is needed to enforce the rules of decorum herein established.

3.5 (5) Seating Arrangement: The City Secretary, City Manager and City Attorney shall occupy the respective seats in the Council Chamber assigned to them by the Mayor, but any two or more members of the Council may exchange seats.

3.6.1 (6) Videoconferencing. City Council members may elect to participate in a City Council meeting by videoconference in the event the member is traveling or unable to attend a meeting due to illness.

a. Procedures for meeting by videoconference if a quorum will be in one physical location:

The council meeting notice shall specify where the quorum of the governmental body will be physically present, and the intent to have a quorum present at that location. The video and audio feed of a remote councilmember or employee shall be broadcast live at the meeting. Each portion of the meeting held by videoconference call that is required to be open to the public shall be visible and audible to the public at the location where the quorum is present. The location at which the quorum is present, and each remote location from which a member of the governmental body participates, shall have two-way audio and video communication with each other location during the entire meeting. Each participant's face in the videoconference call, while speaking, shall be clearly visible and audible to each other participant and, during the open portion of the meeting, to the members of the public in attendance at the location where a quorum is present, and at any other location of the meeting that is open to the public. The audio and video signals perceptible by members of the public at each location of the meeting shall meet or exceed minimum standards established by Texas Department of Information Resources (DIR) rules. The audio and video signals perceptible by members of the public at the location where the quorum is present and, any other location open to the public, shall be of sufficient quality so that members of the public at each location can observe the demeanor and hear the voice of each participant in the open portion of the meeting. If a problem occurs that causes a meeting to no longer be visible and audible to the public at the location where a quorum is present, the meeting shall be recessed until the problem is resolved, and if the problem is not resolved in six hours or less, the meeting shall be

adjourned. The City shall make at least an audio recording of the meeting, and the recording shall be made available to the public.

b. Procedures for meeting by videoconference if a quorum will not be in one physical location:

The City shall make available to the public at least one suitable physical space in the City that is equipped with videoconference equipment that provides an audio and video display, as well as a camera and microphone, by which a member of the public can provide testimony or otherwise participate in the meeting. The member of the governmental body presiding over the meeting shall be present at this site, and the location must be open to the public. The meeting notice shall specify the physical space provided, and shall also specify the intent to have the presiding officer present at the location. Any member of the public present at this location shall be provided the opportunity to participate in the meeting by means of a videoconference call in the same manner as a person who is physically present at a meeting of the governmental body that is not conducted by videoconference.

Each portion of the meeting held by videoconference call that is required to be open to the public shall be visible and audible to the public. The video and audio feed of a remote councilmember or employee shall be broadcast live at the meeting. The site provided in the City and each remote location from which a member participates, shall have two-way audio and video communication with each member who is participating by videoconference during the entire meeting. Each participant's face in the videoconference, while speaking, must be clearly visible and audible to each other participant and, during the open portion of the meeting, to the members of the public in attendance at the meeting location in the City, and at any other location of the meeting that may be open to the public. The audio and video signals perceptible by members of the public at each location of the meeting shall meet or exceed minimum standards established by DIR rules. The audio and video signals perceptible by members of the public at each location of the meeting that is open to the public, and each remote location, must be of sufficient quality so that members of the public at each location can observe the demeanor and hear the voice of each participant in the open portion of the meeting. If a problem occurs that causes the meeting to no longer be visible and audible to the public at the meeting site in the City, the meeting must be recessed until the problem is resolved, and if the problem is not resolved in six hours or less, the meeting shall be adjourned. The City shall make at least an audio recording of the meeting, and the recording shall be made available to the public.

c. Council Members wishing to participate in a meeting by videoconference shall provide notice to the City Manager and the Agenda Committee not less than seven (7) days prior to the meeting.

4. (2-29(d)) **TYPES OF MEETINGS**

4.1 (1) Regular Meetings: The Council shall meet on the first and third Tuesday of each month, at such time as may be set by the City Council, unless the meeting is postponed or cancelled for valid reasons. All regular meetings of the Council will be held in City Hall at 215 East

McKinney Street, Denton, Texas or at such other location as the City Council may, from time to time by proper posting under the Open Meetings Act and so long as the location is open to the public, designate.

