



**RULES OF ORDER AND PROCEDURE FOR
THE CITY COUNCIL
AND
CITY BOARDS AND COMMISSIONS**

City of Oak Point, Texas

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Table of Contents

ARTICLE 1 GENERAL.....	4
SECTION 1.01 AUTHORITY TO ADOPT RULES	4
SECTION 1.02 DECLARATION OF INTENT	4
SECTION 1.03 DEFINITIONS.....	4
SECTION 1.04 BOARDS AND COMMISSIONS	5
ARTICLE 2 MEETINGS.....	6
SECTION 2.01 REGULAR MEETINGS OF THE CITY COUNCIL	6
SECTION 2.02 AGENDAS.....	6
SECTION 2.03 SPECIAL AND EMERGENCY MEETINGS	7
SECTION 2.04 EXECUTIVE SESSIONS (CLOSED MEETINGS)	7
SECTION 2.05 DEFINITIONS OF QUORUM	7
SECTION 2.06 CHAIRPERSON (PRESIDING OFFICER) AND VICE CHAIRPERSON	7
SECTION 2.07 ATTENDANCE OF MEETINGS BY THE PUBLIC	8
SECTION 2.08 MINUTES.....	8
ARTICLE 3 ORDER OF BUSINESS.....	9
SECTION 3.01 CITY COUNCIL.....	9
SECTION 3.02 SPECIAL AGENDA ITEMS	9
SECTION 3.03 BOARDS AND COMMISSIONS	9
SECTION 3.04 ANNOUNCEMENTS AND PUBLIC RECOGNITION	10
SECTION 3.05 CONSENT AGENDA	10
SECTION 3.06 STANDARD ADJOURNMENT	10

ARTICLE 4 RULES OF CONDUCT.....	11
SECTION 4.01 GENERAL PROCEDURE	11
SECTION 4.02 AUTHORITY OF THE CHAIR	11
SECTION 4.03 RULES OF DECORUM FOR MEETINGS	11
SECTION 4.04 ENFORCEMENT OF RULES OF DECORUM	12
SECTION 4.05 DELIBERATION AND SPEAKERS ORDER	12
SECTION 4.06 LENGTH OF COMMENTS	12
SECTION 4.07 MOTIONS.....	13
SECTION 4.08 GENERAL PROCEDURES FOR MOTIONS	14
SECTION 4.09 VOTING.....	14
SECTION 4.10 ABSTENTION FROM VOTING	15
ARTICLE 5 PUBLIC HEARINGS.....	16
SECTION 5.01 GENERAL PROCEDURE	16
SECTION 5.02 CONTINUANCE OF HEARINGS	16
SECTION 5.03 SPEAKING DURING PUBLIC HEARINGS	16
ARTICLE 6 ADDRESSING CITY COUNCIL.....	18
SECTION 6.01 STAFF PRESENTATIONS	18
SECTION 6.02 PUBLIC INPUT	18
ARTICLE 7 LEGAL PROVISIONS.....	19
SECTION 7.01 WAIVER OF RULES	19
SECTION 7.02 NON-EXCLUSIVE RULES	19
SECTION 7.03 CITY ATTORNEY AS PROCEDURE ADVISOR	19

ARTICLE 1

General

SECTION 1.00 Reference documents

- (1) Robert’s Rules of Order - Newly Revised, 12th edition (hereinafter referred to as “RRO”).
- (2) Oak Point Home-Rule Charter - adopted November 2022 (hereinafter referred to as “OPC”).

SECTION 1.01 Authority to Adopt Rules

The City of Oak Point, Texas, Home-Rule Charter provides that the City Council of the City of Oak Point, Texas (the “City Council”) “shall determine, which may be done by ordinance, resolution or otherwise, its own rules of order and business”. (OPC § 3.13)

The City Council will review the Rules of Order and Procedure and revise as needed. The review shall generally occur following each mayoral election.

SECTION 1.02 Declaration of Intent

The City intends to use Robert’s Rules of Order (RRO) as the primary source for Rules and Procedures, subject to state law, including the Texas Open Meetings Act.

