

# **City of Balcones Heights**



## **Council Relations Policy**

**and**

## **Code of Ethics**

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Council Policies

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## **City of Balcones Heights Mission Statement**

**The City of Balcones Heights is committed to improve the quality of life of its citizens, employees businesses, and visitors by providing a wholesome and friendly environment, excellent law enforcement and fire protection, safe and enjoyable parks, and community events and activities.**

### **I. Introduction**

The Balcones Heights City Council and the Mayor comprise the governing body for the citizens of Balcones Heights: therefore, they must bear the initial responsibility for the integrity of governance. The Governing Body is responsible for its own development (both as a body and as individuals), its responsibilities, its own discipline, and its own performance. The development of this policy is designed to ensure effective and efficient governance.

This policy will address Mayor and Council relations, Council and Staff relations, and Council and Media relations. By adopting these guidelines for elected officials, we acknowledge our responsibility to each other, to our professional staff, to our respective district, and to the public as a whole.

The City Council will govern the City in a manner associated with a commitment to the preservation of the values and integrity of representative local government and democracy, and a dedication to the promotion of efficient and effective governing. The following statements will serve as a guide and acknowledge the commitment being made in this service to the community.

1. The Governing Body has high priorities the continual improvement of the Councilmember's professional ability and the promotion of an atmosphere conducive to the fair exchange of ideas and policies among Councilmembers.
2. The Governing Body will endeavor to keep the community informed on municipal affairs; encourage communication between the citizens and the Governing Body; strive for strong, working relationships among Bexar County, the City of San Antonio, the San Antonio Independent School District, and neighboring communities.
3. In its governance role, the Governing Body will continue to be dedicated to friendly and courteous relationships with Staff, other Councilmembers, and the public, and seek to improve the quality and image of public service.
4. The Governing Body will also strive to recognize its responsibility to future generations by addressing the interrelatedness of the social, cultural, and physical characteristics of the community when making policies.
5. The Mayor and each Councilmember will make a commitment to improve the quality of life

for the individual and the community, and to be dedicated to the faithful stewardship of the public trust.

## II. **City Council Relations**

### **A. Introduction**

This section outlines the respective responsibilities of the Mayor, Council, and the Code of Conduct of each in their respective roles as elected representatives of the people. It holds to the principle that the effective delivery of services and the efficient administration of government is ultimately the aim of all concerned.

The City of Balcones Heights is a Type A General Law City. It is governed by a 5-member council presided over by the Mayor. The Mayor is the Chief Executive Officer of the city and represents the City in all matters and whose authority and actions are derived by the will, discretion, and direction of Council. According to Local Government Code, Sec. 22.042, the Mayor is limited to act on the will and accord of the Council; for this reason, Councilmembers being informed in all matters involving the City is one of the principle responsibilities of the Mayor's position. Councilmembers are to be kept informed of city business or activities which come to the Mayor's attention, resulting in better-informed Councilmembers who will be able to contribute ideas, voice opinions, or make timely and proper decisions. In accordance with Section 22.042 of the Local Government Code, the Mayor shall give to the Council any information and shall recommend to the Council any measure that relates to improving the finances, police, health, security, cleanliness, and comfort of the city.

### **B. Mayoral Responsibilities**

1. The Mayor shall be the presiding officer at all Council meetings.
2. The Mayor Pro-Tem shall preside in his/her absence.
3. The Mayor shall have a voice in all matters before the Council but in accordance with state law, may not vote on any agenda items requiring Council action. (Except in the case of a tie.)
4. The Mayor shall preserve order and decorum and shall require Councilmembers engaged in debate to limit discussion to the question under consideration.
5. The Mayor is the spokesperson for the Council on all matters unless absent, at which time the Mayor Pro Tem or his/her designee will assume the role.
6. The Mayor will encourage all Councilmembers to participate in Council discussion and give each Councilmember an opportunity to speak before any Councilmember can speak again on the same subject.
7. The Mayor is responsible for keeping the meetings orderly by recognizing each

Councilmember for discussion, limiting speaking time, encouraging debate among Councilmembers, and keeping discussion on the agenda item being considered.

8. Should a conflict arise among Councilmembers, the Mayor serves as mediator.
9. In the event that the City Administrator is on an unexpected absence or the position is vacant, the Mayor will temporarily fill the position until council appoints an Interim City Administrator.

### **C. Council Responsibilities**

1. At the request of any member of the City Council, the City Administrator shall place an item on the agenda for discussion or action.
2. Each Councilmember is responsible for being prepared to attend meetings and discuss the agenda.
3. Each Councilmember is encouraged to attend at least one Texas Municipal League sponsored conference during their term in order to stay informed on issues facing municipalities.
4. It is the responsibility of Councilmembers to be informed about previous action taken by the Council in their absence. In the case of absence from a workshop session where information is given, the individual Councilmember is responsible for obtaining this information prior to the Council meeting when said item is to be voted upon.
5. When addressing an agenda item, the Councilmember shall first be recognized by the Mayor, confine himself/herself to the question under debate, avoid reference to personalities, and refrain from impugning the integrity or motives of any other Councilmember or Staff member in his/her argument or vote.
6. In the absence of a ruling by the Mayor on any procedural matter, a Councilmember may move to change the order of business or make any other procedural decision deemed appropriate. The affirmative vote of a majority of the Councilmembers present and voting shall be necessary to approve the motion.
7. Any Councilmember may appeal to the Council as a whole a ruling by the Mayor. If the appeal is seconded, the person making the appeal may make a brief statement and the Mayor may explain his/her position. The Mayor will then put the ruling to a vote of the Council.
8. Any Councilmember may ask the Mayor to enforce the rules established by the Council. Should the Mayor fail to do so, a majority vote of the Councilmembers shall require him/her to do so.
9. When a Councilmember is appointed to serve as liaison to a board, the Councilmember is

responsible for keeping [the City Administrator and](#) all Councilmembers informed of board activity.