4.2 (2) Special Meetings: Special meetings may be called by the Mayor, the City Manager, or by any three members of the Council. The City Secretary shall post notice thereof as provided by the Texas Open Meetings Act. The Mayor, City Manager, or three of the council members may designate a location for the special meeting other than City Hall, as long as the location is open to the public.

4.3 (3) Workshop Meetings: Workshop meetings (also referred to as “work sessions”) may be held on the first and third Tuesday of each month at such time as may be set by the City Council, or on such other day as the City Council may designate and at such time as may be set by the City Council, to discuss near to mid or long range issues and to answer City Council questions concerning all agenda items. Workshops or work sessions may be called using the same procedure required for special meetings as provided for in Section 4.2(2) above. The purpose of the workshop meeting is to discuss or explore matters of interest to the City, to meet with City boards, commissions, or committee members, City staff or officers of civic organizations, governing bodies or individuals specifically invited to the session by the Mayor, Council or City Manager. These meetings are informational and normally no final action shall be taken unless the posted agenda indicates otherwise. However, the City Council may, by consensus, provide general direction to staff with regard to matters of interest or concern, understanding such matters ultimately may require a formal vote of the Council for implementation.

4.4(4) Luncheon Meetings: Luncheon workshop or work session meetings may be held on the first Monday of each month at such time as may be set by the City Council, or on such other day as the City Council may designate. Such meetings may be called using the same procedure required for special meetings as provided for in Section 4.2(2) above. The purpose of the luncheon meeting is to discuss or explore matters of interest to the City, to meet with City boards, commissions, or committee members, City staff or officers of civic organizations, governing bodies or individuals specifically invited to the session by the Mayor, Council or City Manager. These meetings are informational and normally no final action shall be taken unless the posted agenda indicates otherwise. However, the City Council may, by consensus, provide general direction to staff with regard to matters of interest or concern, understanding such matters ultimately may require a formal vote of the Council for implementation.

4.5 (5) Emergency Meetings: In case of emergency or urgent public necessity, which shall be expressed in the notice of the meeting, an emergency meeting may be called by the Mayor, the City Manager or by three members of the Council, and it shall be sufficient if the notice is posted two hours before the meeting is convened.

4.6 (6) Closed Meetings: The Council may meet in a closed meeting pursuant to the requirements of the Texas Open Meetings Act.

4.7 (7) Recessed Meetings: Any meeting of the Council may be recessed to a later time, provided that no recess shall be for a longer period than until the next business day.

4.8 (8) Notice of Meetings: The agenda for all meetings, including Council Committee or Subcommittee meetings, shall be posted by the City Secretary on the City's official bulletin board and notice of all meetings shall be given by the City Secretary pursuant to the requirements of the Texas Open Meetings Act.

5. (2-29(e)) **PRESIDING OFFICER AND DUTIES**

5.1 (1) Presiding Officer: The Mayor, or in the absence of the Mayor, the Mayor Pro-Tem, shall preside as chairman, or presiding officer at all meetings of the Council. In the absence of the Mayor and the Mayor Pro-Tem, the Council shall elect a temporary presiding officer. (Charter, Section 2.03).

5.2 (2) Call to Order: The meetings of the Council shall be called to order by the Mayor, or in his or 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 presiding officer shall be elected as provided above.

5.3 (3) Preservation of Order: The presiding officer shall preserve order and decorum, and confine members in debate to the question under discussion. The presiding officer shall call upon the Sergeant-at-Arms as necessary to enforce compliance with the rules contained herein.

5.4 (4) Points of Order: The presiding officer shall determine all points of order, subject to the right of any member to appeal to the Council. If any appeal is taken, the question shall be, "Shall the decision of the presiding officer be sustained?" If a majority of the members present vote "No," the ruling of the chair is overruled; otherwise, it is sustained.

