



**AGENDA ITEM REQUEST FORM
CITY OF JOHNSON CITY, TEXAS
CITY COUNCIL**

ITEM NO. 16

MEETING DATE: April 6, 2021

AGENDA PLACEMENT:

- Ceremonial
- Consent
- Individual
- Closed Session

CAPTION:

Discussion of and action on proposed City Council Policies and Procedures establishing City Council and other Board and/or Commission responsibilities, processes, and conduct. (Staff)

EXECUTIVE SUMMARY:

The Johnson City City Council adopted policies and procedures in October 2007. A copy of said policies and procedures can be found online under Municipal Code of Ordinances Chapter 1 *General Provisions*, Article 1.03 *City Council*, Division 2 *Meetings and Rules of Procedure*.

TML excerpts:

- Regardless of the administrative structure used, every city council should operate on the basis of written policies that set out the specific powers and duties of all the city's departments and officials, and some method should be established for ensuring that those policies are carried out. Policy decisions are not implemented automatically, and no matter how much careful thought may go into their preparation, there is always a management job to be done. Someone must assume the responsibility for organizing and controlling the city's administrative machinery.

- Most cities have policies on how to place items on an agenda, and we recommend cities adopt such a policy to avoid confusion.

The proposed policy is taken from another municipality, and it establishes responsibilities, processes, and conduct for the City Council, other Boards and/or Commissions, and Staff. Should the proposal be adopted, City Staff would recommend repealing Division 2 identified above at a later date.

FINANCIAL: N/a

ATTACHMENTS: Proposed Policies and Procedures

SUGGESTED ACTION:

Motion to approve proposed City Council Policies and Procedures establishing City Council and other Board and/or Commission responsibilities, processes, and conduct.

PREPARED BY: CAO/City Secretary Rick Schroder

DATE SUBMITTED: 3/29/21

**City Council
Policies and Procedures
March 2021**

CHAPTER I

City Council Responsibilities -

Mayor:

As Chief Executive Officer and Presiding Officer of the City Government:

- Presides over Council meetings;
- Signs documents on behalf of the City;
- In coordination with the Chief Administrative Officer (CAO)/City Secretary, prepares the annual budget;
- Represents the City at official and ceremonial functions;
- Appoints advisory committees;
- Maintains relationships with other governmental agencies and civic groups;
- Inspects the conduct of each subordinate municipal officer and shall cause any negligence, carelessness, or other violation of duty to be prosecuted and punished; and
- Exercises such other powers and performs such other duties, as may be prescribed by law or by ordinance or resolution of the Council.

City Council – Legislative Body for the City:

The City Council is the governing and lawmaking body of the City of Johnson City, and the Council consists of a Mayor and five (5) Council Members. The Mayor votes only in the case of a tie. As the governing and lawmaking body, the Council:

- Sets policy;
- Approves the annual budget and capital improvement projects;
- Determines the tax rate;
- Authorizes the issuance and sale of municipal bonds;
- Authorizes the purchase and sale of real property;
- Establishes City departments;
- Holds public meetings;
- Approves City ordinances and resolutions;
- Determines City services; and
- Holds appointment and confirmation authority.

The Mayor is a “member” of the City Council (Section 22.031 Local Government Code).

Removal / Resignation of Municipal Officers:

The City Council may remove a Municipal Officer for incompetence, corruption, misconduct, or malfeasance in office after providing the Officer with due notice and an opportunity to be heard. The removal is effective only if two-thirds of the Council Members vote in favor of a resolution declaring the lack of confidence in accordance with Local Government Code §22.077. Municipal Officers include the Chief Administrative Officer (CAO)/City Secretary and City Attorney.

A Municipal Officer may resign by submitting their resignation, in writing, to the Mayor and City Council. Such resignation is subject to the approval and acceptance by the governing body in accordance with Local Government Code §22.021

CAO/City Secretary:

As the Chief Administrative Officer of the City:

- Implements policy decisions made by the Council;
- Assists in the preparation of the annual budget;
- Coordinates City operations and programs;
- Appoints, removes, and maintains competent, qualified staff;
- Disciplines all employees in the administrative service, if necessary;
- Enforces municipal laws and ordinances;
- Recommends improvements in operations;
- Supplies the Council with information to aid in its decision making;
- Performs such other duties and exercises such other powers as may be delegated from time to time by ordinance, resolution, or minute action of the City Council; and
- Provides and coordinates reasonable clerical support requests by Council Members for copying and providing documents.

City Employees:

Decisions on hiring, discipline, and termination of municipal employees shall be made in accordance with the Personnel Policies and Procedures Manual, Departmental Policy, employee contract(s), if applicable, and the Annual Budget approved by Council.

Mayor Pro-Tempore:

At the meeting of each new City Council, one of the Council Members shall be elected Mayor Pro Tempore and shall hold this office for one year. The Mayor Pro Tempore shall preside at City Council meetings in the absence of the Mayor. If both the Mayor and Mayor Pro Tempore are absent, any Council Member may be appointed to preside at a Council meeting.

The Mayor shall advise the Mayor Pro Tempore of City functions and other related items, as necessary, so that the Mayor Pro Tempore may function fully in the absence of the Mayor.

The Mayor Pro Tempore represents the City at social functions in the absence of the Mayor. If the Mayor Pro Tempore is unable to attend, then a Council Member, on a rotating basis, represents the City. The City Council or Mayor may authorize other individuals, if necessary, to represent the City on issues pertaining to the City before other governmental entities.

