

RESOLUTION NO. R2022-25

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FRIENDSWOOD, TEXAS, ADOPTING THE CITY COUNCIL RULES AND ORDER OF BUSINESS PURSUANT TO CITY CHARTER SECTION 3.10, RULES OF PROCEDURE AND REPEALING RESOLUTION NO. 2022-02 AND ALL OTHER RESOLUTIONS OR PARTS OF RESOLUTIONS INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Article III, Section 3.10 of the Charter of the City of Friendswood, Texas, allows the City Council to determine its own rules and order of business under which it will conduct its meetings; and

WHEREAS, after reviewing its rules, the City Council desires to amend the same; NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FRIENDSWOOD, STATE OF TEXAS:

Section 1. That the City Council of the City of Friendswood, Texas, hereby adopts the "Friendswood City Council Rules of Procedure," attached hereto as Exhibit "A" and made a part hereof for all purposes.

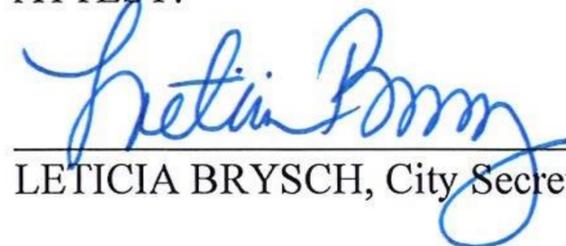
Section 2. That Resolution No. R2022-02 and all other resolutions or parts of resolutions inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

Section 3. That this resolution shall be effective immediately upon its passage and approval.

PASSED, APPROVED and ADOPTED by the affirmative vote of the City Council of the City of Friendswood on this the 12th day of September, 2022.


MIKE FOREMAN, Mayor

ATTEST:


LETICIA BRYSCH, City Secretary



APPROVED AS TO FORM:



KAREN HORNER, City Attorney

Exhibit "A"

FRIENDSWOOD CITY COUNCIL RULES OF PROCEDURE

1. AUTHORITY

- 1.1 **Authority.** Pursuant to the provisions of Section 3.10 of the Charter of the City of Friendswood, the City Council enacts these rules of procedure for all meetings of the City Council of the City of Friendswood, Texas.
- 1.2 **Purpose.** During any regular or special council meeting, a reasonable opportunity shall be given to the citizens of the City to be heard, including, but not limited to, those matters under consideration. The rules of procedure are enacted as guidelines to be followed by all persons in the Council Chamber, including City administrative staff, news media and visitors.

2. GENERAL RULES

- 2.1 **Meetings to be Public.** All meetings of the council shall be open to the public, except as authorized by law.
- 2.2 **Quorum.** Four or more members of the Council is considered a majority of the members of the Council and shall constitute a quorum for the transaction of business.
- 2.3 **Compelling Attendance.** No member shall be excused from attendance at a Council meeting except for good valid reasons.
- 2.4 **Minutes of Meetings.** An account of all proceedings of the Council shall be kept by the City Secretary, which account shall constitute the official record of the Council.
- 2.5 **Questions to Contain One Subject:** All questions submitted for a vote shall contain only one subject.
- 2.6 **Right of floor.** Any member desiring to speak shall be recognized by the Presiding Officer, and shall confine his/her remarks to the subject under consideration or to be considered and will not be interrupted.
- 2.7 **City Manager.** The City Manager, or Acting City Manager, shall attend all meetings of the Council, unless excused. He/she may make recommendations to the council and shall have the right to take part in all discussion of the Council, but shall have no vote.

