

Fourth Draft

Council Decorum and Procedures Policy

Section 1. Council Meetings – Location

- a. The Regular Meetings and Work Sessions of the City of Madisonville City Council shall be held in the City Hall, 210 W. Cottonwood, Madisonville, Texas.
- b. Meetings for special occasions may be held at other locations as determined by the Mayor / Council.

Section 2. Council Meetings / Work Sessions – Date / Time

- a. The City General Law stipulates that the Council shall hold at least one regular meetings in each month at a time to be fixed by the Council for such regular meetings and may hold as many additional meetings during the month as may be necessary for the transaction of the business of the City.
- b. The schedule currently in effect requires that the Regular Meetings of the City Council be held on the second Monday of every month at 6:00 PM. Or if second Monday falls on a holiday observe by the City the meeting will be the following day.
- c. Special Meetings may be called by the Mayor, or at least three (3) members of the Council. Following procedure at least three (3) Council member's would independently make a written request with the City Secretary for a special called meeting
- d. At the discretion of the Council, a meeting may either be canceled or changed to another date.

Section 3. Open to the Public

- a. All meetings of the City Council of the City of Madisonville City shall be open to the public, except as provided for in the Texas Open Meetings Act.

Section 4. Executive Sessions

- a. Executive Sessions may be held for only those matters that are provided for in the Texas Open Meetings Act. Basically, Executive Sessions fall into one of four (4) categories: 1). Consultation with Attorney relating to contemplated or pending litigation, 2). Acquisition or sale of real estate, 3). A personnel matter involving an individual employee of the City, and 4). Deliberations about security devices.
- b. Decisions resulting from Executive Session deliberations must be made in an open session following the closed meeting.

c. Information discussed in Executive Sessions is to remain confidential and may be released only upon the order of a court of competent jurisdiction.

d. The notice posting time requirements for an Executive Session are the same as those for a regular meeting, and the subject matter to be discussed is to be

described on the notice, together with a reference to the specific section of the Texas Open Meetings Act that applies.

Section 5. Presiding Officer

a. The Mayor shall be the presiding officer at all meetings of the City Council, and shall be recognized as the head of the City for all ceremonial purposes.

b. In case of the Mayor's absence or temporary disability, the Mayor Pro Tem shall act in his or her behalf.

Section 6. Council Standards

a. Public officials are agents of the public, and hold office for the benefit of the public. Each member of the City Council is bound to uphold the Constitution of

the United States and of the State of Texas, to carry out applicable laws and the provisions of the City and Ordinances of the City of Madisonville City on an impartial basis.

b. Each elected official is bound to observe in his/her official acts the highest standards of morality and to discharge faithfully the duties of the office regardless of personal considerations, recognizing that the public interest must be their primary concern.

c. Councilmember's should be independent, impartial and responsible to the citizens, and public office shall not be used for personal gain.

d. The conduct of each member in both their official and private affairs should be above reproach.

e. Councilmembers must represent unconflicted loyalty to the interest of the citizens of the entire City. This accountability supercedes any conflicting loyalty,

advocacy or special interest group, or any individual, or membership of (or affiliation with) any company or other private or public organization.

Section 7. Council Etiquette

a. Councilmembers are to provide advance notice to the City Secretary's office in advance of an impending absence, unless the absence is attributable to a

sudden unanticipated event. This information is necessary in order for the staff to determine in advance whether a quorum will be available for a meeting.

- b. Councilmembers are expected to attend all regularly scheduled Council Meetings, Work Sessions and Executive Sessions, and to be in their seats by the time that the meeting is scheduled to start.
- c. The Mayor is in charge maintaining order in Council meetings.
- d. The Mayor shall be addressed as "Mayor (Surname)", "Your Honor", or "Mr./Madam Mayor". The Mayor Pro Tem and other councilmembers shall be addressed as "Mayor Pro Tem (Surname)" or "Councilmember (Surname)".
- e. Speaking over others or interrupting while others have the floor is not permitted.
- f. Cell phones and pagers should be turned off or shall be set to vibrate during meetings.
- g. If Councilmembers must take a call during a meeting, the call should be taken outside of the meeting room so as to not distract from the proceedings of the meeting, unless doing so would cause the Council to fall below a quorum.
- h. After the Council has taken an official position on an issue, all official correspondence should reflect this position. Councilmembers who may disagree with a correspondence should reflect this position. Councilmembers who may disagree with a position taken by the Council are free to prepare correspondence on such issues identifying the information or opinions as solely their own. No staff support or City letterhead will be used in such instance.
- i. Members of the Council should not become or appear to be an advocate of one City operation. The appearance of favoritism or undue focus on one City operation should be avoided.
- j. No official shall be empowered to grant any special consideration, treatment, advantage or favor to any individual, group, company or organization beyond that which is generally available to the public at large.
- k. No official should make, encourage or accept any ex-parte or other unilateral request or communication, when such is designed to influence official decisions.
- l. Councilmembers should remember that they are only one individual member, and discretion should be used when speaking on issues, and they should refrain from making individual statements that give the appearance of advocacy whenever issues are brought before Council for which the full array of relevant facts has not yet been accumulated and evaluated.