Nothing herein shall prevent the Mayor and Council Members from accepting invitations to events in which either all or individual City Council Members are specifically invited.

Presiding Officer:

The Mayor is the Presiding Officer and acts as Chair at Council Meetings.

Quorum:

Three Council Members must be present to constitute a quorum to do business at a regularly scheduled Council meeting. At a Special meeting or a meeting to consider the imposition of taxes, 2/3 of the Council Members (4 out of 5 council members) are needed for a quorum to do business. The Mayor is not counted in the quorum requirements.

City Council Meetings:

All meetings of the City Council shall comply with the Texas Open Meetings Act.

All agendas will be posted no later than 72 hours prior to the scheduled meeting.

The Mayor, Council Members, or staff, individually or collectively, will not poll or ask Council Members for consensus on any agenda item prior to it being brought up on the agenda for discussion or action in accordance with the Open Meetings Act.

All supporting materials for City Council Agenda Items, when possible, will be available to Council Members in their notebooks and by email no later than on the day the agenda is posted. For a Regular Meeting, reasonable attempt will be made to have materials available no later than the Friday prior to the regularly scheduled meeting.

Public Notice:

The agenda for all meetings shall be approved and signed by the Mayor, or designee, and posted by the CAO/City Secretary, or designee, on the City's official bulletin board at City Hall and on the City's website in accordance with the Texas Open Meetings Act.

The signature of the CAO/City Secretary, or designee, shall be affixed thereto attesting to compliance with the Texas Open Meetings Act. No other signature is required for a public hearing notice to be posted.

Regular Meetings:

Regular public meetings of the City Council are held on the first Tuesday of each month beginning at 6:00 p.m. in the Council Chambers at City Hall, unless otherwise officially established by the Council.

No Council meeting will be held if a regular meeting of the Council falls on a legal holiday, the day prior to a legal holiday, or on a terminated date approved by Council.

Should a City Council meeting go past 9 p.m., the Presiding Officer has the option to either continue the meeting until all posted items are considered and acted upon, or he / she may adjourn the meeting and continue the same the following day. Should the adjournment be to a day other than the following day, a new posting will be required.

Work Sessions:

Work sessions shall be held to promote discussions between staff, advisory bodies or consultants, the public, and the City Council regarding specific programs, projects, or policies. Work sessions may be conducted in a variety of formats, must have an agenda, and be posted the same as a regular meeting.

Special Meetings:

A special meeting may be called upon the request of the Mayor or three members of Council, as stipulated in the Texas Local Government Code and the Texas Open Meetings Act.

Emergency Meetings:

Notice of emergency meetings shall be posted at least two hours in advance of said meetings, as set forth in the Texas Open Meetings Act.

Closed Session:

A Closed Session is a meeting closed to the public and is held in accordance with the Open Meetings Act. The City Council may recess to Closed Session to privately discuss and consider matters of confidential concerns for the wellbeing of the City. The purposes for which a Closed Session may be held are identified in Chapter 551 of the Texas Government Code.

Public Hearing:

Public hearings are set by the City Council and/or CAO/City Secretary. When a public hearing is required, it will be scheduled and advertised by the CAO/City Secretary. Consideration must be given to legal notification when suggesting dates.

At the commencement of any public hearing, the Chair shall set time limits for the presentation of views of proponents and opponents of the measure. These time limits shall be adhered to strictly.

No person in attendance shall be disorderly, abusive, or disruptive of the orderly conduct of the hearing, and any person may be removed from the hearing for such conduct.

No person offering testimony shall speak more than once without obtaining permission from the Presiding Officer.

No person shall testify without receiving recognition from the Presiding Officer, approaching the podium, and stating his or her name and address.

There shall be no audience demonstrations, such as applause, cheering, display of signs, or any other conduct disruptive of the hearing.

The Presiding Officer shall allow the proponent to offer rebuttal evidence and testimony and, if provided, allow the opponent or other interested party to rebut the new evidence or testimony offered by the proponent's rebuttal.

At the conclusion of everyone's testimony at a public hearing, that individual may be questioned by any member of the Council to clarify statements or correct misstatements made by the individual.

CAO/City Secretary Participation:

The CAO/City Secretary shall attend all meetings of the City Council in person or via electronic communication, unless excused by the Mayor, and shall keep accurate records of all actions taken by the City Council. The CAO/City Secretary may make recommendations to the City Council and shall have the right to take part in the discussions if recognized by the Chair.

The CAO/City Secretary is responsible for posting a copy of each agenda at City Hall and on the City's website, as required by the Open Meetings Act.

City Attorney Participation:

The City Attorney is the legal advisor for the Council, its committees, commissions, and boards, the CAO/City Secretary, and all other City officers and employees with respect to any legal question involving an official duty or any legal matter pertaining to the affairs of the City.

The City Attorney does not represent individual members of Council, but the City Council as a whole. The City Attorney shall, upon request, give an opinion on questions of law. The City Attorney shall act as the City Council's parliamentarian if requested by the Mayor.

Ordinances, resolutions, and contract documents shall first be reviewed as to form and legality by the City Attorney before being presented to the City Council as an action item.

Representation shall be free of any conflicting interest.

The Mayor and City Councilmembers, CAO/City Secretary, Deputy City Secretary, Municipal Court Clerk, and Chief of Police are authorized to contact the City Attorney on behalf of the City; however, the CAO/City Secretary requests all requestors to inform him/her of the contact prior to communication. All requests for opinions and responses from the City Attorney should be in writing.

