RESOLUTION NO. 1308

A RESOLUTION OF THE CITY OF KYLE, TEXAS, AMENDING RESOLUTION NUMBER 1273 AND RESTATING THE CITY OF KYLE RULES OF CITY COUNCIL, PROVIDING FOR MEETINGS, AGENDA, COUNCIL PROCEEDINGS, RECONSIDERATION OF AGENDA ITEMS; PARLIAMENTARY PROCEDURE, DEBATE, DECORUM, AND CITIZEN PARTICIPATION AT MEETINGS; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS

Whereas, Article III of the Kyle City Charter provides that City Council may determine and define the rule of its proceedings and require certain decorum it deems necessary to property transact the business of the city; and

Whereas, the Mayor and City Council have now reviewed and agree upon certain amendments to the *Rules of City Council* to amend rules and procedures herein.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS, THAT:

Section 1. Findings. The recitals herein are found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Authorization. The *City of Kyle Rules of City Council*, a copy of which is attached hereto marked "Exhibit A" and made part of this Resolution are hereby approved and adopted as written, and replaces the previously adopted rules contained in Resolution No. 1273.

Section 3. Effective Date. This Resolution shall take effect from and after the date of its passage as authorized by the Charter of the City of Kyle and shall expire upon the first regular scheduled city council meeting where any Councilmember is seated to fill an expired term.

Section 4. Open Meetings. That it is hereby found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Texas Local Government Code.

FINALLY PASSED AND APPROVED on this 7th day of June, 2022.

THE CITY OF KYLE, TEXAS

Travis Mitchell, Mayor

ATTEST:

Jennifer Holm, City Secretary

CITY OF KYLE

RULES OF CITY COUNCIL

Effective immediately following adoption of these rules, the following rules, regulations, and bylaws will be adhered to by the Kyle City Council. They shall remain in effect unless otherwise changed by formal approval by City Council. Such action is authorized and is in keeping with **Kyle City Charter**, Article III, Section 3.05, which states in part, that the City Council may determine the rules of its proceedings. These Rules shall be reviewed annually or in the meeting following the seating of a new Councilmember.

A. MEETING – Four types of meetings are recognized:

1. **Regular Meetings** will be held on the first and third Tuesday night of each month. Unless determined otherwise by majority vote of the City Council, such meetings will be held at the City Hall in the Council Chambers commencing at 7:00 p.m.

2. **Special Meetings** are subject to call by the Mayor or City Manager. Except in unusual circumstances, these meetings will be held at the City Hall at a stated time. The purpose of such meeting is to act upon matters that should not be delayed until a Regular Meeting. Minutes of such meeting will be maintained as a Special Meeting.

3. **Workshop Meetings** are subject to call by the Mayor, City Manager, or Councilmember, subject to a majority will. The time, place and purpose will be stated at each instance. The purpose of such meeting shall be to discuss in-depth or to explore matters of interest to the City. A Workshop Meeting Agenda shall not include any action item.

4. **Emergency Meetings** are to be held pursuant to Section 551.045 of the Texas Government Code.

B. AGENDA – The following stipulations relate to the Agenda for Meetings of the Council:

1. All Councilmembers may submit up to but no more than three (3) agenda items to the Mayor or City Manager. Agenda items must be requested by email and must be submitted to the Mayor or City Manager prior to 8:00 a.m. on the Thursday before the next regular City Council meeting. Items to be added to a special City Council meeting, or a workshop, must also be requested by email and must be submitted to the Mayor or City Manager four (4) business days prior to the meeting. The Mayor and City Manager and will generally follow the following format: 1. Presentations and Proclamations 2. City Business 3. Council Business. After Citizen Comments, there shall be an agenda item called "Agenda Order" in which a councilmember may propose changing the order of the posted agenda.

2. In order to ensure that council-requested agenda items are compliant with the Texas Open Meetings Act, emails requesting agenda items should follow one of two formats. A

Councilmember may either write out the specific agenda language, or a Councilmember may write a sufficient description of the subject and the Mayor or City Manager will craft the language. If the Mayor or City Manager believes a request is not sufficiently descriptive to comply with the Texas Open Meetings Act, the Mayor or City Manager shall correspond with the Councilmember in order to rectify the situation. In the event of a disagreement, the Mayor, City Manager, or Councilmember may request an opinion from the City Attorney whose ruling shall be final.

