

CITY OF MANSFIELD

PROCEDURAL RULES OF CITY COUNCIL

Section 1.01 Authority

Pursuant to Article III, Section 3.09 of the Charter of the City of Mansfield, the following rules shall be in effect until such time as they are amended or new rules are adopted in the manner provided by these rules.

Section 1.02 General Rules

- A. Meetings to the Public: Every regular, special or called meeting of the City Council shall be opened to the public provided that meetings need not be open to the public under the exceptions prescribed in Chapter 551, Texas Government Code.
- B. Quorum; Required Vote on Matters: Four (4) members of the City Council shall constitute a quorum, and the affirmative vote of at least four (4) of those attending any meeting at which a quorum is present shall be required to conduct any business of the city or adopt any ordinance or resolution. In zoning cases wherein a written protest against a change in zoning is signed by twenty (20) percent or more of the property owners either in the area of the lots or land included in such proposed zoning change or of the lots or land immediately adjoining same and extending two hundred (200) feet there from, such zoning change shall not become effective except by the favorable vote of three-fourths (6 members) of all the members of the City Council. (State law reference-Zoning Changes, V.A.C.S. Art. 1011e). *(Amended 8/10/20)*
- C. Compelling Attendance: The City Council may compel the attendance of absent members. If the Mayor or any City Council Member fails to maintain the foregoing qualification, shall be absent without valid excuse from three (3) consecutive regularly scheduled meetings, or shall fail to maintain an eighty (80) percent attendance record for each elected year without valid excuse, the City Council must declare a vacancy at its next regular meeting and shall fill the vacancy as set forth in the City Charter. (Article III, Section 3.02)
- D. Minutes: Accurate minutes of all proceedings of the City Council shall be kept by the City Secretary in books to be provided for that purpose. Both citizen's and City Council member's comments are to be summarized in the minutes.
- E. Right of Floor: Any City Council Member wishing to speak shall be recognized by the Mayor, and shall confine remarks generally to the subject under consideration. No City Council Member shall be allowed to speak more than once on any one subject until every City Council Member wishing to speak has done so.
- F. City Manager: The City Manager, or other appointed person acting in the City Manager's behalf, shall attend all meetings of the City Council unless excused. The City Manager may make recommendations to the City Council and shall have the right to take part in all discussions of the City Council, but shall have no vote.

In order to establish and maintain an effective City Council and City Manager relationship the City Council has established an ongoing evaluation and review process to evaluate the

performance of the City Manager and to ensure effective communication and goal orientation. The evaluation will occur under the process set forth in Attachment A to these rules which is entitled "City Manager Evaluation". The attachment may be periodically modified, amended or updated by City Council action. In order to further foster the relationship between the City Council and the City Manager at each quarterly meeting an update on city owned public/private partnerships will be provided by the City Manager. (Added 8/10/20)

- G. City Attorney: The City Attorney shall attend all meetings of the City Council unless excused, by the City Manager and shall advise the City Council on questions of law and procedures. The City Manager is required to ensure an attorney is present at all City Council meetings.
- H. City Secretary: The City Secretary (or in City Secretary's absence the Assistant City Secretary) shall attend all meetings of the City Council unless excused, by the City Manager who will ensure a person is appointed to take minutes and administer the role of the City Secretary) and shall keep the official minutes.
- I. Rules of Order: Unless in conflict with these rules, the latest version, Robert's Rules of Order Revised shall govern the proceedings of the City Council in all cases.
- J. Suspension of Rules: Any provision of these rules not governed by the City Charter or State law may be temporarily suspended by a majority vote (four) of all members of the City Council. The vote on any such suspension shall be taken and entered upon the records. If there is an objection to suspending the rules, a vote is required to proceed.
- K. Amendments to Rules: These rules may be permanently amended, or new rules may be adopted by a majority vote (four) of all members of the City Council. Any such amendments shall be adopted and recorded by resolution.