Minutes:

The CAO/City Secretary, or designee, shall prepare written minutes of all regular and special Council meetings. Minutes shall be approved by the Council at the next regular meeting and made available for public review. All meetings shall be recorded for the benefit of the CAO/City Secretary in the preparation of the official minutes and, subsequently, disposed of in the manner outlined within the Texas Public Information Act and the Texas State Records Retention Schedule.

All minutes shall state the date and time of the meeting, the names of those present and absent, the subject matter of each deliberation, and indicate each vote, decision, or other action(s) taken.

If possible, minutes of City Council meetings shall be submitted to the Council for approval and/or correction in draft form prior to the next regular meeting. Only members of the Council and the CAO/City Secretary have the authority to revise the minutes, subject to a majority vote of the City Council.

If a Council Member wishes a stated opinion during the meeting to be entered in the minutes, he/she should precede the statement with "for the record" or request the CAO/City Secretary to enter it into the record following the statement of opinion.

Minutes are not considered to be an official record until approved by the Council.

Correction of Minutes:

When a Council Member wishes to correct the minutes, he/she should contact the CAO/City Secretary in advance of the meeting with the correction(s). The CAO/City Secretary, or designee, will then verify the correction by listening to the recording. Upon verification of an error in the minutes, the CAO/City

Secretary will provide the corrections to the Council in advance of the meeting. If time constraints prevent this procedure, the Council should postpone the approval of the minutes to the next meeting and direct the CAO/City Secretary to verify the suspected error.

Order of Business:

Regular meetings shall be conducted in the following order of business, subject to the right of the Mayor with Council consent, to alter the order of business:

1. Call to order;
2. Invocation;
3. Pledge of Allegiance
4. Public Hearing, when required;
5. Citizens to be Heard;
6. Presentations/Proclamations/Reports;
7. Old Business, when required;
8. Consent Items;
9. Items for Individual Consideration;
10. Closed Session, when required; and
11. Adjournment.

Proclamations/Certificate of Appreciation:

Proclamations and Certificates of Appreciation are issued by the Mayor as a special recognition of an individual, event, or issue. Proclamations are not statements of policy and do not require the approval or action of the Council.

Consent Items:

A Council Member may ask questions on any item without it being pulled from the "Consent Agenda." When a Council Member has a minor question or clarification concerning a consent item that will not involve extended discussion, the item may be clarified and acted upon with the rest of the Consent Agenda. Council Members are encouraged to seek clarifications from the Mayor or CAO/City Secretary on any agenda item prior to the meeting.

Any item may be pulled from the Consent Agenda by any Council Member for discussion as an individual item.

Pulled items shall be heard at the close of the Consent Agenda.

Grants:

All grant applications requiring a match of municipal funds that were not previously budgeted within the Annual Budget shall be approved by the City Council prior to their submission.

Emergency Meetings:

Emergency meetings are limited to those regarding issues that pose an imminent threat to the public health and safety or are reasonably unforeseeable situations requiring immediate action by the City Council. Emergency items must be reviewed for legality by the City Attorney and posted at least two (2) hours prior to the meeting.

Matters Postponed:

Items on the agenda which are not acted upon should be postponed to the next regular agenda or postponed indefinitely unless otherwise directed by the Council.

Rules:

Robert's Rules of Order (latest revision) shall govern in all cases, unless Robert's Rules of Order conflict with State Law.

Motions:

A Council Member that initiated an agenda item may make the motion and speak first on the agenda item. The Council Member who seconds the item will have the opportunity to speak second on the agenda item.

Discussion Rules:

- **Obtaining the floor:**

- A member of the City Council or staff shall first address the Presiding Officer to gain recognition before speaking on any agenda item.
- Comments and questions shall be limited to the issue before Council.
- Cross-exchange between Council Members, the public, or between Council and public shall be avoided.

- **Interruptions:**

- Once recognized by the Presiding Officer, a Council Member shall not be interrupted while speaking except to make a point of order or personal privilege.
- If a Council Member is called to order while speaking, the individual shall cease speaking until the question of order is determined.
- Upon being recognized by the Presiding Officer, staff shall hold the floor until completion of their remarks or until recognition is withdrawn by the Presiding Officer.

- **Limitations on Discussion:**

- No Council Member shall speak more than once on a subject until every other Council Member has been given the opportunity to speak. Debate will be limited to two (2) opportunities for each Council Member per item, and each time period will not exceed five (5) minutes.

Conflict of Interest:

State Law (Texas Local Government Code Chapter 171) provides for provisions which attempt to eliminate any action by a Council Member which may create a conflict of interest. The purpose of such Law is to ensure that all actions are taken in the public interest. Violations of Texas Local Government Code Chapter 171 are Class A misdemeanors.

Separate statutory authority exists for conflicts of interest regarding plats (Texas Local Government Code §212.017). This Section prohibits a Planning Commissioner or Council Member from participating in the approval of a plat if that member has a substantial interest in the plat or the Commissioner's or Council Member's relative has a substantial interest (to the first degree of consanguinity or affinity) in the subdivided tract.

If a member has a conflict of interest in a matter, the member shall file an affidavit prior to the meeting stating the nature and extent of the interest before a vote or decision involving the matter. The affidavit shall be filed with the CAO/City Secretary. The affected member is required to abstain from participation in the matter and shall not participate in the discussion or vote on the item.

At any time a member believes a potential for conflict of interest exists, he/she is encouraged to consult with the CAO/City Secretary or private legal counsel for advice. Staff may request an opinion from the City Attorney regarding a member's potential conflict. Violations may result in significant penalties, including criminal prosecution.