SECTION 1.03 Definitions

- (1) *Agenda Packet*: Supporting documentation for all agenda items.
- (2) *Regular Meeting*: A meeting of the City Council to conduct its business as set forth in the Home Rule Charter shall be held at least once per month. (*See*, OPC § 3.08) In the event a Regular Meeting falls on a holiday, or another conflict occurs, the meeting may be rescheduled or cancelled as determined by City Council.
- (3) *Routine Business*: Items of normal city business including canvassing an election, authorizing a contract, zoning which has previously been discussed at a public hearing, approval of minutes, grant deeds, grant of easements, final reading and adoption of ordinances, auditor’s reports as to cash count, standard subdivision agreements, calls for bids, reports of administrative actions and proposals, leases and agreements approved in principle, and rescheduling or cancelling regular meetings.

- (4) *Special Meeting:* A meeting of the City Council that is not a Regular Meeting is a Special Meeting. Special meetings of the City Council shall be held at the call of the Mayor or a majority of the Council Members upon provision of public notice in accordance with state law. (OPC § 3.08(2))
- (5) *Work Session:* City Council Regular Meetings may include a work session for the purpose of exchanging information about public business or policy. Generally, no action is taken by the City Council during the work session portion of the Regular Meeting.

SECTION 1.04 Boards and Commissions

The Rules of Order and Procedure adopted herein, as amended from time to time, shall apply to all boards, commissions, and committees of the City, unless otherwise provided in this document.

The City Council makes appointments to the various boards and commissions. (OPC § 8.01)

The established boards and commissions shall meet as follows, unless modified by a properly posted agenda.

- (1) Board of Adjustment - 6:00 p.m. at City Hall, meets as required.
- (2) Economic Development Committee - 6:00 p.m. at City Hall, second Tuesday of each month, if necessary.
- (3) Planning and Zoning Commission - 6:00 p.m. at City Hall, first Tuesday of each month, if necessary.
- (4) Parks and Recreation Commission - 6:00 p.m. at City Hall, second Monday of each month, if necessary and at least once per quarter.

ARTICLE 2

Meetings

SECTION 2.01 Regular Meetings of the City Council

Regular meetings of the City Council shall be held on the third Wednesday of each month. The meetings will begin at 6:00 p.m. and be held in the City Hall chambers, unless the time and/or location is otherwise modified by a properly posted agenda.

SECTION 2.02 Agendas

The City Manager shall be responsible for determining the need for a meeting and preparing the meeting agenda. Each regular meeting agenda should include an item to allow City Council members to request that topics be scheduled for discussion at future meetings.

- (1) Agenda items may be requested by any Council member or the Mayor and must be requested at least five (5) business days prior to the day of the meeting. *See*, OPC § 3.08(4)
- (2) Items shall be placed on the agenda by the City Manager, City Secretary, or City Attorney for items dealing with the operations or administration of their respective job functions.
- (3) An item titled “Public Input” shall be included on each meeting agenda for City Council to hear comments from individuals regarding subject matter not posted on the meeting agenda. Public Input shall occur before the work session portion of a regular meeting and consistent with Section 551.007 of the Texas Government Code. Persons wishing to speak concerning a work session item shall speak during Public Input. No public comments shall be heard during a work session portion of the meeting.
- (4) Notice of meetings and the agenda for all City Council meetings shall be posted by the City Secretary in a public location at City Hall and on the City website consistent with state law, including Sections 551.050 and 551.056 of the Texas Government Code. In addition, the City will make a concerted effort to place the day and time of meetings on the City’s marquee sign at 100 Naylor Road.

SECTION 2.03 Special and Emergency Meetings

Special meetings of the City Council shall be held at the call of the Mayor or a majority of the Council Members upon provision of public notice in accordance with state law. (OPC § 3.08(2))

SECTION 2.04 Executive Sessions (Closed Meetings)

The City Council may meet in Executive Session during any regular or special meeting, or anytime otherwise authorized by State law, to consider or hear any matter which is authorized by State law to be heard or considered in Executive Session.

- (1) The City Council may exclude from any such Executive Session any person or persons which it is authorized by State law to exclude from such sessions.
- (2) The general subject matter for consideration shall be expressed in an open meeting before such session is held.
- (3) The City Council shall not reveal the specific nature of discussion from a closed session unless required by State law.

