

# EXHIBIT "A"

## CITY OF MANSFIELD

### PROCEDURAL RULES OF COUNCIL



Resolution No. 477  
Adopted 01/23/1989

Resolution No. 352 dated 07/27/1989  
Repealed 01/23/1989

Resolution No. 524 dated 11/02/1989  
Amended Section 1.05 (B) (8)

Resolution No. RE-2340-07 dated 08/27/2007

Resolution No. RE-2436-08 dated 06/09/2008  
Amended Section 1.03 (A)

Minute Order dated 03/24/2008  
Amended Section 1.07 (6)

## TABLE OF CONTENTS

	Page
<b><u>Section 1.01 Authority</u></b> .....	1
<b><u>Section 1.02 General Rules</u></b> .....	1
A. Meetings to the Public .....	1
B. Quorum; Required Vote on Matters .....	1
C. Compelling Attendance .....	1
D. Minutes .....	1
E. Right of Floor.....	1
F. City Manager .....	1
G. City Attorney .....	2
H. City Secretary.....	2
I. Rules of Order.....	2
J. Suspension of Rules.....	2
K. Amendments to Rules.....	2
<b><u>Section 1.03 Meetings</u></b> .....	2
A. Regular Meetings.....	2
B. Special Meetings.....	2
C. Recessed Meetings.....	2
D. Work Sessions.....	2
E. Executive Sessions.....	2
<b><u>Section 1.04 Duties of Mayor</u></b> .....	3
A. Chairman and Duties.....	3
B. Call to Order .....	3
C. Preservation of Order.....	3
D. Points of Order.....	3
E. Questions to be Stated.....	3
F. Vote Change.....	3
<b><u>Section 1.05 Order of Business</u></b> .....	3
A. Agenda .....	3
B. Presentations by Members of Council .....	3
C. Agenda Deadline.....	4
D. Communication to Mayor and Council Members .....	4
E. Reading of Minutes.....	4
F. Public Hearings .....	4
G. Petition Deadlines .....	4

<b><u>Section 1.06 Consideration of Ordinances, Resolutions and Motions</u></b> .....	4
A. Form.....	4
B. Ordinances .....	4
C. Recording of Votes .....	4
D. Majority Vote Required .....	5
E. Tie Vote .....	5
F. Order of Precedence of Motions .....	5
G. Reconsideration.....	5
H. The Previous Question (Close Debate).....	6
I. Withdrawal of Motions.....	6
J. Amendments to Motions.....	6
K. Appropriations of Money.....	6
<b><u>Section 1.07 Votes Required</u></b> .....	6
A. Charter and State Statutory Requirements.....	6
1. Charter Amendment.....	6
2. Levying Taxes.....	6
3. Changing Paving Assessment.....	6
4. Amending Zoning Ordinance .....	6
5. Declaring Emergency - Unanimous Vote.....	7
6. Naming of Public Facility (excluding Parks and Park Facilities).....	7
B. Council Rules Requirements.....	7
1. Suspending Rules.....	7
<b><u>Section 1.08 Creation of Committees, Boards and Commissions &amp; Election of Mayor Pro-Tem</u></b> .....	7
A. Council Committees.....	7
B. Citizen Boards, Commissions, and Committees.....	7
C. Selecting Members for Planning & Zoning Commission, Mansfield Economic Development Corporation and Mansfield Park Facilities Development Corporation .....	7
D. Election of Mayor Pro-Tem .....	8
<b><u>Section 1.09 Filing Petitions Before City Council</u></b> .....	8
A. Presenting Petition to City Secretary's Office.....	8
B. Requirements on the Signature Page .....	8
C. Property Owner's Name/Address as Shown on Last Approved Tax Roll .....	8
D. Description of Property.....	8

## CITY OF MANSFIELD

### PROCEDURAL RULES OF COUNCIL

#### Section 1.01 Authority

Pursuant to Article III, Section 3.09 of the Charter of the City of Mansfield, the following rules shall be in effect until such time as they are amended or new rules are adopted in the manner provided by these rules.