All council-requested agenda items submitted in accordance with Section B.1. and B.2., that pertain to City business and that are not otherwise prohibited from being placed on the agenda by these rules, the City Charter, a City ordinance, or applicable state law, will appear on the agenda for the meeting. In the event of a disagreement regarding whether a council-requested agenda item should appear on an agenda, the Mayor, City Manager, or Councilmember may request an opinion from the City Attorney whose ruling shall be final. The City Attorney's ruling shall be given in writing and shared with the Mayor, City Manager, and City Council. If an item requested by a Councilmember fails to pass by the required vote of the City Council, that same item or one of substantially similar subject matter may not be placed back on the agenda for at least six (6) months from the day of the vote unless the matter is brought back for reconsideration in accordance with Section E.6. After the six (6) month period, any Councilmember may again submit the agenda item to the Mayor or City Manager for Council consideration. The Mayor, working in conjunction with the City Manager, will determine any other business items and for placement on the agenda for consideration of Council for Regular and Special Meetings.

When an individual Councilmember requests that an item be included on the meeting agenda, the City Manager shall not be compelled to conduct any research or preparation for such agenda item. Any request for information relative to said agenda item, other than public records, shall be provided to the Council prior to discussion of such item at the meeting.

3. Agenda materials made available three (3) business days prior to the meeting shall be sufficient notice of items to be discussed to have afforded ample opportunity for all Councilmembers to inquire into the nature of each matter. However, in accordance with sec. 551.043(a) of the Texas Local Government Code, the Mayor, working in conjunction with the City Manager, may modify the posted agenda up to seventy-two (72) hours prior to the meeting.

4. All public meetings will be noticed in accordance with the Texas Open Meetings Act.

C. DAIS

1. Councilmembers shall be seated on the dais in sequential order from left to right by district number with the Mayor seated in the center.

2. Council members shall exercise professionalism with texting, email, or participating in any form of electronic communication while seated at the dais. Council members shall not

text, email, or participate in any form of electronic communications with other council members while seated at the dais.

D. COUNCIL MEETING PROCEEDINGS – These procedures shall apply to all meetings of the City Council.

1. **Chair** – The Mayor shall be the presiding officer at all meetings of the City Council and have a voice in all of its proceedings. In event of the absence of the Mayor, the Mayor Pro Tem shall be the presiding officer. In the event of the absence of the Mayor and Mayor Pro Tem, the Mayor may designate a Chair from the members of Council to preside over the meeting.

2. **Roll Call** – The presiding officer shall take the Chair at the hour appointed for Council to meet and shall immediately call the City Council to order. The roll shall then be taken by the City Secretary, who shall enter in the minutes of each meeting the names of members present.

3. **Addressing the Chair** – Councilmembers shall speak in Council Meetings only upon being recognized by the Mayor or Chair, whose recognition shall not be withheld. A Councilmember shall signal his or her request for recognition by raising his or her hand.

4. **Voting** – All members of the Council present shall vote upon every issue, subject or matter properly before the Council and requiring a Council vote; provided that, if any member of the Council has a conflict of interest that fact shall be stated in the minutes and such member shall abstain from discussion and voting on the issue. Additionally, if any member of the Council abstains from a vote, that member shall immediately fill out an affidavit with the City Secretary stating the conflict of interest or other reason requiring the abstention. No ordinance, resolution, order, action, matter or issue, shall be passed, approved, adopted, taken or consented to except by a majority vote of the members of Council present and voting, and not less than four (4) affirmative votes shall be required to pass, approve, adopt, take action on, or consent to any ordinance, resolution, action, matter, issue, or motion (*Kyle City Charter, Article III, Section 3.08)*, except for canvassing an election, in accordance with Texas Election Code Sec. 67.004.

5. **Recordation of Vote** – At the discretion of the Mayor or Chair, any vote on a qualifying motion may be recorded by either a simultaneous voice vote of Councilmembers or by individual roll call. A roll call vote shall be taken and duly recorded upon request by any member of Council.

6. **Attendance** – No member shall be excused from attendance at a Council meeting except by a vote of a majority of the members present.

E. PARLIAMENTARY PROCEDURE – In conducting all meetings of City Council, it shall be Council's intent to generally follow Robert's Rules of Order and the following commonly used procedures:

PARLIAMENTARY QUESTIONS, MOTIONS AND THEIR PRECEDENCE:

	Debatable	Amendable	A Majority Vote (of those present)
To adjourn	No	No	No
To take a recess	No	Yes	Yes
For the previous question	No	No	Yes
To continue to a time certain	Yes	Yes	Yes
To amend	Yes	Yes	Yes
To offer a substitute amendment	Yes	Yes	Yes
To postpone indefinitely	Yes	No	Yes
To table	Yes	No	Yes
To adjourn to Executive Session	Yes	Yes	Yes
To reconvene to Regular Session after Executive Session	No	Yes	Yes

1. **Opening an Item for Discussion** – To initiate discussion, the Mayor or Chair shall introduce an agenda item, in most cases by reading or summarizing the heading of the proposed legislation. After the Mayor or Chair has introduced the agenda item, the item will be brought forward for discussion. Council members shall then adhere to the procedures defined herein for general discussion or debate of the pending item.