Section 1.03 Meetings

- A. Regular Meetings: The City Council shall meet regularly on the second and fourth Monday of each month. The regular meetings of the City Council shall be held in the Council Chambers of the City Hall unless otherwise established by City Council. (Amended 06-09-08)
- B. Special Meetings: Special meetings may be held on the call of the Mayor or four (4) City Council Members with no less than seventy-two (72) hours notice to each City Council Member. Emergency meetings may be called by the Mayor or Mayor Pro Tem in the Mayor's absence, or four (4) members, after notice has been posted two (2) hours. All meetings shall be open to the public and public notice shall be given in compliance with Chapter 551, Texas Government Code.
- C. Recessed Meetings: Any meeting of the City Council may be recessed to a later time, provided that no recess shall be for a longer period than until the next regular scheduled meeting.
- D. Work Sessions: Work sessions may be held on the call of the Mayor or four (4) City Council Members with no less than seventy-two (72) hours notice to each City Council Member. The purpose is to research, analyze, and review any matter which requires special information

and study. Such meetings shall be open to the public and notice thereof shall be given in compliance with Chapter 551, Texas Government Code.

- E. Executive Sessions: Participants to open and close executive sessions are limited strictly to City Council Members, the City Manager, Assistant City Managers, Director of Business Services, and the City Attorneys. No other staff members, attorneys, board/committee members or individuals are allowed. At the request of City Council, City Manager or City Attorney, individual(s) may be requested to attend to address or receive instruction for a specific executive session agenda item. That individual(s) is dismissed from executive session prior to addressing the next agenda item.
- F. Orientation Meeting: The City Manager shall schedule an orientation workshop during the month of July each year. The purpose of the meeting is to provide an overview presentation of information to assist new City Council Members in serving as members of a local legislative body. New City Council Members orientation form entitled "New City Council Member Orientation Form" attached hereto shall be utilized and completed as part and parcel of the new City Council Members orientation. *(Added 8/10/20)*
- G. City Council Team Building: The City Council shall schedule an annual team building retreat to be held in a workshop format. The meeting will occur in the summer or fall of each year and shall provide the City Council the opportunity to participate in Team Building Activities, Exercises and Programs designed to improve communication and problem solving skills. *(Added 8/10/20)*

Section 1.04 Duties of Mayor

- A. Chairman and Duties: The Mayor, if present, shall preside as chairman at all meetings of the City Council. In the absence of the Mayor, the Mayor Pro Tem shall preside. In the absence of both the Mayor and the Mayor Pro Tem, the City Secretary shall call the City Council to order, whereupon a temporary chairman shall be elected by the members of the City Council present. Upon the arrival of the Mayor, or of the Mayor Pro Tem if the Mayor does not then arrive, the temporary chairman or the Mayor Pro Tem, as the case may be, shall immediately relinquish the chair upon the conclusion of the business immediately before the City Council.
- B. Call to Order: The meetings of the City Council shall be called to order by the Mayor/Chairman.
- C. Preservation of Order: The Mayor/Chairman shall preserve order and decorum, prevent personalities or the impugning of City Council Members' motives, and restrict City Council Members in debate to the question under discussion.
- D. Points of Order: The Mayor/Chairman shall determine all points of order, subject to the right of any City Council Members to appeal to the City Council. If any appeal is taken, the question shall be "Shall the decision of the Mayor/Chairman be sustained?"
- E. Questions to be Stated: Immediately prior to voting, the Mayor/Chairman shall state "Is there any City Council Member requesting the floor on this item?" If the answer is "yes", then Mayor/Chairman will relinquish the floor to said City Council Member for discussions. If the answer is "no", then state, "Seeing no one requesting the floor, please vote on the (state the question being submitted). After voting, the Mayor/Chairman shall announce the result.

A roll call vote shall be taken upon request of any member.