#### Section 1.02 General Rules

- A. Meetings to the Public: Every regular, special or called meeting of the City Council shall be opened to the public provided that meetings need not be open to the public under the exceptions prescribed in Chapter 551, Texas Government Code.
- B. Quorum; Required Vote on Matters: Five (5) members of the Council shall constitute a quorum, and the affirmative vote of at least four (4) of those attending any meeting at which a quorum is present shall be required to conduct any business of the city or adopt any ordinance or resolution. In zoning cases wherein a written protest against a change in zoning is signed by twenty (20) percent or more of the property owners either in the area of the lots or land included in such proposed zoning change or of the lots or land immediately adjoining same and extending two hundred (200) feet there from, such zoning change shall not become effective except by the favorable vote of three-fourths (6 members) of all the members of the council. (State law reference-Zoning Changes, V.A.C.S. Art. 1011c).
- C. Compelling Attendance: The Council may compel the attendance of absent members. If the Mayor or any Council Member fails to maintain the foregoing qualification, shall be absent without valid excuse from three (3) consecutive regularly scheduled meetings, or shall fail to maintain an eighty (80) percent attendance record for each elected year without valid excuse, the Council must declare a vacancy at its next regular meeting and shall fill the vacancy as set forth in the City Charter. (Article III, Section 3.02)
- D. Minutes: Accurate minutes of all proceedings of the Council shall be kept by the City Secretary in books to be provided for that purpose. Both citizen's and council member's comments are to be summarized in the minutes.
- E. Right of Floor: Any Council Member wishing to speak shall be recognized by the Mayor, and shall confine remarks generally to the subject under consideration. No Council Member shall be allowed to speak more than once on any one subject until every Council Member wishing to speak has done so.
- F. City Manager: The City Manager, or other appointed person acting in the City Manager's behalf, shall attend all meetings of the Council unless excused. The City Manager may make recommendations to the Council and shall have the right to take part in all discussions of the Council, but shall have no vote.

- G. City Attorney: The City Attorney shall attend all meetings of the Council unless excused, by the City Manager and shall advise the Council on questions of law and procedures. The City Manager is required to ensure an attorney is present at all Council meetings.
- H. City Secretary: The City Secretary (or in City Secretary's absence the Assistant City Secretary) shall attend all meetings of the Council unless excused, by the City Manager who will ensure a person is appointed to take minutes and administer the role of the City Secretary) and shall keep the official minutes.
- I. Rules of Order: Unless in conflict with these rules, the latest version, Robert's Rules of Order Revised shall govern the proceedings of the Council in all cases.
- J. Suspension of Rules: Any provision of these rules not governed by the City Charter or State law may be temporarily suspended by a majority vote (four) of all members of the Council. The vote on any such suspension shall be taken and entered upon the records. If there is an objection to suspending the rules, a vote is required to proceed.
- K. Amendments to Rules: These rules may be permanently amended, or new rules may be adopted by a majority vote (four) of all members of the Council. Any such amendments shall be adopted and recorded by resolution.

### **Section 1.03 Meetings**

- A. Regular Meetings: The Council shall meet regularly on the second and fourth Monday of each month. The regular meetings of the Council shall be held in the Council Chambers of the City Hall unless otherwise established by Council. *(Amended 06-09-08)*
- B. Special Meetings: Special meetings may be held on the call of the Mayor or four (4) Council Members with no less than seventy-two (72) hours notice to each Council Member. Emergency meetings may be called by the Mayor or Mayor Pro Tem in the Mayor's absence, or four (4) members, after notice has been posted two (2) hours. All meetings shall be open to the public and public notice shall be given in compliance with Chapter 551, Texas Government Code.
- C. Recessed Meetings: Any meeting of the Council may be recessed to a later time, provided that no recess shall be for a longer period than until the next regular scheduled meeting.
- D. Work Sessions: Work sessions may be held on the call of the Mayor or four (4) Council Members with no less than seventy-two (72) hours notice to each Council Member. The purpose is to research, analyze, and review any matter which requires special information and study. Such meetings shall be open to the public and notice thereof shall be given in compliance with Chapter 551, Texas Government Code.
- E. Executive Sessions: Participants to open and close executive sessions are limited strictly to Council Members, the City Manager, Assistant City Managers, Director of Business Services, and the City Attorneys. No other staff members, attorneys, board/committee members or individuals are allowed. At the request of Council, City Manager or City Attorney, individual(s) may be requested to attend to address or receive instruction for a specific executive session agenda item. That individual(s) is dismissed from executive session prior to addressing the next agenda item.