10. Neither Councilmember nor the Mayor shall direct or request the appointment of any person to, or removal from employment by the City Administrator or any of the City Administrator's subordinates (or in any manner take part in the appointment or removal of employees in the administrative services of the city). Neither a Councilmember nor the Mayor shall interfere in the City Administrator's recommendation process of the appointment, suspension, or removal of a municipal officer other than Councilmembers and those municipal officers who are appointed by the governing body. **Except for the purpose of inquiry, the Council nor any Councilmember thereof shall give orders to any subordinates of the City Administrator, either publicly or privately.** Nothing in this section interferes with the role of the Mayor to make temporary appointments of municipal officers subject to confirmation by the City Council, nor does this section interfere with the role of the Mayor and/or City Council to determine the selection process of municipal officers.

#### D. Code of Conduct for Mayor and Councilmembers

1. During the Council meetings, Councilmembers shall preserve order and decorum, shall not interrupt or delay proceedings, and shall not refuse to obey the requests of the Mayor or the rules of the Council.
2. Councilmembers shall demonstrate respect and courtesy to each other, to City Staff members and to members of the public appearing before the Council.
3. Councilmembers shall refrain from rude and derogatory remarks and shall not belittle other Councilmembers, Staff members, or members of the public.
4. Councilmembers will not use their position to secure special privileges and shall avoid situations that create a perception of bias or partiality in regard to a question before the Council.
5. Councilmembers will not condone any unethical or illegal activity. All members of the Council agree to uphold the intent of this policy and govern their actions accordingly.
6. Councilmembers shall not unreasonably interfere with the everyday duties of city staff, and shall limit meetings and phone calls with the City Administrator to discuss city business. Mayor and Councilmembers should initially make attempts to contact the City Administrator to discuss city business by either phone call or e-mail; personal meetings with the City Administrator should be limited to one-hour a week. Requests for information should be directed to the City Administrator.

7. Except for the purpose of investigations, City Councilmembers shall deal with City

employees, who are subject to the direction and supervision of the City Administrator, solely through the City Administrator. The City Councilmembers shall not give orders to any City employee, either publicly or privately.

8. Elected Officials shall not create a hostile work environment towards employees by verbal, written, or physical presence which disrupts their work environment. If an elected official has knowledge of a hostile work environment, he/she will notify the City Administrator.

### III. **Council and Staff Relations Policy**

No single relationship is as important as that of the Council and their City Administrator in effectively governing the City of Balcones Heights. It is for this reason that the Council and City Administrator must understand their respective roles in that process.

The City Administrator is the primary link between the Council and the professional Staff. Therefore, Council's relationship with the Staff shall be through the City Administrator on any issues related to the management or administration of the City. In this manner the citizens are assured that integrity is evidenced in local governance in Balcones Heights.

1. In order to ensure presentation of agenda items by Staff, questions arising from Councilmembers after receiving their information packet should be whenever possible, presented to the City Administrator for Staff consideration prior to the Council meeting. This allows Staff time to address the Councilmember's concern and provide all Councilmembers with the additional information.
2. The City Administrator shall designate the appropriate Staff member to address each agenda item and shall see that each presentation is prepared and presented in order to inform and educate the Council on the issues that require Council action.
3. The presentation shall be professional, timely, and allow for discussion of options for resolving the issue.
4. The Staff member making the presentation shall either make it clear that no Council action is required, present the Staff recommendation, or present the specific options for Council consideration.
5. The City Administrator is directly responsible for providing information to all the Council concerning any inquiries by a specific Councilmember. With the exception of Public Information Act requests, requested information shall be shared with the entire Council. Staff is committed to providing a timely response to a request for information, as such elected officials shall respect the time it may take for staff to provide requested information given current workload.
6. The City Administrator is responsible for the professional and ethical behavior of

himself/herself and the discipline of his/her Staff in any matter related to unprofessional or unethical behavior.

7. The City Administrator is responsible for ensuring that the Staff receives the education or information necessary to address the issues facing municipal government.
8. The Mayor and City Administrator will address any conflicts arising between the City staff and the Council.
9. All Staff members shall show each other, each Councilmember, and the public respect and courtesy at all times. They are also responsible for making objective, professional presentations to ensure public confidence in the process.
10. When asked to respond to question in their professional opinion, staff may respond without fear of repercussions, retaliation, or disciplinary action.
11. The City Administrator, after an election, will make certain the Staff has prepared information needed for the orientation of Council candidates and new Councilmembers, and inform them of any Texas Municipal League conferences and seminars available.
12. The City Administrator will also be responsible for meeting personally with new Councilmembers and prospective Council and informing them about City facilities and procedures.
13. The City Administrator serves as the purchasing agent for the City and supervises the purchase of all material and equipment for which funds are provided in the budget; let contracts necessary for operation or maintenance of the city services for amounts approved by the Council.
14. If the City Administrator is absent, he/she shall appoint a designee until their return or the Mayor shall substitute as designee with City Council approval.

#### **IV. City Council Code of Ethics**

The office of an elected official is one of trust and service to the citizens of Balcones Heights. This position creates a special responsibility for the Balcones Heights City Councilmember. In response to this unique challenge, the Balcones Heights City Council is expected to govern this City in a manner associated with commitment to the preservation of the values and integrity of representative local government and local democracy and dedication to the promotion of efficient and effective governing.

To further these objectives, certain ethical principles shall govern the conduct of every Councilmember, who shall adhere to the following:

1. Dedicate themselves to the highest ideals of honor and integrity in all public and personal relationships in order that the member may merit the respect and confidence of the citizens of Balcones Heights.
2. Recognize the chief function of local government at all times is to serve the best interest of all the people of Balcones Heights.
3. Be dedicated to public service by being cooperative and constructive, and by making the best and most efficient use of available resources.
4. Refrain from any activity or action that may hinder one's ability to be objective and impartial on any matter coming before the Council.
5. Do not seek or accept gifts or special favors in exchange for official conduct; do not utilize their official position for personal gain; do not use confidential information for personal gain; do not misuse public funds or public property.
6. Avoid the undesirable influences of family relationships or close relatives of the Councilmembers, the appearance of preferential treatment related to family relationships or close relatives, and any interference with the proper administration of the affairs of the City of Balcones Heights.

**Nepotism** is the showing of favoritism toward a relative. The City forbids the practice of nepotism in hiring personnel or awarding contracts in accordance with state law. No person related within the second degree by affinity or third degree by consanguinity to the Mayor or any Councilmember or the City Administrator or to any employee who would supervise his or her job performances either directly or indirectly shall be appointed to any paid office or position of the city. **Exception:** This prohibition shall not apply to any person who shall have been employed by the city for two (2) or more years prior to and at the time of election of the Mayor, or Councilmembers or the appointment of the City Administrator so related to him or her.