The City Attorney has an affirmative duty to protect the City and City Council from conflicts of interest, wherever possible.

Gifts:

Refer to Texas Ethics Commission website: <https://www.ethics.state.tx.us/>.

The City Council shall be governed by the City's adopted Code of Ethics, if applicable, and the Texas Local Government Code Chapter 171.

Council Attendance:

City Council Members are expected to attend meetings and stay in attendance during each meeting. No Member shall be excused from attendance at a City Council meeting except for justifiable reasons.

No Member should leave a City Council meeting while it is in session without advising the Presiding Officer.

If a member of the City Council is absent from three (3) consecutive regular meetings, the Member's office is considered vacant, unless the Member was sick or had first obtained a leave of absence at a regular meeting prior to the absence. (Section 22.041 of the Texas Local Government Code)

If a City Council Member is absent from a City Council meeting because he or she is on official business as an officially-designated City representative, the Member may request that the CAO/City Secretary record in the minutes for that meeting that the Member was absent due to official City business.

Reconsideration:

Reconsideration of an agenda item shall be allowed in accordance with Robert's Rules of Order.

A motion to reconsider any action taken by the Council may only be made by one of the Council Members who voted with the prevailing side but may be seconded by any other Member.

Preservation of Order:

The Presiding Officer is authorized to preserve order and decorum, prevent personal references to Council Members or the impugning of other Members' motives, and confine Members' remarks to the item under discussion. No Council Member shall address the Council from any seat other than those on the dais and until after being recognized by the Chair.

Enforcement of Order:

The Chief of Police, or designee, shall act as the Sergeant-at-Arms at Council meetings and shall stay in the Council Chambers during each meeting.

Point of Order:

The Chair shall determine all points of order, subject to the right of any Member to appeal to the entire Council. If an appeal is taken, the question shall be "Shall the decision of the Chair be sustained?"

Questions to be Stated:

The Chair shall state all questions submitted for a vote and announce the results. A roll call vote shall be taken upon the request of any Council Member or the CAO/City Secretary for clarification.

Substitution for Chair:

The Chair may call on the Mayor Pro Tempore, or if he/she is unavailable, any other Member to take his or her place as the chair for a portion of the meeting, such substitution shall not continue beyond the meeting's adjournment.

Votes:

Council members shall clearly indicate their vote on each item submitted to a vote.

Signing of City Documents:

The Mayor, unless unavailable, shall sign all ordinances, resolutions, contracts, and other documents which have been adopted by the City Council and require an official signature, except when the CAO/City Secretary has been authorized by Council action to sign a specific document acted upon. The CAO/City Secretary shall attest to the official's signature and affix the City seal on all legal documents.

Routine and/or customary contracts, such as custodial and/or printing/copying agreements, may be executed by the CAO/City Secretary so long as such expenditures are budgeted within the Annual Budget.

Former Council Members:

Past members of the City Council who speak to the current City Council about a pending issue should disclose whom they are speaking on behalf of, whether it be an individual or organization.

Addressing the Council:

Any member of the public may address the City Council in a variety of ways. Written comments on agenda items are encouraged and are most effective if presented at least three (3) days prior to the meeting.

Oral communications on matters that are not on the agenda may be provided during the “citizens to be heard” period at the beginning of every meeting. Responses to speakers addressing Council on a matter which is not on the posted agenda are limited to a statement of specific factual information if necessary; a statement of existing City policy; or discussion regarding when the matter can be placed on the Council’s agenda for consideration at a later meeting in accordance with the Texas Open Meetings Act.

Any speaker wishing to address the Council on one or more items on the agenda must sign in to speak by 6:00 p.m. on the appropriate Citizen Participation Form. Said speakers will be allowed to speak during the “citizens to be heard” portion of the meeting. Each speaker shall be limited to three (3) minutes to address all items on the agenda the speaker wishes to address; he/she cannot give their time to another speaker; and speakers shall speak in the order determined by the Chair.

No personal attacks shall be allowed by any speaker.

For public hearings, the public may speak during the hearing; however, speakers must sign in to speak by 6:00 p.m. on the appropriate Citizen Participation Form and will be allowed to speak during the public hearing portion of the meeting. Each speaker will be limited to three (3) minutes to address all matters pertinent to the subject matter of the public hearing; he/she cannot give their time to another speaker; and the cumulative time limit shall be thirty (30) minutes for both sides (those for a proposal and those against a proposal) to speak for or against a matter. Proponents shall speak first on an issue and opponents shall speak second on an issue, alternating with each speaker. At the end of the hearing, the proponents shall be given an additional three (3) minutes for rebuttal.

Speaker Rules:

Only one person may approach the lectern at any one time, and only the person at the lectern will be allowed to speak.

There will be no substitutions or pooling of times allotted to speakers.

Speakers must address their comments to the Council as a whole rather than to individual City Council Members or staff.

Speakers may file copies of their remarks or supporting information with the CAO/City Secretary before the meeting. The CAO/City Secretary will make the information available to the City Council after the meeting.

Each speaker may speak only once on a subject.

Disturbances:

No person attending any Council Meeting shall delay, interrupt, or disrupt the proceedings or refuse to obey the orders of the Chair.

Everyone attending the meeting shall refrain from private conversations, texting, or cell phone use while the City Council is in session.

Citizens and other visitors attending City Council meetings shall observe the same rules of propriety, decorum, and good conduct applicable to members of City Council.