- 2.8 City Attorney.** The City Attorney shall attend 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.
- 2.9 City Secretary.** The City Secretary or Acting City Secretary shall attend all meetings of the City Council unless excused, shall act as the reading and recording secretary of the Council, shall keep the official minutes, and shall perform such other duties as may be requested and assigned by the City Manager.
- 2.10 Sergeant at Arms.** The highest-ranking police officer of the Friendswood Police Department in attendance at any meeting of the City Council, shall be, and is hereby, designated and appointed as the Sergeant at Arms for such meeting.
- 2.11 Officers and Employees.** Any officer or employee of the city, when requested by the City Manager, shall attend any meeting of the Council and present information relating to matters before the Council.
- 2.12 Absences.** The City Council hereby delegates its duty to excuse absences of Councilmembers, the City Manager, the City Secretary, the City Attorney or any other officer or employee required to attend any meeting of the Council, whether such duty is imposed by Charter or these rules, to the Mayor.
- 2.13 Suspension of Rules.** Any provision of these rules not governed by the City Charter or Code may be temporarily suspended by the affirmative vote of a four or more members of the Council present.
- 2.14 Amendment of Rules.** These rules may be amended, or new rules adopted by the affirmative vote of four or more members of the Council.

3. TYPES OF MEETINGS

- 3.1 Regular Meetings.** Per Section 3.09 of the Charter, the City Council shall hold at least one regular meeting each month. Effective 2021, one (1) regular meeting shall be held in the Council Chambers of the City Hall, 910 S. Friendswood Drive, Friendswood, Texas, on the first Monday of each month, commencing at 5:30 p.m., unless otherwise directed by the City Manager, and/or the Mayor. The regular meeting shall end no later than 10:30 p.m.; however, its duration may be extended with the approval of a two-thirds ($\frac{2}{3}$) vote of the members of Council present at such meeting. In the event that the first Monday should fall on a holiday, the meeting shall be rescheduled as determined by the Mayor, and/or the City Manager.
- 3.2 Special Meetings.** Special meetings of the Council shall be called by the City Secretary upon the request of the Mayor, the City Manager, or three (3) members of the Council. In the event of a special called meeting, the City Secretary shall

notify each member of the Council. Special meetings may be held at City Hall, or another location, in compliance with Section 3.09 of the Charter.

- 3.3 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 three (3) members of the Council and it shall be sufficient if the notice is posted in accordance with Chapter 551, Texas Government Code, as amended.

4. PRESIDING OFFICER AND DUTIES

- 4.1 Presiding Officer.** The Mayor, or in his/her absence, the Mayor Pro Tem, shall preside as the Presiding Officer at all meetings of the Council. In the absence of both the Mayor and Mayor Pro Tem, and with a quorum being present, any councilmember may be appointed by four or more members of the City Council present. No Councilmember shall be required to abstain from voting on the election of a Presiding Officer under this section
- 4.2 Call to Order.** The meetings of the Council shall be called to order by the Mayor, or in his/her absence the Mayor Pro Tem; and in the absence of both the Mayor and the Mayor Pro Tem, the meeting shall be called to order by the City Manager.
- 4.3 Preservation of Order.** The Presiding Officer shall (i) preserve order and decorum, (ii) prevent insulting references to Councilmembers, impugning of other member's motives, and repetitious comments and (iii) confine remarks to the question under discussion. The presiding officer shall call upon the Sergeant at Arms as necessary to enforce compliance with the rules contained therein.
- 4.4 Substitution for Chair.** The Mayor may call upon the Mayor Pro Tem, or if he/she is unavailable, then any other member to take his/her place for a portion of a meeting. Such substitution is not to continue beyond adjournment.
- 4.5 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, then questions shall be, "Shall the decision of the presiding officer be sustained? If four or more members present vote "No", the ruling of the Presiding Officer is overruled; otherwise, it is sustained.
- 4.6 Questions to be stated.** The presiding officer shall state all questions submitted for a vote and announce the results. A roll call shall be taken upon the request of any member.

4.7 Recess. The presiding officer may recess a meeting for up to fifteen minutes at regular intervals of approximately one hour at appropriate points in the meeting agenda.

4.8 Votes. Councilmembers shall clearly indicate their vote on each matter submitted to a vote.

(a) The Mayor may make or second motions, and shall vote on all matters before the Council, unless otherwise prohibited by law, but shall have no power of veto.