7. A close relative is defined as a person who is related within the second degree of affinity or the third degree of consanguinity.
8. The term spouse shall mean persons who are living together in conjugal relationship, whether legally married or not, and such persons shall be considered a spouse for the purposes of determining by affinity.
9. Recognize that public and political policy decisions, based on established values are ultimately the responsibility of the City Council.
10. Conduct business in open, well-publicized meetings in order to be directly accountable to the citizens of Balcones Heights. It is recognized that certain exceptions are made by the State for executive sessions and any action as a result of that type of meeting will be handled later

in the open session as noted on the agenda.

11. Councilmembers should refrain from voting on issues that do not necessarily constitute a legal conflict but may be perceived as a conflict of interest by the public or members of council.
12. A Councilmember shall not intentionally or knowingly disclose any confidential information gained by reason of said official position concerning the property, operations, policies or affairs of the city. This rule does not prohibit:
  - (a) Any disclosure that is no longer confidential by law; or
  - (b) The confidential reporting of illegal or unethical conduct to authorities designated by law.
13. Any sustained violation of the Code of Conduct by any Councilmember(s) are grounds for removal in accordance with Section 21.025 of the Local Government Code. Any Councilmember may only be removed from office in Accordance with Chapter 21, Subchapter B of the Local Government Code.

## **V. City Council Meeting Information**

(A) This section will explain components of meetings, agendas, presentations, minutes, parliamentary procedure, maintain order and citizen participation. There are three basic types of meetings and they are recognized as a Regular Meeting, Special or Called Meeting and Workshop Meeting. All meetings are restricted to considerations of items posted on their agendas by the City Administrator, Staff or Councilmember. Unless items are posted on the agenda, there can be no action or discussion. For City Council to convene proper posting of: time, place and purpose and notification is required for all meetings. All Meetings require minutes to be taken. All Meetings are open to the Public except for Executive Session items. Meetings require a Quorum of City Councilmembers to convene while Workshops do not.

1) Regular Meeting: Regular meetings of the City Council shall be held on the fourth (4th) Monday of each month at 6:00 p.m. at the Justice Center, 3300 Hillcrest Drive, Balcones Heights, Texas. This is a mandatory monthly meeting in which most of City Council activities transpire. A majority of five City Councilmembers, three members (not including the Mayor) must be present to constitute a quorum to conduct business. However, at a regular meeting or a special /called meeting to consider the imposition of taxes, two-thirds or four members (not including the Mayor) are required to constitute a quorum. If you lack a quorum no action can take place, but you are allowed to have discussion.

2) Special/Called Meetings: Special /Called meeting are subject to call by the Mayor, the City Administrator, or the application of three Councilmembers. Except for unusual circumstances, these meetings shall be held at the Justice Center. The purpose of such meetings is to act on upon matters that cannot be delayed until a regular meeting. Quorum for Special /Called meetings is two-

thirds or four Councilmembers (not including the Mayor). If you lack a quorum, no action can take place but you are allowed to have discussion.

3) Public Hearings: The purpose of a public hearing is to present evidence on both sides of an issue. Some public hearings are required by state law, as in the case of the Uniform Budget Law (Sections 102.001 et seq., Local Government Code), which requires a public hearing on the city budget prior to its adoption. Others are voluntarily conducted by the council to obtain a full range of citizen opinion on important matters, such as a proposed bond issue.

4) Workshops: Workshops are under the guidelines for a special /called meeting. They can be held anytime or anyplace with proper posting and notification. Quorum of council is not required. The Council may hear reports and deliberate on items listed on the agenda. No official action items can be taken.

5) Emergency items: Emergency Special Called meetings or Emergency agenda items must be posted at least 2 hours in advance of the meeting. Emergency meetings or items are extremely rare. Please consult the City Administrator, City Attorney, or City Secretary regarding which items qualify. The Mayor, City Administrator or Councilmembers can add to the agenda or call a Special Meeting. Individuals who have filed a written request for emergency notification will be informed.

(B) Agenda. The following stipulations relate to the agenda for meetings of the Council.

(1) NO ACTION CAN BE TAKEN ON ANY ITEM UNLESS THAT ITEM HAS BEEN POSTED ON THE AGENDA FOR THAT MEETING AND THE AGENDA POSTED AT CITY HALL 72 HOURS PRIOR TO THE MEETING.

(2) Preparation of the agenda.

(a) The Mayor and/or City Administrator will exercise their best judgment in determining the most important items received for placement on the agenda and adding other items of business to come before the Council. An item not appearing on the agenda shall not be taken up for discussion as a matter of Council business during any Council meeting. However, the Council may receive items as information.

(b) Any member of the city staff wishing to have an item placed on the agenda shall submit that item to the City Administrator's office, through regular supervisory channels, for approval. The City Administrator may establish procedures for submission of routine items without his or her approval.

(c) Any Councilmember may request an agenda item to be placed on any regular or special meeting as long as the request is submitted five business days prior to the Council meeting for an action item and two business days prior to the Council meeting for

a discussion item. All such requests shall contain the following minimum information in writing:

- (i) The name and department of the person filing the request.
- (ii) The date the request is filed and the date of the meeting at which the matter is to be addressed.
- (iii) A brief, concise statement of the matter to be addressed.
- (iv) A copy of any supportive documents or attachments.

(3) Distribution of agenda packets.

(a) Agenda packets will be delivered, either electronically or hand delivered, to the appropriate elected officials on the Friday evening before the Council meeting. Agenda packets for special meetings will be distributed either electronically or hand delivered to the Mayor and Councilmember's homes as early as possible. This should afford ample time for the Mayor and Councilmembers to enquire into the nature of each matter to be discussed and to personally investigate the matter so as to better inform himself or herself before a Council meeting. City elected officials are encouraged to call the City Administrator or Mayor regarding any questions about items on the agenda or any other matter that concerns the city. Councilmembers are cautioned about engaging in discussions of city business with other Councilmembers. While one Councilmember may talk to one other Councilmember, any discussion that covers city business that could be interpreted as action to circumvent the Open Meetings Act could result in charges being brought against the Councilmember so doing.

