

PROCEDURAL RULES KERRVILLE CITY BOARDS

SECTION 1. GENERAL PROVISIONS

1.1 Scope of Rules. These rules govern the conduct of all City boards and are intended and should be interpreted to ensure fair and open deliberations and decision making. These rules shall apply unless in conflict with state law. The term “board” means board, commission, or committee.

1.2. Technical Parliamentary Forms Abolished. Except as specifically required by these rules, boards shall not use any formal points of parliamentary order, personal privilege, parliamentary inquiry, or other technical forms.

1.2. Rulings; Matters not Covered. Rulings on procedure are governed by the presiding officer or by a majority of the board members which would prevail. Any matter or order or procedure not covered by these rules must be deferred to the presiding officer or legal counsel as appropriate.

1.4. Interpretation. These rules are intended to supplement and must be interpreted to conform to state law and the charter, ordinances, and written policies adopted by the City Council. In general, these rules are to be interpreted to allow the majority to prevail but preserve the right of the minority to be heard. In addition, should a conflict arise between any rule and another city ordinance or code provision, the ordinance or code provision will control.

1.5. Standing Boards Defined. Standing boards are defined as somewhat permanent boards as established by City ordinances or resolutions.

1.6. Ad Hoc Boards Defined. Ad hoc boards are defined as temporarily appointed boards that terminate upon completion of their specific task or the special purpose for which it was created, or when abolished by a majority vote of the City Council. No ad hoc board may have powers other than advisory to the City Council.

1.7. Working with City Staff. Board members are encouraged to communicate openly with the appropriate City employee or members of the City Manager’s office. Board members should understand that they are not responsible for supervision of any City operation; therefore, they should not direct or instruct any City employee, nor become involved in supervising personnel or operational matters. If a board member has any concerns regarding such matters, they should contact the City Manager.

1.8. Budget. The City Manager may ask boards to provide input regarding elements of the City’s annual budget.

1.9. Rules to be Provided to Members. The City Secretary will provide a copy of these rules to all board members and maintain a file acknowledging each member’s receipt of these rules.

1.10. Authority to Change and Adopt Rules of Procedure. The City Council has the authority to establish and/or modify rules governing City boards.

SECTION 2. APPOINTMENT/REMOVAL PROCESS

2.1. Application Process. Citizens interested in serving on a board may obtain an application through the City Secretary's office and submit the completed application to the City Secretary's office. City Council members may be appointed to membership on a City board, where Council membership is appropriate, without submitting an application.

2.2. Appointment Process. The City Council shall consider applications and make appointments to City boards.

2.3. Eligibility Requirements/ Qualifications. Each board may have specific qualifications and term limits for membership. All appointments to boards must be made in compliance with those qualifications, and members must continue to comply with all membership qualifications throughout their term of office to avoid forfeiting membership. Councilmembers are not eligible for membership on a board except as specifically required by the ordinance or resolution establishing the board or as allowed by state law.

2.4. Multiple Memberships. A person may not serve on more than one board at a time; however, a board member may be allowed to resign from one board to accept membership on another board if appointed by the City Council. The City Council may allow a person to serve on an ad hoc board in addition to their standing board, provided that state law does not prohibit such duplicate membership(s).

2.5. Notice of Appointment. After the City Council appoints a person to serve as a member of a board, the City Secretary will notify the appointee in writing of the appointment.

2.6. Serve Until Replaced. From time to time, board members may resign prior to completion of their term; also, when a board member's term is due to expire, a replacement may not be immediately available. In such instances, board members may continue to serve until replaced in order to maintain a full board.

2.7. Council Liaison Member. The City Council may, by a majority vote, appoint one of its members as a liaison, non-voting member to any board. A Councilmember serving as a liaison member of a City board will act to relay Council actions concerning board items and to report back to Council as appropriate. Council liaisons and staff members will also abide by these procedural rules. Councilmembers may serve as a regular voting member of a board as allowed by the ordinance or resolution establishing the board or as allowed by state law.

2.8. Removal of Member. Board members have no vested right or property interest in a board membership and the city Council may at any time remove any member or any board by a majority vote.

SECTION 3. RESPONSIBILITIES OF BOARD MEMBERS

3.1. Oaths and Training. Upon notification of appointment or reappointment, it shall be the responsibility of every board member to report to the City Secretary's office to be administered the Statement of Elected/Appointed Officer, the Oath of Office, and to receive instruction on how to complete the required open government training within 30 days of appointment. Any member who fails to take the statement and oath, or fails to complete the required training, may have his/her appointment withdrawn or be removed from membership pursuant to Council action.

3.2. Attendance. Prior to an appointment to a board, an application should familiarize himself/herself with the board's meeting schedule. In order to be fully aware of issues before the board, it is imperative that members are faithful in their attendance at meetings. Any member who is absent from twenty-five percent (25%) of the board's regular meetings during the calendar year, or who is absent from any three (3) consecutive regular meetings, may be considered for removal by the City Council. The staff member must report a member's non-attendance to the City Council in writing, and the City Secretary shall notify the board member in writing that their non-attendance has been reported. However, a member whose absences are directly related to a medical or family emergency may seek consideration from the board upon which they serve to qualify such absences as excused.