#### **Section 1.04 Duties of Mayor**

- A. **Chairman and Duties:** The Mayor, if present, shall preside as chairman at all meetings of the Council. In the absence of the Mayor, the Mayor Pro Tem shall preside. In the absence of both the Mayor and the Mayor Pro Tem, the City Secretary shall call the council to order, whereupon a temporary chairman shall be elected by the members of the council present. Upon the arrival of the Mayor, or of the Mayor Pro Tem if the Mayor does not then arrive, the temporary chairman or the Mayor Pro Tem, as the case may be, shall immediately relinquish the chair upon the conclusion of the business immediately before the Council.
- B. **Call to Order:** The meetings of the Council shall be called to order by the Mayor/Chairman.
- C. **Preservation of Order:** The Mayor/Chairman shall preserve order and decorum, prevent personalities or the impugning of Council Members' motives, and restrict Council Members in debate to the question under discussion.
- D. **Points of Order:** The Mayor/Chairman shall determine all points of order, subject to the right of any Council Members to appeal to the Council. If any appeal is taken, the question shall be "Shall the decision of the Mayor/Chairman be sustained?"
- E. **Questions to be Stated:** Immediately prior to voting, the Mayor/Chairman shall state "Is there any Council Member requesting the floor on this item?" If the answer is "yes", then Mayor/Chairman will relinquish the floor to said Council Member for discussions. If the answer is "no", then state, "Seeing no one requesting the floor, please vote on the (state the question being submitted). After voting, the Mayor/Chairman shall announce the result. A roll call vote shall be taken upon request of any member.
- F. **Vote Change:** In the event of a vote change, an immediate roll call vote shall be taken.

#### **Section 1.05 Order of Business**

- A. **Agenda:** The order of business of each regular meeting shall be as contained in the agenda prepared by the City Manager. The agenda for any regularly scheduled meeting shall be a listing by topic of subjects to be considered by the Council and shall endeavor to be delivered to members of the Council no later than Thursday before a regularly scheduled Monday meeting to which it pertains. The agenda for all special meetings and work sessions shall be posted in accordance with Chapter 551, Texas Government Code., delivered to Council Members (3) business days before such meeting. All agendas are made available at the meeting and on the city's website.
- B. **Presentations by Members of Council:** The agenda shall include a section entitled Council Comments when the Mayor or any Council member may present or comment before the Council any business or idea with the exception of legal and personnel matters which are reserved from such discussion by Charter. Any member of Council has a right to request that an item be placed on the agenda for discussion with the consent of at least two other Council Members. A Council Member's request to staff to conduct research, compile extraordinary information or give direction to staff regarding any project or business directive requires a majority vote (four) of the members of Council.

- C. Agenda Deadline: Any person desiring to present a subject for the Council's consideration shall advise the City Secretary's Office of that fact not later than 12:00 noon on the first or third Tuesday preceding the meeting at which the subject is requested to be considered; provided, however that the City Manager may grant exceptions to said deadline. The City Manager shall have the authority to limit the agenda to a reasonable number of items which can be considered as part of the order of business of any regular meeting. In such cases, any request to appear on the agenda shall be communicated to members of City Council during the pre-council work session and if desired by City Council, scheduled at the next regular meeting of City Council for action on the request.
- D. Communication to Mayor and Council Members: The City Manager shall provide the Council Members with written analysis of items to be acted upon by the Council at its meeting.
- E. Reading of Minutes: Unless a reading of the minutes of a Council meeting is requested by a Council Member and passed by a majority vote of the Council, such minutes may be approved without reading if the city secretary has previously furnished each Council Member with a copy thereof.
- F. Public Hearings: A public hearing may be held as part of any regular meeting or may in itself constitute a special meeting and shall be called to order and governed by all other provisions relating thereto to regular meetings and special meetings. Once a public hearing has been closed, the discussion by Council of any item on the agenda shall not be re-opened to public discussion, except by Council, with approval of two-thirds (5 Council Members) of all members of Council. Such motion shall be considered as a motion to limit or extend limits of debate.
- G. Petition Deadlines: Any person desiring to present a petition before City Council shall present the petition made by the petitioners to the City Secretary no later than one week after the public hearing and/or the first reading. A petition to be presented regarding a zoning change request or any issue that is scheduled for public hearing by City Council, not otherwise prescribed by the Texas Statutes or the City Charter, shall be presented as provided in Section 1.09 of these Procedural Rules.