F. Vote Change: In the event of a vote change, an immediate roll call vote shall be taken.

Section 1.05 Order of Business

- A. Agenda: The order of business of each regular meeting shall be as contained in the agenda prepared by the City Manager and the Mayor, with final approval by the Mayor. The agenda for any regularly scheduled meeting shall be a listing by topic of subjects to be considered by the City Council and shall endeavor to be delivered to members of the City Council no later than Thursday before a regularly scheduled Monday meeting to which it pertains. The agenda for all special meetings and work sessions shall be posted in accordance with Chapter 551, Texas Government Code, delivered to City Council Members (3) business days before such meeting. All agendas are made available at the meeting and on the city's website. *(Amended 8/10/20)*
- B. Agenda Requests by City Council Members: Providing policy for City Council placement of certain items on the City Council meeting agenda: *(Added 8/10/20)*
1. Any member of City Council may request that an item be placed on a City Council meeting agenda.
 2. That request will be submitted to the City Secretary on the form previously designated by the City Secretary
 3. The City Secretary will send out to all members of City Council by email a copy of the request upon her receipt and will advise the other members of City Council that the request has been made and that the item will be placed on the next available agenda only if two other members of City Council, acting independently, submit a written request to the City Secretary's office of their interest in having the item placed on the agenda for discussion.
 4. In order to be compliant with the Open Meetings Law, there is to be no discussion between members of City Council regarding any item that is requested until the item is scheduled and discussed on the City City Council agenda.
 5. The City Secretary will place an item that receives three (3) written requests on the agenda and will list as "sponsors" of the proposed discussion issue the names of those City Council Members who wish to sponsor the discussion.
- C. City Council Member Project Requests: Any request by a City Council Member for a particular project, to have city staff conduct research or to compile information outside of normal reporting procedures must be made through the City Manager's office and must have support of three (3) City Council Members. *(Added 8/10/20)*
- D. Agenda Deadline: Any person desiring to present a subject for the City Council's consideration shall advise the City Secretary's Office of that fact not later than 12:00 noon on the first or third Tuesday preceding the meeting at which the subject is requested to be considered; provided, however that the City Manager may grant exceptions to said deadline. The City Manager shall have the authority to limit the agenda to a reasonable number of items which can be considered as part of the order of business of any regular meeting. In such cases, any request to appear on the agenda shall be communicated to members of City Council during the pre-City Council work session and if desired by City Council, scheduled at the next regular meeting of City Council for action on the request.

- E. Communication to Mayor and City Council Members: The City Manager shall provide the City Council Members with written analysis of items to be acted upon by the City Council at its meeting.
- F. Reading of Minutes: Unless a reading of the minutes of a City Council meeting is requested by a City Council Member and passed by a majority vote of the City Council, such minutes may be approved without reading if the city secretary has previously furnished each City Council Member with a copy thereof.
- G. Public Hearings: A public hearing may be held as part of any regular meeting or may in itself constitute a special meeting and shall be called to order and governed by all other provisions relating thereto to regular meetings and special meetings. Once a public hearing has been closed, the discussion by City Council of any item on the agenda shall not be re-opened to public discussion, except by City Council, with approval of two-thirds (5 City Council Members) of all members of City Council. Such motion shall be considered as a motion to limit or extend limits of debate.
- H. Petition Deadlines: Any person desiring to present a petition before City Council shall present the petition made by the petitioners to the City Secretary no later than one week after the public hearing and/or the first reading. A petition to be presented regarding a zoning change request or any issue that is scheduled for public hearing by City Council, not otherwise prescribed by the Texas Statutes or the City Charter, shall be presented as provided in Section 1.09 of these Procedural Rules.

Section 1.06 Consideration of Ordinances, Resolutions and Motions

- A. Form: All ordinances and resolutions shall be presented to the City Council only in printed or typewritten form and ordinances shall be approved as to form and legality by the City Attorney.
- B. Ordinances: All ordinances shall be passed in accordance with the provisions of the City Charter.
- C. Recording of Votes: Voting, except on procedural motions, shall be by roll call and the ayes and nays shall be recorded in the minutes. Unless a member of the City Council states that such member is not voting, silence of such City Council Member shall be recorded as an affirmative vote. Every City Council Member and the Mayor must vote on all issues unless there is a declared and recorded conflict of interest.
- D. Majority Vote Required: Unless specifically provided otherwise, approval of every ordinance, resolution, or motion shall require the affirmative vote of a majority of all members of the City Council (four). In case of a 3-2 vote with only five (5) City Council Members present, an item will automatically be scheduled for reconsideration at the next regular City Council meeting.
- E. Tie Vote: In the event of a tie in votes on any motion, the issue will be carried over for reconsideration for the next official City Council meeting. No action by the City Council can be passed or failed unless four (4) of the City Council Members at the meeting vote for its passage or failure.

