

RESOLUTION 956-B-2023

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNIVERSAL CITY CREATING AND ESTABLISHING RULES OF PROCEDURE; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

WHEREAS, Section 3.10.(b) of the City Charter states, " The Council shall determine its own rules and order of business and shall provide for keeping a journal of its proceedings. This journal shall be a public record"; and

WHEREAS, the City Council has determined that it is in the best interest of the citizens of Universal City for there to be a broader range of specificity in the manner by which the City Council conducts itself and its business; and,

WHEREAS, State law allows for the City Council to adopt rules that govern how it conducts business; and,

WHEREAS, the City Council of the City of Universal City, Texas desires to create and establish Rules of Procedure to better serve the interest of the public.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF UNIVERSAL CITY TEXAS:

- Part 1.** That the City of Universal City hereby adopts the Rules of Procedure as set forth in the attached **Exhibit A**
- Part 2.** That the recitals contained in the preamble hereto are hereby found to be true and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the Council.
- Part 3.** It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance be severable, and, if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared invalid by judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance and the remainder of this Resolution shall be enforced as written.
- Part 4.** That it is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, as amended, Texas Government Code.
- Part 5.** This Resolution shall take effect immediately from and after its passage and publication as may be required by governing law.
- Part 6.** The repeal or amendment of any ordinance or part of ordinances effectuated by the enactment of this Resolution shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue or as affecting any rights of the City of Universal City under any section or provisions of any ordinances in effect at the time of passage of this Resolution.
- Part 7.** That all other resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent that they are in conflict.

PASSED, APPROVED, and ADOPTED on this 21st day of November 2023.



CITY OF UNIVERSAL CITY
APPROVED:


John Williams, Mayor

ATTEST:

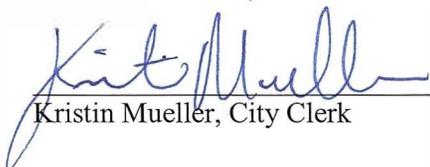

Kristin Mueller, City Clerk

EXHIBIT A

CITY OF UNIVERSAL CITY RULES OF PROCEDURE

CITY COUNCIL MEETING RULES OF PROCEDURE

General Provisions

Rule 1. Scope of Rules. These rules shall govern the conduct of the Council and shall be interpreted to ensure fair and open deliberations and decision making. In general, these rules shall be interpreted to allow the majority to prevail but preserve the right of the minority to be heard.

Rule 2. Rulings; Matters Not Covered. The Presiding Officer, as defined by Rule 15, shall rule, initially, on all questions of procedure. The latest edition of *Robert's Rules of Order*, shall to the extent feasible, govern the proceedings of meetings. The City Attorney or authorized representative shall act as Parliamentarian for Council Meetings.

Rule 3. Interpretation. These rules are intended to supplement and shall be interpreted to conform with the statutes of the State of Texas and the ordinances of the City of Universal City.

Time and Place of Meetings

Rule 4. Regular Meetings. The City Council shall meet in regular session on the first Tuesday and third Tuesday in each calendar month beginning at 6:30 PM in the Universal City Council Chambers or other appropriately posted location. The City Council, by a majority vote, may reschedule or cancel any regular meetings in a manner consistent with Open Meetings or other established requirements. Should there be insufficient items for consideration by the City Council on a regularly scheduled meeting date, the Mayor may cancel the meeting and shall advise Council of such cancellation. The City may broadcast the regular meetings online and such method will be posted with the regular meeting notice for the public.

Rule 5. Special Meetings. A special meeting is any meeting, other than a regular meeting, where a quorum of Council Members is present to deliberate public business that the City Council has supervision or control over the topic being deliberated.

- A. Special meetings shall be called at the request of the Mayor or City Manager or at the written request with consent of four Council Members to the City Clerk's office. Said meetings will be held at the time and place as posted on the meeting agenda. The City may broadcast special meetings online and such a method will be posted with the special meeting notice for the public.
- B. Each member of the Council, the City Manager, the City Clerk, and the City Attorney shall be notified of the special meeting.

Rule 6. Executive Sessions. The City Council may meet in executive session in compliance with the Texas Open Meetings Act. The Council will invite any necessary individuals needed for the executive session. A vote, if needed, on a matter discussed in an executive session will be made in an Open Meeting, and not in executive session.

Rule 7. Absence of a Quorum. A regular or specially called meeting cannot be called to order or continued in the absence of a quorum.