(b) The presiding officer shall have no power to recess a meeting or to adjourn a meeting to prevent the City Council from considering an agenda item or lay the same out for consideration except in strict accordance with Texas Open Meetings Act, the City Charter, and as enacted herein. If not withstanding the positive provisions of this rule, the presiding officer whether Mayor, Mayor Pro Tem, or Councilmember presiding, shall attempt to prevent City Council from taking any action on any agenda item brought before it, any Councilmember present may call for a vote of the City Council to consider the matter.

(c) Except as otherwise provided by law or these rules, all action required of the City Council shall be made by a vote of four or more of the members of the Council; provided, however, if there is a vacancy on Council, action required of the City Council shall be made by majority of the active members of Council.

(d) Excluding conflicts of interest as provided by state law or by City Charter, all Councilmembers present at each meeting must vote on each subject presented for Council vote. All votes must be taken in accordance with Section 3.10 of the Charter.

5. CODE OF CONDUCT

5.1 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 observe the rules of the Council.

(b) A Councilmember, once recognized, shall not be interrupted while speaking 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 Councilmember is called to order while he/she is speaking, he/she shall

cease speaking immediately until the question of order is determined. If ruled to be in order, he/she shall be permitted to proceed.

- (c) Any member of the City Council; including the Mayor, who fails to observe decorous and orderly behavior during a meeting or who disturbs a meeting of Council with such disorderly conduct, is subject to being expelled from such meeting upon motion passed by two-thirds ($\frac{2}{3}$) vote of the Council present at this meeting.
- (d) Any member of the City Council, including the Mayor, reprimanded by motion or expelled from a meeting by motion who thereafter commits another breach of decorous and disorderly behavior during a subsequent meeting and again disturbs any meeting of the Council by such disorderly conduct shall be subject to the same power of Council to reprimand him/her, expel him/her from the meeting, or subject such member to investigation by the City Council in accordance with Section 3.16 of the Charter.

5.2 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 Mayor or presiding officer.
- (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/her direction and control.
- (c) All remarks and questions addressed to the Council shall be addressed to the Council as a whole and not to any individual member thereof.
- (d) No staff member, other than a staff member having the floor, shall enter into a discussion either directly or indirectly without permission of the Mayor, or presiding officer.

5.3 Citizens

- (a) Citizens are welcome and invited to attend all meetings of the Council and will be admitted to the Council Chamber or other room in which the meeting is held, up to the fire safety capacity of the room and/or to protect the health, safety, and welfare of the public.
- (b) Citizens will refrain from private conversation in the Chamber, or other room, while the Council meeting is in session.

- (c) Citizens attending Council meetings shall observe the same rules of propriety, decorum, and good conduct applicable to the administrative staff. Any person making personal, impertinent, or slanderous remarks, or who becomes boisterous while addressing the Council or while attending the Council meeting shall be removed from the room if the Sergeant at Arms is so directed by the Mayor or presiding officer, and such person shall be barred from further audience before the Council during that session of the Council.
- (d) Unauthorized remarks from the audience, stamping of feet, applauding, whistles, yells, and similar demonstration shall not be permitted and the presiding officer shall direct the Sergeant at Arms to remove such offenders from the room. In case the presiding officer shall fail to act, any member of the Council may move to require him/her to act to enforce the rules, and the affirmative vote of four or more members of the Council present shall require the presiding officer to act.
- (e) No placards, banners, exhibits of any kind will be permitted in the Council Chamber except exhibits, displays, and visual aids used in connection with presentations to the council, provided that such exhibits, displays and visual aids do not disrupt the meeting.

5.4 In General

- (a) **Rules.** Robert's Rules of Order (latest revision) shall govern in all cases, unless Robert's Rules of Order are in conflict with the City Charter, City ordinances, or rules of procedure hereby adopted, provided that the "Rules Governing Debate, Rules Against the Chair's Participation in Debates" shall not be applicable and the Mayor, or presiding officer, shall have the right to participate in debate of issues pending before the Council.