#### **Section 1.06 Consideration of Ordinances, Resolutions and Motions**

- A. Form: All ordinances and resolutions shall be presented to the Council only in printed or typewritten form and ordinances shall be approved as to form and legality by the City Attorney.
- B. Ordinances: All ordinances shall be passed in accordance with the provisions of the City Charter.
- C. Recording of Votes: Voting, except on procedural motions, shall be by roll call and the ayes and nays shall be recorded in the minutes. Unless a member of the council states that such member is not voting, silence of such Council Member shall be recorded as an affirmative vote. Every Council Member and the Mayor must vote on all issues unless there is a declared and recorded conflict of interest.

- D. Majority Vote Required: Unless specifically provided otherwise, approval of every ordinance, resolution, or motion shall require the affirmative vote of a majority of all members of the Council (four). In case of a 3-2 vote with only five (5) Council Members present, an item will automatically be scheduled for reconsideration at the next regular council meeting.
- E. Tie Vote: In the event of a tie in votes on any motion, the issue will be carried over for reconsideration for the next official Council meeting. No action by the Council can be passed or failed unless four (4) of the Council Members at the meeting vote for its passage or failure.
- F. Order of Precedence of Motions: The following motions shall have priority in the order indicated:

## MOTION

### UNDEBATABLE

1. To adjourn<sup>2,3</sup> (cannot be amended)
2. To recess<sup>1</sup>
3. To raise a question of privilege (cannot be amended)
4. To lay on the table (cannot be amended)
5. To remove the previous question, majority vote (four) required (cannot be amended)
6. To limit or extend limits of debate, majority vote (four) required

### DEBATABLE

7. To postpone to a certain time
8. To commit or refer
9. To amend<sup>3</sup>
10. To postpone indefinitely (cannot be amended)
11. A main motion

### Footnotes:

1. The first two motions are not always privileged. To adjourn shall lose its privileged character and is a main motion if in any way qualified. To take a recess shall be privileged only when other business is pending.
  2. A motion to adjourn is not in order: (a) when repeated without intervening business or discussion; (b) when made as an interruption of a member while speaking, or (c) while a vote is being taken.
  3. A motion to amend shall be undebatable when the question to be amended is undebatable.
- G. Reconsideration: A motion to reconsider any action of the Council can be made not later than the next succeeding regular meeting of the Council. Such a motion can only be made by a member who voted with the majority. It can be seconded by any member. No question shall be twice reconsidered, except by unanimous consent of Council, except that action relating to any contract may be reconsidered at any time before the final execution thereof.

- H. The Previous Question (Close Debate): When a member moves the previous question (to close debate), it shall be put as follows:

"Shall we vote on the question?"

There shall then be no further debate but pending amendments shall be put in their order before the main question. Unless otherwise stated, this motion is confined to the immediately preceding question. An affirmative vote of a majority (4 members) of the Council is required to move the previous question. If the motion is lost, the main question remains before the Council for further debate.

If there is no objection, an informal request to close debate or call the question shall be honored by the Chairman without a vote.

- I. Withdrawal of Motions: A motion may be withdrawn or modified by its mover without asking permission until the motion has been stated by the Chairman. If the mover modifies their motion, the seconder may withdraw their second. After the question has been stated, the mover shall neither withdraw it nor modify it without the consent of the Council.
- J. Amendments to Motions: No motion or proposition of a subject different from that under consideration shall be admitted under color of amendment. A motion to amend an amendment shall be in order, but one to amend an amendment to an amendment shall not be in order.
- K. Appropriations of Money: Before formal approval by the Council of motions providing for appropriation of money, information must be presented to the Council showing the purpose of the appropriation and the account to which it is to be credited. In addition, before finally acting on such an appropriation, the Council shall obtain a recommendation and report from the City Manager as to the availability of funds.

### **Section 1.07 Votes Required**

Approval of every ordinance, resolution, or motion shall require the affirmative vote of a majority of the entire council (4), except when the Charter, State statutes, or these rules impose other voting requirements. Questions on which the voting requirements are varied by the Charter, State statute or these rules are listed below.

#### **A. Charter and State Statutory Requirements:**

1. Charter Amendment: Ordinance submitting proposed Charter Amendments must be adopted by a majority (4 members) vote of the Council.
2. Levying Taxes: Ordinances providing for the assessment and collection of taxes require the approval of a majority (4 members) of the Council.
3. Changing Paving Assessment: Changes in plans for paving assessment requires a majority (4 Council Members) of the Council.
4. Amending Zoning Ordinance: Provided that changes in zoning classifications, where a hearing is held by the Council and such change is protested by owners of twenty percent (20%) or more of the area within two hundred (200) feet of the affected property must have the approval of three-fourths (6 members) of all members of the Council.