General Conduct:

Persons in attendance shall refrain from smoking, eating, or drinking beverages other than water while in the Council Chamber. Persons in attendance shall not carry signs, placards, or other items or block the view of those behind them. Persons in attendance shall refrain from the use of electronic devices, including cell phones, pagers, and any other communication devices while in Council Chambers. Laptops and tablets may be used by Council Members and staff at the discretion of City Council.

Recording of Meetings:

The governing body adopts the following procedures on the visual and aural recording, including still photography, of public meetings, as authorized by Tex. Gov't Code Ann. Sec. 551.023 (b), (b)(1), (b)(2), (c). The Mayor will order the implementation of the following policy and rules on behalf of the governing body.

- a. Designated recording areas within Council Chambers for the location of recording equipment for visual recording, including still photography (a non-moving photograph), of public meetings shall be marked and reserved for such use. Camera flash devices may not be used, except during recesses or breaks in the meeting. The use of equipment for visual recording, including still photography, is not permitted in any other interior areas of City Hall at any time during a public meeting.
- b. Still photography of an individual attendee(s) at a public meeting is permitted in the manner prescribed by Paragraph (a) hereof so long as the attendee(s) being photographed does not object and the photography is not disruptive to the meeting. Flash photography is prohibited during the meeting, unless approved by the Chair.
- c. Audio and visual recording of meetings conducted by the City is permitted in any area of the Council Chambers open to the general public.
- d. All visual and audio recording, including still photography, at public meetings shall be conducted in accordance with these Policies and Procedures. Any individual violating these Procedures will be asked by the Sergeant-at Arms to stop or leave the meeting. If such individual refuses to comply, they may be removed from the meeting and/or their visual and aural recording equipment may be confiscated and held by the Sergeant-at-Arms for the duration of the meeting.

Fire Safety:

The number of individuals admitted into City Hall and/or Council Chambers shall be limited to the fire safety capacity of each building and/or room, as indicated through signage by the Fire Marshal.

Agenda:

The purpose of the agenda is to provide a framework in which Council meetings can be conducted and to effectively implement the goals, financial plans, budget, work programs, objectives, and business of the City, as approved by the City Council.

Agendas also provide a method for City Council to receive recommendations from other municipal boards, commissions, committees, and other advisory bodies. Recommendations made by municipal boards, commissions, committees, or other advisory bodies, as part of their normal scope of duties and responsibilities, shall be timely placed on the City Council agenda by staff. In the event that a board, commission, committee, or other advisory body desires to bring a matter of special consideration to the City Council, its Presiding Officer may request that the item be placed on a future City Council agenda by submitting a written request to the CAO/City Secretary, approved by a majority of the board, commission, committee, or other advisory body members.

Agenda Requirements:

The agenda is the sole means of the City Council to take official action. Consequently, items must be presented in ample time, in enough detail, and with enough clarity of recommendations to give:

- a) Public notice of the nature of the issue being presented for Council action and/or information; and
- b) The Council an opportunity to study the issue before a public discussion can take place.

The Mayor will review the agenda to approve, through his/her execution, the agenda for posting. The CAO/City Secretary will be responsible for administering the agenda process. The CAO/City Secretary will be responsible for coordinating all aspects of the agenda process.

All Agenda Item Request Forms and required support documentation submitted by City Council Members must be submitted to the CAO/City Secretary for placement on the agenda no later than the Wednesday prior to the desired City Council meeting date. Each Agenda Item Request Form must be signed by two (2) City Council Members. Agenda items not received on a timely basis or with the appropriate signatures will be processed and posted on the agenda for the meeting hence.

Agenda Item Request Forms shall contain all pertinent information on the subject matter, including the Council Member's desired action, appropriate background information, fiscal information, and any other information required for appropriate review.

City Council Packets:

City Council notebooks will be available to City Council Members upon completion by the CAO/City Secretary. Every attempt will be made to complete said notebooks, including all background information, on the date of agenda posting with a minimum of additional materials for Council review being placed on the dais immediately preceding the Council meeting. This should provide ample time for all Council Members to inquire into the nature of each matter to be discussed or to personally investigate the matter to be better informed before a Council meeting.

Support Provided to City Council:

Members of the City Council receive mail and other materials from the public and staff. Time sensitive material will be emailed to Council Members for review if appropriate.

All mail received from the public is date stamped upon receipt by Staff.

Mail, compliment/complaint cards, and other memoranda received by the City and addressed to individual Council Members will not be opened, but rather, placed on the dais.

When individual Council Members have completed their term of office, City keys, Code of Ordinance books, and other notebooks shall be returned to the City.

City letterhead and staff support cannot be utilized for personal or political purposes.

City Council/City Staff Relationship:

The City Council shall work through the CAO/City Secretary when dealing with City Departments. The City Council shall work through the CAO/City Secretary when dealing with election matters.

City Council Members shall not make attempts to influence staff decisions, recommendations, workloads, schedules, and departmental priorities.

City Council Member contact with the CAO/City Secretary will be during regular business hours, except in the case of an emergency.

The CAO/City Secretary will be evaluated by the Mayor, with the advice and consent of the City Council, on an annual basis in September.

Code of Conduct for Mayor and Council Members:

Each Council Member is responsible for being prepared to come to a Council meeting and discuss the items on the agenda.

It is the responsibility of Council Members to be informed about previous action taken by the Council in their absence.

During the Council meetings, Council Members shall preserve order and decorum, shall not interrupt or delay proceedings, and shall not refuse to obey orders of the Mayor or the rules of the Council.