SECTION 2.05 Definitions of Quorum

City Council: Four (4) members of the City Council. (OPC § 3.09)

Planning and Zoning Commission: majority of full membership. (OPC § 9.01(4))

Parks and Recreation Commission: majority of full membership. (OPC § 9.02(4))

Board of Adjustment per state law each case before the Board of Adjustment must be heard by at least 75 percent of its members. (Texas Local Government Code § 211.008(d))

Economic Development Board: four (4) members. (Texas Local Government Code § 505.054)

SECTION 2.06 Chairperson (Presiding Officer) and Vice Chairperson

- (1) City Council
 - (a) *Mayor* - The Mayor shall preside over all meetings of the City Council. The Mayor shall have a vote on all matters before the City Council but shall not make a motion or second a motion and must vote last in roll call votes. (OPC § 3.04(1))
 - (b) *Absence of the Mayor* - The Mayor Pro-Tem shall act as Mayor during the disability or absence of the Mayor and in this capacity shall have the rights conferred upon the Mayor. (OPC § 3.04(2))

- (c) *Absence of Mayor and Mayor Pro-Tem* - The Deputy Mayor Pro-Tem shall act as Mayor during the disability or absence of the Mayor and Mayor Pro-Tem, and in this capacity shall have the rights conferred upon the Mayor. (OPC § 3.04(3))
- (2) Planning and Zoning Commission – A Chair and Vice Chair shall be elected in August of each year. (OPC § 9.01(1))
- (3) Parks and Recreation Commission – A Chair and Vice Chair shall be elected in August of each year. (OPC § 9.02(1))
- (4) Board of Adjustment – A Chair and Vice Chair shall be elected per state law. (OPC § 9.03)
- (5) Economic Development Board – A President, Vice President, Secretary, and other officers shall be elected consistent with state law, articles of incorporation, and bylaws. (Texas Local Government Code § 505.053)

SECTION 2.07 Attendance of Meetings by the Public

All City Council, Board, and Commission meetings shall be open and public in accordance with the terms of provisions of the Texas Open Meetings Act, except the Executive Session or closed meetings authorized by State law. (Texas Government Code § 551.002)

SECTION 2.08 Minutes

Minutes of City Council meetings and of all other Board and Commission meetings will be kept by the City Secretary or his/her designee. Minutes will include final motions with votes. The minutes will also reflect the names of public speakers. (Texas Government Code § 551.021).

ARTICLE 3
Order of Business

SECTION 3.01 City Council

City Council meetings will be generally conducted in the following order, unless otherwise specified.

- (1) Call to order and announce a quorum is present (City staff will announce the reason a Council Member is not in attendance of a meeting if requested beforehand by the absent Council Member)
- (2) Invocation
- (3) Pledge of Allegiance
- (4) Public Input
- (5) Announcements/Public Recognition
- (6) Presentations
- (7) Consent Agenda/Approval of Minutes
- (8) Public Hearings
- (9) Regular Agenda
- (10) Executive Session (if applicable)
- (11) Scheduling of Future Agenda Items
- (12) Adjournment

SECTION 3.02 Special Agenda Items

When the agenda of a City Council meeting includes an ordinance to Canvass the results of an election, Statements of Elected Official, Oaths of Office, and Certificates of Election, these items will be scheduled for action immediately after the Pledge of Allegiance.

SECTION 3.03 Boards and Commissions

All City Boards and Commissions meetings will be generally conducted in the following order, unless otherwise specified.

- (1) Call to order and announce a quorum is present (City staff will announce the reason a Board or Commission Member is not in attendance of a meeting if requested beforehand by the absent Board or Commission Member).

- (2) Pledge of Allegiance
- (3) Presentations
- (4) Public Input
- (5) Consent Agenda/Approval of Minutes
- (6) Public Hearings
- (7) Regular Agenda
- (8) Executive Session (if applicable)
- (9) Scheduling of Future Agenda Items
- (10) Adjournment

SECTION 3.04 Announcements And Public Recognition

All special presentations and announcements will be coordinated through the City Secretary. A period of time will be set aside for public recognition, announcements, or special presentations at each City Council meeting. Members of the City Council will have the opportunity to notify others of community events, functions, and other activities.