(C) Council proceedings. These procedures shall apply to all meetings of the City Council. The Mayor shall be the presiding officer at all meetings of the City Council and have a voice in all of its proceedings, but the Mayor shall have no vote except in the event of a tie vote by the council in accordance with state law. Councilmembers shall speak in Council meetings only upon being recognized by the presiding officer, whose recognition shall not be unreasonably withheld. In the event of the absence of the Mayor, the Pro-tem Mayor shall be the presiding officer. The Mayor Pro-tem shall be able to have a vote in all matters as the Mayor Pro-tem continues to be a Councilmember even when presiding. In the event of the absence of the Mayor and Mayor Pro-tem, the Councilmembers in attendance, if constituting a quorum, shall select one of its Councilmembers to preside over that meeting. Mayor and Councilmembers shall refrain from private conversations with one another during Council meetings.

(1) Call to order. All meetings will begin promptly at the hour stated. A quorum shall be the attendance of a majority of the members of the Council. In the event of there not being a quorum at the time the meeting is called to order, the Council may discuss matters, but shall not take any action until a quorum is present. In the event the Mayor or a Councilmember leaves the Council room and the remaining members do not constitute a quorum, the Council may continue to discuss matters listed on the agenda, but may take no vote or conduct other business.

(2) Agenda. Ordinarily the Mayor or other presiding officer will follow the agenda as

published, however the presiding officer shall have, subject to the approval of the council, the prerogative of addressing items out of order should such change facilitate guests or other factors.

(3) Presentation of agenda items. Agenda items scheduled by the City Administrator will be presented by the City Administrator or the City Administrator may call on a staff member to present the item. Staff members may attend council meetings and be available as a resource person; however they are not to speak on city issues unless directed by the City Administrator, Mayor or the City Council.

(4) Presentations from the floor.

(a) All guests and other persons who are to speak to the City Council, including staff members, other than the City Administrator, City Attorney, or City Secretary who are seated at the table, shall wait in the audience until recognized. When called by the presiding officer for an opportunity to be heard, that person shall move immediately to the podium and make their comments.

(b) The speaker shall identify herself or himself by name and address and the agency represented, if any. The speaker shall remain at the podium until all council questions have been answered and the Mayor has dismissed the speaker. Speaking from the podium will assure that the recording equipment picks up the presentation.

(5) Council action. After the Council has heard all of the facts reviewed the supporting data, and listened to the arguments for and against each agenda item; it will act by approving or disapproving a motion. In the event that there is no motion or no second to a motion, no action will be deemed taken. Robert's Rules of Order would require a motion to act prior to any discussion of any item on the agenda, however this Council's policy permits introduction of an item and discussion prior to making a motion for action.

(a) The City Council acts in one of two methods. It may adopt a resolution or an ordinance. A resolution is an expression of the will of the Council. The resolution may be written to honor some person, to recognize an event, to ask the city administration to look into a matter, perform a task, to execute a contract, or to fulfill some other desire of the Council. An ordinance is a law or regulation. The Council adopts an ordinance to set traffic regulations, to establish zoning or land use regulations, to set the tax rate, etc. Both ordinances and resolutions require the presentation of the item on the agenda, a motion and a second to the motion and an affirmative vote of three Councilmembers.

(b) From time to time, a question is raised about the legality of a person making a motion and then voting against his or her own motion. There is no prohibition in doing that. The person may be opposed to an action and wants the motion on the floor so that person can register the opposing vote.

(D) Minutes of meetings.

(1) The City Secretary or the City Secretary's assistant will keep minutes of all meetings. The Secretary will record the proceedings and the tapes will be kept in accordance with state retention requirements unless there have been questions rose which indicate possible need to keep the tapes longer.

(2) The minutes will record the presence of each elected official, each city staff member, and all guests who registered their attendance. The minutes will include all areas of discussion and identify each speaker and the topic, as far as possible, the key point or points that were made. The minutes will not be a verbatim recording of al discussions. The minutes will reflect all motions made, who made and who seconded the motions, although it is not necessary to identify the person seconding a motion. The outcome of each motion, including the roll call vote, if requested, will be included in the minutes. The minutes will include the key points of any specific comments made by Councilmembers for the record.

(3) Each agenda item will be identified in the minutes by sub-headings to facilitate review by the Mayor and Councilmembers. It is important that the minutes include the name and address of any guests who address the Council as well as the specific subject or request presented.

(4) The minutes shall not include verbatim copies of statements or any extraneous discussions; however any Councilmember who desires to have a verbatim statement included as a part of the minutes shall provide a typed copy of such verbatim statement to the City Secretary prior to the presentation of such statement. This statement will not be typed into the minutes, but will be attached to the minutes and so noted.

(5) Copies of the minutes will be included in the agenda packets distributed to the Council prior to the next regular meeting. Minutes may be amended should a Councilmember recognize an incorrect statement and then may be approved by the City Council without a motion unless a member of the Council desires otherwise. After allowing time for review, the presiding officer may state that the minutes are approved as amended or approved as distributed. Always keep in mind that the minutes are a record of the council action, even though they may differ from a tape or other recording of the meeting.

(E) Parliamentary procedure.

(1) In regular and special meetings, Robert's Rules of Order will be followed as far as is feasible. Generally, the City Attorney will be the Parliamentarian for Council meetings. Below is a summary of motions that are commonly used.