Council Members, including the Mayor, shall demonstrate respect and courtesy to each other, to City staff members and employees, and to members of the public appearing before the Council.

Council Members, including the Mayor, shall refrain from rude and derogatory remarks and shall not belittle other Council Members, staff members and employees, or members of the public.

Council Members shall not use their position to secure special privileges and shall avoid situations that create a perception of bias and partiality to a question before the Council.

Members of Council shall not condone any unethical, illegal, or immoral activity.

Poor behavior towards City staff and employees is not acceptable at any time.

If a Council Member appears before another governmental agency or organization to give a statement on an issue, the Council Member must clearly state:

- 1) If his or her statement reflects an opinion or is the official stance of the City; and
- 2) Whether this is the majority or minority opinion of the Council.

If the Council Member is representing the City, the Council Member must support and advocate the official City position, not a personal viewpoint.

If the Council Member is representing another organization whose position is different from the City, the Council Member should withdraw from voting on the issue if it significantly impacts or is detrimental to the City's interest.

Council Conduct with Boards and Commissions:

Council Members may attend any board, commission, or other advisory committee meeting, which are open to any member of the public. Any public comments by a Council Member at a board, commission, or other advisory committee meeting shall be clearly expressed as an individual opinion and not as a representation of the City Council as a Whole.

It is inappropriate for a Council Member to contact a board, commission, or other advisory committee member to lobby on behalf of an individual, business, developer, or other entity. It is acceptable for Council Members to contact a Presiding Officer of a board, commission, and/or other advisory committee in order to clarify a position taken by the board, commission, or other advisory committee.

Unless otherwise prescribed by State Law or local ordinance or resolution, the Mayor nominates and Council approves individuals to serve on boards, commissions, and other advisory committees, and it is the responsibility of such boards, commissions, and other advisory committees to follow policy established by the Council. Board, commission, and other advisory committee members do not report to individual Council Members; rather, said individuals report to the Council as a Whole and may be removed from their position with or without cause.

Appointments and re-appointments to a board, commission, or other advisory committee should be based on member expertise, ability to work with staff and the public, and a commitment to fulfilling official duties.

Filling Vacancies:

In the event of a vacancy or vacancies in the Office of the Mayor or Council Member, such vacancies shall be filled in the following manner:

- A single vacancy may be filled by appointment by the City Council for the unexpired term, with the Mayor having a vote only in the case of a tie. Additionally, the City Council may call a special election to fill the vacancy, pursuant to Local Government Code §22.010.
- If two or more vacancies on the governing body exist, the City Council must call a special election to fill the vacancies, pursuant to Local Government Code §22.010.

City Council may interview applicants who apply to the Council for consideration to fill a vacancy.

Professional Development:

Expenditures shall be budgeted annually for the Mayor, each Council Member, and the CAO/City Secretary to attend professional development and educational conferences designed to improve understanding and proficiency in municipal affairs.

Liability:

Violations of certain laws and regulations by individual Members of the City Council may result in that Member being personally liable for damages which would not be covered by the City's insurance carrier. Examples may include discrimination, harassment, or fraud.

Electronic Communications:

Electronic mail (E-mail) regarding public business may be subject to public disclosure. All Council Members and board, commission, and/or other advisory committee members shall utilize their City E-mail account, if supplied, for official City business.

E-mail communications that are intended to be shared among three or more Council Members, whether concurrently or serially, shall not occur and may be a violation of the Open Meetings Act. If the intended purpose of the E-mail is to have a discussion that should be held in an open meeting, the electronic discussion cannot occur.

E-mail should be used cautiously when seeking legal advice, discussing matters of pending litigation, or other confidential City business. In general, E-mail is discoverable in litigation and deleted E-mail is not removed from the mail exchange server. Confidential E-mail communications between the City Attorney and Council Members should not be shared with other individuals; doing so may waive the attorney-client privilege protecting the document from disclosure.

Request for Public Information:

Requests for public information will be processed in accordance with the Public Information Act.

- All requests for public information shall be in writing and made to the CAO/City Secretary. Requests shall include the requestor's name, address, phone number, and a detailed description of the information being sought.
- The request should be date stamped upon receipt.
- If the request for information is unclear, the requestor may be asked to clarify the request.
- Copies of the information will be provided within the timeframe required by State Law (usually 10 business days).
- If the CAO/City Secretary is unable to provide the information within ten (10) business days, the CAO/City Secretary will notify the requestor, in writing, within that timeframe and establish a reasonable date for production.

News Media Inquiries:

All news media inquiries received by the City on City policies, political issues, and/or decision-making that is within the policy making jurisdiction of the City Council shall be referred to the CAO/City Secretary. News media inquiries concerning City board, commission, and/or other advisory committee recommendations, and City Staff recommendations shall be referred to the CAO/City Secretary. All news media inquiries concerning the administration of City Council-adopted policies, programs, and/or services or City litigation and legal services shall be referred to the CAO/City Secretary.

CHAPTER II

Boards, Commissions, and Other Advisory Committees:

To encourage representation of a variety of points of view, City Council will seek a diversity of membership and an equitable balance of community representation.

Requirements for Appointment:

Unless statutory authority provides otherwise, the following are requirements for appointment. The candidate must:

- Reside within the City limits;
- Hold an interest in the betterment of the City of Johnson City;
- Not be in arrearage in City taxes;
- Not be an adversary party in pending litigation against the City;
- Meet any special qualifications required by the authority that created the board, committee, or other advisory committee;
- Comply with additional requirements, as specified by State statute; and
- Be a registered voter in Blanco County.

