

RESOLUTION NO. R2008-50

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FRIENDSWOOD, TEXAS, ADOPTING RULES OF PROCEDURE FOR CITY COUNCIL MEETINGS; AND REPEALING ALL OTHER RESOLUTIONS INCONSISTENT OR IN CONFLICT HEREWITH.

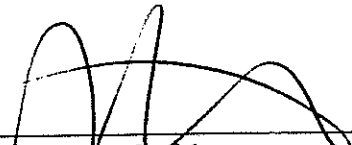
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BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FRIENDSWOOD, TEXAS:

Section 1. The City Council of the City of Friendswood, Texas, hereby adopts the "Rules of Procedure for the Conduct of City Council Meetings," a true and correct copy of which are attached hereto as Exhibit "A" and made a part hereof for all purposes.

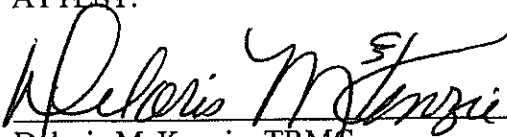
Section 2. All resolutions or parts of resolutions inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

PASSED, APPROVED, AND RESOLVED this the 7th day of July, 2008.

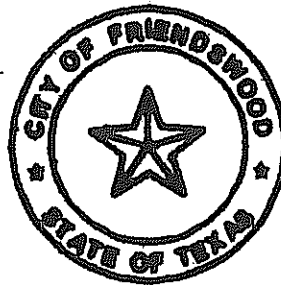


David J. H. Smith
Mayor

ATTEST:



Deloris McKenzie, TRMC
City Secretary



**Exhibit A
(R2008-50)**

**FRIENDSWOOD CITY COUNCIL RULES OF PROCEDURE
FOR CITY COUNCIL MEETINGS**

JULY 07, 2008

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

Rule 1. Meetings, Regular and Special

(A) According to the Charter, City Council shall hold at least one regular meeting each month. Generally regular meetings are held in the Council Chambers of the City Hall on the first and third Mondays of each month, commencing at 7:00 p.m. In the event Monday falls on a holiday, the meeting for that day shall be rescheduled as determined by Council. Any meeting of City Council may be recessed from hour to hour for a period of time not to exceed 24 hours, by an affirmative vote of 4 or more members of Council present at such meeting, and such recessed meeting shall be held without further posted notice.

(B) Other special meetings shall be held on the call of the Mayor or of four (4) or more Councilmembers. The agenda for such meetings shall be established at the discretion of those calling the meeting.

(C) Special meetings may be held at City Hall or another location to be designated by the Council in accordance with charter provision section 3.09.

(D) Four Councilmembers shall constitute a quorum for the transaction of business.

(E) The City Council may retire into Executive Session as authorized by the Open Meetings Act (Texas Government Code Chapter 551). These Rules of Procedure shall apply to the conduct of Councilmembers in an Executive Session, provided they do not conflict with the provisions of the Open Meetings Act. Matters discussed during each Executive Session shall be identified by certified agenda or tape recorded, prepared and retained as required by law.

Rule 2. Chairman and call to order

The Mayor or in his/her absence the Mayor Pro-Tem, shall preside at all meetings of the City Council. If the Mayor and the Mayor Pro-Tem are absent, any Councilmember may be appointed by the Mayor or a majority of the Council to preside. The Mayor or Acting Mayor may appoint a Mayor Pro-Tem in the absence of the Mayor or Mayor Pro-Tem during a state of declared emergency. At the hour of the meeting, the Mayor shall assume the chair, call the Council to order, and the City Secretary shall record the roll. The Mayor may make or second motions, and shall vote on all matters before the Council, unless otherwise prohibited by law.

Rule 3. Handling of agenda subjects

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

Rule 4. Conduct of Mayor and Councilmembers

Any member of the City Council including the Mayor, who fails to observe decorous and orderly behavior during a meeting or who disturbs a meeting of Council with such disorderly conduct is subject to being expelled from such meeting upon motion passed by 2/3 vote of the Council present at this meeting. Any member reprimanded by motion or expelled from a meeting by motion who thereafter commits another breach of decorous and disorderly behavior during a subsequent meeting and again disturbs any meeting of the Council by such disorderly conduct shall be subject to the same power of Council to reprimand him/her, expel him/her from the meeting, or subject such member to complaint, investigation, and conviction of official misconduct.