5.5 (5) Questions to be Stated: The presiding officer shall state all questions submitted for a vote and announce the result. A roll call vote shall be taken upon the request of any member, and upon the passage of all ordinances and resolutions.

5.6 (6) Substitution for Presiding Officer: The presiding officer may call any other member to take his or her place in the chair, such substitution not to continue beyond adjournment.

5.7 (7) Call for Recess: The presiding officer may call for a recess of up to fifteen (15) minutes at regular intervals of approximately one hour at appropriate points in the meeting agenda, or if requested by any two members.

6. 2-29 (f)(4)(5) **ORDER OF BUSINESS**

6.1 (1) Agenda: The order of business of each meeting shall be as contained in the agenda prepared by the City Manager, which shall be reviewed and approved by an Agenda Committee composed of the Mayor, the Mayor Pro Tem, and the City Manager. When items are removed from the consent agenda and placed on the regular agenda by members of the Council, the removed items shall be taken up in the order of removal right after the consent agenda. Placement of items on the agenda shall be governed by this ordinance; provided that if a Council member has an "emergency"

item that the Council member believes should be placed on the next regular or special meeting agenda, the placement must be approved by two members of the Agenda Committee or at the direction of a majority of the Council. Conduct of business at special meetings will likewise be governed by an agenda and these Rules of Procedure.

6.2 (2) Pledge of Allegiance: Each agenda shall provide an item for the recital of the "Pledge of Allegiance" at the regularly scheduled city council meetings. This item shall begin with the recital of the pledge of allegiance for the United States flag and shall follow with a recital of the pledge of allegiance for the Texas state flag in accordance with Section 3100.101 of the TEX. GOV'T CODE.

6.3 (3) Presentations by Members of Council or City Manager: The agenda shall provide a time when the Mayor or any Council member may bring before the Council any business that he or she feels should be deliberated upon by the Council at a future Council meeting. These matters need not be specifically listed on the agenda, but discussion and formal action on such matters shall be deferred until a subsequent Council meeting. Any member may suggest an item for discussion at a future work session. The City Manager or City staff shall only respond preliminarily on this item at the work session. If the City Council believes the item requires a more detailed review, the Council will give the City Manager or City Staff direction to place the item on a future regular meeting agenda and advise staff as to the background materials to be desired at such meeting. The City Council may receive from the City Manager or City staff or a member of the City Council reports about items of community interest including expressions of thanks, congratulations, or condolence; information regarding holiday schedules; an honorary or salutary recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in the status of a person's public office or public employment is not an honorary or salutary recognition for purposes of this subdivision; a reminder about an upcoming event organized or sponsored by the governing body; information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; and announcements involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda so long as authorized by the Texas Open Meetings Act.

6.4 (4) Presentations from Members of the Public:

a. Reports from Members of the Public: Reports from members of the public shall be received through a prior registration process. Any person who wishes to place a subject on the Council agenda at regular City Council meetings shall advise the City Manager's office of that fact and the specified subject matter which he or she desires to place on the agenda no later than 12:00 p.m. Thursday prior to the Council meeting at which he or she wishes the designated subject to be considered. Such reports shall be heard at the beginning of the regular meeting of the City Council pursuant to an agenda posting allowing a period of public comment. A limit of five (5) speakers will be allowed to speak for up to three (3) minutes each on all items he or she may bring before the Council.

No person may fill out a "request to speak" form in order to speak or comment on another person's

report, which is given at the same Council meeting. An announcement may be made, prior to the time for reports from members of the public on the agenda, summarizing the main portions of the Rules and the “Code of Conduct” as they may apply to members of the public speaking to the Council.

b. Work Session or Workshop Items: As it concerns the workshop agenda, citizens or other interested persons may not participate in the session unless invited to do so by the Mayor. If the Mayor invites citizens to participate in a work session, their participation will cease at the point the Mayor closes the session to public input to allow the Council to give City staff direction as to needed information for the possible future meeting on the item. Citizens should be advised of the nature of the work session, but that their input on these items is premature until such item is placed upon a City Council agenda for final action. The purpose of this procedure is to allow the citizens attending the regular meeting the opportunity of hearing the views of their fellow citizens in a more formal setting. Any citizen may supply the City Council a written statement or report regarding the citizen’s opinion on a matter being discussed in a work session.