Any one or all of these rules of procedure may be suspended in order to allow a particular consideration of a matter, provided that it does not violate the state law or home rule charter, and provided that not less than two-thirds Councilmembers vote in favor of such suspension. Where any rule embodies a provision of state law, identically or in substance, such rule may not be suspended.

- (b) **Recognition by presiding officer.** No person shall address the Council without first being recognized by the presiding officer.
- (c) **Procedure.** Each person addressing the Council shall approach the podium, give his/her name and address in an audible tone of voice for the records, state the subject the person wishes to discuss. All comments shall be

addressed to the Council as a whole and not to any member thereof. No person other than members of the Council and the person having the floor shall be permitted to enter into any discussion, directly or through a member of the Council, without permission of the presiding officer. No question may be asked a member of the City staff without the permission of the presiding officer.

- (d) **Charges against employees.** Should any person in a Council meeting charge an employee, other than the City Manager, the City Attorney, or the Municipal Court Judge, with improper conduct, malfeasance, nonfeasance, or misfeasance, then in such event, such person shall be ruled out of order immediately and instructed to refer his/her complaint to the City Manager.
- (e) **Disturbances.** No person attending any Council meeting shall delay, interrupt, or disrupt the proceedings or refuse to obey the orders of the presiding officer. Any person making personal, impertinent, and slanderous remarks or who becomes boisterous while addressing the Council or while attending the Council meeting shall be removed from the room if the Sergeant at Arms is so directed by the presiding officer.
- (f) **Communication devices.**
 - (1) The use of wireless communication devices to send/receive text messages, instant messages, and/or emails between members of the City Council during Council meetings is prohibited.
 - (2) No person attending any Council meeting shall possess a pager, cellular telephone, radiotelephone, or other device that is set in a mode to provide audible notification of an incoming call, text, or page.
 - (3) No person attending any Council meeting shall use a cellular telephone, radiotelephone, or other telecommunication device for audible communications while the Council meeting is in session.

6. ORDER OF BUSINESS

- 6.1 **Agenda.** The order of business of each regular and special meeting shall be as contained in the agenda prepared by the City Manager. The agenda shall be a listing by topic of subjects to be considered by the Council. Placement of items on the agenda shall be governed by this Section. Conduct of business at special meetings shall likewise be governed by an agenda and the rules of procedure contained herein. The placement of agenda items for each meeting is determined as follows:

- (a) Except as provided in subsection (b) of this section, any and all ordinances, resolutions, or other matters, including all written data, except emergency items, to be brought before the City Council for its consideration, by the Mayor or by any member of the Council, shall be submitted in writing to the City Secretary and/or City Manager not later than 2:00 p.m. of the Monday preceding the meeting at which the same is to be considered.
- (b) Information concerning liaison reports, which do not fall under Section 551.0415 of the Texas Government Code concerning reports about items of community interest for which no action will be taken, to be brought before the City Council by the Mayor or by any member of the Council shall be submitted in writing to the City Secretary and/or City Manager not later than 2:00 p.m. of the Wednesday preceding the meeting at which the same will be presented.
- (c) When an ordinance, resolution, motion, or other measure of any sort has been placed before the City Council and defeated, the same identical question shall not again be considered by the City Council until ninety (90) days have elapsed, unless the Council, by the vote of at least four (4) Councilmembers, waives this restriction as to the item.

The agenda order set out is the desired order for conducting the business of the City Council of the City of Friendswood in regular and special meetings. When in the best interest of the Council and the citizens of the City require, any item appearing on the agenda shall be considered out of order as shall be determined by the presiding officer in his/her sole discretion.