# Robert's Rules of Order Motions Chart

Based on Robert's Rules of Order Newly Revised (10th Edition)

<b>PURPOSE:</b>	<b>YOU SAY:</b>	<b>INTERRUPT?</b>	<b>2ND?</b>	<b>DEBATE?</b>	<b>AMEND?</b>	<b>VOTE?</b>
Close meeting	I move to adjourn	No	Yes	No	No	Majority
Take break	I move to recess for ...	No	Yes	No	Yes	Majority
Register complaint	I rise to a question of privilege	Yes	No	No	No	None
Make follow agenda	I call for the orders of the day	Yes	No	No	No	None
Lay aside temporarily	I move to lay the question on the table	No	Yes	No	No	Majority
Close debate	I move the previous question	No	Yes	No	No	2/3
Limit or extend debate	I move that debate be limited to ...	No	Yes	No	Yes	2/3
Postpone to a certain time	I move to postpone the motion to ...	No	Yes	Yes	Yes	Majority
Refer to committee	I move to refer the motion to ...	No	Yes	Yes	Yes	Majority
Modify wording of motion	I move to amend the motion by ...	No	Yes	Yes	Yes	Majority
Kill main motion	I move that the motion be postponed indefinitely	No	Yes	Yes	No	Majority
Bring business before assembly (a main motion)	I move that [or "to"] ...	No	Yes	Yes	Yes	Majority
<b>PURPOSE:</b>	<b>YOU SAY:</b>	<b>INTERRUPT?</b>	<b>2ND?</b>	<b>DEBATE?</b>	<b>AMEND?</b>	<b>VOTE?</b>
Enforce rules	Point of Order	Yes	No	No	No	None
Submit matter to assembly	I appeal from the decision of the chair	Yes	Yes	Varies	No	Majority
Suspend rules	I move to suspend the rules	No	Yes	No	No	2/3
Avoid main motion altogether	I object to the consideration of the question	Yes	No	No	No	2/3
Divide motion	I move to divide the question	No	Yes	No	Yes	Majority
Demand a rising vote	I move for a rising vote	Yes	No	No	No	None
Parliamentary law question	Parliamentary inquiry	Yes	No	No	No	None
Request for information	Point of information	Yes	No	No	No	None
<b>PURPOSE:</b>	<b>YOU SAY:</b>	<b>INTERRUPT?</b>	<b>2ND?</b>	<b>DEBATE?</b>	<b>AMEND?</b>	<b>VOTE?</b>
Take matter from table	I move to take from the table ...	No	Yes	No	No	Majority
Cancel previous action	I move to rescind ...	No	Yes	Yes	Yes	2/3 or Majority with notice
Reconsider motion	I move to reconsider ...	No	Yes	Varies	No	Majority

(2) Any Councilmember may call for the question on any issue, and upon seconding by another Councilmember; the issue to call for the question shall immediately be put to vote. Passage of the motion to address the previous question shall terminate debate on the motion, amendment or item under discussion and action shall be taken on that item immediately, and the chair shall move to the next item.

(3) The Council may agree to limit debate on any business before it. That agreement should be formalized by a majority of the Council on a roll call vote prior to any deliberation on that item.

(4) Any Councilmember may request a roll call vote at any time.

(F) Decorum and debate.

(1) IT IS IMPERATIVE THAT THE PRESIDING OFFICER MAINTAIN ORDER AT ALL TIMES. THE OFFICER MUST NOT PERMIT DEBATE OR COMMENTS FROM ANY INDIVIDUAL WHO HAS NOT BEEN RECOGNIZED. INTERRUPTIONS MUST BE SILENCED BY VOICE, USE OF THE GAVEL OR OTHER MEANS, AND, IN THE EVENT OF ANY PERSON'S FAILURE TO HEED THE DIRECTIONS OF THE PRESIDING OFFICER, THE OFFICER MAY HAVE THAT INDIVIDUAL REMOVED FROM THE ROOM.

(2) When a measure is presented to the Council for consideration, the presiding officer shall recognize the appropriate individual to present the case. When two or more Councilmembers wish to speak, the presiding officer shall name the Councilmember who is to speak first and may direct that the other shall speak next. No Councilmember shall speak first and may direct that the other shall speak next. No Councilmember shall interrupt another who is speaking except to make a point of order or to make a point of personal privilege.

(3) No member of the public or Councilmember shall be permitted to indulge in personalities, use language personally offensive, question motives of other members, charge deliberate misrepresentation, or use language tending to hold another Councilmember or the public up to contempt.

(4) If a Councilmember is speaking without being recognized or otherwise violating any of the rules of the Council, the presiding officer shall, or any Councilmember may, call him or her to order in which case he or she shall immediately be quiet unless permitted to explain. The Council shall, if appealed to, decide the case without debate. If the decision is in favor of the member called to order, he or she shall be at liberty to proceed, but not otherwise, and if the disruptions continues, he or she shall be liable to censure or to such punishment as the Council deems proper consistent with state statutes or city ordinances if applicable.

(5) In accordance to Roberts Rules of Order, the majority of the City Council may override any decision of the presiding officer regarding the conduct and handling of the Council meeting. In order for a decision of the presiding officer to be overruled, there must be a motion, a second and a vote by the majority of Council overruling the decision of the presiding officer.

(G) Citizen participation at meetings.

(1) All citizens attending any regular or special Council meetings will be asked to sign the visitor's register provided. The City Secretary, as a matter of record, will add their names to the minutes of said meeting. Persons wishing to speak to the Council, in addition to signing the visitors register, must complete a "speakers card" and indicate the subject that they wish to address. Ordinarily, one who wishes to address an agenda item will be invited to speak when the agenda items comes up for discussion. One who wishes to address a subject not on the agenda will have an opportunity to speak during the citizen comments agenda item. Citizen comments are limited to three minutes. A citizen may be given the time of another citizen to speak if approved by the presiding officer; however, citizen will be limited to a total of six minutes. The Mayor or Council may make a motion to grant additional time for a citizen to continue speaking. A majority of the Councilmembers would be required to grant additional time.

(2) To maintain decorum, the Mayor, at all meetings, will ask the citizens present if they wish to speak for or against any item on the agenda. If so, they will be given an opportunity to do so at the proper time, when recognized by the chair. Citizen comments, when speaking on an agenda item, are limited to three minutes. A citizen may be given the time of another citizen to speak if approved by the presiding officer; however, citizen will be limited to six minutes. No citizen may speak nor otherwise interrupt any meeting until recognized by the presiding officer. Citizens will not be allowed to bring placards, banners or any type of sign into the Council chamber.

(3) If a citizen or organization wishes to make a presentation to the City Council, the time limit restrictions under divisions (G)(1) and (2) of this section will not apply if the citizen or organization complies with this division. A citizen or organization that wishes to make a presentation to the Council on any item, whether on the agenda or not, will receive 15 minutes if the citizen or organization contacts the City Secretary five business days prior to the scheduled City Council meeting in order for the presentation to be placed on the Council agenda. A citizen or organization must inform the City Secretary if any technological support will be required.