   A Councilmember may not be recognized to speak or make motions if no item has yet been properly introduced by the Mayor or Chair.

2. **Discussing an Item Prior to a Motion** – After an item has been properly introduced by the Mayor or Chair, but prior to a motion, the Council shall refrain from debate. Rather, the Council may ask questions or provide factual statements related to the item.

3. **Handing a Motion** – The three steps by which a motion is normally brought before Council are as follows: (a) The Mayor or a Councilmember who has the floor makes the motion; (b) another Councilmember or the Mayor seconds the motion; and (c) the Mayor or Chair states the question on the motion.

When a motion is made, no further discussion will be permitted until the Mayor or Chair receives a second.

When the Mayor or Chair has stated the question, the motion is pending. It is then open to further discussion and debate, if necessary.

4. **Amending a Motion** – Amending a motion that is before Council allows for additional clarification of action pending before Council. After any motion is made and properly seconded, placing it before the Council, the Mayor or Chair shall ask if there are any questions or further discussion, except non-debatable items. If, as a result of the ensuing discussion, the Councilmember who made the motion wishes to amend, add to, and/or clarify his/her motion, he/she shall be permitted to do so before the vote is taken. Upon its proper seconding by a Councilmember or the Mayor, the amended motion may be immediately put to a vote.

5. **Close Debate to Vote** – Debate shall normally be closed after every Councilmember wishing to speak has been given every opportunity to speak and no Councilmember has any additional comments to make. When the debate appears to have closed, the Mayor or Chair shall call for a vote.

6. **Calling the Question** – If a motion or amendment is before the Council, a Councilmember who has the floor may call for the question on any issue by stating "I call the question." The Mayor or Chair may interrupt the speaker to call the question. In either case, if the question is properly called, the Mayor or Chair shall immediately ask for a second, and upon seconding, shall immediately ask for a roll call vote. Passage of the motion to call the previous question shall terminate debate on the original motion, amendment, or amended motion, and the motion which was called shall then immediately be put to a roll call vote.

7. **Point of Order** – At any time during the meeting, a Councilmember may seek recognition from the Mayor or Chair to call a Point of Order and may interrupt to do so. After being recognized, the Councilmember shall explain what Council procedure they believe was not followed. The Mayor or Chair will then rule on the Point of Order by either sustaining or overruling.

   If the Point of Order is sustained, corrective action will be taken by the Mayor or Chair to rectify the situation if possible. If no corrective action can be taken, the Point of Order and ruling will be recorded by the City Secretary in the official meeting minutes. If the Point of Order is overruled, the floor will be given back to whomever had it before the Point of Order and council business shall proceed.

   If the Councilmember who called the Point of Order disagrees with the ruling of the Mayor or Chair, he or she may immediately appeal following the ruling by verbally stating they

would like to appeal. In this case, the Mayor or Chair will ask for a roll call vote of Council and the majority vote shall be the ruling.

Point of Orders must be called immediately after the action in question. If the action has passed and new business is before council, the Mayor or Chair may reject the Point of Order based on timeliness.

8. **Reconsider** – Reconsidering previous Council action enables a majority of Council, within a limited time and without notice (other than notice required by the Open Meetings Act), to bring back for further consideration a motion that has already been voted on. The purpose of reconsidering a vote is to permit correction of hasty or erroneous action, to consider added information or a changed situation that has developed since the taking of the vote, or to bring back a matter that has not received four votes of the City Council either for or against the matter. The motion to reconsider has the following unique characteristics:

    a. For matters that were approved with at least four votes of Council:

        i. The motion to reconsider can be made only by a member who voted with the prevailing side and only at the same meeting the vote to be reconsidered was taken.

    b. For matters that failed to be approved due to four or more Council members voting against the matter:

        i. A member of Council from the prevailing side of the vote (who voted against the matter), can request that the matter be reconsidered at the next regular City Council meeting following the meeting at which the matter failed to be approved.

        ii. The request may be made at the meeting at which the motion failed to pass, or the request may be made in writing and submitted to the City Manager and the City Secretary by 3:00pm on the Thursday before the next regular City Council meeting following the meeting at which the matter failed to be approved.

    c. For matters that have not received four votes of Council either for or against a motion on the matter:

        i. Any member of Council can request that the matter be placed on the agenda for reconsideration. The request may be made at the meeting at which the motion failed to pass, or the request may be made in writing and submitted to the City Manager and the City Secretary by 3:00pm on the Thursday before the next regular City Council meeting following the meeting at which the matter failed to receive four votes.

    d. Reconsideration of a matters under this Section will not be limited to the motion or motions made at the prior meeting.

