

**ORDINANCE NO. 2021-**

**AN ORDINANCE AMENDING CHAPTER 2 OF THE CODE OF ORDINANCES OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING CHAPTER 2, DIVISION 2, RULES AND ORDER OF BUSINESS OF THE NEW BRAUNFELS CITY COUNCIL MEETINGS, INCLUDING THE SETTING OF MEETING AGENDAS AND THE TIMES FOR MEETINGS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

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**WHEREAS**, the New Braunfels City Charter provides that the City Council is authorized to establish its own rules and order of business and the City Council has determined that it would be beneficial to amend its current rules in order to provide more flexibility in handling the business of the City and how Council operates; and

**WHEREAS**, the City Council recognizes that allowing public participation at City Council meetings fosters useful communication between the Council and community and that greater flexibility would help to encourage dialogue with citizens; and

**WHEREAS**, a greater flexibility of the Council's rules of procedure can work to increase the efficiency with which city business is administered thereby benefiting all citizens.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS:**

**SECTION 1**

**THAT** Chapter 2 of the Code of Ordinances of the City of New Braunfels, Texas is hereby amended with additions as underlined and deletions as stricken:

Sec. 2-36. Procedure.

- (a) Regular meetings. Regular meetings of the council shall be held on the second and fourth Mondays of each month at 6:00 p.m., with Executive Sessions to be held at 5:00 p.m., and may be recessed from time to time. If a Monday falls on a holiday, the meeting for that day shall be held at 6:00 p.m. the next day or at a time and date set by the council. Except as otherwise provided in V.T.C.A., Local Government Code ch. 551, all official meetings of the council shall be held in public in the council chamber or at a location as designated by the council. The official posted agenda shall specify the subjects and the order of each meeting.
- (b) Quorum. Five of the members elected to the council shall constitute a quorum to do business, but any lesser number of members may have a call of the council or may adjourn or recess from time to time and may compel the attendance of absent members.
- (c) Special meetings. Special meetings of the council shall be called by the city secretary on the written request of the mayor or on the written request of any four members of the council. This provision does not govern the posting of emergency meetings as allowed pursuant to V.T.C.A., Local Government Code § 551.045.
- (d) Roll call and presentation of minutes. At the hour of the meeting, the mayor shall assume

the chair, call the council meeting to order and the city secretary shall then call the roll. A quorum being present, the city secretary, at each regular meeting, shall present to the council the minutes of all proceedings since the beginning of the last regular meeting and shall read such minutes if so required by a majority of the council, and after their correction, if any, and approval by the council, the minutes shall be signed by the mayor.

- (e) Rules of order. All meetings of the city council shall be conducted according to the rules in the latest edition of "Robert's Rules of Order Newly Revised," unless such rules are inconsistent with the City Charter or the rules adopted herein.
- (f) Presiding officer. The mayor shall serve as the presiding officer. As the presiding officer, the mayor shall have the primary duty for ensuring that the council's rules of procedure are followed and for maintaining dignity and order at all council meetings. The mayor shall call the meetings to order and confine the discussion to the published order of business. The mayor shall recognize council members and allow audience participation at appropriate times. The mayor shall see that speakers limit their remarks to the agenda item under consideration, when necessary, shall rule on motions or actions which are out of order. The mayor shall ensure that a ~~roll call is executed on all votes~~ vote is taken on all items. The mayor shall have the same rights as city council members and may make motions, second, participate in discussion and vote on all motions.
- (g) Absence of presiding officer. In the absence or disability of the mayor, the mayor pro tem shall preside over the council, or in the absence or inability of both, a quorum being present, the meeting shall be called to order by the senior council member present and the council shall elect one of its members upon nominations for the purpose of serving as the presiding officer for the meeting.

#### Sec. 2-37. - Meeting agendas.

- (a) Meeting agendas. The city manager shall be responsible for processing proposed agenda items, and the tentative agenda will be available for review by the mayor and city attorney before finalization. All members of council are authorized to request the placement of an item on an agenda. Matters requested to be placed on the agenda by city council members shall be submitted by 5:00 p.m. of the Tuesday prior to the council meeting. Any item placed on the agenda by a council member may not be placed on any future agenda for a period of 90 days, unless said item is submitted in writing and signed by at least two other council members.
- (b) Order of business. The order of business for regular council meetings, special meetings, and workshops shall list all items for consideration in a format recommended by the City Manager. be as follows:
  - ~~(1) Meeting called to order.~~
  - ~~(2) Roll call.~~
  - ~~(3) Invocation.~~
  - ~~(4) Pledge of allegiance/salute to the state flag.~~
  - ~~(5) Proclamations.~~
  - ~~(6) Presentation of minutes of previous meeting.~~
  - ~~(7) Citizens' communications.~~
  - ~~(8) Consent agenda.~~
  - ~~(9) All other business.~~
- (c) Suspension of rules. The rules of order may be suspended by unanimous consent, or by a two-thirds vote if one member objects, to allow agenda items to be taken up out of order, provided the individual(s) who are scheduled to speak to that specific agenda item are present and prepared to address the council.