c. Speaking on Consent and Regular Agenda Items: Any person who wishes to address the Council regarding a non-public hearing regular or consent agenda item that is on the Council’s agenda, shall complete a “request to speak” form asking to speak regarding the item and shall return it to the City Secretary. On consent items, the request to speak card shall be submitted prior to the citizen comment on consent agenda items at the beginning of the City Council meeting. On regular agenda items, the request to speak card shall be submitted prior to the time the City Council considers the item. The Mayor will call upon the person who desires to speak.

1) Consent Agenda Items: When consent agenda items are posted on an agenda, citizens or other interested persons will be allowed to make citizen comment immediately after the opening of the City Council meeting and prior to workshop or work session items on the agenda by filling out a “request to speak” card (aka a “blue card”) asking to speak on any or all consent agenda items and returning the form to the City Secretary. In the event a person is unable to attend the City Council workshop or work session, he or she may contact the City Secretary prior to the opening of the meeting and request that a consent agenda item be pulled from the consent agenda in order to allow comment as an individual item at the regular meeting of the City Council. The City Secretary shall make any such request known to the City Council. Consent agenda items are generally routine nature, so comment at this time facilitates the regular council meeting where no citizen comment on consent agenda items will be permitted, unless the item is removed from the consent agenda by a member of the Council to be considered as an individual item during the regular meeting. Speakers will be allowed three (3) minutes per speaker and may comment on any or all consent agenda items so long as any speaker’s time does not exceed a total of three (3) minutes.

2) Regular Agenda Items: During the regular session of the City Council meeting, any citizen or interested person may comment on an item posted on the agenda for final action. Any person who wishes to address the Council regarding a non-public hearing item that is on the Council’s agenda, shall complete a “request to speak” form asking to speak regarding the item and shall return it to the City Secretary before the Council considers the item. This procedure applies to speakers desiring to speak to items for individual

consideration on the agenda during the regular meeting of the City Council. The Mayor will call upon the person to speak. Speakers will be allowed three (3) minutes per speaker as to any particular agenda item being considered by the City Council.

d. Public Hearings:

1) Any person who wishes to address the Council at a public hearing is encouraged to complete a "request to speak" form and return it to the City Secretary before the applicable hearing. The Mayor will call upon the person to speak. Speakers will be allowed four (4) minutes per speaker as to any public hearing item. However, if numerous speakers desire to comment on an item, Council may limit speakers to three (3) minutes per speaker. Applicants and their agents on public hearing items shall be allowed to speak for no longer than ten (10) minutes per speaker with a total of twenty (20) minutes for all speakers representing the applicant.

2) To facilitate the public hearing process in zoning cases the following procedure will be used:

- a) The Mayor reads the zoning case caption, and then opens the public hearing.
- b) The City Manager introduces the City Staff for presentation.
- c) City Staff presents facts relevant to the matter.
- d) The applicant presents his or her case, with potential questions of the applicant from the City Council.
- e) The Council receives input from the public, with potential questions of speakers from the City Council.
- f) The applicant will be given an opportunity to make rebuttal comments.
- g) The City Staff and/or the applicant will answer any questions of the City Council.
- h) Upon conclusion of these questions and answers, the Mayor will continue or close the public hearing.

e. Groups or Organizations: Any group or organization comprised of four (4) or more members present in the City Council Chambers who wishes to address the Council at a public hearing or on a non-public hearing agenda item shall designate a representative to address the City Council and shall limit their remarks to ten (10) minutes or less. The group or organization shall turn in a written designation to the City Secretary, on cards prepared by the City Secretary of a different color from cards submitted by individual speakers, prior to the commencement of the meeting identifying the representative who will address the City Council on behalf of the group or

organization. At the time the representative is recognized by the Mayor to speak, the group or organization will be asked to stand to be recognized prior to the receipt of comments by the representative.

f. Discretionary Time: At the discretion of the presiding officer or a majority of the City Council, any speaker may be granted an extension of time to speak.

g. Audio/Visual Aids: Any citizen desiring to use audio/visual aids during presentations to Council shall submit such presentation to the City Secretary 24 hours prior to the meeting where the presentation will occur.

