

**RESOLUTION NO. 2023-R-12**

**A RESOLUTION OF THE CITY OF MANVEL, TEXAS, ADOPTING  
RULES OF PROCEDURE FOR MEETINGS OF THE CITY COUNCIL;  
PROVIDING THAT ALL OTHER RESOLUTIONS INCONSISTENT OR  
IN CONFLICT HEREWITH ARE HEREBY REPEALED.**

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**WHEREAS**, section 3.10 of The City Charter provides that the city council shall, by resolution, determine its own rules and order of business; and

**WHEREAS**, the City Council deems it in the best interest of the City to amend and adopt new Rules of Procedure herein; **NOW THEREFORE**,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY MANVEL, TEXAS:**

**Section 1.** The following rules of procedure shall govern all meetings and proceedings of the City Council of the City of Manvel, and the conduct of all members and other persons in attendance at such meetings.

**Rule 1. Meetings, Regular and Special**

(A) The city council shall hold at least one (1) regular meeting each month and as many additional special meetings as the Council deems necessary to transact the business of the city. Generally, the City Council shall meet in the Council chambers of the City Hall on the first and third Mondays of each month, commencing at 6:00 p.m. In the event Monday falls on a holiday, the meeting for that day shall occur on the next open business following the holiday or other day as may be determined by 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 4 or more members of Council present at such meeting, and such recessed meeting shall be held without further posted notice.

(B) Other special meetings shall be held on the call of the Mayor or four Councilmembers. The agenda for such meetings shall be established at the discretion of those calling the meeting. Special meetings shall be posted 72 hours prior to the called meeting, except where permitted by state law for emergency meetings.

(C) All meetings shall be held at City Hall or at such other public place as may be approved by city council, and all meetings of the city council shall be open to the public, except as authorized by state law.

(D) Four members of the City Council shall constitute a quorum for the transaction of business.

(E) The City Council may retire into Executive Session at any time as authorized by the Texas 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 or other law.

Rule 2. Chairman and call to order

The Mayor or in his/her absence the Mayor Pro-Tem, shall preside at all meetings of the City Council. 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 Mayor shall assume the chair, call the Council to order, and the City Secretary shall record the roll.

Rule 3. Handling of agenda subjects

The City Council is the sole judge of its own procedure and in full control of the business before it. Neither the Mayor, the Mayor pro-tem, nor any Councilmember appointed to preside shall have any power to either recess a meeting or adjourn a meeting, or prevent the City Council from considering an agenda item or lay the same out for consideration except in strict accordance with Texas open meetings act, and as enacted herein. If, notwithstanding the positive provisions of this rule, the presiding, officer whether Mayor, Mayor Pro-Tem, or Council member presiding, shall attempt to prevent City Council from taking any action on any agenda item brought before it, any Councilmember present may call for a vote of the City Council to consider the matter.

Rule 4. 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 this meeting. Any member reprimanded by motion or expelled from a meeting by motion who thereafter commits another breach of decorous and disorderly behavior during a subsequent meeting and again disturbs any meeting of the Council by such disorderly conduct shall be subject to the same power of Council to reprimand him/her, expel him/her from the meeting, or subject such member to complaint, investigation, and conviction of official misconduct. Disorderly Conduct is defined under the Texas Penal Code, Section 42.01.

Rule 5. 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.

Rule 6. 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 over rule the decision of the chair. 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 7. Procedure for submitting agenda items

Any and all ordinances, resolutions or other matters, including all written data, except emergency items, to be brought before the City Council for its consideration by the Mayor, or by any two members of the Council, or the City Manager, shall be submitted to the City Secretary not later than noon of the Tuesday preceding the meeting at which the same is to be considered.

Rule 8. Motion to table

Since the City Council of the City of Manvel will always have regularly scheduled meetings, a motion to table, when carried, does not permanently defeat an ordinance, resolution, motion, or other measure. If such ordinance, resolution, motion, or other measure is tabled by a majority vote of the City Council, such ordinance, resolution, motion, or other measure, if not sooner removed from the table, must be removed at the third meeting, and acted upon, even if only to place the item on the table again.

Rule 9. 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 (except in accordance with Rule 11).

Rule 10. Closing of debate

If, during debate upon any ordinance, resolution, motion or other matter before the Council, any member moves that the subject under discussion be put to a vote without further debate (and such a motion need not be seconded), the presiding officer shall immediately ask the Council, "is there any objection to proceeding to a vote on the ordinance, resolution, motion, or other measure before the Council being taken immediately?" If any member objects, the presiding officer shall immediately and without debate put the question, "shall the subject being discussed be put to a vote, without debate?" To a vote of the Council, and if two thirds of the Councilmembers present vote in favor of ordering the vote, debate on the question shall be closed and a vote on the ordinance, resolution, motion or other measure taken immediately.

Rule 11.      Reconsideration of a subject

When an ordinance, resolution, motion, or other measure of any sort has been placed before the City Council and defeated, the same identical question shall not again be considered by the City Council until at least ninety (90) days have elapsed.