Section 8. Duty to Perform / Conflict of Interest

- a. It is considered that by seeking and accepting public office, each Councilmember is bound to perform the inherent duties of his/her office, one of the foremost of which is to vote on every issue that is brought before the Council for a vote.
- b. An exception to the duty to vote would be in the case of a conflict of interest. In such case, the abstaining Councilmember shall have the right to explain for

- the record the nature of the conflict of interest.
- c. Abstentions from voting without declaring a conflict of interest are unacceptable.
 - d. Each Councilmember shall maintain a current statement regarding actual and potential conflicts of interests, as required by law, with the City Secretary.
 - e. Councilmembers shall disclose orally prior to the discussion and action of any agenda item any actual conflicts of interest that exist with that item.
 - f. Councilmembers shall not participate in the discussion or vote on any agenda item in which the Councilmember has any conflict of interest.

Section 9. Role of Council / City Manager

- a. The City Council's role is to establish policies and priorities within the terms of the City and applicable State and Federal Statutes.
- b. The City Manager is responsible for directing and managing the daily operations of the City government.
- c. The City Manager is responsible to the City Council as a whole rather than to individual Councilmembers, Mayor, City Attorney, City Secretary, Municipal Judge or Chief of Police. No individual Councilmember has the authority to direct the City Manager or any member of his/her subordinate staff.
- d. In the event that Councilmembers are approached by City Employees concerning City issues, those employees should be referred to the appropriate employment chain of command, unless the item is of such a nature that doing so would frustrate the purpose of the chain of command, in that event the item shall be directed to the City Manager. If the Councilmember believes that bringing the matter to the City Manager is unwarranted then he shall discuss further action with the City Attorney.
- e. The City Manager shall determine if information requested by individual Councilmembers requires resources that would be detrimental to other priorities, and shall decide whether the request shall be granted.
- f. Any information or material that the City Manager or his/her staff prepares in response to a request by a single Councilmember shall be made available to the entire Council.
- g. Councilmembers who wish to request information or services, or submit complaints about City operations, should present such requests/complaints through the City Manager.

Section 10. City Attorney's ,City Secretary's and Municipal Judge Relationship to Council

- a. The City Attorney, City Secretary and Municipal Judge are accountable to the City Council as a body, not to any individual member or group of members, nor

the Mayor, City Manager, Municipal Judge or Chief of Police.

Section 11. Agenda Posting Time

a. Agendas must be posted at designated locations in clear public view at entryways at the City of Madisonville, City Hall at least seventy-two (72) hours in advance of the time of the meeting to be in compliance with the Texas Open Meetings Act.

b. A meeting is defined as any deliberation relating to a City matter by a quorum of Councilmembers. Which in our case is three (3) individuals

c. An emergency meeting requires only two (2) hours advance posting, and the issue that constitutes an emergency must be described on the Agenda.

Emergency must meet requirements as defined by law

Section 12. Who May Place Items on the Agenda

a. Items may be placed on the Agenda either by the Mayor, the City Manager, the City Attorney, or as directed by future agenda items

b. All requests for Agenda items should be submitted to the City Manager's office in order for proper processing and accumulation of supporting material.

Section 13. Agenda Packets

a. The City Secretary, under the direction of the City Manager, shall prepare a packet for each member of the Council containing a copy of the Agenda together with supporting material for each item to be considered by the Council.

b. Such packets shall be placed at residence of or personally delivered to each Councilmember in advance of the time of the meeting. Each Councilmember should obtain his/her packet prior to the meeting, and review all of the material contained therein to enable an informed decision to be made on each issue that is considered.

c. If any Councilmember has questions about any information contained in the packet, he/she should speak with the City Manager, who will answer questions and provide any additional information that is available. Items from Planning & Zoning that require Council action to be made available at least seven (7) days in advance of Council meeting.

Section 14. Action on Agenda items

a. The procedure for presenting Agenda items for consideration is for the Mayor to read the item on the Agenda and then call for a motion.

b. At his/her discretion, the Mayor may wish to explain the issue, or call upon a staff member or another person with unique knowledge of the issue to do so.

This will primarily be done when the issue is either complicated, was not adequately covered in the Work Session, has substantial financial implications, or is otherwise one of significant public interest.

- c. If a motion is not made, the Mayor shall announce, that the matter dies for lack of a motion.
- d. If a motion is made, a second may be volunteered by any Councilmember.
- e. If a second is not forthcoming, the Mayor shall inquire as to whether there is a second.
- f. If a second is not made, the Mayor shall announce that the motion dies for the lack of a second.
- g. If a second is received, the Mayor shall ask if there any questions, and all questions or discussion on the issue shall be concluded prior to voting.
- h. If, in the opinion of the Mayor, excessive time is being consumed by questions or discussion, or if the dialogue is redundant or not germane to the issue, the Mayor may limit or close discussion. Like wise, any member of the Council may call upon the Mayor to intervene in such case.
- i. If there are no questions or further discussion, the Mayor shall then call for a vote.
- j. Once the vote has been taken, no further questions or discussion on the issue shall be allowed except at the discretion of the Mayor.
- k. The Mayor may call a recess at any time during a meeting.