Except as provided below, no member of the Council, including the Mayor, shall be permitted to address the Council during a public hearing held by the Council or to address any board or commission of the City during a public hearing held by such board or commission. Notwithstanding the foregoing, any member of Council, including the Mayor, who has a conflict of interest as defined by Chapter 171, Texas Local Government Code, and who has fully complied with the affidavit filing provisions of said Chapter 171, may be permitted to address the Council, or board or commission of the City, during a public hearing if the subject matter of the public hearing is the basis for the filing by the member of Council or the Mayor of the conflict of interest affidavit described above. Provided further, unless otherwise prohibited by law, nothing in this rule shall be construed to prevent any member of the Council, including the Mayor, from addressing the Council, or participating in Council discussions and deliberations, relating to any item on an agenda of a meeting of the City Council, including items that were the subject of public hearings before the Council or any board or commission of the City.

Rule 5. Non-interruption

Each member of the City Council shall be permitted to address the chair while either seated or standing, and after recognition shall not be interrupted while speaking without his/her consent.

Rule 6. Handling of question of order

All questions of order shall be decided by the presiding officer with the right of appeal of his/her decision by the City Council, and a majority of the Councilmembers present may over rule the decision of the chair. When the chair makes a ruling on a point of order and one of the Councilmembers states, "I appeal the ruling of the chair", or words to such effect, no other business shall be transacted until the question, "shall the ruling of the chair be sustained?" is voted on. The presiding officer shall immediately put such question to vote without debate, and, if he/she fails to do so immediately, any member of the City Council may put the question to a vote.

Rule 7. Procedure for submitting agenda items

Any and all ordinances, resolutions or other matters, including all written data, except emergency items, to be brought before the City Council for its consideration, by the Mayor or by any member of the Council, shall be submitted in writing to the City Secretary not later than 2:00 p.m. of the Monday preceding the meeting at which the same is to be considered.

Rule 8. Motion to table

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

Rule 9. Procedure to debate

Upon any ordinance, resolution or other measure being laid out, or any motion being made, any Councilmember present, before there is any debate opened on the subject, may make a parliamentary objection to the consideration of the subject which need not be seconded. No debate shall then be permitted, and the presiding officer shall immediately put the question, "shall the objection be sustained"? If the objection is sustained by a vote of two-thirds of the Councilmembers present the ordinance, resolution, motion, or other measure is permanently defeated for that meeting and shall not be debated (except in accordance with Rule 11).

Rule 10. Closing of debate

If, during debate upon any ordinance, resolution, motion or other matter before the Council, any member moves that the subject under discussion be put to a vote without further debate (and such a motion need not be seconded), the presiding officer shall immediately ask the Council, "is there any objection to proceeding to a vote on the ordinance, resolution, motion, or

other measure before the Council being taken immediately?" If any member objects, the presiding officer shall immediately and without debate put the question, "shall the subject being discussed be put to a vote, without debate?" To a vote of the Council, and if two thirds of the Councilmembers present vote in favor of ordering the vote, debate on the question shall be closed and a vote on the ordinance, resolution, motion or other measure taken immediately.

Rule 11. Reconsideration of a subject

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

Rule 12. Reducing motion to writing

All oral motions must be seconded before being put to vote by the chair (except where otherwise provided in these rules), and upon request of any other member of the Council, or Mayor, the party making any such oral motion (except a motion to order a vote on a subject being considered per rule 10 or to table, or other such procedural matter) shall reduce the same to writing, or request the City Secretary to so the same. If a motion be made by any member of the Council in writing and filed with the presiding office, it shall still require a second.

Rule 13. Secretarial procedure

The City Secretary shall be the Secretary of the Council and shall act as reading and recording clerk to the Council. By his or her signature, the Secretary shall certify the correctness of the minutes and journals, shall record all actions taken by the Council, shall record the vote upon each measure when taken by the ayes and nays, and shall schedule and place on Council agendas, public hearings at the earliest practicable dates and shall perform such other duties as may be required of the City Secretary by the Mayor and the City Council. The City Secretary shall mark the absence of the Mayor or any other member of Council. The City Secretary shall test and attest to the satisfactory operation of the digital recorder and maintain proper functioning as needed throughout the meeting. In the absence of the City Secretary, any suitable person may be appointed by the City Secretary or Mayor to serve as acting City Secretary of any meeting.