5. Declaring Emergency - Unanimous Vote: In order for an emergency to be declared it shall be necessary that such measure be approved by the affirmative vote of all the members of the City Council present and voting.
6. Naming of Public Facility (excluding Parks and Park Facilities): Any Council Member may request to place on an agenda the Naming of a Public Facility (excluding Parks and Park Facilities. Follow policy adopted by City Council and the Mansfield Park Facilities Development Corporation dated 1996 unless amended). To name a public facility requires a Public Hearing and three (3) readings. No name of a deceased person will be considered for one (1) year after their death. (*Minute Order 03-24-08*)

B. Council Rules Requirements:

1. Suspending Rules: Council rules may be suspended by an affirmative vote of 2/3 (5 members) of all members of the Council.

**Section 1.08 Creation of Committees, Boards and Commissions & Election of Mayor Pro-Tem**

- A. Council Committees: The Council may, as the need arises, authorize the appointment of "ad hoc" Council committees. Any committee so created shall cease to exist upon the accomplishment of the special purpose for which it was created or when abolished by a majority vote of the Council.
- B. Citizen Boards, Commissions, and Committees: The Council may create other Committees, Boards and Commissions to assist in the conduct of the operation of the City government with such duties as the Council may specify that are not inconsistent with the City Charter or Code. Memberships and selections of member shall be as provided by the Council unless specified by the City Charter or Code. Any such Committee, Board, or Commission shall cease to exist upon the accomplishment of the special purpose for which it was created, or when abolished by a majority vote of the Council, unless otherwise provided in the Code. No committee so appointed shall have powers other than advisory to the Council or to the City Manager, except as otherwise specified by the Charter Code or State law.
- C. Selecting Members for Planning & Zoning Commission, Zoning Board of Adjustments, Mansfield Economic Development Corporation and Mansfield Park Facilities Development Corporation:
  - a. All board members will be appointed by the city council.
  - b. Term of office for all members is (2) two years.
  - c. Appointments are effective October 1 and terminate on September 30.
  - d. City Council interviews applicants for decision making boards prior to appointment.
  - e. All decision making boards, acting through their designated staff representative shall forward three (3) qualified candidates, if available, to the city council for their consideration and appointment. Upon request of a Council Member, all candidates submitting interest to serve on a board/commission in the last twelve (12) months will be furnished by the City Secretary to the Council Members.
  - f. The designated staff representative shall forward current board member that request reappointment to the city council for their consideration and appointment.
  - g. The city staff representative assigned to the advisory or decision making board will be responsible for the timely scheduling of candidate interviews for the board and city council.

- h. City Council interviews applicants and with a majority (4) votes appoints a board member.
  - i. City Council, at will, may release any or all board members from service without cause.
- D. Election of Mayor Pro-Tem: The election of Mayor Pro-Tem occurs at the first regular meeting after the general election or after any subsequent run-off required each year, as required by City Charter. All Council Members interested in the Mayor Pro-Tem position shall give notice during this agenda item at such meeting. The selection of Mayor Pro-Tem occurs through paper ballot listing all Members interested. Each Council Member and Mayor present at the meeting must vote. The results are tabulated by the City Secretary and announced by the Mayor.

**Section 1.09 Filing Petitions Before City Council (Adopted per minutes 8-22-88)**

A petition to be presented regarding a zoning change request or on any issue that is scheduled for public hearing by City Council, not otherwise prescribed by the Texas Statutes or the City Charter, shall be presented in the following manner:

- A. Presenting Petition to City Secretary's Office: The petition shall be made by the petitioners and presented to the City Secretary no later than one week after the public hearing and/or first reading.
- B. Requirements on the Signature Page: The signatures on the petition need not be appended to one paper, but each signer shall personally sign their name thereto in ink or indelible pencil and shall print after the signature: 1) their name; 2) their place of residence, giving name of street and number; 3) their telephone number, and 4) the day, the month and year their signature was affixed.
- C. Property Owner's Name/Address as Shown on Last Approved Tax Roll: A person signing as a property owner shall note thereon opposite their name the name shown as the property owner and the property address as shown on the last approved official tax roll of the City.
- D. Description of Property: The petition shall contain a description of property involved in the public hearing.