3.3. Responsibility to Vote. No member may be excused from voting on any matter except when such member has a conflict of interest as defined by state law.

3.4. Member not Voting. Any board member refusing to vote, and not excused from voting due to a conflict of interest, shall be considered in violation of these rules and will be recorded in the minutes as voting in the affirmative of the motion. If a member continues to choose not to vote on matters brought before the board, the City Council may consider further action, to include removal. The staff member has the responsibility of reporting a member's non-voting to the City Council in writing, and the City Secretary shall notify the board member in writing that their conduct has been reported to the City Council.

3.5. Conflict of Interest. Any board member prohibited from voting by a conflict of interest as defined by state law or a written policy adopted by the City Council, shall announce the same at the commencement of consideration of the matter and shall not enter into discussion or debate on said matter. In such case, the member shall file with the recording secretary the Affidavit of Conflict of Interest form indicating the reason for abstaining. The member shall then announce their conflict to the board and leave the meeting room until discussion of and vote on the issue has been completed. Further, that member shall not discuss the matter with other members of the board at any time.

SECTION 4. OPEN GOVERNMENT

4.1. Open Meetings. In accordance with Section 3.01 of the City Charter, all meetings of all boards must remain open to the public, and boards are subject to the Texas Open Meetings Act (Texas Government Code Chapter 551) and the Public Information Act (Texas Government Code Chapter 552). A meeting is defined as a gathering at which a quorum of

the members of a board are present and discuss, receive information, or provide information regarding board business to a third party, including a City employee.

4.2. Texas Open Meetings Act. The Texas Open Meetings Act (OMA) requires that every meeting of a governmental body be open to the public; in an effort to increase the public's awareness of and participation in local government, the City Council finds that the OMA should govern all meetings of all boards appointed by the City Council. Board members shall not communicate or deliberate outside of a posted meeting in an attempt to evade the OMA.

4.3. "Walking Quorums" Prohibited. Members shall not attempt to avoid complying with the Open Meetings Act by deliberating business without a quorum physically present in one place and claiming that it is not a meeting, such as: 1) serial meetings of less than a quorum; and 2) telephone discussions or discussions conducted electronically, to include email, texts, and social media such as Facebook and Twitter.

4.4. Posted Notice/Meeting Agendas. A posted notice sufficient to detail the subject(s) to be discussed is required prior to a meeting of any board. No closed meetings (executive sessions) are allowed by any board except in strict accordance with the Open Meetings Act. It is the responsibility of the staff member to prepare, post, and distribute agendas which comply with state law.

4.5. Public Information Act. The Texas Public Information Act (PIA) provides that all information held by a governmental body, including boards, must be released to the public upon request, unless the information falls within one of the PIA's specific exceptions to disclosure. Requests for public information shall be filed with the City Secretary.

4.6. Email Policy. Board members are reminded that email, texts, and the use of social media, is information that may be subject to public disclosure. Thus, if communications occur via email with other board members, City Council, City staff, or the public regarding City business through their personal home and business computers or electronic devices, such information is considered to be public information and subject to the Public Information Act (PIA). Further, under the PIA, such communications must be maintained, either electronically or by hard copy, for the required time retention period. For further information or clarification, please contact the City Secretary.

SECTION 5. OFFICERS OF THE BOARD

5.1. Chair. Unless the City Council appoints the chair, chairs for all boards shall be determined by a majority vote of its members. The function of the chair is to provide leadership to the group, including ensuring that meetings are conducted in accordance with these established rules and procedures.

5.2. Vice-Chair. The vice-chair shall perform the duties of the chair in their absence.

5.3. Absence of Chair/Vice-Chair. In the absence of the chair and vice-chair, the remaining members may appoint a member as the presiding officer, provided a quorum of the board is

in attendance. The presiding officer shall vacate those duties upon the presence of the chair or vice-chair.

5.4. Rights of Chair or those Acting as such. The chair, vice-chair, or presiding officer retain all rights and privileges of a member of the board, including the making of and seconding of a motion, and participating in the discussion and voting on any matter before the board.

5.5. Other Officers. Boards may also elect other officers from among their membership in accordance with the bylaws or resolution of each board. Each member may serve in only one position on a board at a time.