9. **Ordinances** – If a motion to approve an ordinance passes with a 7-0 affirmative vote on first reading, said ordinance is finally passed unless objected to by a Councilmember or the Mayor. If an objection exists, then the item must be presented subsequently for a second reading.

F. DEBATE

1. **Limit Debate** – By majority vote, the Mayor and Council may agree to limit the duration of debate on any business before it. That agreement must be formalized by Council on a roll call vote.

2. **Assignment of the Floor for Debate** – When a measure is presented for consideration by the Council, the Mayor or Chair shall recognize the appropriate individual to present the case. If the Councilmember who made the motion that is immediately pending claims the floor and has not already spoken on the question, he is entitled to be recognized in preference to other members. When two or more Councilmembers wish to speak, the Mayor or Chair shall select the individual who is to speak first. A motion can be made only by that Councilmember who has been recognized by the Mayor or Chair as having the floor.

3. The Mayor shall not be obligated to recognize any Councilmember for a second comment on the subject or amendment until every Councilmember wishing to speak has been allowed a first comment. Councilmembers shall also have the right to request the floor be yielded to him/her for the sole purpose of asking a question. If the Councilmember requested to yield the floor obliges, then the requesting Councilmember may ask his/her question. The floor will then be transferred back to the originating member.

G. DECORUM

1. **Dilatory & Improper Motions** – It is the duty of the Mayor or Chair to prevent Councilmembers from misusing the legitimate motions merely to obstruct business. Whenever the Mayor or Chair becomes convinced that one or more members are using parliamentary forms for obstructive purposes, he or she should rule that such motions are out of order.

2. Councilmembers shall conduct themselves in a professional manner. No Councilmember shall indulge in personalities, use language publicly offensive, or use language tending to hold a member of the City Council or staff up to contempt. Councilmembers shall not be permitted to accuse (expressly or implied) another Councilmember or staff of violating ethics or statutory laws publicly during a Council Meeting, nor shall Councilmembers be permitted to place items on the agenda to that effect. This section applies to the Mayor, all staff, and all Councilmembers.

3. If a Councilmember is speaking or otherwise transgressing the rules of the Council, the Mayor or any Councilmember may call him/her to order. City Council itself shall, if appealed to, decide the case without debate. If the decision is in favor of the member called

to order, he/she shall be at liberty to proceed, but not otherwise. If determined to have transgressed the rules by a majority of Council, said member may be subject to censure or other such punishment as the Council deems proper and consistent with City Ordinances and the City Charter.

H. <u>CITIZEN PARTICIPATION AT MEETINGS</u> – The following procedures shall be utilized to provide for citizen participation:

1. All citizens attending any Council meeting will have an opportunity to sign the roster.

2. As required by the City Charter, a Citizen Comment agenda item will be placed on the agenda for each meeting of the City Council. The Mayor or Chair shall require that a citizen wishing to speak during Citizen Comment complete and submit a "Public Citizen Comment Form" for the record and submit it to the City Secretary. When properly recognized by the Mayor or Chair, citizens shall approach the podium, state their name for the record, and each person providing testimony will be limited to three (3) minutes for comments, subject to the discretion of the Mayor or Chair.

3. The Mayor or Chair shall ensure that citizen comments are directed to the Mayor and Council and pertain to matters of general importance to the City and its operations. The Mayor shall ensure that members of the City Council and city staff refrain from discussion of matters raised during citizen comment unless the matter is directly related to a properly posted agenda item or otherwise requires a clarification regarding city procedural or ministerial matters. The Mayor and Council may direct staff to engage a citizen at an appropriate time to address a matter raised during the citizen comment period.

4. During Citizen Comment, if a citizen requests that the City Council take action on a matter that requires legislation or other official action of the City Council, the Mayor or Chair shall inform the requestor that a member of the City Council may place an item on a future agenda for consideration by the City Council, in accordance with the provisions of Section B.1. and B.2. of these *Rules of Council*.

