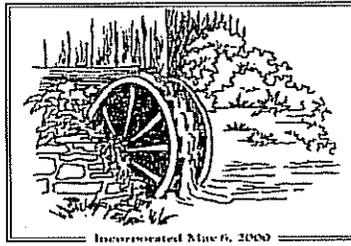


City of Wimberley

Governance Policy and Rules of Procedure



Amended June 2009

COUNCIL GOVERNANCE POLICY AND RULES OF PROCEDURE

SECTION I INTRODUCTION

The City of Wimberley City Council is the governing body for the City of Wimberley, Texas. Therefore, it must bear the initial responsibility for the integrity of governance.

The Council shall determine its own rules and order of business. The Council is responsible for its own discipline and its own performance. The development of this policy is designed to ensure effective and efficient governance.

This policy addresses Mayor and Council relations, Council and City staff relations, Council and media relations, roles and meetings. By adopting these guidelines, we, as members of the City Council acknowledge our responsibility to each other to our professional staff and to the public.

This policy will be reviewed and adopted on an annual basis

AND RULES OF PROCEDURE

SECTION II MISSION

In order to ensure proper discharge of duties for the improvement of democratic local government, members of the Wimberley City Council will display behavior that demonstrates independent, impartial review of all matters addressed by them, and be duly responsible to the citizens of Wimberley and each other in their relationships.

AND RULES OF PROCEDURE

SECTION III INFORMATION

On major policy issues, the City Administrator shall provide briefing material to the Council in advance of Council consideration of the policy alternatives. Whenever possible, the management report shall be distributed more than a week in advance of Council policy consideration.

AND RULES OF PROCEDURE

SECTION IV ROLES

- 4.1 The Mayor shall preside at meetings of the City Council and shall be recognized as head of City government for all ceremonial purposes and by the Governor for purpose of military law but shall have no regular administrative duties. The Mayor may participate in the discussion of all matters coming before the City Council. The Council shall elect, from among the Council members, a Mayor Pro-tem who shall act as Mayor during the absence or disability of the Mayor.
- 4.2 As head of City government for ceremonial purposes, the Mayor may issue and present proclamations and recognitions and attend other ceremonial functions on behalf of the City of Wimberley. City Council members may initiate, through the Mayor, or by a majority vote of the Council, similar items of recognition. Major community events sponsored by the City shall be a policy decision of the Council.
- 4.3 The Mayor shall preserve order and decorum and shall require City Council members engaged in debate to limit discussion to the question under consideration.
- 4.4 The Mayor is the spokesperson on all official positions taken by the City Council. The Mayor Pro-tem or alternate City Council designee will assume that role in the Mayor's absence. *(Amended 6-4-09)*
- 4.5 The Mayor will encourage all City Council members to participate in Council discussion and give each member an opportunity to speak before any member can speak again on the same subject

COUNCIL GOVERNANCE POLICY

AND RULES OF PROCEDURE

SECTION V MEETINGS

5.1 Regular Meetings

The Council shall meet regularly, at such times, as prescribed by ordinance but no less frequently than once each month and the regular meetings will begin at 6:30 p.m., unless postponed or canceled for valid reasons.

5.2 Special Meetings

Special meetings may be held on any day of the week to consider items that require action prior to the next regularly scheduled meeting and may be called upon the request of the Mayor.

5.3 Executive Sessions

The City Council may meet in executive session in compliance with the Texas Open Meetings Act. A final action, decision or vote on a matter deliberated in an executive session will be made in an open meeting for which proper notice is provided. All discussions in executive session shall remain confidential.

5.4 Public Notice

The agenda for all regular meetings, special meetings and the notice listing items to be considered shall be posted on the City's official bulletin board, in accordance with the Texas Open Meetings Act, and on the City's website.

5.5 Attendance

City Council members are expected to attend all meetings and stay in attendance during each meeting. No member shall leave a meeting without advising the presiding officer.

5.6 Conflict of Interest

A City Council member prevented from voting due to a conflict of interest shall leave the meeting during the debate, shall not vote on the matter, and shall otherwise comply with the state law and City ordinances concerning conflicts of interest. Any Council member filing a conflict of interest affidavit on an executive session item shall not confer with City staff, the City Attorney, Council members or the Mayor regarding the item.