City Council Agenda and Agenda Packet

Rule 8. Agenda. The Meeting Notice ("Agenda"). The agenda includes the meeting notice. The agenda is approved by the Mayor working in conjunction with the City Manager and City Clerk.

- A. At a meeting of City Council, any member of City Council, during the "Council Member Announcements", may request items to be placed on a future agenda provided at least three Council Members approve. No discussion shall occur at the meeting regarding the placement of the item on a future agenda. An item proposed by a Council Member that receives the required approval by Council may not be refused or postponed without the Council Member's consent.
- B. An item which pertains to a single citizen problem may be placed on the agenda for the next meeting by a Councilmember without majority concurrence.
- C. The City Manager may place any item on any City Council agenda that pertains to normal City business.

D. The Council Member who initiated the request for an agenda item shall be permitted to open discussion after the official reading of said item.

Rule 9. Agenda Packet. The agenda packet includes the meeting notice ("Agenda") and any supporting documentation for agenda items. The City Manager shall supervise the preparation and approval of the agenda packets for all meetings of the City Council. Upon approval, agenda packets will be sent electronically, by the City Clerk's Office, to Council Members and the City Attorney and, hardcopies can be picked up at City Hall during normal business hours. Council Members may provide supplement documents to any agenda items that they own to the City Clerk's office in accordance with the packet preparation schedule.

Rule 10. Consent Agenda. The City Manager, may separately designate items as consent items which shall be placed under the Consent Agenda on the agenda and be acted upon by the Council under Rule 28. At the City Council meeting, an item may be pulled from the Consent Agenda and placed in the appropriate location of the agenda at the request of any member of the City Council.

Conduct of Meetings

Rule 11. Roll Call. Before proceeding with the business of the Council, the City Clerk determines the presence of a quorum as required by law and these rules by calling the roll of Members present and entering those named in the minutes.

Rule 12. Presiding Officer. The Mayor, or in the Mayor's absence or inability to perform, the Mayor Pro Tem, shall be the Presiding Officer at all Council meetings. If both the Mayor and Mayor Pro Tem are absent or unable to perform, the most senior Council Member present shall preside. In the event two or more Members equally possess the greatest seniority, then the eldest person among them shall preside. For this purpose, seniority is measured by current, continuous service on the City Council. The Mayor Pro Tem shall be a Council Member elected by the City Council at the first regular City Council meeting following each regular City election.

Rule 13. Call to Order. The Presiding Officer shall call the meeting to order.

Rule 14. Control of Discussion. The Presiding Officer shall moderate discussion of the Council on each agenda item to assure full participation in accordance with these rules and Robert's Rules of Order. The Presiding Officer will preserve order and decorum, preventing the impugning of any member's motives or other personal comment not relevant to the orderly conduct of business. All persons present in the meeting room should refrain from abusive, rude or inappropriate conduct.

Rule 15. Agenda Items. Each item will be considered in the numerical order listed on the meeting notice unless otherwise approved by Council as defined in Rule 30. Each agenda item shall be introduced by the Presiding Officer. The standard procedure is as follows for addressing agenda items:

- A. Agenda items likely to garner significant public interest shall be moved toward the beginning of the meeting.
- B. Reading of the ordinances or resolutions by captions by the Presiding Officer.
- C. The Presiding Officer will call upon the owner of the item (the Council Member who placed the item on the agenda) to speak, and then the City Manager or City's Manager's designee to present the item.
- D. Upon acknowledgement by the Presiding Officer, a Council Member may request and receive information, explanations or the opinions of the presenter or City Manager.
- E. If the agenda item requires a Public Hearing, the Presiding Officer shall call for and direct citizen comments. Comments shall be no more than three minutes per citizen and/or may be terminated at the discretion of the Presiding Officer. Citizens' questions or comments of the presenter or the presentation may be addressed by the Mayor or any Council Member during Council deliberation.
- F. If applicable, the Presiding Officer shall ask for a motion; if made, ask if there is a second. If seconded, proceed to the next step. If no motion or second is made, the item dies due to lack of motion.
- G. Discussion held amongst Council Members on item motion. The Presiding Officer will offer the opportunity for each Council Member to speak once on a motion before allowing a Council Member to speak a second time. The Council Member who made the motion

will be afforded the opportunity to speak first in favor of their motion.
H. Council voting shall proceed through a Roll Call (Rule #25).

Rule 16. Limit on Remarks. Each Council Member shall limit their relevant remarks to a reasonable length. Time limits for Council Member comments may be set for specific agenda items, or any single meeting, by a majority vote of the Council Members present. If limits are set for a specific agenda item, it must be voted on prior to the agenda item motion.

