

**BUDA CITY COUNCIL
RULES OF PROCEDURE
FOR CITY COUNCIL MEETINGS**

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**BUDA CITY COUNCIL RULES OF PROCEDURE
FOR CITY COUNCIL MEETINGS**

Amended 09/17/2019

The following rules of procedure shall govern all meetings and proceedings of the City Council of the City of Buda, and the conduct of all members and other persons in attendance at such meetings. (Charter 3.11B)

RULE 1. Meetings, Regular and Special

- A) According to the Charter, City Council shall hold at least one regular meeting each month. (Charter 3.11A) In order to effectively and efficiently carry out the business of the City, City Council has determined it necessary to conduct two meetings per month. One (1) regular meeting shall routinely be held on the first Tuesday of each month and one (1) regular meeting shall routinely be held on the third Tuesday of each month. All meetings shall routinely be held in the Council Chambers of the City Hall. However, meetings may be noticed at times and locations other than as set forth herein as appropriate and necessary to carry out City business. In the event Tuesday falls on a holiday or special event recognized by the City Council, the meeting for that day shall be rescheduled or cancelled as determined by City Council. Any meeting of City Council may be recessed from hour to hour for a period of time not to exceed 24 hours, by an affirmative vote of a majority of members of Council present at such meeting, and such recessed meeting shall be resumed without further posted notice.
- B) Special meetings may be called by the Mayor on the Mayor's own motion. (Charter 3.11A) On written request of three (3) Councilmembers delivered to the Mayor or City Manager, the Mayor shall call a special meeting. (Charter 3.11A)
- C) Four Councilmembers shall constitute a quorum for the transaction of business. (Charter 3.11B) Councilmembers must be physically present to be considered in attendance; attendance by Councilmembers by video conferencing is prohibited. The City Manager shall attend all City Council meetings, except when excused by the Mayor or Mayor Pro-Tem, and shall have the right to take part in discussion but may not vote or make motions. (Charter 5.01C.3)
- D) The City Council may retire into Executive Session as authorized by the Open Meetings Act (Texas Government Code Chapter 551). These Rules of Procedure shall apply to the conduct of Councilmembers in an Executive Session, provided they do not conflict with the provisions of the Open Meetings Act. Matters discussed during each Executive Session shall be identified by certified agenda or tape recorded, prepared and retained as required by law.

RULE 2. Presiding Officer and Call to Order

The Mayor or in his/her absence the Mayor Pro-Tem, shall preside at all meetings of the City Council. (Charter 3.06, 3.07) If the Mayor and the Mayor Pro-Tem are absent, any Councilmember may be appointed by a majority of the Council to preside. At the hour of the meeting, the presiding officer shall call the Council to order, and the City Clerk shall call and record the roll as provided by the Order of Business.

RULE 3. Conduct of Mayor and Councilmembers

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 2/3 vote of the Council present at the meeting.

RULE 4. Non-interruption

Each member of the City Council shall be permitted to address the chair while either seated or standing, and after recognition shall not be interrupted while speaking without his/her consent, unless the Councilmember's conduct is determined to be out-of-order by the presiding officer, is necessary for direction by the City Attorney, or provided for by these rules.

RULE 5. Handling of question of order

All questions of order shall be decided by the presiding officer with the right of appeal of his/her decision by the City Council, and a majority of the Councilmembers present may overrule the decision of the presiding officer. When the chair makes a ruling on a point of order and one of the Councilmembers states, "I appeal the ruling of the chair", or words to such effect, no other business shall be transacted until the question, "shall the ruling of the chair be sustained?" is voted on. The presiding officer shall immediately put such question to vote without debate, and, if he/she fails to do so immediately, any member of the City Council may put the question to a vote.

RULE 6. Procedure for submitting agenda items

The City Manager or his/her designee shall prepare the agenda for each Regular and Special meeting of the City Council in compliance with the Texas Open Meeting Act and shall cause its timely publication and distribution. The City Manager shall administer the placement of items in a fair manner. (Charter 3.11B) All members of Council and the City Manager are authorized to request the placement of an item or items on an agenda as provided herein. New items requested to be placed on the agenda by Councilmembers shall be submitted during the "City Councilmember requests for future agenda items" portion of regular City Council meetings.