(4) Citizens who wish to bring up a matter not on the agenda at a regular meeting may do so, but only under citizen comments agenda item. Citizens must be reminded that the Council is prohibited from discussing or acting on any item that has not been posted on the agenda.

(5) Fire safety. Citizens are welcome and invited to attend Council meetings. However, the number admitted shall be limited to the fire safety capacity of the Council Chamber.

(6) Prohibition. Any attendee to a City Council meeting is prohibited from drinking alcoholic beverages, smoking or chewing any tobacco products in the Justice Center. This prohibition shall apply to all attendees and shall apply to all business hours of the Justice Center.  
(Ord. 2012-01, passed 2-13-12)

**VI. Regular Council Meeting Agenda Format–**

The agenda for regular and special meetings of the City of Balcones Heights shall be divided into the following types of business:

a. Invocation and Pledges of Allegiance to the USA and Texas flags. The Mayor, prior to the meeting, shall designate a Councilmember to lead the Council and audience in the prayer and pledges.

b. **Public Comments Period** – A meeting that is “open to the public” under the Open Meetings Act is one that the public is permitted to attend [Texas Attorney General Opinion No. M-220 (1968)]. The act does not entitle the public to choose the items to be discussed or to speak about items on the agenda [Texas Attorney general Opinion NO. H-188 (1973)]. A governmental body may, however, give members of the public an opportunity to speak at a public meeting [Id]. If it does so, it may set reasonable limits on the number, frequency, and length of presentations before it, but it may not unfairly discriminate among speakers for or against a particular point of view. The Open Meetings Act permits a member of the public or a Councilmember to raise a subject that has not been included in the notice for the meeting, but any discussion of the subject must be limited to a proposal to place that subject on the agenda for a future meeting.

The Public Comment Period on the agenda is for citizens to raise a subject that has not been included in the notice for the meeting. The remarks section is not to allow debate on items on the agenda but to inform Council in regard to subjects not on the agenda. To participate in the remarks from visitor’s citizens must fill out a form outlining the subject they wish to address and turn forms in to City Secretary prior to the first action item on the agenda. The speaker will be allowed three (3) minutes and Council is restricted from comments other than to direct the speaker to the proper person or foreman or elaborate on current policy.

The Mayor shall prohibit disruptive comments from the public regarding staff or Councilmembers.

The registration form to speak under citizens to be heard will read: “You may speak on any subject other than personnel matters or matters under litigation. A time limit of three minutes per speaker is requested. No Council action or discussion may take place on a matter until such matter has been placed on an Agenda and posted in accordance with law.”

c. **Presentations** – The Mayor will recognize individuals, groups, firms, etc. for meritorious service to the citizens of Balcones Heights and short presentations, requiring no council action may be made to the City Council regarding any issue of interest to the citizens of Balcones Heights.

d. **Consent Agenda** – A consent agenda contains routine items, which do not need further discussion and may be approved with one motion and vote. An explanatory note to the public shall precede the consent agenda portion of the printed agenda:

“The following items are of a routine or administrative nature. The City Council has been

furnished with background and support material on each item, and/or it has been discussed in a previous meeting. **All items can be acted upon by one vote without being discussed separately, unless requested by a Councilmember or a citizen, in which event the item or items will immediately be withdrawn for individual consideration in their normal sequence after the items not requiring separate discussion have been acted upon.** The remaining items will be adopted by one motion and vote of the City Council.”

The City Council and City Administration agree in advance on the general type of items that are to be included on the consent agenda. Routine business found on consent agendas will include:

1. Minutes
2. Monthly Check Register
3. Monthly Financial Reports
4. Approval of revenue license applications and bonds
5. Other Items already seen or approved by the City Council in past meetings.

When the consent agenda is used, the City Secretary is to ensure that such consent agenda items are incorporated into the minutes of the City Council Meeting.

e. **Board and Commission Appointments** – The Council will vote to appoint, re-appoint, or remove Board and Commission members on:

1. Planning and Zoning Commission
2. Board of Adjustments and Appeals

The Mayor will nominate and the Council will vote to approve/disapprove each member.  
**Councilmember**

f. **Public Hearings** – Staff will provide introduction of request and any background information that needs to be presented. The Mayor will open public hearing for those **in favor** of the change or presenting request, declare that portion of the public hearing closed. Mayor will open public hearing for those **against** the change or presenting request, declare that portion of the public hearing closed. Mayor considers motion for request.

g. **Action Items** - Any agenda item requiring a Council vote will be placed here. Some items considered are:

1. Ordinances
2. Resolutions
3. Budgets and Amendments
4. Minute Orders
5. All other municipal actions requiring Council Approval except for Bids and

## Contracts and Purchases

h. **Purchases/Bids and Contracts** – Any purchase bid, or municipal contract/contract amendment will be done in accordance with state law and will require Council action.

i. **Discussion Items** – any items of interest to the Citizens of Balcones Heights that may require future Council action is placed here so Councilmembers can talk about the issue before action is taken or ascertain if any future action is to be taken.

j. **Executive Session** – Executive session must be posted and only may be held regarding specific items. Discussions may be in private, however action must be taken after meeting is reopened to the public.

## VII. ORDINANCES AND PUBLICATION OF ORDINANCES.

(A) The City Council may adopt, publish, amend, or repeal an ordinance, rule, or police regulation that:

(1) is for the good government, peace, and order of the municipality or for the trade and commerce of the municipality; and

(2) is necessary or proper for carrying out a power granted by law to the municipality or to an office or department of the municipality.  
(Tex. Local Government Code Ann. § 51.001)

(B) The City Council may adopt an ordinance, act, law, or regulation, not inconsistent with state law, that is necessary for the government, interest, welfare, or good order of the municipality as a body politic. Tex. Local Government Code Ann. § 51.012)

(C) Upon the adoption of any ordinance that imposes a penalty, fine, or forfeiture, the City Secretary shall publish the ordinance, or a caption that summarizes the purpose of the ordinance and the penalty for violating the ordinance in every issue of the official newspaper for two days; or one issue of the newspaper if the official newspaper is a weekly paper. (Tex. Local Government Code Ann. § 52.011)

(D) An affidavit by the printer or publisher of the official newspaper verifying the publication shall be filed in the Office of the City Secretary. (Tex. Local Government Code Ann. § 52.011)

(E) An ordinance required to be published by law takes effect when the publication requirement is satisfied unless the ordinance provides otherwise. An ordinance that is not required by law to be published takes effect when adopted unless the ordinance provides otherwise. (Tex. Local Government Code Ann. §52.011)  
(Ord. 20-93, passed 5-10-93)

## **VIII. COUNCILMEMBER OR MAYOR, MOVING FROM CITY; COMPLAINT PROCEEDINGS.**

(A) As provided by Tex. Local Government Code Ann. § 22.041(a), if a Councilmember or Mayor moves from the city, his or her office is considered vacant.