Rule 17. Presiding Officer's Right to Speak Last. The Presiding Officer has the right to speak last on any item.

Rule 18. Closing Motion Discussion. Discussion shall be closed on any item by the Presiding Officer with the concurrence of a majority of the Council present, or by calling the question by any Council Member so long as all Council Members have been afforded the opportunity to speak at least once.

Rule 19. Council Member Announcements. At every Regular Council Meeting, Council Members are given the opportunity to provide announcements, call for future agenda items, or make reports under the appropriate agenda items.

Rule 20. Comments Out of Order. Council Members shall not sign up to speak during Citizens to be Heard. Council Members will refrain from speaking unless recognized by the Presiding Officer.

Council Action

Rule 22. Council Actions. All meetings shall be conducted in accordance with Robert's Rules of Order.

Rule 23. Motion Required. All actions requiring a vote shall be moved by a Council Member. A Council Member may make a motion to amend a motion. The amendment must receive a second before it may be discussed and must be voted on prior to voting on the main motion. A motion may be withdrawn or modified by its mover without asking permission. It is considered a motion if a Council Member formally states, "I move to" or "I so move". Any other comments made by a Council Member regarding a potential motion or consideration of an amendment will not be considered a motion until formally stated.

Rule 24. Recording Names of Moving Members. The City Clerk shall record the name of the Council Member making each motion and seconding each motion.

Rule 25. Call for Vote. At the conclusion of the discussion or if a Council Member calls the question and is seconded, the Presiding Officer shall call for a vote by roll call and the "ayes" and "nays" shall be recorded in the journal. The Presiding Officer shall announce the results of the vote.

Roll call votes are called in order of Council Member making the motion, Council Member seconding the motion, Mayor Pro Tem if not one of the previously listed persons, then Council Members by alphabetical order. Every Council Member present shall cast a vote on every proposition presented. If a Member does not wish to vote, they answer abstain. The Mayor shall vote only when necessary to break a tie.

Rule 26. Abstentions. When abstaining, the member shall state they are abstaining and, if they choose, provide reason as to the abstention. The abstention votes will be recorded in accordance with Robert's Rules. Per the City Charter, an abstention is considered a "no" vote.

Rule 27. Recusals. If a member has a conflict of interest as defined by the Texas Local Government Code, Chapter 176, the member shall file a Conflict of Disclosure affidavit stating the nature and extent of the interest, with the City Clerk, in advance of the meeting.

Rule 28. Separate Consideration. Except as otherwise required by these rules, each agenda item shall be voted upon separately with the vote recorded by the City Clerk. Motions and votes within an agenda item may be split, as desired by City Council. City Council, by approval of a motion, reserves the right to group agenda items for consideration.

Rule 29. Action on Consent Agenda. The Consent Agenda shall be considered as a group, without separate discussion on each item. If any Consent Agenda items are removed, the Presiding Officer shall ask for a motion on the remaining Consent Agenda items.

Rule 30. Consideration Out of Agenda Order. The Presiding Officer may, with the consent of the Council, consider an agenda item out of order. And, at the request of a Council Member to the Presiding Officer, with the consent of the Council, any agenda item may be considered out of Agenda order.

Rule 31. Council Action to Withdraw or Defer. A Council Member wishing to withdraw or defer an item may make a motion to that effect.

Citizen Participation

Rule 32. Public Participation during Council Meetings. Comments and suggestions by the public are highly valued and encouraged during those parts of a meeting designated for public participation. Speakers shall register to speak in advance. If a topic is on the agenda, then public comments may be heard during the agenda item. If the topic is not on the agenda, then public comments will be heard during Citizens to be Heard.

When called forth, the speaker wishing to comment shall step to the microphone, and state their name, city of residence, or county of residence if they do not reside in a city. The Presiding Officer shall encourage speakers to keep comments civil and refrain from including abusive, rude, or inappropriate language as well as other rules of decorum as outlined in Ordinance 657, Rules of Decorum

Rule 33. Citizens to be Heard. Citizens to be Heard will be placed on the agenda before the Consent Agenda and Consideration Items.

In accordance with the Open Meetings Act, the Council may not discuss or take action on any item which has not been posted on the agenda. The Presiding Officer may refer a matter raised during Citizens to be Heard to the City Manager. Speakers should limit their comments to three minutes each, or as provided in Ordinance 657, and direct all remarks to Council. The Presiding Officer has the responsibility of limiting all discussion under Citizens to be Heard to 30 minutes but may adjust the time as provided under Ordinance 657 Section 1-1-13 (a)(1).