Items previously considered on an agenda or placed on the agenda by a Councilmember for discussion purposes only may not be placed on any future agenda for a period of 90 days, unless the item is submitted by motion by a Councilmember during the "City Councilmember request

for future agenda items” and the placement of the item on the agenda is supported by an affirmative vote of at least three Councilmembers.

If a previously considered item and a vote was taken on the item, one of the three Councilmembers voting for the placement of the item on the agenda must have voted with the majority on the item when it was last considered. Notwithstanding the foregoing, the Mayor, or the Mayor Pro-Tem may place items for reconsideration on the agenda regardless of time. In the event that an item previously voted upon is placed on the agenda in accordance with this rule, the City Attorney, in conjunction with said item’s reconsideration, shall apprise City Council of any legal considerations which may impact the item’s considerations in executive session prior to the items reconsideration.

RULE 7. Ceremonial presentations at Council meetings

A certificate is a formal acknowledgement issued by the Mayor to a person or organization to show appreciation for an accomplishment or contribution. A proclamation is a formal declaration by the Mayor of a day/week/month in honor of a special event. A ceremonial resolution is a formal commemorative or appreciative expression of the opinion or will of the City Council which requires a vote of at least four members of Council to pass.

The City will provide an administrative process by which a member of the public may request to place a resolution, proclamation or certificate on an agenda. Ceremonial requests are to be submitted to the City Secretary’s Office and are available for City Council inspection. For ceremonial requests involving placement of an item on a City Council agenda, the City Manager, at his or her discretion, may place the item directly on the agenda or may seek direction from City Council regarding such item by requesting the City Council consider the item during the portion of the agenda in which future agenda items are to be considered. For ceremonial items placed on Council agendas, ceremonial resolutions are subject to final approval by the City Council, and proclamations and certificates are subject to final approval by the Mayor or Mayor Pro-Tem, in the absence of the Mayor.

RULE 8. 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 of the Councilmembers present the ordinance, resolution, motion, or other measure is permanently defeated for that meeting and shall not be debated.

RULE 9. 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 rule 9 or to table, or other such procedural matter) shall reduce the same to writing or request the City Clerk to do the same. If a motion be made by any member of the Council in writing and filed with the presiding officer, it shall still require a second.

RULE 10. Voting

Except as otherwise provided by law, in accordance with the City Charter, or these rules, all action required of the City Council shall be made in the following manner:

1. For Resolutions, Motions, the Approval of Ordinances and other actions not otherwise provided for: Such actions shall be made by an affirmative vote of four (4) members of the Council present at such Council meetings. (Charter 3.12A, for Ordinances)
2. Notwithstanding Rule 9-1 above, during the first reading of an ordinance, the Council may determine that the first reading is sufficient for adequate consideration. A motion for first and only reading of an ordinance may be made and passed upon the affirmative vote of five (5) or more members of the City Council. The City Council may then proceed to vote, pass, and adopt the ordinance on the first reading by an affirmative vote of four (4) members of the Council present at such Council meetings. (Charter 3.12A)

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.

RULE 11. Public Comment and Public Testimony

1. A **Public Comment** period will be provided at each regular meeting of the City Council to allow for members of the public to participate and speak to the City Council **on any topic that is not on the meeting agenda**. A **Public Testimony** period will be provided at each meeting of the City Council to allow members of the public to participate and speak to the City Council **on any topic that is on the meeting agenda**, prior to any vote on the matter up for consideration.
2. Sign-in forms and information regarding how members of the public may participate and speak during Public Comment and Public Testimony will be made available to the public as they enter the room where the public meeting will be conducted. The sign-in form will provide and any person Submitting a sign-in form must indicate on the form how they wish to participate by indicating whether they wish to speak, whether they desire a written statement (provided with, or included on the sign-in form) be read, or whether they wish their support or opposition to an item being considered be announced at the meeting. **Members of the public who wish to participate in Public Comment must**

complete a sign-in form and turn it into the City Clerk before the period provided for Public Comment is called for consideration by the presiding officer. Members of the public who wish to participate during the Public Testimony period provided for any item on the agenda must complete a sign-in form and turn it into the City Clerk before the item they wish to participate in is called for consideration by the presiding officer. Only those persons that follow this procedure are entitled to participate during the Public Comment and Public Testimony periods of any meeting, unless otherwise recognized by the presiding officer.