6.2 The order of the agenda shall be as follows unless the Mayor, or City Manager, determines that a different order is in the best interest of the City Council, and/or the citizens of the City:

- (a) **Call to Order.**
- (b) **Invocation.**
- (c) **Pledge of Allegiance.**
- (d) **Council Comments and Reports.**
 - (1) **Council Comments.** Each member of the Council will be given a five-minute time period to provide comments about items of community interests, pursuant to Section 551.0415 of the Texas Government Code, which include:

- a. Expressions of thanks, congratulations, or condolences;
- b. Information regarding holiday schedules;
- c. An honorary or salutatory recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in the status of a persons' public office of public employment is not an honorary or salutatory recognition;
- d. Reminder about an upcoming event organized or sponsored by the governing body;
- e. Information regarding a social, ceremonial, or community event organize 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 of the governing body; and
- f. Announcements involving an imminent threat to the public health and safety of people in the City that has arisen after the posting of the agenda.

(2) **Council Reports.** The members of the Council may provide Liaison Reports that are items of community interest or that are posted in accordance with Section 551.041 of the Texas Government Code.

(e) **Public Comment.**

- (1) Any citizen shall have a reasonable opportunity to be heard at any and all regular or special meetings of the City Council in regard to any and all matters to be considered at any such meetings, or such other matters as citizens may wish to bring to Council's attention. Any matter not posted on the agenda may not be discussed by Council, nor shall any action be taken by Council, except to indicate that the matter may be placed on a later agenda.
- (2) Each speaker shall submit a card requesting the right to address the Council to the City Secretary prior to the commencement of the meeting.
- (3) Each speaker shall be granted a three-minute time period to speak before the Council, and the Mayor shall retain the discretion to further limit or increase this time as he/she deems appropriate. Speakers may not pass their time.

(4) No electronic media is allowed for presentation during the public comment period. Information being presented to the Council should be in paper format and ten (10) copies should be provided to the City Secretary for distribution to the Council and staff.

(f) **Special Recognition and Acknowledgments.**

(g) **Committee or Special Reports.**

(h) **Work Session Topics.**

(i) **Public Hearings** – as called.

(1) *Sign in procedure.* Prior to the start of the public hearing, the Presiding Officer may require that all persons desiring to be heard sign in with the City Secretary, giving their names and addresses. Any person who fails to sign in shall not be permitted to speak until all those who signed in have done so. At any public hearing, persons who have signed in and wish to be heard shall be given an opportunity to be heard.

(2) Each speaker that requests to speak at a public hearing shall be granted a five-minute time period to speak before the Council and the Mayor shall retain the discretion to further limit or increase this time as he/she deems appropriate. Speakers may not pass their time.

(3) *Presentations.*

a. Staff will present the Council with an overview of the public hearing.

b. The Person, Group, or Applicant of the item at hand shall be granted a 15-minute time period to give the Council a presentation. The Mayor shall retain the discretion to further limit or increase this time as he/she deems appropriate.

1. Any PowerPoint presentation must be received by the City Secretary not later than 5:00 p.m. of the Friday preceding the meeting at which the same is to be considered.

2. Information being presented to the Council should be in paper format and ten (10) copies should be provided to the City Secretary for distribution to the Council and staff.

(4) No member of the Council, including the Mayor, shall be permitted to address the Council during a public hearing held by the Council or to address any board or commission of the City during a public hearing held by such board or commission.

(j) **City Manager Reports.**

(k) **Business Items.**

(1) Appointments;

(2) Services Agreements;

(3) Contracts; and

(4) Other as deemed appropriate by staff.

(l) **Ordinances and/or Resolutions to be considered.**

(m) **Consent Agenda.** The consent agenda may include routine matters which require no discussion (any member of the Council may remove an item from the consent agenda for discussion and possible action).

(n) **Executive Session.**

The Council may retire into executive session as authorized by Chapter 551, Texas Government Code, as amended. Matters discussed during each Executive Session shall be identified by certified agenda or tape recorded, prepared, and retained as required by law.