Section 15. Vote of Council

- a. Normally a majority of Council is required for approval of an issue.
- b. Failure of a Councilmember, who is in attendance, to cast a vote on an item shall be deemed to cast a "no", or "against", as the context requires.

Section 16. Councilmember Inquiries, Complaints or Comments

- a. Councilmembers shall not comment, deliberate or discuss any item that is not on the agenda.
- b. Individual Councilmembers during a Council meeting should not make routine inquiries about City operations or requests for information or services in a City meeting, but any such inquiries or requests should be communicated directly to the City Manager, or to the City Attorney in the case of a legal matter, or to the Chief of Police in the case of a Police Department issue, to enable staff to properly research/investigate the issue and prepare a complete and appropriate response.
- c. Requests for legal opinions, research or other legal information or action should be requested of the City Attorney either through the Council as a body, or the

Mayor, or at least three (3) members of the City Council, or the City Manager or the Chief of Police.

Section 17. Citizen Requests for Placement of Items on the Agenda

- a. Citizens who wish to place an item on the Agenda must submit a written request to the City Secretary's office by no later than 5:00 PM on the Monday afternoon preceding the City Council meeting the following week.
- b. The requesting party must describe in the request the subject matter about which the requestor is interested to enable staff advance time to research the matter and accumulate facts relevant to the issue for the City Council.

Section 18. Citizen Appearances Before Council

- a. Members of the public may address the council, as recognized by the Mayor, in the citizen communication section of the agenda.
- b. Every person addressing the Council shall step up to the lectern, shall state their name, address, and subject of their comments in an audible tone of voice for the record.
- c. All comments or questions from a member of the audience shall be directed to the Mayor.
- d. The Mayor must recognize the requesting party before the party shall be allowed to speak.
- e. The speaker shall be limited to (3) three minutes.
- f. Only business directly related to City matters shall be addressed.
- g. Matters of a personal nature shall not be a part of any discussion. If the Mayor decides that the comments are not relevant, or that they are redundant, discourteous or abusive, he/she may order the speaker out of order, and direct the speaker to modify his/her comments, or direct the speaker to refrain from speaking, or take other steps that he/she deems necessary to ensure the efficient and orderly conduct of the Council's business.
- h. Whenever a citizen or group appears before the Council with a complaint or a request for services or information, the matter shall be referred to the City Manager/City Attorney or Chief of Police for a response.
- i. The Mayor may request a limit to discussion on group issues to a person designated by the group, or if more than one person is allowed to speak the Chair may impose a time limit on each speaker.
- j. Unless approved by the Mayor, comments or questions by a member of the audience shall not be directed to a party who is addressing the Council.

Comments or questions directed to another member of the Council or staff by a member of the audience shall not be permitted unless approved by the Mayor.

k. Discourteous, personal or disruptive comments or behavior by any individual or group shall not be permitted, and the Mayor may direct any such individual or group to leave the room unless such activity immediately ceases when directed to do so by the Mayor.

Section 19. Appointment of Board / Committee Members

a. The Council shall have the discretion to appoint various members of the public to appoint any boards and/committees.

Section 20. Ordinances

a. An ordinance is the most authoritative form of action the Council can take. An adopted Ordinance becomes an establish rule of law of the City and remains in effect until otherwise rescinded or amended by the Council.

b. All proposed Ordinances must be either drafted by, or approved by, the City Attorney.

Section 21. Resolutions

a. Resolutions are acts of a relatively permanent nature and remain in effect until rescinded or amended by council. Generally, resolutions implement or carry out the terms of an Ordinance, provide a statement of policy, or express Council's opinion on a public matter. Resolutions shall be in written form, but need not be published. Resolutions shall be drafted by, or pre-approved by, the City Attorney.

Section 22. Motions

a. A motion refers to a formal proposal by a Councilmember that the Council may take action upon. Motions are generally introduced by voice.

Section 23. Work Sessions

a. Work Sessions of the Council are held as scheduled by City Council.

b. A quorum is required at Work Sessions. The Texas Open Meetings Acts prohibits deliberation upon any issue that is not on the Agenda.

c. As in the case of Regular Meetings, all comments shall be directed to the Mayor, and all decorum and procedural issues that apply to Regular Meetings shall also apply.

d. Any requests for additional Agenda items shall be handled pursuant to Sections 13 & 18.

e. The purpose of the Work Sessions is to allow council to have a forum for an informal review of items of general interest to the City.

f. A copy of the Agenda and a packet of supporting material shall be placed at the Residence of, or delivered to, each Councilmember at least seventy-two (72)

hours prior to the Work Session. Each Councilmember is encouraged to obtain his/her packet in advance to enable an informed and meaningful review of each issue to be acted upon.

Section 24. Violations of this Policy

a. Whenever the Mayor or another member of the Council perceives that this policy is being violated, a point of order may be called. The Mayor shall rule on

whether a violation has occurred, and shall take whatever steps that he/she deems appropriate to remedy any such violation.