Rule 12.      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 10 or to table, or other such procedural matter) shall reduce the same to writing, or request the City Secretary to so the same. If a motion be made by any member of the Council in writing and filed with the presiding office, it shall still require a second.

Rule 13.      Secretarial procedure

The City Secretary shall be the Secretary of the Council and shall act as reading and recording clerk to the Council. By his or her signature, the Secretary shall certify the correctness of the minutes and journals, shall record all actions taken by the Council, shall record the vote upon each measure when taken by the ayes and nays, and shall schedule and place on Council agendas, public hearings at the earliest practicable dates and shall perform such other duties as may be required of the City Secretary by the Mayor and the City Council. The City Secretary shall mark the absence of the Mayor or any other member of Council. The City Secretary shall test and attest to the satisfactory operation of the recorder, and maintain proper functioning as needed throughout the meeting. In the absence of the City Secretary, any suitable person may be appointed by the City Secretary or Mayor to serve as acting City Secretary of any meeting. The City Secretary shall ensure that a recording or certified agenda of any executive session shall be made and shall secure such following each meeting. The City Secretary shall keep a copy of these rules in the Council chamber, available for reference.

Rule 14.      Voting

No action of the city council shall be valid or binding unless approved by the affirmative vote of a majority of the entire city council. Each member of city council, if present, shall vote upon all matters before the city council, except when the matter involves the consideration of that member's own official conduct or where that member's participation in the vote is prohibited by state law.

Rule 15.      Public's right to be heard

Members of the public shall have a reasonable opportunity to be heard at any and all regular meetings of the City Council in regard to any and all matters to be considered at any such meeting, or such other matters as they may wish to bring to Council's attention; provided, however, any matter not posted on the agenda may not be discussed by Council, nor shall any action be taken by Council, except to indicate that the matter may be placed on a later agenda. A time shall be set

aside during each Council meeting for the Council to hear from the public, such designated time not to exceed three (3) minutes per person. The Mayor shall retain the discretion to further limit or increase this time for public comments on agenda items. Members of the public attending any regularly scheduled meeting may speak before Council by completing a form and presenting it to the City Secretary prior to the beginning of such meeting.

No member of the public shall be heard until recognized by the presiding officer. It is not necessary, however, for a member of the public to prepare and submit a card requesting the right to address the Council for public hearings. Any member of the public interrupting City Council proceedings, approaching the dais without permission, otherwise creating a disturbance, or failing to abide by these rules of procedure in addressing the City Council, 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 by the sergeant-at-arms or other agent designated by City Council.

Rule 16.      Order of Business

Unless agreed to otherwise by majority vote of Council, the normal order of business before the City Council in any meeting shall be as follows:

- (1) Call to order.
- (2) Invocation or Inspirational Reading.
- (3) Pledge of Allegiance.
- (4) Special Recognitions, Acknowledgements, and Proclamations.
- (5) Public Hearings.
- (6) Public Comment - The Council shall hear from members of the public as provided in Rule 15.
- (7) City Manager reports.
- (8) Consent Agenda – including, but not limited to: bids, appointments, routine items, items for approval, minutes, etc.
- (9) Items Removed from Consent Agenda.
- (10) Regular Agenda – including, but not limited to: discussion and/or action items, resolutions, ordinances, and tabled items, etc.
- (11) Communications from the Mayor and Council.

If a meeting does not include any of the items above (i.e. no special recognitions, proclamations, public hearings, etc.), that item will be excluded from the Order of Business and the posted meeting agenda.

Rule 17.      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 state law, and provided that not less than two-thirds Council members 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. The

requirement of two thirds to suspend a rule shall not apply to Rule 16 but the order of business may be suspended by a majority vote.

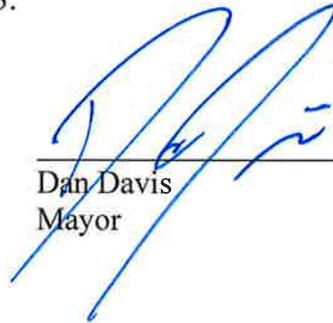
Rule 18.      Rules of Procedure

Except where in conflict with any state law, City ordinance or the rules of procedure adopted by this resolution, the rules of procedure laid down in *Robert's Rules of Order*, 75<sup>th</sup> Anniversary Edition, shall govern the proceedings of the City Council.

Rule 19.      Sergeant at Arms

The highest-ranking police officer of the Manvel Police Department in attendance at any meeting of the City Council, weather regular or special, shall be, and is hereby, designated and appointed as the Sergeant at Arms for such meeting.

PASSED, APPROVED, AND RESOLVED by the City Council of the City of Manvel, Texas on this the 5<sup>th</sup> day of June, 2023.

  
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Dan Davis  
Mayor

ATTEST:

  
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Tammy Bell  
City Secretary