SECTION 3.05 Consent Agenda

Routine business which is brought before City Council will be consolidated under the heading “Consent Agenda.” All items appearing under the Consent Agenda shall be approved, adopted, accepted, or enacted by one motion and one vote of City Council. Items may be removed from the Consent Agenda by the Mayor or a City Council member for separate discussion and action.

SECTION 3.06 Standard Adjournment

11:30 p.m. is established as the hour of adjournment and meetings will not continue beyond that time without a majority vote of the City Council. To assist in making the determination to continue an item under consideration, the City Council should find that discussion, deliberation, and action on the item could be concluded by 12:00 midnight. If agenda items remain after the 11:30 p.m. adjournment, a special meeting may be scheduled or the items deferred until the next regular meeting.

ARTICLE 4
RULES OF CONDUCT

SECTION 4.01 General Procedure

These Rules of Order and Procedure, the Oak Point Home-Rule Charter, and applicable State laws and any other legal requirement shall govern the rules and conduct of meetings.

SECTION 4.02 Authority of the Chair

The Chair shall have the authority to prevent the misuse of motions, the abuse of privilege, or the obstruction of the business of the City Council by ruling any such matter out of order. In so ruling, the Chair shall be courteous and fair and should presume that the moving party is acting in good faith. The authority of the Chair shall include the ability to order the removal of an individual who attempts to prevent or disrupt a lawful meeting through physical action or verbal utterance. The Chair's ruling is subject to an appeal by the majority of the City Council.

The Chair has the responsibility to ensure that the members of the Council, City staff, and members of the public adhere to the adopted procedures.

SECTION 4.03 Rules of Decorum for Meetings

City Council meetings shall be conducted in an orderly manner to ensure that the public has full opportunity to be heard within the time constraints set by the City Council. As such, the following shall be observed:

- (1) Council members shall refrain from interrupting other speakers, making personal comments not germane to the business at hand, or otherwise interfering with the orderly conduct of meetings.
- (2) Council members shall refrain from abusive conduct, shouting, argumentative or aggressive behavior, personal charges, or verbal attacks upon the character or motives of other Council members, City staff members, or members of the general public.
- (3) Persons addressing the City Council shall do so in an orderly manner from the podium or other location identified by the presiding officer without making personal, impertinent, slanderous, or profane remarks about any Council member, City staff

member, or a member of the general public. Violators may be barred from addressing the City Council or from further attendance at the meeting.

- (4) No member of the audience at a meeting of the City Council may engage in disorderly or boisterous conduct, including the utterance of loud, threatening, or abusive language, whistling, stamping of feet, or other acts which disturb, disrupt, or otherwise impede the orderly conduct of any City Council meeting. Any person who conducts himself in such a manner may be barred from addressing the City Council or from further attendance at the meeting.

SECTION 4.04 Enforcement of Rules of Decorum

- (1) The Chair shall request that a meeting attendee who is breaching the Rules of Decorum cease the offensive conduct. If the attendee persists in the behavior, the Chair shall order the attendee to leave the meeting. If such person does not remove themselves, the Chair shall order any law enforcement officer who is on duty to remove that person from the meeting room.
- (2) A Council member may only be removed from the meeting after an affirmative 2/3 vote of the City Council present.
- (3) If a Council member feels that the Chair has breached the Rules of Decorum, the member may request that the Chair cease the disruptive conduct. If the Chair continues with the perceived disruptive conduct, a Council member may request that a vote be taken to determine if the Chair has violated the Rules of Decorum. If an affirmative 2/3 vote of the City Council present approves the removal of the Chair, the Chair shall exit the meeting room and be barred from further attendance at the meeting. If the Chair does not immediately exit the meeting room, the next presiding officer shall order any law enforcement officer who is on duty to remove that person from the meeting room.

SECTION 4.05 Deliberation and Speakers Order

The Chair has responsibility to control the debate and speaking order of the City Council meetings. Members will generally be called upon by the Chair in order of the request to speak or by seating order.

SECTION 4.06 Length of Comments

City Council members will govern themselves as to the length of their comments or presentation. The Chair will signal by hand to a member who has been speaking for over five (5) minutes. This procedure is not meant to limit debate but to assist members in their efforts to communicate concisely.