(o) **Action Related to Executive Session.**

(p) **Adjournment.**

7. **CONSIDERATION OF ORDINANCES, RESOLUTIONS AND MOTIONS**

7.1 Printed or Typewritten Form. All ordinances and resolutions shall be provided to the Council in printed or electronic form. The Council may, by proper motion, amend any ordinance or resolution presented to it and direct that the amended ordinance or resolution be adopted, except as otherwise provided by the Charter or state law.

7.2 City Attorney to Approve. All ordinances, resolutions, and contracts and amendments thereto shall be approved as to form by the City Attorney.

7.3 Distribution of Ordinances and Resolutions. The City Manager or his/her designee shall provide electronic or paper copies of all proposed ordinances and

resolutions to all members of the Council before or at the meeting at which the ordinance or resolution is to be considered.

7.4 Discussion, Consideration and Processing of Items:

- (a) *Motion to table.* Since the City Council of the City of Friendswood will always have regularly scheduled meetings, a motion to table, when carried, does not permanently defeat an ordinance, resolution, motion, or other measure. If such ordinance, resolution, motion, or other measure is tabled by a majority vote of the City Council, such ordinance, resolution, motion, or other measure, if not sooner removed from the table, must be removed at the third meeting, and acted upon, even if only to place the item on the table again.
- (b) *Procedure to debate.* Upon any ordinance, resolution or other measure being laid out, or any motion being made, any Councilmember present, before there is any debate opened on the subject, may make a parliamentary objection to the consideration of the subject which need not be seconded. No debate shall then be permitted, and the presiding officer shall immediately put the question, "shall the objection be sustained"? If the objection is sustained by a vote of two-thirds ($\frac{2}{3}$) of the Councilmembers present, the ordinance, resolution, motion, or other measure is permanently defeated for that meeting and shall not be debated unless reconsidered under Section 6.1.b of these rules.
- (c) *Closing of debate.* If, during debate upon any ordinance, resolution, motion or other matter before the Council, any member moves that the subject under discussion be put to a vote without further debate (and such a motion need not be seconded), the presiding officer shall immediately ask the Council, "is there any objection to proceeding to a vote on the ordinance, resolution, motion, or other measure before the Council being taken immediately?" If any member objects, the presiding officer shall immediately and without debate put the question, "shall the subject being discussed be put to a vote, without debate?" to a vote of the Council, and if two-thirds ($\frac{2}{3}$) of the Councilmembers present vote in favor of ordering the vote, debate on the question shall be closed and a vote on the ordinance, resolution, motion, or other measure taken immediately.
- (d) *Reducing motion to writing.* All oral motions must be seconded before being put to vote by the chair (except where otherwise provided in these rules), and upon request of any other member of the Council, or Mayor, the party making any such oral motion (except a motion to order a vote on a subject being considered per 7.4.c, or other such procedural matter) shall reduce the same to writing, or request the City Secretary to so the same.

- (e) *Vote Required.* An affirmative vote of the four (4) or more members of the Councilmembers present is necessary to adopt or approve any ordinance, resolution or take any official action in the name of the City except as otherwise provided in the Charter or by state law. Should the Charter or state law require more than four (4) Councilmembers to pass an item, the City Manager or the City Attorney shall notify the Council of such requirement prior to the vote.

8. CREATION OF COMMITTEES

8.1 Council Committees. The Council may, as the need arises, authorize the appointment of the “ad hoc” 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 of the Council.

8.2 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, Code or state law. Memberships and selection of members shall be as provided by the Council if not specified by the City Charter, Code or state law. Any committee, board, or commission so created shall cease to exist upon the accomplishment of the special purpose for which it was created, or when abolished by a vote of four (4) members of 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, Code or state law.

9. OATH OF OFFICE.

The Councilmembers elected to office shall take their oaths of office at the following meetings or as soon thereafter as possible:

- (a) At the Council meeting when the votes are canvassed for the general or special election, held on the election date on which the Councilmember ran or was to run (if unopposed); or
- (b) At the next regularly scheduled Council meeting if all Councilmembers running for office were unopposed and there was no special election.