(B) The following rules of proceedings are hereby adopted and implemented for trial and determination by the Mayor and City Council of a complaint that the Mayor and/or Councilmember has moved from the city:

(1) Councilmember. When a written, sworn complaint or information that charges that a Councilmember or the Mayor has moved from the city, is presented to the Mayor, the Mayor shall:

(a) File the complaint with the City Secretary/Treasurer;

(b) Cause a copy of such complaint or information to be served on the charged Councilmember;

(c) Set a date for trial of the case which shall be conducted after the 35-day written notice to the charged Councilmember as provided in division (B)(1)(d) of this section; and

(d) Notify the charged Councilmember and the other Councilmembers of the municipality to appear on the trial date. Such notice shall be in writing and shall be served upon the charged Councilmember no later than 35 days prior to the date of the trial. Service of that written notice of trial shall be complete upon deposit in the United States mail, certified mail, return receipt requested, in postage paid envelopes addressed to the Council at their last known addresses.

(e) The Mayor and the Councilmembers, except for the charged Councilmember, constitute a court to try and determine the case against the charged Councilmember. The Mayor shall act as presiding officer at the trial.

(2) Mayor. When such complaint is made against the Mayor, the complaint must be presented to a Councilmember of the municipality. The Councilmember shall:

(a) File the complaint with the City Secretary/Treasurer;

(b) Cause a copy of the complaint to be served on the Mayor;

(c) Deliver a copy of that complaint to the remaining Councilmembers;

(d) The Mayor Pro Tem shall then, upon receipt of a copy of the complaint against the Mayor, set a date for the trial of the case which shall be conducted sifter the notice as provided in division (B)(2)(e) of this section; and

(e) The Mayor Pro Tem shall notify the Mayor, along with the other Councilmembers, to appear on that trial date. The notice shall be in writing and shall be served upon the Mayor no later than 35 days prior to the trial date. Service shall be complete upon deposit in the United States mail, certified mail, return receipt requested, postage paid envelopes addressed to the Mayor and Council at their last known addresses.

(f) A majority of the Council constitutes a court to try and determine the charge against the Mayor. The Councilmembers shall select one of the Councilmembers to preside during the trial.

(C) A proceeding under this section is subject to the rules governing a proceeding or trial in a justice court. If two-thirds of the members of the court who are present at the trial of the case find the defendant has moved from the city, the presiding officer of the court shall enter a judgment declaring the charged officer's office as vacant. If the defendant is found not guilty, judgment shall be entered accordingly. (Ord. 21-90, passed 10-8-90)

## **IX. Council Elections**

- A. Elections for municipal officers shall be held annually on a uniform election date and in accordance with the Texas Election Code, Annotated. (Tex. Local Government Code ann. Sec. 22.003) (Tex. Election Code, Chapter 41)
- B. Councilmembers shall be elected by a Place System and shall be designated as Councilmember Place One, Councilmember Place Two, Councilmember Place Three, Councilmember Place Four and Councilmember Place Five. (Tex. Local Government Code Ann. Sec. 21.001) (Ord. 6-69, passed 12-8-69)
- C. The Mayor and Councilmembers shall hold two year staggered terms of office. The Mayor and Councilmember Place One and Councilmember Place Two shall be elected in even numbered years. Councilmember Place Three, Councilmember Place Four and Councilmember Place Five shall be elected in odd numbered years. (Tex. Local Government Code Ann. Sec. 22.035) (Ord. 7-74, passed 9-09-74)
- D. Runoff elections for municipal officers, when required, shall be held on the last Saturday of the month, for the month of May, following the regularly conducted election for the city set and held in accordance with Chapter 41 of the Texas Election Code. (Ord. 20-93, passed 5-10-93)
- E. Elected officials are allowed to exercise the duties of office no sooner than the fifth day after the election, except for Sundays, after the ballots can be cast, taking the oath of office and signing the statements. The oath of office can be given in accordance with Texas Constitution Article XVI, Section 1, Texas Government Code 602.002, and Local Government Code 22.042.
  - 1.) By giving notice of a called special meeting: by either the Mayor or three Councilmembers. Only 2 elected presiding officials are required to be present to open the meeting in addition to the city secretary and city attorney where the election ballot will be cast and the oath of office shall be given and the elected official shall sign their statement. The oath of office can be administered by anyone with a notary public or higher i.e.: judge, retired judge, clerk of municipal court, also see statues.

2.) Elected officials must be sworn in within 30 days from the time of the election. If the elected official is not sworn in at a called meeting they shall be sworn in at the start of the first regular city council meeting with notice placed on the agenda. The ballot shall be cast, the oath shall be administered, elected officials sign the statement, and shall take their position on council. The next scheduled order of business shall be the appointment of a mayor pro tempore to be approved by council.

References: Texas Election Code 67.003(b)1, 67.004(a), 67.016, Local Government Code 22.005, 22.006, 22.007, 22.036, 22.037(b), 22.038(b), 22.042, Government Code 602.002, 603.003.

### **3) Election Procedure for the Mayor Pro Tempore.**

(a) The Council will discuss, and with a majority vote, elect the Councilmember to serve as the Mayor Pro Tempore for the City.

(b) The elected Mayor Pro Tempore must be a Councilmember.

(c) Term dates for the Mayor Pro Tempore position will begin in June 1<sup>st</sup> of each year. Terms will sequentially rotate according to Councilmember place, beginning with Councilmember Place 1, then Place 2, etc. .

(d) If the Councilmember place that is up for appointment as Mayor Pro Tempore is vacant, the Mayor Pro Tempore appointment will go to the next Councilmember in the rotation.

(e) The position will have a term of office of twelve (12) months.