SECTION 4.07 Motions

A motion is defined as a formal proposal by a member of the City Council in a meeting that the Council take a certain action.

Motions and their use shall follow Robert's Rules of Order (RRO), which is shortened and summarized below. In all cases the RRO shall take precedence.

- (1) Main Motion - brings business to the Council. This is the starting point. It must be seconded, and is debatable, amendable, and requires a majority vote (with exceptions).
- (2) Subsidiary, Incidental or Privileged motions, in the general order of precedence (higher precedence at the top, lowest at the bottom). Only the commonly used motions are listed here:
 - (a) Motion to Adjourn – to close the meeting. Must be seconded, not debatable, not amendable, and requires a majority vote.
 - (b) Motion to Recess - to pause the meeting for a specific period. Must be seconded, not debatable, can be amended, and requires a majority vote.
 - (c) Motion to Lay on the Table - to stop all debate and consideration of the pending main motion, with no plan to resume. Must be seconded, not debatable, not amendable, and requires a majority vote.
 - (d) Motion to Call the Previous Question - to stop all debate and immediately vote on the main motion. Must be seconded, not debatable, not amendable, 2/3 vote required.
 - (e) Motion to Extend or Limit Debate – to change the rules relating to the debate. Must be seconded, not debatable, may be amended, 2/3 vote required.

- (f) Motion to Postpone to a Certain Date or Time - to stop any debate or consideration, until a set date and time in the future. Must be seconded, debatable, amendable, and requires a majority vote.
 - (g) Motion to Commit - to send the motion to a committee or board for consideration. Must be seconded, debatable, amendable, and requires a majority vote.
 - (h) Motion to Postpone Indefinitely (Drop) - stop all debate and consideration on an item before the assembly. Must be seconded, debatable, amendable, and requires a majority vote.
 - (i) Motion to Amend - to change the motion wording or form of a motion. Must be seconded, debatable, amendable (one level), and requires a majority vote.
- (3) Other motions or actions:
- (a) Motion to Reconsider - to bring up an item or question that was previously decided. Must be made by someone on the majority or prevailing side of the original vote. Refer to RRO for rules and details. Request must comply with the requirements of the Texas Open Meetings Act.
 - (b) Withdrawal of a motion - to remove a motion. Must be made by the maker of the original motion and must be seconded if the motion was stated by the Chair. This can be done by unanimous consent, majority vote if necessary. If approved, it is as if no motion was made.

SECTION 4.08 General Procedures for Motions

The following is the general procedure for making, considering, and acting on a motion in a Council

meeting:

- (1) A member who wishes to make a motion should do so through a verbal request to the Chair (e.g., “I move that ...”).
- (2) A member who wishes to second a motion should do so through a verbal request to the Chair (e.g., “I second” or “Second”).
- (3) Once the motion has been properly made and seconded, the Chair shall restate the motion if necessary and open the matter for further discussion, offering the first

opportunity to the moving party and thereafter, to any member properly recognized by the Chair.

- (4) Once the matter has been debated and discussed and the Chair calls for a vote, no other discussion will be allowed; however, members may be allowed to explain their vote.

SECTION 4.09 Voting

Once debate on a motion has ceased, the Chair may call for a vote of the Council. Votes will be conducted by voice, by raising the right hand or by roll call at the discretion of the Chair. Voting may result in the following:

- (1) Motion passes by approval by majority vote.
- (2) Motion does not pass by majority vote.
- (3) Votes that require majority approval resulting in a tie - the motion is not approved.
- (4) Certain decisions requiring 2/3 or 3/4 votes as described in the Oak Point Home Rule Charter and/or State law - the motion is approved if the vote is equal to or greater than the 2/3 or 3/4 vote threshold.

SECTION 4.10 Abstention from Voting

In certain instances, a member may not vote on a motion before the Council. In those instances, the following shall apply:

- (1) If any member of the Council abstains from a vote because of a legal conflict, he/she is not deemed to be “voting” for purposes of determining whether there has been a “majority vote of those voting and present”, unless otherwise provided by State law.
- (2) When a member of the Council abstains or excuses themselves from a portion of the meeting because of a legal conflict of interest, the member shall briefly state the nature of the conflict and comply with any other State law requirements.
- (3) Should any member of the City Council choose to abstain from voting on any question before the City Council where no conflict of interest exists, the vote of the member shall be recorded as a negative vote in the official minutes of the meeting.