Professional Affiliations:

Depending on the nature of the appointment and the specific ordinance provisions, a member may be required to have certain licenses or certificates as a condition of membership. Should such conditions exist, the member must maintain the same during his/her appointment; if not, the member shall be automatically terminated.

Information:

Each person seeking appointment or reappointment to a board, commission, or other advisory committee shall obtain and file an application with the CAO/City Secretary in person or online.

Interview:

Candidates may be interviewed by the Mayor and/or City Council before being considered for appointment.

Appointment Notification:

Upon appointment of a board, commission, or other advisory committee member by the Mayor and approval by the City Council, the CAO/City Secretary shall prepare an E-mail notification sent to the appointee and the board, commission, or other advisory committee presiding chair. The E-mail shall include notice of required Open Meetings and Public Information Acts training.

Incumbents:

Persons appointed and serving on any board, commission, or other advisory committee shall submit to the CAO/City Secretary an application to be considered for reappointment to the position in which they currently serve or for appointment to any other available position. There is no vested right to

reappointment for any position. An incumbent competing for reappointment may be evaluated using the following criteria:

- Attendance;
- Understanding of board, commission, or other advisory committee functions;
- Effectiveness;
- Demonstrated contribution during the past term of office on issues, programs, policies, et cetera of the board, commission, or other advisory committee;
- Objectivity; and
- Number of terms served.

Rules of Conduct:

All City board, commission, and other advisory committee members shall abide by all applicable State Laws, City Code of Ordinances, and other laws relating to the conduct of members, including, but not limited to, conflict of interest statutes and the Open Meetings Act.

Council Members shall not testify in matters before any board, commission, or other advisory committee that will receive, or could potentially receive, future appeal or review before the City Council.

Term:

All appointments to a board, commission, or other advisory committee shall be for a term of two (2) years and be concurrent with the Mayor, unless otherwise statutorily required. Terms shall expire on the 1st day of June, each odd numbered year; provided, however, that each member's appointment shall continue until successors are qualified and appointed.

Vacancies will be filled for the remainder of the term in the same manner as a regular appointment.

Each citizen shall be limited to appointments to a maximum of two (2) boards, commissions, or other advisory committees at the same time.

Oath of Office:

Every person appointed to any office in the City shall, before entering upon the duties of his or her office, take and subscribe to the Oath of Office, subscribed in Article XVI, Section I of the State Constitution.

The CAO/City Secretary or Mayor shall be responsible for administering the oaths of office and securing related statements.

Officers:

The officers of a board, commission, or other advisory committee shall be a Chair, Vice-Chair, and a Secretary. All officers must be members of the board, commission, or other advisory committee. Officers shall be elected annually and shall hold office for one (1) year or until their successors have been elected, commencing July 1st of each year and expiring on June 30th of the subsequent year.

The CAO/City Secretary shall be notified, in writing, by the Chair of all changes in board, commission, or other advisory committee officers.

The Chair shall preside at all regular and special meetings of the appointed body. The Vice-Chair serves in the Chair's absence. In the absence of the Chair and Vice-Chair, the Secretary shall assume the Presiding Officer position and all other related duties. In the absence of all officers, the member with the most seniority may assume the Presiding Officer position, or the members may select a temporary Presiding Officer if a quorum is present.

Maintenance of Membership:

The Chair of boards, commissions, or other advisory committees shall immediately notify the CAO/City Secretary, in writing, should there be a resignation of a member.

The CAO/City Secretary shall maintain a master list containing the names and expiration dates of all appointments to boards, commissions, and other advisory committees. The master list shall be updated upon each appointment and/or reappointment.

Changes:

Individual members shall have the responsibility of advising the CAO/City Secretary of address or other contact information changes. Changes in a member's contact information and the names of new officers shall be submitted to the CAO/City Secretary as soon as practical.

Quorum:

A majority of the members of a board, commission, or other advisory committee shall constitute a quorum, and action taken at a meeting shall require the affirmative vote of a majority of the members in attendance, unless in conflict with the Code of Ordinances.

Meetings:

All board, commission, or other advisory committee meetings shall meet in accordance with applicable Code of Ordinance provisions and adopted bylaws, if applicable.

All meetings shall be conducted in compliance with the Texas Open Meetings Act, Texas Government Code Chapter 551, including the posting of agendas that will clearly identify, for the general public, the purpose of the item and the proposed action to be taken.

The agendas for all meetings shall be posted by the CAO/City Secretary, or designee, on the City's official bulletin board and website, in accordance with the Texas Open Meetings Act. The signature of the CAO/City Secretary, or designee, shall be affixed thereto attesting to compliance with the Texas Open Meetings Act. No other signature is required for a public meeting notice to be posted.

Proper records of all meetings shall be maintained. All original minutes of said meetings shall be filed with the CAO/City Secretary.

Any communication amongst a majority of the members, outside of a meeting, to develop a collective concurrence as to action to be taken on an item by the members is prohibited.

Board, commission, or other advisory committee members may attend and/or participate in the following so long as a majority of the members do not discuss matters that are within the subject jurisdiction of the board, commission, or other advisory committee:

- Informational or educational workshops or conferences;
- Community meetings, such as town hall meetings, workshops, forums, et cetera not sponsored by the advisory body;
- A meeting of another body of the City of Johnson City; and
- Social or ceremonial events.

Members shall reflect proper decorum at all meetings and City activities, treating colleagues, City Staff and employees, and constituents with respect and courtesy.