3. Public Comment and Public Testimony shall not be used for public criticism of any person and shall be used only to address the City Council. It may include public criticism of the city, the governing body and include any act, omission, policy, procedure, program or service. However, any statement that is otherwise prohibited by law, including common law claims of slander, are prohibited. Speakers shall always be respectful and shall not conduct themselves out of order. Speakers shall not disobey lawful instructions from the presiding officer or his or her designee. Any member of the public interrupting City Council proceedings, approaching the dais without permission, fail to abide by these rules of procedure, or otherwise create a disturbance shall be deemed guilty of disrupting a meeting (Section 42.05 of the Texas Penal Code, Class B Misdemeanor) and, at the direction of the presiding officer, shall be removed from Council Chambers.
4. Any person who addresses the City Council through a translator during periods provided for Public Comment or Public Testimony shall be provided twice the amount of time as a member of the public who does not require the assistance of a translator in order to ensure that non-English speakers receive the same opportunity to address the City Council as English speaking members of the public.
5. Rules regarding Public Comment:
 - A) ***Public Comment is for non-agenda items.*** Any person desiring to address the City Council shall have a reasonable opportunity to be heard at all regular meetings of the City Council in regard to ***any item not on the agenda*** during the Public Comment portion of the meeting.
 - B) The City Council may not discuss or comment upon any matter not on the agenda that is raised during Public Comment other than to request that the matter be placed on a later agenda, to respond with a statement of specific factual information, to ask staff to recite the governmental body's existing policy on the issue, to direct the person making the inquiry to visit with staff about the issue, and request the item be placed on a future agenda.
 - C) The presiding officer shall routinely provide three (3) minutes to each person who desires to speak but may provide no less than one (1) minute and no more than five (5) minutes to each person addressing the City Council. The amount of time provided to each person during Public Comment, if altered by the presiding officer, shall be announced by the presiding officer prior to recognizing persons to speak and shall be objectively applied to all persons speaking during Public Comment. The presiding

officer shall consider the length of the agenda, the items to be considered, the number of people who elected to address the City Council, and any other reasonable factor in determining the appropriate amount of time for Public Comment at each meeting.

- D) Persons who desire to speak may, **prior to the meeting**, “yield time” to allow another person who also desires to speak, to speak on their behalf by indicating the desire to yield time, and to whom, on their sign-in form; however, any yield of time shall only extend a period to speak by one minute and no person shall be allowed to speak for more than three additional minutes, regardless of the number of persons willing to yield time to the person speaking. Persons may not yield time after the meeting is called to order.
- E) The Public Comment portion of the meeting shall be limited to a 30-minute period of time, unless a Motion is made and seconded to extend the time for Public Comment for a period of time stated in the motion and a majority of the City Council approve the Motion.

6. Rules regarding Public Testimony:

- A) **Public Testimony is for Agenda Items.** Any person desiring to address the City Council shall have a reasonable opportunity to be heard at any meeting of the City Council in regard to **any item on the agenda** either before or during the Public Testimony period provided for that item before the City Council considers action on the item.
- B) The City Council is not required to, but with the permission of the presiding officer, and after the testimony is concluded, may ask questions of a person offering public testimony during the Public Testimony period because the matter is on the agenda for discussion; however such discussion must remain within the scope of the item on the meeting agenda.
- C) The presiding officer shall routinely provide three (3) minutes to each person who desires to speak but may provide no less than one (1) minute and no more than five (5) minutes to each person addressing the City Council. The amount of time provided to each person during Public Testimony, if altered by the presiding officer, shall be announced by the presiding officer prior to recognizing the first person to speak and shall be objectively applied to all persons speaking during Public Testimony for that item. The presiding officer shall consider the length of the agenda, the items to be considered, the number of people who elected to address the City Council, and any other reasonable factor in determining the appropriate amount of time for Public Testimony at each meeting.
- D) Persons who desire to speak may, **prior to the meeting**, “yield time” to allow another person who also desires to speak, to speak on their behalf; however, any yield of time shall only extend a period to speak by one (1) minute and no person shall be allowed to speak for more than three (3) additional minutes, regardless of the number of persons willing to yield time to the person speaking. Persons may not yield time after the meeting is called to order.