6.5 (5) Presentation of Proclamations: The agenda may provide a time for the presentation of proclamations. The Mayor or presiding officer may deliver and present proclamations upon the request of citizens. Proclamations may encompass any activity or theme except that proclamations with a theme religious or partisan in nature shall not be presented. Moreover, proclamations shall not be used for any commercial or advertising purpose.

7. (2-29(g)) **CONSIDERATION OF ORDINANCES, RESOLUTIONS, AND MOTIONS**

7.1 (1) Printed or Typewritten Form: All ordinances and resolutions shall be presented to the Council in printed, typewritten or electronic form. The Council may, by proper motion, amend any ordinance or resolution presented to it at the meeting at which it is presented or direct that the amended ordinance be placed on the next or any future Council Agenda for adoption.

7.2 (2) City Attorney to Approve: All ordinances, resolutions, and contracts and amendments thereto, shall be approved as to form and legality by the City Attorney, or he or she shall file a written opinion on the legality of such ordinance, resolution or contract prior to submission to the Council. (Charter, Section 6.02).

7.3 (3) Distribution of Ordinances and Resolutions: The City Manager shall prepare copies of all proposed ordinances and resolutions for distribution to all members of the Council at the meeting at which the ordinance or resolution is introduced, or at such earlier time as is expedient.

7.4 (4) Recording of Votes: The yeas and nays shall be taken upon the passage of all ordinances and resolutions and the vote of each member shall be recorded in the minutes. (Charter, Section 2.06 (b)).

7.5 (5) Majority Vote Required: An affirmative vote of four (4) members is necessary to repeal any ordinance or take any official action in the name of the City except as otherwise provided in the Charter, by the laws of the State of Texas, or these Rules. (Charter, Section 2.06).

7.5.1(a) Tie-Vote: Matters voted on by the City Council which end in a tie-vote shall automatically be placed on each subsequent Council meeting agenda until a full Council is present.

7.6 (6) Demand for Roll Call: Upon demand of any member, the roll shall be called for yeas and nays upon any question before the Council, with the exception of those circumstances set

forth in Section 7.12, The Previous Question. It shall not be in order for members to explain their vote during the roll call.

7.7 (7) Personal Privilege: The right of a member to address the Council on a question of personal privilege shall be limited to cases in which his or her integrity, character, or motives are assailed, questioned, or impugned.

7.8 (8) Dissents and Protests: Any member shall have the right to express dissent from or protest against any ordinance or resolution of the Council and have the reason therefor entered upon the minutes. Such dissent or protest may be filed in writing, and presented to the Council not later than the next regular meeting following the date of passage of the ordinance or resolution objected to.

7.9 (9) Voting Required: No member shall be excused from voting except for lack of information and except on matters involving the consideration of his or her own official conduct, or where his or her personal interests are involved in accordance with Chapter 171, TEX. LOC. GOV'T CODE (Vernon 2014), and in these instances he or she shall abstain. Any member prohibited from voting by personal interest shall announce this at the commencement of consideration of the matter and shall not enter into discussion or debate on any such matter, shall leave the meeting room, and shall file an affidavit of recusal. The member having briefly stated the reason for his or her request, the excuse from voting shall be made without debate.

7.10 (10) Order of Precedence of Motions:

a. The following motions shall have priority in the order indicated:

1. Adjourn (when unqualified) and is not debatable and may not be amended;
2. Take a recess (when privileged);
3. Raise a question of privilege;
4. Lay on the table;
5. Previous question (2/3 vote required);
6. Limit or extend limits of debate (2/3 vote required);
7. Postpone to a certain time;
8. Commit or refer;
9. Amend;
10. Postpone indefinitely;

11. Main Motion.

b. The first two motions are not always privileged. To adjourn shall lose its privilege character and be a main motion if in any way qualified. To take a recess shall be privileged only when other business is pending.

c. A motion to adjourn is not in order:

1. When repeated without intervening business or discussion;
2. When made as an interruption of a member while speaking;
3. While a vote is being taken.

d. Only certain motions may be amended as provided in the most current edition of Robert's Rules of Order, revised. A motion to amend shall be undebatable when the question to be amended is undebatable.

