

RESOLUTION NO. 2023-01

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SIMONTON, TEXAS,
ADOPTING RULES AND PROCEDURES RELATED TO CITY COUNCIL
DELIBERATIONS AND PUBLIC COMMENT DURING CITY COUNCIL MEETINGS.**

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WHEREAS, Pursuant to Chapter 22 of the Texas Local Government Code and Chapter 551 of the Texas Government Code, the City Council (the "Council") of the City of Simonton (the "City") may adopt rules related to the procedures by which the Council may conduct its meetings and rules guiding the interaction of the public during meetings of the Council (the "Rules"); and

WHEREAS, the Council has reviewed the Rules attached to this Resolution as Exhibit "A", and finds that the Rules are reasonable and serve the public purpose of allowing the Council to conduct its business in an efficient manner during its meetings; and, **NOW THEREFORE**:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIMONTON, TEXAS:

SECTION 1. THAT the recitals to this Resolution are true and correct and are incorporated herein for all purposes.

SECTION 2. THAT the Rules, attached to and made a part of this Resolution as Exhibit "A", are hereby adopted and made effective immediately upon passage by the Council.

PASSED, APPROVED, AND ADOPTED this 21st day of February, 2023.

FOR THE CITY:



LAURIE BOUDREAUX, MAYOR

ATTEST:

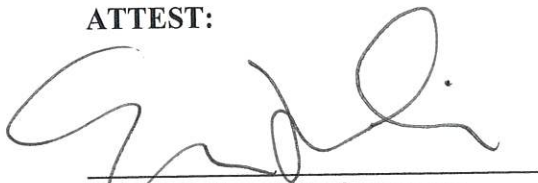

Erica Molina, City Secretary

EXHIBIT A

**City of Simonton Council Rules:
Council Deliberations & Public Comment During City Meetings**

CITY OF SIMONTON CITY COUNCIL RULES AND PROCEDURES

CITY COUNCIL DELIBERATIONS & PUBLIC COMMENTS AT CITY MEETINGS

These rules and procedures (the "Rules") are intended for the City Council (the "Council") of the City of Simonton (the "City"), the citizens of the City, and any attendees of any meeting of the Council. Texas Local Government Code Chapter 22 and Texas Government Code Chapter 551 (together the "Meetings Laws"), authorize the Mayor, Mayor Pro Tempore, or a Council Member to preside over a meeting of the Council. The Meetings Laws also authorize the Council to adopt reasonable rules regarding the public's right to address the Council at a meeting of the Council, including rules that limit the total amount of time that a member of the public may address the Council on a given item at a meeting of the Council. In order to provide the framework for the execution of the authorizations of the Meetings Laws, these Rules shall be in effect upon their adoption by the Council and until such time as they are amended or new rules adopted in the manner provided for by these Rules.

1. **Presiding Officer.** The Mayor shall preside at all meetings of the Council and, except in elections, may vote only if there is a tie. At the first meeting of a new Council, or as soon as practicable thereafter, the Council shall elect one (1) Council member to serve as Mayor Pro Tempore for a term of one (1) year. If the Mayor fails, is unable, or refuses to act, the Mayor Pro Tempore shall perform the Mayor's duties as the presiding officer of any Council meeting. If the Mayor and the Mayor Pro Tempore are absent, any Council member may be appointed as the presiding officer for the Council meeting by a majority vote of the Council.
2. The presiding officer shall preside over any meeting of the Council and enforce these rules and procedures. The presiding officer shall make decisions on questions of procedure, subject to review by the Council as a whole. Following a decision of the presiding officer on a question of procedure, any two (2) Council members may appeal the decision to the Council as a whole by the making and seconding of an appeal.
3. **Substitution for Mayor.** In the case of a conflict or abstention, the Mayor may call the Mayor Pro Tempore, or in the Mayor Pro Tempore's absence, any other Council member to take the Mayor's place as the meeting chair. Such substitutions shall not continue beyond the item or items related to the conflict or abstention, and in no case shall extend beyond the adjournment of the meeting at issue.
4. **Oral Presentations by City Staff.** Matters requiring the Council's attention or action which may have developed since the deadline for delivery of the Council's agenda packets may, upon approval of the Council, and after satisfying the requirements of the Texas Open Meetings Act, be presented orally by the City Administrator, or designated staff.
5. Citizens and other visitors are welcomed to attend all meetings of the Council and will be admitted to the Council chambers or other room in which the Council is meeting up to the fire safety capacity of the room.
6. Everyone attending the meeting will refrain from private conversations while the Council is in session.