The City Secretary shall keep a copy of these rules and the charter in the Council chamber, available for reference.

Rule 14. Voting

All action required of the City Council shall be made by an affirmative vote of four (4) or more members of the Council present at such Council meetings. Excluding conflicts of interest as provided by state law or by City charter, all Councilmembers present at each meeting must vote on each subject presented for Council vote. All votes must be taken in accordance with section 3.10, article III of the City charter.

Rule 15. Citizens' right to be heard

Any citizen shall have a reasonable opportunity to be heard at any and all regular meetings of the City Council in regard to any and all matters to be considered at any such meeting, or such other matters as citizens may wish to bring to Council's attention; provided, however, any matter not posted on the agenda may not be discussed by Council, nor shall any action be taken by Council, except to indicate that the matter may be placed on a later agenda. However, if a factual question is asked and a staff member who has ready knowledge of the matter is present, the staff member may be requested to provide an immediate response at the Council meeting. City Council shall be authorized to discuss topics that are the subject of a citizen comment portion of an agenda, and to have dialogue between members of the Council and the citizen, if the topic is specifically identified along with the citizen's name. A time shall be set aside during each Council meeting for the Council to hear from the public, such designated time not to exceed three (3) minutes per person. The Mayor shall retain the discretion to further limit or increase this time for public comments on agenda items. Citizens attending any regularly scheduled meeting may speak before Council by completing a form and presenting it to the City Secretary prior to the beginning of such meeting. Citizens may request a Council member place an item on the agenda for deliberative purposes..

No member of the public shall be heard until recognized by the presiding officer. It is not necessary, however, for a member of the public to prepare and submit a card requesting the right to address the Council for public hearings. Any member of the public interrupting City Council proceedings, approaching the dais without permission, otherwise creating a disturbance, or failing to abide by these rules of procedure in addressing the City Council, shall be deemed guilty of disrupting a meeting (Section 42.5 of the Texas Penal Code, Class B Misdemeanor) and, at the direction of the presiding officer, shall be removed from Council Chambers by the sergeant-at-arms or other agent designated by City Council.

Rule 16. Order of Business

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

- (1) Call to Order.
- (2) Invocation.
- (3) Pledge of allegiance.
- (4) Special Recognition and Acknowledgments.
- (5) Public hearings – as called.
- (6) The Council shall receive petitions and hear any member of the public as provided in Rule 15 of the Rules of Procedure, as amended, and any appeal or other matter shall then be heard by the City Council. The agenda shall include a statement that the City Council may discuss topics identified under this portion of an agenda.

- (7) Committee or special reports.
- (8) City manager reports.
- (9) Tabled items.
- (10) Items for discussion and action.
- (11) Ordinances and/or resolutions to be considered.
- (12) Communication from the Mayor and members of Council.
- (13) Consent agenda:
 - A. Bids and awards of contracts involving expenditures not exceeding bidding amounts as allowed by State law;
 - B. Other matters deemed routine in nature;
 - C. Minutes.”

Rule 17. Order of business for special meetings

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

- (1) Call to order
- (2) The presiding officer shall state the purpose(s) of the meeting.
- (3) No business shall be discussed or acted upon at such meeting unless the subject has been duly posted in accordance with the Texas open meetings act.
- (4) Adjourn meeting.

Rule 18. Suspension of rules of procedure

Any one or all of these rules of procedure may be suspended in order to allow a particular consideration of a matter, provided that it does not violate the state law or home rule charter, and provided that not less than two-thirds Councilmembers vote in favor of such suspension. Where any rule embodies a provision of state law, identically or in substance, such rule may not be suspended. The requirement of two thirds to suspend a rule shall not apply to Rules 16 and 17, but the order of business may be suspended by a majority vote.

Rule 19. Rules of Procedure

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

Rule 20. Sergeant at Arms

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