5. The Mayor or Chair is responsible for ensuring the orderly conduct of participants during City Council meetings and shall prohibit the use of the citizen comment period to engage in personal attacks, discussion of personnel and employment matters, the use of profanity or ethnic, racial or gender-oriented slurs, or any "disorderly conduct" which violates state or local law.

6. The Mayor or Chair is responsible for ensuring the orderly conduct of participants during City Council meetings and shall ensure that any person providing testimony before the City Council is properly recognized before speaking. The Mayor or Chair shall prohibit any person from engaging in disorderly conduct that interferes with properly recognized testimony or that is otherwise disruptive to the proceedings, including but not limited to audible gestures such as clapping, jeering, shouting and other audible outbursts and visual gestures such as visual displays or other visual communication or actions that interfere with

the orderly conduct of the proceedings. The Mayor or Chair may seek the assistance of law enforcement to restore or otherwise ensure order during City Council proceedings.

7. The Mayor or Chair may recognize a citizen to participate in the discussion of any item of business as listed upon the meeting agenda. The Mayor or Chair of said meeting may ask the citizens present if they wish to speak for or against or as a resource witness regarding any item listed on the meeting agenda. If so, they may be given an opportunity to do so at the proper time when duly recognized by the Mayor or Chair of the meeting. A member of the City Council wishing to engage a citizen during the discussion of an agenda item shall make such a request of the Mayor or Chair who shall have discretion whether to allow said discussion to proceed.

8. If there is no objection from a member of the City Council, the Mayor or Chair may deviate from rules governing *Citizen Participation*, to obtain information necessary for consideration of a matter being deliberated by the City Council.

9. Upon the request of a member of the City Council, the Mayor or Chair shall strictly enforce the rules governing *Citizen Participation*.

I. **<u>COUNCIL ATTENDANCE</u>** – The following rules shall apply to council absences and tardiness and will clarify Section 3.06 and 3.09 of the Kyle City Charter.

1. Attendance at Special Meetings held on the same day as a Regular Meeting shall not be treated as a separate meeting for the purpose of determining absences, whether excused or unexcused, as it relates to Section 3.06 and 3.09 of the Kyle City Charter.

2. Except for the prior point, and consistent with Section 3.06 of the Charter, Council absence at Special Meetings, Workshop Meetings, Emergency Meetings, and Regular Meetings shall only be excused by a majority vote of council.

3. For the purposes of this section, an absence shall be defined as a Councilmember failing to attend the entirety of a meeting. Tardiness shall be defined as a Councilmember failing to be present at roll call or leaving prior to adjournment.

4. Absences and tardiness may, but are not required to, be excused by a majority vote of Council. A Councilmember who wishes to have their absence or tardiness excused should, when possible, inform the Mayor or Mayor Pro Tem prior to the absence or tardiness occurring.

5. While Section 3.06 considers council attendance at all officially called meetings, Section 3.09 shall only be calculated based on Regular Meetings (typically scheduled on the first and third Tuesday of every month).

6. A Councilmember who receives an excused absence for a Regular Meeting shall not have their compensation lowered based on missing that meeting. However, no more than two

(2) Regular Meetings may be excused to prevent a reduction in Council compensation in a fiscal year.

7. Council should not invoke Section 3.06 or 3.09 based on tardiness; however, repetitive unexcused tardiness may be used as the basis for Council action consistent with Section 3.05 of the Kyle City Charter.

J. <u>COUNCIL/STAFF COMMUNICATION</u> – The following rules shall apply to all Councilmembers and the Mayor.

1. As per the City Charter, Council shall not give direction to any member of staff, including the City Manager, but by majority vote of Council at a public meeting.

2. Council shall not make requests for information from anyone except the City Manager, the City Attorney, the City Secretary, an Assistant City Manager, or a Department Head. The request shall be in the form of an email and in all instances the City Manager shall be copied. Whenever reasonable, appropriate staff shall accommodate and respond to Council requests for information in a timely manner (initial response typically in 1-2 business days). To promote fairness and to maintain staff productivity, the City Manager may reduce the timeliness of responsiveness to individual Council inquiries if the volume and nature of the requests are outliers compared to most Council inquiries.

3. Council may ask questions of staff during Council meetings. Council shall avoid giving direction or assignments to staff during meetings except by motion and majority vote. Staff shall not construe any questions or statements from Council as direction, except by motion and majority vote.

4. Council may request and attend meetings with staff – with or without the City Manager present – but only with the knowledge and express permission of the City Manager.