7.11 (11) Reconsideration: A motion to reconsider any action of the Council can be made not later than the next succeeding official meeting of the Council. Such a motion can only be made by a member who voted with the prevailing side. It can be seconded by any member. In order to comply with the Texas Open Meetings Act, any Council member who wishes to make such a motion at a meeting succeeding the meeting where the action was taken shall notify the City Manager to place the item for reconsideration on the Council agenda. No question shall be twice reconsidered, except by unanimous consent of the Council, except that action related to any contract may be reconsidered at any time before the final execution thereof. A matter which was not timely reconsidered in the manner provided by this section or was reconsidered but the action originally taken was not changed by the Council cannot be reintroduced to the Council or placed on a Council meeting agenda for a period of six (6) months unless this rule is suspended as provided for in these Rules of Procedure.

7.12 (12) The Previous Question: When the previous question is moved and seconded, it shall be put as follows: "Shall the main question be now put?". There shall then be no further amendment or debate; except that nothing herein shall allow the previous question to be called prior to a least one opportunity for each member of the Council to speak on the question before the Council. Any pending amendments shall be put in their order before the main question. If the motion for the previous question is lost, the main question remains before the Council. An affirmative vote of 2/3 of the Council shall be required to move the previous question. To demand the previous question is equivalent in effect to moving "That debate now cease, and the Council shall immediately proceed to vote on the pending motion". In practice, this is done with the phrase "Call for the question", or simply saying "Question".

7.13 (13) Withdrawal of Motions: A motion may be withdrawn, or modified, by its movant without asking permission until the motion has been stated by the Presiding Officer. If the movant modifies his or her motion, the seconding council member may withdraw his or her second. After the question has been stated, the movant shall neither withdraw it nor modify it without the consent

of the Council. The subject different from that under consideration shall be admitted under color of amendment. A motion to amend an amendment shall be in order, but one to amend an amendment to an amendment shall not be in order.

7.14 (14) Appropriations of Money: Before formal approval by the Council of motions providing for appropriation of money, information must be presented to the Council showing purpose of the appropriation. In addition, before finally acting on such an appropriation, the Council shall obtain a report from the City Manager as to the availability of funds and his or her recommendations as to the desirability of the appropriation.

7.15 (15) Transfer of Appropriations: At the request of the City Manager, at any time during the fiscal year, the Council may by resolution transfer an unencumbered balance of an appropriation made for the use of one department, division, or purpose; but no transfer shall be made of revenues or earnings of any non-tax supported public utility to any other purpose.

8. (2-29(h)) **CREATION OF COMMITTEES, BOARDS AND COMMISSIONS**

8.1 (1) Council Committees: The Council may, by resolution and as the need arises, authorize the appointment of Council committees. Any committee so created shall cease to exist when abolished by resolution of the Council. Council Committees shall comply with the Texas Open Meetings Act.

8.2 (2) Citizen Boards, Commissions, and Committees: The Council may create other Committees, Boards and Commissions to assist in the conduct of the operation of the City government with such duties as the Council may specify not inconsistent with the City Charter or Code. Creation of such Committees, Boards and Commissions and memberships and selection of members shall be by Council resolution if not otherwise specified by the City Charter or Code. Any Committee, Board, or Commission so created shall cease to exist when abolished by a resolution approved by the Council. No Committee so appointed shall have powers other than advisory to the Council or to the City Manager, except as otherwise specified by the Charter or Code.