RULE 12. Order of Business (Charter 3.11B)

The normal order of business before the City Council in any regular meeting of the City Council shall be as follows:

1. Call to order
2. Invocation
3. Pledge of Allegiance to the US and Texas Flags
4. Roll Call
5. Administration of oaths and election of officers
6. Proclamations and Certificates
7. Public Comments
8. Consent Agenda
9. Workshops
10. Presentations
11. Public Hearings
12. Regular Agenda
13. Executive Sessions
14. Staff Reports
15. City Manager's Report
16. City Councilmember requests for future agenda items
17. Adjournment

As presiding officer of the City Council, the Mayor may call items out of order to effectively and efficiently carry out the business of the City, unless a member of City Council objects thereto, in which circumstance, the normal order of business shall ensue.

RULE 13. Suspension of rules of procedure

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.

RULE 14. Rules of Procedure

The motions and meeting procedures set forth herein are to guide Councilmembers during meetings. Any errors or omissions by the Council or one or more Councilmembers to follow this procedure during any such meeting shall not invalidate the action or constitute the action to be illegal. Any motions or meeting procedures not expressly defined in this section or any procedures as set forth within the City Charter shall be determined by the presiding officer, so long as they are consistent with State law.

1. Motions. After a Councilmember obtains the floor, he/she may make a motion on the particular subject of discussion or a procedural point as permitted. A “Second” to the motion, if required, must be made by another Councilmember within a reasonable but brief time period. A “Second” merely implies that the seconder agrees that the main motion should come before the meeting and not that he/she necessarily favors the motion. Without a “Second”, if required, the motion dies.
2. Debate. Debate, if permitted, must be limited to the merits of the issue under discussion as stated by the presiding officer.
3. Motion Procedures. There are eleven (11) types of motions in three (3) categories: Meeting Conduct Motions (4 types), Disposition Motions (6 types), and Main Motions. When any motion is pending, any motion listed above it on the chart below is in order; those below it are out-of-order.

Motion	May Interrupt Speaker	Second Required	Debatable	Amendable	Resolved by Chair No Vote	Affirmative Vote by Majority	2/3 Vote
A. Meeting Conduct Motions							
1.point of privilege	yes	no	no	no	yes	no	no
2.point of procedure or order	yes	no	no	no	yes	no	no
3.to appeal a ruling	no	yes	yes	no	no	yes	no
4.to recess	no	yes	yes	yes	no	yes	no
B. Disposition Motions							
5.to withdraw	yes	no	no	no	yes	no	no
6.to postpone	no	yes	yes	yes	no	yes	no
7.to refer	no	yes	yes	yes	no	yes	no
8.to amend	no	yes	yes	yes	no	yes	no
9.to limit; extend or close debate; or to “call the question”	no	yes	yes	yes	no	no	yes
10.to count the vote	no	yes	no	no	no*	no	no
C. Main Motions							
11.to take action or reconsider action taken	no	yes	yes	yes	no	yes**	no

* Mandatory if seconded; no vote required

** Unless a greater vote is required by the Charter or State law

4. Point of Privilege. A point of privilege, sometimes called a point of personal privilege, is a communication from a Councilmember to the presiding officer, drawing urgent attention to a need for personal accommodation. For example, the point may relate to an inability to see or hear, a matter of comfort, a matter of requested convenience, or an overlooked right of privilege that should have been accorded to the

Councilmember(s). In essence, it is a call to the presiding officer for the purpose of assuring a Councilmember's convenient and appropriate participation in the meeting. Because of its urgent nature, a point of privilege can interrupt a speaker. Because it is addressed to the attention and action by the presiding officer, it cannot be debated or amended, and no vote is required.