7. Presentations by citizens must be confined to any City related issue. Extended discussion or debates will not be allowed. Generally, the Council will listen but will not usually comment on the issue. Citizens wishing to speak shall be allowed to speak, provided prior to the consideration of the item said person completes and delivers to the City Secretary an applicable form providing the citizen's name and address and the topic that the citizen will discuss. All applicable citizen comment or presentation forms shall be turned to the City Secretary prior the commencement of the Council meeting. Persons wishing to express their position on an agenda item but who do not wish to speak may complete an applicable form and indicate their support or opposition for a particular item or items on the agenda. The name and respective position of such person(s) shall be read into the record. Presentation by citizens shall be limited to a time period of not more than three (3) minutes for each speaker. Speakers will have a maximum of three (3) minutes to speak regardless of the number of items they wished to address. Any time spent by the Council will not be counted against the citizen's time allotment. No person shall speak more than the time limits provided herein on any subject unless there is an exception supported by a majority of City Council. The presiding officer shall not be obligated to recognize a speaker for a second comment on a subject.
8. Following a request by a Council member, the presiding officer may request that the Council re-open a public hearing after a public hearing has been closed. Such public hearing may be re-opened only if it is listed on the agenda that is the subject of the meeting of the Council, and upon the approval of a majority vote of the Council to re-open such public hearing.
9. As a general rule, citizens may not participate in discussions of the Council except when recognized by the presiding officer and during citizen presentations, public hearings, and as otherwise provided for in these Rules.
10. Once public input is closed, the matter shall be returned to the Council for discussion, questions, deliberation, and action. Any Council member is entitled to ask questions of any person in attendance at the meeting.
11. When a measure is presented for consideration to the Council, the presiding officer shall recognize the appropriate staff or Council member to present the case, as needed.
12. A Council member desiring to speak shall address the presiding officer and, upon recognition by the presiding officer, shall confine discussion to the agenda item under discussion. When two (2) or more Councilmembers wish to speak, the presiding officer shall name the Council member who is to speak first. No member of the Council shall interrupt another while speaking unless the speaker chooses to yield to questions from another Council member. As a point of courtesy, no Council member should leave the remainder of an incomplete Council meeting while in session with the intent of not returning without advising the presiding officer.
13. The Council is committed to conducting its business in a courteous, reasonable, and respectful manner. In that spirit, the Council acknowledges that each Council member shall be entitled to speak and ask questions on any item and that in doing so, each Council member shall be mindful and respectful of each other's time and perspective. The presiding officer shall not be obligated to recognize any Council member for a second comment on the subject or amendment until every Council member wishing to speak has been allowed a first comment.

A complaint that a Council member's questions or comments have become excessive, redundant, repetitive, or otherwise may be made as a point of order as provided by the presiding officer.

14. Questions from speakers to the Council with request for an immediate answer, except the applicants and persons representing applicants on platting or zoning cases, shall be prohibited. A Council member's questions to speakers should be to specific individuals and the presiding officer should explain to those individuals beforehand that they may come to the podium and answer if they choose to; but they cannot offer additional unsolicited input or engage in question and answer sessions with Council members.
15. No Council member shall be permitted to indulge in profanity or use language personally offensive, impugn the motives of Council members, charge deliberate misrepresentation, or use language tending to hold a member of the Council, the public, or City staff up for contempt.
16. Citizens shall observe the same rules of propriety, decorum, and good conduct as the Council. The presiding officer shall not permit unrecognized speaker's comments or allow a member of the audience to indulge in profanities or use language tending to hold the Council, the public, or City staff up for contempt.
17. A speaker shall not present an argument on a matter previously considered by the Council at the same session.
18. No person shall make personal, impertinent, or slanderous remarks. Any person who becomes boisterous while addressing the Council or while attending the Council meeting shall be removed from the room if the security officer is so directed by the presiding officer, and such person shall be barred from further audience before the Council during that session of the Council.
19. Unauthorized remarks from the audience, stamping of feet, whistles, yells, and similar demonstrations shall not be permitted by the presiding officer.
20. No signs, posters, or placards will be allowed at Council meetings. Any such signage shall be removed by the security officer.
21. The presiding officer shall exercise control over persons who disrupt the meeting, violate these Rules, or disregard the presiding officer in the following ascending order of action:
 - a. Call the person to order, advising that person of the infraction.
 - b. Advise the person that the infraction must cease immediately or the person will be ordered to leave the meeting.
 - c. Order the person to leave the meeting. If the offending person is a member of Council, the presiding officer shall call for a vote on the expulsion of that Council member from the meeting, and such vote requires a majority for adoption.
22. Citizens or other visitors attending Council meetings shall not bring food or drink into the city council chamber or into any other room in which the Council is meeting.

23. A police officer may remove an individual or individuals for disrupting a meeting as authorized by Texas Penal Code Section 42.05. When the presiding officer fails to maintain order and decorum, the Council may compel the presiding officer to enforce this provision following a majority vote of the Council.
24. Any provision of these rules not governed by City or State law may be temporarily suspended by a two-thirds (2/3) vote of the Council members present. The vote on any suspension shall be taken verbally via "Aye and "No" votes and entered into the minutes of the meeting.