- F. Order of Precedence of Motions: The following motions shall have priority in the order indicated:

MOTION

UNDEBATABLE

1. To adjourn^{2,3} (cannot be amended)
2. To recess¹
3. To raise a question of privilege (cannot be amended)
4. To lay on the table (cannot be amended)
5. To remove the previous question, majority vote (four) required (cannot be amended)
6. To limit or extend limits of debate, majority vote (four) required

DEBATABLE

7. To postpone to a certain time
8. To commit or refer
9. To amend³
10. To postpone indefinitely (cannot be amended)
11. A main motion

Footnotes:

1. The first two motions are not always privileged. To adjourn shall lose its privileged character and is a main motion if in any way qualified. To take a recess shall be privileged only when other business is pending.
 2. A motion to adjourn is not in order: (a) when repeated without intervening business or discussion; (b) when made as an interruption of a member while speaking, or (c) while a vote is being taken.
 3. A motion to amend shall be undebatable when the question to be amended is undebatable.
- G. Reconsideration: A motion to reconsider any action of the City Council can be made not later than the next succeeding regular meeting of the City Council. Such a motion can only be made by a member who voted with the majority. It can be seconded by any member. No question shall be twice reconsidered, except by unanimous consent of City Council, except that action relating to any contract may be reconsidered at any time before the final execution thereof.
- H. The Previous Question (Close Debate): When a member moves the previous question (to close debate), it shall be put as follows:

"Shall we vote on the question?"

There shall then be no further debate but pending amendments shall be put in their order before the main question. Unless otherwise stated, this motion is confined to the immediately preceding question. An affirmative vote of a majority (4 members) of the City Council is required to move the previous question. If the motion is lost, the main question remains before the City Council for further debate.

If there is no objection, an informal request to close debate or call the question shall be

honored by the Chairman without a vote.

- I. Withdrawal of Motions: A motion may be withdrawn or modified by its mover without asking permission until the motion has been stated by the Chairman. If the mover modifies their motion, the seconder may withdraw their second. After the question has been stated, the mover shall neither withdraw it nor modify it without the consent of the City Council.
- J. Amendments to Motions: No motion or proposition of a 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.

(Amended 8/10/20 – K removed)

Section 1.07 Votes Required

Approval of every ordinance, resolution, or motion shall require the affirmative vote of a majority of the entire City Council (4), except when the Charter, State statutes, or these rules impose other voting requirements. Questions on which the voting requirements are varied by the Charter, State statute or these rules are listed below.

A. Charter and State Statutory Requirements: *(Amended 8/10/20 – A.6 removed)*

1. Charter Amendment: Ordinance submitting proposed Charter Amendments must be adopted by a majority (4 members) vote of the City Council.
2. Levying Taxes: Ordinances providing for the assessment and collection of taxes require the approval of a majority (4 members) of the City Council.
3. Changing Paving Assessment: Changes in plans for paving assessment requires a majority (4 City Council Members) of the City Council.
4. Amending Zoning Ordinance: Provided that changes in zoning classifications, where a hearing is held by the City Council and such change is protested by owners of twenty percent (20%) or more of the area within two hundred (200) feet of the affected property must have the approval of three-fourths (6 members) of all members of the City Council.
5. Declaring Emergency - Unanimous Vote: In order for an emergency to be declared it shall be necessary that such measure be approved by the affirmative vote of all the members of the City Council present and voting.

B. City Council Rules Requirements:

1. Suspending Rules: City Council rules may be suspended by an affirmative vote of 2/3 (5 members) of all members of the City Council.