(f) In accordance with Texas Local Government Code, Council may vote to alter this procedure at any time and appoint any Councilmember to the position of Mayor Pro Tempore.

## **X. COMPENSATION.**

(A) Effective with the term that shall commence in May, 2006, the Mayor shall receive no compensation.

(B) Effective with the passage of Ordinance 2005-29, passed November 14, 2005, each Councilmember shall receive no compensation after the expiration of the current office of each Councilmember.

(C) Each city official shall be paid his/her actual expenses incurred, or reasonably expected to be incurred, while engaging in activities for or on behalf of the city and based on vouchers, receipts, statements or other evidence satisfactory to the City Secretary. (Tex. Local Government Code Ann. § 141.001)

(Ord. 3-70, passed 3-9-70; Am. Ord. 4-72, passed 3-13-72; Am. Ord. 15-88, passed 8-08-88; Am. Ord. 20-93, passed 5-10-93; Am. Ord. 29-98, passed 10-12-98; Am. Ord. 2005-22, passed 9-19-05; Am. Ord. 2005-29, passed 11-14-05)

## **XI. Council Travel Policy**

- (A) The City of Balcones Heights will reimburse the Mayor and City Council for reasonable business travel expenses incurred while on assignments away from normal work location. The Mayor must approve all business travel in advance. Councilmembers with approved travel are responsible for their own travel arrangements. Expenses are expected to be limited to reasonable amounts. Expenses that generally will be reimbursed are:
- Air or train fare for travel in coach or economy class or the lowest available fare
  - Car rental fees, only for compact or mid-sized cars
  - Fares for shuttle or airport bus service, or other public ground travel
  - Taxi fares, only when there is no less expensive alternative
  - Mileage costs for use of personal cars, only when less expensive transportation is not available
  - Staying at moderately priced hotel/motel establishments
  - Meals reimbursed with receipts
  - Charges for telephone calls, fax, and similar charges required for business purposes only
- (B) Councilmembers who are involved in an accident while traveling on business must promptly report the incident to the City Administrator or City Secretary. Vehicles owned, leased or rented by the City of Balcones Heights may not be used for personal use without approval of the Mayor.
- (C) A family member or friend may accompany Councilmembers on business travel, when the presence of a companion will not interfere with successful completion of business objectives. Generally, Councilmembers are also permitted to combine personal travel and business travel as long as time away from work is approved. Additional expenses arising from such non-business travel are the responsibility of the Councilmember. Costs incurred by personnel other than Councilmembers will not be reimbursed.
- (D) Travel advance may be paid when business travel expenses are expected to exceed five hundred dollars (\$500.00). When travel is completed, city officials shall complete travel expense reports to the personnel clerk on the appropriate forms within 15 days. City officials should contact the City Secretary for guidance and assistance on procedures related to travel arrangements, expense reports, reimbursement for specific expenses or any other travel arrangements.
- (E) When two or more Councilmembers are traveling to the same location for the same purpose, they should travel together whenever possible to avoid unnecessary travel expense. When two or more Councilmembers travel in a single automobile, only one Councilmember will receive mileage reimbursement.

- (F) Expenses which are not permitted under the terms of grants, contracts, or agreements with other agencies will not be charged as costs to those grants, contracts or agreements.
- (G) In cases where a rental car is used, Councilmembers do not need the optional insurance coverage; the City's auto liability coverage (Texas Municipal League Intergovernmental Risk Pool) will suffice. Councilmembers personal auto insurance will pay for damage to auto unless city official obtains (purchases) the collision damage waiver.
- (H) Where use of a personal vehicle is judged to be the most reasonable means of transportation in the conduct of official city business, reimbursement will be at the current IRS mileage rate.
- (I) City Councilmembers are expected to report the shortest distance between points of departure and destinations for all travel. All reimbursements must be approved by the City Administrator or City Secretary and be within budgeted appropriations.
- (J) City Officials who travel in a city-owned vehicle may be reimbursed for the actual cost of fuel, oil or other expenses related to the safe operation of the vehicle (with actual receipts).
- (K) Conference registration checks will be made out only to the organization sponsoring the conference.

**XII. Council keys to the Balcones Heights Justice Center**

A City Councilmember may request a key to the Balcones Heights Justice Center. The following rules will apply:

1. Pursuant to the desire of the City Council, Councilmember shall be provided a key to the Balcones Heights Justice Center, located at 3300 Hillcrest, Balcones Heights, Texas. It will be the responsibility of the Councilmember to safeguard the key to the Justice Center and shall not allow the transfer or otherwise assign the key to any other person. Any attempt to transfer or otherwise assign the key, even for a one-time use, the Councilmember will be required to immediately return said key to the City. Also, once the Councilmember is no longer an elected official, he must immediately surrender the key
2. If said key is lost, misplaced or no longer in the control of the Councilmember, he/she must immediately notify the City. Such notification must take place within twenty-four (24) hours of losing, losing control or misplacing of said key. Any cost the City incurs in changing locks, or re-keying the Justice Center as a result of the Councilmember losing, losing control or misplacing of said key, will be the responsibility of the Councilmember.

3. If said key is lost or misplaced by another City employee, and a new key is reissued, the City will provide another key to the Councilmember at no cost.

4. Councilmember further agrees that his/her use of the Justice Center will be to provide services and guidance to the Citizens of Balcones Heights. Councilmember agrees that facilities shall not be used, either directly or indirectly, for any personal business venture, nor political activity including, but not limited to, an activity to further the election or defeat of any candidate for public office.

### **XIII. Council Access to City Computers**

With the exception to a City-issued smart phone and/or tablet, no City Councilmember shall access a City computer or the City computer system without express approval of the Mayor and City Council, authorizing the access for specific Council actions.

### **XIV. Council E-Mail**

Each Balcones Heights Councilmember shall be assigned a City e-mail address. Access for City e-mail shall be in the City Secretary's office or by a City-issued or personally-provided device.

### **XV. City-issued Equipment**

(A) Any equipment issued to the Mayor or Councilmember shall be returned immediately to the City Secretary upon vacating that position.

(B) Any equipment issued to the Mayor or Councilmember shall be used for official use only. Any violation of this policy will result in denial of privilege to use City equipment.

### **XVI. Media Relations Policy**

Refer to Appendix A