Minutes:

Meeting minutes are the official document for recording board, commission, or other advisory committee action. Written minutes shall include the names of all the members present, all motions proposed and their dispositions, the results of all votes, and the substance of the discussion of any matter and references to any documents consulted. Minutes shall be signed by the Secretary.

It shall be the responsibility of the Chair to ensure that approved minutes of each meeting are filed with the CAO/City Secretary in a timely manner.

Audio and visual recording of meetings conducted by the City is permitted in any area of the Council Chambers open to the general public.

Attendance:

Regular attendance at board, commission, and other advisory committee meetings by each appointee is required.

If a board, commission, or other advisory committee member fails, for any reason, to attend three (3) regular meetings within any twelve-month period, that member shall automatically be considered for replacement. The Chair shall inform the CAO/City Secretary of the situation, and the CAO/City Secretary shall place the item on the subsequent City Council agenda for action. A meeting cancelled for lack of a quorum is considered a meeting for purposes of recording attendance.

Absences:

Excused absences are not permitted on boards, commissions, or other advisory committees. Due to quorum requirements, when an absence is anticipated, the individual member is responsible for notifying the Chair in advance, and the absence shall be counted against the member's attendance record.

The CAO/City Secretary shall keep full attendance records for each member of a board, commission, or advisory committee.

Removal:

Members may be removed with or without cause by the Mayor, with the approval by the City Council, unless removal procedures are statutorily prescribed.

Resignation:

In the event a member finds it necessary to resign, a letter of resignation shall be directed to the City Council through the CAO/City Secretary, with a copy forwarded to the Chair of the board, commission, or other advisory committee.

Vacancies:

Vacancies shall be filled by a nomination from the Mayor, with approval by City Council, for the unexpired term of any member whose position becomes vacant.

Establishment of Bylaws:

Applicable bylaws, if any, and any changes thereof, shall be subject to the approval of City Council. Bylaws shall set forth procedures, purpose, specific functions, meetings, officers, et cetera.

Parliamentary Procedures:

All boards, commissions, and other advisory committees shall be conducted in accordance with these Policies and Procedures and Robert's Rules of Order (latest revision).

Public Information Act:

All boards, commissions, and other advisory committees are subject to the Public Information Act.

Conflict of Interest:

Each board, commission, or other advisory committee members shall disclose any possible conflict of interest which may arise in connection with matters being considered by the board, commission, or advisory committee of which he/she is a member. Said members shall refrain from discussing or voting on such matters. A member prevented from voting by a conflict of interest shall not discuss or vote on the matter and shall otherwise comply with State Law concerning conflicts of interest. The member shall file with the CAO/City Secretary, before a vote or discussion on the matter, an affidavit stating the nature and extent of the interest, and he/she shall abstain from further participation in the matter.

Questions regarding possible ethical issues or conflicts of interest should be referred to the CAO/City Secretary, as appropriate under the circumstances, in advance of the meeting or discussion. If necessary, the CAO/City Secretary will consult with the City Attorney on the matter.

Placing an Item on the City Council Agenda:

Recommendations requiring placement on the City Council agenda made by boards, commissions, and other advisory committees, as a part of their normal scope of duties and responsibilities, shall be placed on the City Council agenda by the CAO/City Secretary in a timely manner.

The CAO/City Secretary may seek additional information and/or clarification from the Presiding Officer of the board, commission, or advisory committee before placing the matter on the City Council agenda.

Duties of Chair:

A Chair's duties include calling the meeting to order and leading and conducting the meeting. The Chair should not influence members in their beliefs or in their votes.

The Chair decides if a quorum is present before the meeting is opened. The Chair sets the procedural rules for time allocation per item, discussion limits, time of adjournment, and keeps members focused on the agenda.

A good Chair must satisfy the following requirements:

- Knowledge of basic parliamentary procedure;
- Leadership ability;
- Capable of being personable and hold the ability to get along with people, yet, at the same time, being firm and orderly without endeavoring to be merely popular;
- Control of his or her emotions and convictions;
- Impartiality while sitting as the Chair with exercise of common sense and good judgment; and
- Ability not to express ill will or negative thoughts about others openly.

Role of City Staff:

Staff support and assistance may be provided or made available to boards, commissions, or other advisory committees, but said bodies do not have supervisory authority over City employees. Staff support includes, but is not limited to, preparation of agendas and appropriate background materials.

Attorney Attendance at Board, Commission, and Advisory Committee Meetings:

The City Attorney may attend meetings, from time to time, when requested by the Mayor or CAO/City Secretary.

Completed Committee Work:

It is the responsibility of boards, commissions, and advisory committees to provide concise and accurate written reports to the City Council, prepared in such a manner that the City Council fully understands the issue and what action, if any, it is to take. The report must be submitted to the CAO/City Secretary no later than the Wednesday prior to the City Council meeting at which the report is to be considered. The report shall include the following information:

- A summary of the information gathered;
- A statement of the conclusion or findings;
- Recommendations or rationale; and
- Actions taken.

Statements:

A board, commission, and/or advisory committee as a whole or through individual members does not have authority to speak for the City.

Code of Ethics:

Each body shall be governed by the City's adopted Code of Ethics, if applicable, and the Texas Local Government Code Chapter 171.

Dissolution:

The Mayor, with approval by the City Council, may dissolve, subject to State Law requirements, any body that, in their opinion, has completed its working function or for any other reason.

Council Recognition:

Outgoing board, commission, and advisory committee members shall receive a Certificate of Appreciation from the CAO/City Secretary.

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