SECTION 6. AGENDAS, CONDUCT OF MEETINGS, AND MINUTES

6.1. Agendas and Deadlines. The order of business of each meeting of a board shall be contained in a written agenda, which shall be a listing of the specific topics to be discussed. Any topic not specifically listed on the agenda may not be discussed by the board as a discussion would be a violation of the Texas Open Meetings Act. Instead, anyone, including a member of the public, may request the placement of an issue on a future meeting agenda. City employees will prepare the agenda in conjunction with the board chair. Any person wishing to have a matter heard by the board shall make a written request (agenda bill) containing a summary statement of the proposed presentation to the staff member or board chair before 5:00 p.m. on the sixth day preceding said meeting. The staff member is responsible for submitting the agenda to the City Secretary to be posted at least seventy-two (72) hours before the meeting. The agendas for all boards will be posted on the official bulletin board specifically designated for that purpose at City Hall. The City Secretary shall also post notice of all board meetings on the City's website. The staff member shall provide the agenda to all board members and to the news media at the time of agenda posting. Board members will be provided with agenda materials as much in advance of the meeting as possible.

6.2. Control of Discussion. The chair shall control discussion on each agenda item to assure full participation of all members to make certain that discussions are confined and focused on subjects listed on the agenda. The chair will preserve order and decorum, preventing the impugning of any member's motives or other personal comments not relevant to the orderly conduct of business. The chair shall request that all speakers keep their comments brief and relevant to the agenda subject and should not allow abusive, rude, or inappropriate conduct by any member or speaker.

Anyone speaking, including a board member, shall speak only after being recognized by the chair, shall limit remarks to the subject at hand, and shall not be interrupted except by the chair to enforce these rules.

6.3. Voting on a Motion. Voting by voice or a show of hands shall be used unless a member requests a roll call vote. In case of a tie, the motion fails. At the conclusion (or closure) of debate or discussion, the chair shall call for a vote; however, if the chair fails to call for a vote, a majority of the board present may require a vote.

6.4. Citizen Participation. Comments and suggestions by the public are highly valued. Those members of the public speaking on items both on the agenda and not on the agenda are limited to three minutes. A person may speak only once on any agenda item. However applicants, or those persons having placed an item on the agenda, will be allowed ten minutes.

Time limitations of this rule may be extended by the consent of a majority of the board. The Texas Open Meetings Act requires 72 hour posted notice of every topic or subject to be considered; this law may prevent the board from considering a subject raised by a member of the public. In this case, the chair or board member may request the matter be placed on a future agenda for discussion or action.

6.5. Manner of Addressing the Board. A person desiring to address the board shall state his or her name and address for the record before proceeding with comments.

6.6. Remarks to be Germane/Non-redundant. Public comments regarding agenda items must be kept relevant to the agenda subject; the chair shall rule on the relevance of comments. Persons making irrelevant, personal, impertinent, overly redundant, or slanderous remarks may be barred by the chair from making further comments before the board during the meeting.

6.7. Official Minutes. The actions taken by the board and a brief summary of the discussion of each topic shall be compiled into written minutes, which shall be reviewed and approved by the board at a subsequent meeting. All items requiring a vote shall be moved by a board member. Each motion will require a second by another board member in order to be considered. The recording secretary shall record the name of the board member making each motion and corresponding second to the motion. A motion must be voted on or withdrawn before another motion for that same agenda item can be considered. After approval, the chair shall sign the minutes and the staff member will forward the original signed minutes to the City Secretary who will maintain a file of the official minutes for all boards. All boards have staff members designated by the City Manager to be recording secretaries who are responsible for recording meetings and preparing minutes of all meetings. In addition to the official minutes, the staff member will prepare a brief synopsis of every meeting and provide it to the City Council so they may be kept informed. The recording secretary shall record all meetings of the board and maintain the recording for the required retention period. If a request is made to attach information to the official board minutes, such information shall be briefly summarized in the minutes and the information retained on file for the required time period for such information.

SECTION 7. STANDARDS OF CONDUCT FOR BOARD MEMBERS

7.1 Lobbying Prohibited. The Texas Open Meetings Act was adopted to make governmental discussions and decision-making accessible to the public. Based on the premise that the public's business should be conducted in public, the City Council adopts the following statement: "A board member shall not meet or confer (by phone, in person, email, etc.) with any applicant or representative of an applicant, including but not limited to engineers, architects, attorneys, or others outside of a legally posted meeting." In other

words, board members are prohibited from being lobbied with respect to a pending application.

7.2. Definition of Applicant. An applicant is defined as a person who requests a matter be considered by a board.

7.3. Conduct of Board Members: A board member shall not:

(A) Accept or solicit any benefit or economic gain or advantage, nor use one's position to secure special privileges or exemptions.

(B) Grant any special consideration, treatment, or advantage to a person or organization beyond that which is available to every other person or organization.

(C) Personally represent, or appear on behalf of, the private interests of others with respect to matters before his/her board.

(D) Knowingly attempt, or assist another attempt, to thwart the execution of any City ordinance, rule, or regulation.

(E) Engage in any dishonest or criminal act or any other conduct prejudicial to the governing of the City.

(F) Make personal, impertinent, or slanderous remarks, either to another member, the Mayor or City Councilmember, a City staff member, or any citizen. Any member who does so should be requested to leave the meeting and may be barred from attendance at the remainder of a meeting. Personal, impertinent, or slanderous remarks made verbally or in print may result in dismissal/removal from the board following a decision by the City Council.