This includes any member momentarily or temporarily excusing themselves from any portion of the meeting without a formal recess.

ARTICLE 5

Public Hearings

SECTION 5.01 General Procedure

The order of procedure for Public Hearings is generally as follows:

- (1) City staff presents the related information.
- (2) Council members may ask questions and discuss with City staff.
- (3) The applicant may then present comments, testimony, or arguments. The applicant shall have a total of fifteen (15) minutes for this purpose.
- (4) Council members may ask questions of the applicant.
- (5) The Chair shall open the Public Hearing.
- (6) Members of the public are provided with the opportunity to provide public comment.
- (7) The Chair shall close the Public Hearing.
- (8) The Council members may discuss and debate the issue.
- (9) If new issues or information occurs, the Council may re-open the Public Hearing by favorable motion to receive additional public comments. The Chair shall then close the Public Hearing.

SECTION 5.02 Continuance of Hearings

Any Public Hearing may be held open or extended with the approval of the Council in accordance with State laws.

SECTION 5.03 Speaking During Public Hearings

Any member of the public may speak during a Public Hearing in accordance with the following and any related State law.

- (1) **Public Member Request to Speak** - Any person wishing to speak at a Public Hearing shall complete a Public Input Card and present it to the City Secretary. Upon being recognized by the Chair, the person may speak or present evidence relevant to the matter being heard. The person shall provide their name and address at the start of their allotted time. Each person wishing to speak on the matter shall be limited to five (5) minutes, and there shall be a cumulative limit of sixty (60) minutes for all those speaking in favor of an item and a similar limit for those speaking in

opposition. The time limits may be extended by a majority vote of the City Council. (Section 7.01 below).

- (2) Questions of Speakers - Members of the Council may ask questions of the speaker and the speaker shall not incur any loss of time for such dialogue.
- (3) Materials for Public Record - All persons shall be entitled to submit written evidence, comments, or remarks. Such evidence will be retained by the City Secretary as part of the record of the hearing in accordance with the requirements of State law.
- (4) Germane Comments - No person will be permitted to speak about matters which are not germane to the matter being considered.

ARTICLE 6
Addressing City Council

SECTION 6.01 Staff Presentations

Staff presentations will be concise and will provide factual background information on the item as well as a recommendation for the City Council.

SECTION 6.02 Public Input

The Public Input Card shall be used by members of the public who wish to address the Council or speak in Public Input or Public Hearings.

A portion of the City Council meeting is set aside for members of the public to address the City Council on any topic that is not on the agenda. Members of the public shall complete a Public Input Card and present it to the City Secretary.

- (1) Public input is permitted at the beginning of the regular Council meeting as stated in the agenda or before consideration of any item on the agenda, provided it conforms to State law. Such comments or presentations shall be limited to three (3) minutes each and may be extended by majority approval of the Council.
- (2) In compliance with the Texas Open Meetings Act, the Council may not deliberate or vote on any matter raised in the Public Input section of the agenda, except to consider a future agenda item. The City Manager may provide a response or feedback.

Public Input Cards may be used by members of the public who do not wish to address the City Council during a meeting. A person may indicate their comments and support or opposition for an agenda item. The Chair will indicate that the City Council has received written comments and summarize the totals. The Secretary will include the comments in the minutes. Comments are subject to the following:

- (1) A person shall not make or present duplicate information.
- (2) The designation of a spokesperson is encouraged whenever any group of individuals wishes to address the City Council on the same subject matter.

ARTICLE 7
Legal Provisions

SECTION 7.01 Waiver of Rules

Any of the foregoing rules may be waived, changed, or suspended by a 2/3 vote of the Council present, unless explicitly stated differently in this document. No change may violate the City Charter or State law.

SECTION 7.02 Non-Exclusive Rules

The rules set forth are not exclusive and do not limit the inherent power and general legal authority of the City Council or City Manager, as described in the City Charter.

SECTION 7.03 City Attorney as Procedure Advisor

The City Attorney assists the Mayor and City Council as a resource and as an advisor for interpreting the City Council adopted rules and procedures.