8.3 (3) Appointments:

a. Individual City Council members making nominations for members to citizen boards and commissions will consider interested persons on a citywide basis.

b. The City Council will make an effort to be inclusive of all segments of the community in the board and commission appointment process. City Council members will consider ethnicity, gender, socio-economic levels, and other factors to ensure a diverse representation of Denton citizens.

c. The City Council will take into consideration an individual's qualifications, willingness to serve, and application information in selecting nominations for membership to each board and commission.

d. In an effort to ensure maximum citizen participation, City Council members will

continue the general practice of nominating new citizens to replace board members who have served three consecutive terms on the same board per the provisions of Denton Code of Ordinances, Sec. 2-65.

e. Each City Council member will be responsible for making nominations for board and commission places assigned to him or her, which shall correspond to the City Council member's place. Individual City Council members will make nominations to the full City Council for the governing body's approval or disapproval.

8.4 (4) Rules of Procedure: Board, Commission and Committee members shall comply with the provisions of Article II of Chapter 2 of the Code of Ordinances. Each Board, Commission and Committee member shall be provided a copy of these rules of procedure and a copy of the City of Denton Handbook for Boards, Commissions and Committees, which shall govern operational procedures of such Boards, Commissions and Committees. Boards and Commissions shall comply with these Rules as to the preparation of minutes of meetings, and such minutes shall be prepared in accordance with the policies and procedures of the City Secretary.

9. (2-29 (i)) **VOTES REQUIRED**

Questions on which the voting requirement is varied by the Charter, State Statutes and these rules are listed below:

9.1 (1) Charter and State Statutory Requirements:

a. Charter Amendment - Five Votes: Ordinances submitting proposed Charter amendments must be adopted by a two-thirds vote of the Council. (TEX. CONST. art. XI, §3 and Chapter 9, TEX. LOC. GOV'T CODE (Vernon 2014.)) For a seven member Council, this means five members must vote affirmatively.

b. Levying Taxes - Five Votes: Ordinances providing for the assessment and collection of certain taxes require the approval of two-thirds of the members of the Council (TEX. TAX CODE §302.101 (Vernon 2014)).

c. Changing Paving Assessment Plans - Five Votes: Changes in plans for paving assessment require a two-thirds vote of the Council (TEX. TRANSP. CODE §313.053(e) (Vernon 2014)).

d. Changes in Zoning Ordinance or Zoning Classifications: In cases of a written protest of a change in a zoning regulation or zoning classification by the owners of twenty (20%) percent or more either of the area of the lots included in such proposed change, or of the lots immediately adjoining the same and extending two hundred feet (200') therefrom, such amendment shall not become effective except by the favorable vote of three-fourths (3/4) of all members of the City Council; further, three-fourths (3/4) of all the members of the City Council is required to override the decision of the Planning and Zoning Commission that a zoning change be denied (TEX. LOC. GOV'T CODE § 211.066 Tex. (Vernon 2014) and Section 35.3.4.C.(4) Denton City Code (Development Code)). ("All" members of the City Council is construed to mean all who are

qualified to vote on a matter, and any legal disqualification of a member could change the requisite number of votes required for passage. *City of Alamo Heights v. Gerety et al.*, 264 S.W. 2d 778 (Ct. App. – San Antonio (1954)).

e. Amendment of Tax Abatement Policy: The guidelines and criteria adopted as the City's Tax Abatement Policy may be amended or repealed by a vote of three-fourths (3/4) of all members of the City Council (TEX. TAX CODE §312.002(c) (Vernon 2014)).

10. (2-29(j)) **SEVERABILITY CLAUSE**

If any section, subsection, paragraph, sentence, clause, phrase or word in this ordinance, or application thereof to any person or circumstances is held invalid by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance, and the City Council of the City of Denton, Texas, hereby declares it would have enacted such remaining portions despite any such invalidity.

SECTION 2. That Ordinance No. 2011-038 is repealed.

SECTION 3. That this Ordinance shall become effective immediately upon its passage and approval.

PASSED AND APPROVED this the _____ day of _____, 2015.

CHRIS WATTS, MAYOR

ATTEST:
JENNIFER WALTERS, CITY SECRETARY

BY: _____

APPROVED AS TO LEGAL FORM:
ANITA BURGESS, CITY ATTORNEY

BY: _____