#### Sec. 2-38. - Parliamentary rules.

- (a) Main motions. Main motions shall be offered as a formal proposal by a member that certain action be taken by the council, and shall be made only when no other business is pending. It requires a second, is debatable and amendable and requires a majority vote for adoption. The following six steps shall be in order when handling a main motion:

- (1) A member makes a motion. That member has a right to speak to the motion first. A member may not speak against his/her own motion, but that member may vote against it.
- (2) Another member seconds the motion. That member may speak and vote against the motion, since the second could be made in an effort to have the council go on record as having opposed that particular action.
- (3) The motion is debated. No council member shall speak more than once in debate to the same motion until all council members have had the opportunity to speak once to the issue under consideration. Each council member shall speak no longer than five minutes at a time to a motion, and debate shall be continued on an alternating basis until a vote is taken.
- (4) The motion is repeated by the mover, the mayor or the city secretary.
- (5) ~~The roll call vote is taken.~~ A vote is taken.
- (6) The result is announced.

(b) Withdrawal of motions. A motion may be withdrawn by the mover at any time before a decision is made on the motion, even though an amendment may have been offered and is pending. It cannot be withdrawn, however, if the motion has been amended. After the previous question has been ordered, a motion may not be withdrawn.

(c) Disposing of main motions. Subsidiary motions require a second and shall be used to dispose of a main motion, herein listed according to their rank, with the lowest ranking listed first:

- (1) Postpone indefinitely shall be used to decline taking action on the main motion. When adopted, by a majority vote, it kills the main motion for the remainder of the meeting at which it was introduced. (not amendable, debatable)
- (2) Amend modifies the wording of a pending motion before that pending motion itself is acted upon when adopted by a majority vote. A motion to substitute is offered to strike out an entire paragraph, section, article, main motion or resolution. All substitute motions of more than two sentences shall be in writing and distributed to each council member and the city secretary prior to discussion, unless such requirement is decided unnecessary by unanimous consent. (amendable, debatable)
- (3) Refer to a board, commission or committee shall include the specific body to which a proposition is referred if such body is in existence; otherwise, a committee may be appointed by the council or by the mayor upon a majority vote. (amendable, debatable)
- (4) Postpone to a certain time shall be used to defer action on a pending motion to a definite meeting date in the future when adopted by a majority vote. (amendable, debatable)
- (5) Limit on extend debate shall be used to lengthen or shorten the time for debate by each council member when adopted by a two-thirds vote. (amendable, not debatable)
- (6) Previous question shall be used to stop debate and to bring to immediate vote the pending main motion and/or any pending subsidiary motions when adopted by a two-thirds vote. (Not amendable, not debatable)
- (7) Lay on the table shall be used to temporarily lay aside an agenda item. It is not used to kill a motion or to delay action on a motion until some future date. Its purpose is to defer action on an issue when something more important arises. It is not amendable, not debatable and requires a majority vote for adoption.

(d) Motions to reconsider. The motion to reconsider shall be used to reopen discussion for

a vote on an item already acted upon. Reconsideration may only occur at the same meeting, or at the next meeting after the one at which the original action occurred. A motion to reconsider may only be made by a member who voted on the prevailing side of the original action. It requires a second, is not amendable, is debatable and requires a majority vote for adoption. The effect of the adoption of the motion to reconsider is immediately to place before the members again the item on which the vote was originally taken.

Reconsideration of an item at a subsequent meeting requires the item to be placed on the agenda for that meeting.

(e) Motions to rescind. The motion to rescind shall be used to change or countermand a previous action, as long as the result of that vote has not been executed. There is no time limit on making the motion to rescind and it can be moved by any member, regardless of how that member voted on the original motion. It requires a second, is amendable, is debatable and requires a two-thirds vote for adoption. Consideration of a motion to rescind a vote adopted at a previous meeting must be placed on the agenda at the subsequent meeting at which it is to be considered.

(f) Rulings. The mayor shall rule on all points of order, subject to the right of any member to appeal to the entire council. If any appeal is made, the question shall be, "shall the decision of the chair be sustained?" and a majority vote is required to sustain the decision of the chair. An appeal must be moved and seconded immediately after the ruling on the point of order that has been made by the presiding officer.

(g) Subject matter. No new motion or proposition shall be admitted under color of an amendment or of a substitute for the pending motion or proposition which does not relate to the subject matter in the original motion or proposition.

## **SECTION 2**

**THAT** all provisions of the Code of Ordinances of the City of New Braunfels not herein amended or repealed shall remain in full force and effect.

## **SECTION 3**

**THAT** all other ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent that they are in conflict.

## **SECTION 4**

**THAT** if any provisions of this ordinance shall be held void or unconstitutional, it is hereby provided that all other parts of the same which are not held void or unconstitutional shall remain in full force and effect.

## **SECTION 5**

**THIS** ordinance will take effect upon the second and final reading in accordance with the provisions of the Charter of the City of New Braunfels.

**PASSED AND APPROVED:** First reading this 12 day of April 2021.

**PASSED AND APPROVED:** Second reading this XX day of April 2021

**CITY OF NEW BRAUNFELS**

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**RUSTY BROCKMAN**, Mayor

**ATTEST:**

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**CAITLIN KROBOT**, City Secretary

**APPROVED AS TO FORM:**

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**VALERIA M. ACEVEDO**, City Attorney

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