5. Point of Procedure or Order. A point of procedure, sometimes called a point of order, is a question addressed to the presiding officer, no seconding is required, and either inquiring into the manner of conducting business or raising a question about the propriety of a particular procedure. It is simply an inquiry and is resolved by correction or clarification by the presiding officer. A point of procedure can interrupt a speaker. Because it is addressed to the attention of and action by the presiding officer, a second is not required, and it cannot be debated or amended, and no vote is taken.
6. To Appeal a Ruling. Decisions or rulings of the presiding officer are final on questions of procedure, except that any ruling by the presiding officer's ruling can be appealed to a vote of the Council. Whenever a Councilmember questions the appropriateness or essential fairness of the presiding officer, that member can appeal the ruling to a vote of the meeting. If, however, a motion is out of order as a matter of law (not a proper subject of the meeting, improper notice given etc.), the presiding officer's ruling cannot be appealed. A motion to appeal cannot interrupt a speaker. To prevent frivolous appeals, a second is required. The motion is subject to debate (which should be brief) and, by its nature, is not amendable. To overrule a procedural decision of the presiding officer, an affirmative vote of a majority of the Council is required.
7. To Recess. A motion to recess requests a brief interruption of the meeting's business, usually so that an ancillary matter can be addressed, or simply to provide a needed break. Unless stated in the motion, the period of recess is decided by the presiding officer. If necessary, a recess can extend the meeting from one day to another, subject to State law. The motion cannot interrupt a speaker, and a second is required. It is debatable, it can be amended, and an affirmative vote of a majority of the Council is required.
8. To Withdraw. Only the maker of the motion can make a motion to withdraw it. It is essentially a communication to the presiding officer that the maker is withdrawing his/her proposal. This is the maker's privilege; thus, it does not require a second. Because the withdrawal motion obviates discussion, it can interrupt a speaker. In addition, because another Councilmember later can make a similar motion, a withdrawal motion is not subject to debate, amendment, or vote. The presiding officer should simply state that the motion is withdrawn, and the meeting should proceed with a new treatment of the issue at hand – or a new issue.
9. To Postpone. This motion may arise from a need for further information, a matter of convenience, or for any other reason that will enable the Council to deal with the issue more effectively at a later time. Unless otherwise specifically provided in the motion

itself, a postponed motion can be renewed at a later appropriate time during the meeting or, if properly posted, at a later meeting. This motion cannot interrupt a speaker. It requires a second, it is debatable, and it is amendable (particularly as to postponement, timing), and an affirmative vote of a majority of the Council is required.

10. To Refer. A motion to refer is typically used to submit an issue to a committee, usually for study leading to a subsequent recommendation. Because it ordinarily disposes the motion for purposes of the current meeting, a motion to refer is subject to the same rules that apply to a main motion. This motion cannot interrupt a speaker, and a second is required. It is debatable and amendable, and an affirmative vote of a majority of the Council is required.
11. To Amend. A motion to amend proposes a change in the wording of a motion then under consideration. When a motion to amend is pending and an amendment to the amendment is proposed, the presiding officer should focus discussion on the latest amendment, resolve that question, then proceed to the first amendment before continuing discussion on the main motion. Votes on amendments thus are in reverse order of the sequence in which they are proposed. A motion to amend cannot interrupt a speaker. It requires a second, and it is debatable and amendable. An affirmative vote of a majority of the Council is required for approval of the amendment. Note that State law may restrict amendments to proposals that are required to be set forth in the notice of the meeting.
12. To Limit, Extend, or Close Debate or "Call the Question". Because the extent to which an issue is discussed rests primarily with discretion of the presiding officer, it is the presiding officer who carries the burden of ensuring that adequate time and discussion are given to differing points of view. A motion to limit, extend, or close debate is therefore an overruling of the presiding officer's determination. A motion to close debate is the same as a motion to "call the question". Because this motion affects the most fundamental right of any Councilmember, the right to speak one's views, it is the only procedural motion that requires an affirmative vote of two-thirds of the participants voting.
13. To Count the Vote. A motion to count the vote should be limited to those circumstances where the convenient hearing of "yeas" and "nays" cannot clearly resolve the issue. It represents the right of a Councilmember to have a vote demonstrated by count. That count can be directed by the presiding officer either as a showing of hands or a standing of voting members while the vote is recorded. Upon completion of the count, the presiding officer announces the result-and final disposition of the issue voted upon. This motion cannot interrupt a speaker. It requires a second; it is neither debatable nor amendable; and, because of the importance of the matter, it should be considered mandatory; thus, no vote is required.
14. To Take Action or Reconsider an Action; Main Motions. These main motions state proposed policy or action on a substantive issue being considered by the Council. As

such, the motion can be an initial call to take particular action; to reconsider action taken; or to rescind a prior decision. Although lowest in precedence among all motions, main motions are clearly the most important: through their content, the business decisions of the Council are determined. A main motion can be made only when a prior main motion has been disposed of. It cannot interrupt a speaker; a second is required; it is debatable and amendable; and an affirmative vote of a majority of the Council is required unless a greater vote is prescribed by the Charter or State law.

15. Availability. These Rules shall be printed on 8.5 x 11-inch paper, double-sided, laminated, and placed at each seat provided for all elected and appointed City Officials to be available for reference and use at each meeting.