Section 1.08 Creation of Committees, Boards and Commissions & Election of Mayor Pro-Tem

- A. **City Council Committees**: The City Council may, as the need arises, authorize the appointment of "ad hoc" City Council committees. Any committee so created shall cease to exist upon the accomplishment of the special purpose for which it was created or when

abolished by a majority vote of the City Council. The Mayor shall appoint the members of committees created under this rule. Any appointment made by the Mayor can be changed by a majority vote of the City Council. All members of the City Council have the right to attend any committee meeting of a subcommittee of the City Council that has been posted under the Open Meetings Act. Non Committee City Council members shall speak and participate as citizens and will not participate in the committee discussion or vote after citizen comment periods have closed unless recognized by the Chairman of such committee. Should the members of any subcommittee recess into executive session only members of that subcommittee shall be allowed to attend the executive session. (Amended 8/10/20) (Amended 5/24/2021)

- B. Citizen Boards, Commissions, and Committees: The City 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 City Council may specify that are not inconsistent with the City Charter or Code. Memberships and selections of member shall be as provided by the City Council unless specified by the City Charter or Code. Any such Committee, Board, or Commission shall cease to exist upon the accomplishment of the special purpose for which it was created, or when abolished by a majority vote of the City Council, unless otherwise provided in the Code. No committee so appointed shall have powers other than advisory to the City Council or to the City Manager, except as otherwise specified by the Charter Code or State law.
- C. Selecting Members for Planning & Zoning Commission, Zoning Board of Adjustments, Mansfield Economic Development Corporation and Mansfield Park Facilities Development Corporation:
- a. All board members will be appointed by the City Council.
 - b. Term of office for all members is (2) two years.
 - c. Appointments are effective October 1 and terminate on September 30.
 - d. City Council interviews applicants for decision making boards prior to appointment.
 - e. All decision making boards, acting through their designated staff representative shall forward three (3) qualified candidates, if available, to the City Council for their consideration and appointment. Upon request of a City Council Member, all candidates submitting interest to serve on a board/commission in the last twelve (12) months will be furnished by the City Secretary to the City Council Members.
 - f. The designated staff representative shall forward current board member that request reappointment to the City Council for their consideration and appointment.
 - g. The city staff representative assigned to the advisory or decision making board will be responsible for the timely scheduling of candidate interviews for the board and City Council.
 - h. City Council interviews applicants and with a majority (4) votes appoints a board member.
 - i. City Council, at will, may release any or all board members from service without cause.
- D. Election of Mayor Pro-Tem: At its first regular meeting, following the municipal election and any required runoffs, the City Council shall elect from among its members, a Mayor Pro Tem who shall serve for a term of one (1) year or until his successor is qualified. He shall perform all duties of the Mayor in the absences or disability of the Mayor. All City Council Members interested in the Mayor Pro-Tem position shall give notice during this agenda item at such meeting. The selection of Mayor Pro-Tem occurs through paper ballot listing all Council Members that are interested in serving as Mayor Pro Tem. Each City Council

Member and Mayor present at the meeting must vote. The results are tabulated by the City Secretary and announced by the Mayor. *(Amended 8/10/20)*

Section 1.09 Filing Petitions Before City City Council (Adopted per minutes 8-22-88)

A petition to be presented regarding a zoning change request or on any issue that is scheduled for public hearing by City Council, not otherwise prescribed by the Texas Statutes or the City Charter, shall be presented in the following manner:

- A. Presenting Petition to City Secretary's Office: The petition shall be made by the petitioners and presented to the City Secretary no later than one week after the public hearing and/or first reading.
- B. Requirements on the Signature Page: The signatures on the petition need not be appended to one paper, but each signer shall personally sign their name thereto in ink or indelible pencil and shall print after the signature: 1) their name; 2) their place of residence, giving name of street and number; 3) their telephone number, and 4) the day, the month and year their signature was affixed.
- C. Property Owner's Name/Address as Shown on Last Approved Tax Roll: A person signing as a property owner shall note thereon opposite their name the name shown as the property owner and the property address as shown on the last approved official tax roll of the City.
- D. Description of Property: The petition shall contain a description of property involved in the public hearing.