5.7 City Council Members

- (a) During City Council meetings and work sessions, Council members shall assist in preserving order and decorum and shall, neither by conversation or otherwise delay or interrupt the proceedings nor refuse to obey the rules of the City Council.
- (b) A City Council member desiring to speak shall address the chair, and upon recognition by the presiding officer, shall confine discussion to the question under debate, avoid discussion of personalities, and in appropriate language and refrain from personal attacks and verbal abuse.
- (c) A City Council member, once recognized by the chair, shall not be interrupted while speaking except for the following reasons:
 - Called to order by the presiding officer
 - A point of order is raised by another member
 - The speaker chooses to yield to questions from another member

If a City Council member is called to order while speaking, that Council member shall cease speaking immediately until the question of order is determined. If ruled to be in order, the member shall be permitted to proceed. If ruled to be not in order, the member shall remain silent or make additional remarks so as to comply with the rules of the City Council

- (d) When there is more than one speaker on the same subject, City Council members shall delay their comments until after all speakers on the subject have been heard.
- (e) The chair shall state all questions submitted for a vote and announce the result. If the vote is not unanimous, the chair shall announce the names of members voting in favor and in opposition to the motion.

5.7 Administrative Staff

- (a) Members of the administrative staff and employees of the City shall observe the same rules and decorum applicable to members of the City Council.
- (b) Although the presiding officer has the authority to preserve decorum in meetings, the City Administrator is responsible for the orderly conduct and decorum of all City employees under the City Administrator's direction and control.

- (c) The City Administrator shall take such disciplinary action as may be necessary to ensure that decorum is preserved at all times by City employees in meetings.
- (d) All persons addressing the City Council, including the City Administrator, shall be recognized by the presiding officer and shall limit remarks to the matter under discussion.
- (e) All remarks and questions addressed to the City Council shall be addressed to the City Council as a whole and not to any individual member.

5.8 Citizens and Visitors

- (a) Citizens and visitors are welcome to attend all public meetings of the City Council and will be admitted to the Chamber or meeting room up to the fire safety capacity of the room.
- (b) Everyone attending the meeting will refrain from private conversations while the City Council is in session.
- (c) Citizens and visitors attending City Council meetings shall observe the same rules of propriety, decorum and good conduct applicable to members of the City Council. Any person making personal, impertinent, profane, or slanderous remarks or who becomes boisterous while addressing the City Council or while attending the meeting shall be removed from the room if so directed by the presiding officer. The person shall be barred from further audience before the City Council during that session. If the presiding officer fails to act, any member of the City Council may move to require enforcement of the rules, and the affirmative vote of a majority of the City Council shall require the presiding officer to act.
- (d) Unauthorized remarks from the audience, stamping of feet, whistles, yells and similar demonstrations shall not be permitted by the presiding officer who may direct the removal of offenders from the room. In case the presiding officer shall fail to act, any member of the Council may move to require enforcement of the rules, and the affirmative vote of the majority of the Council shall require the presiding officer to act.
- (e) No placards, banners or signs will be permitted in the City Council Chamber or in any other room in which the City Council is meeting. Exhibits, displays and visual aids used in connection with presentations, however, are permitted.

- (f) The City Administrator or his designee shall act as sergeant at arms for the City Council and shall furnish whatever assistance is needed to enforce the rules of the City Council.

5.9 Agenda

- (a) The Mayor and/or City Administrator shall set the agenda. Any City Council member may request an item be placed on a future agenda during the item on the agenda for that purpose.



5.10 Speakers

- (a) A person wishing to address the City Council must first sign the Speaker Registration Form. The following information must be provided on the form:
- Name
 - Residence Address
 - The subject matter to be addressed
- (b) Speakers must address their comments to the presiding officer rather than to individual City Council members or staff.
- (c) Speakers must keep their remarks specific to the item being considered by the City Council. If the speaker is addressing the City Council under Citizens Communications, the speaker may address any item not slated for discussion on the agenda.
- (d) A person who registers to speak on an item listed on the agenda will be called on after the chair gains agreement to do so by the City Council. A person who registers to speak under Citizens Communications will be called on at that time. The chair may determine the order in which speakers are called.
- (e) All speakers will have a maximum of three(3) minutes to address the Council. A majority vote of the Council will be required to extend the time limit. The chair may impose more restrictive time limits if a large number of persons register to speak.
- (f) For called public hearings, the applicant will be allowed a maximum of ten (10) minutes to make a presentation.
- (g) In accordance with the Texas Open Meetings Act, the City Council will not discuss or consider any item addressed during Citizens Communications. City Council members will not interact with the public

during the time allotted to speakers unless a non-debatable motion approved by the City Council allots a specific amount of time.

- (h) Whenever it is necessary for a speaker to use an interpreter to translate comments to the City Council, the time required for the translation will not be counted against the designated time allotted for the speaker to address the City Council.

5.11 Motions

- (a) No motion may be moved or suggested until all City Council member discussion is complete and the Mayor calls for the motion. A motion made and seconded will be considered the main motion. Any City Council member may move to amend a motion. The amendment must receive a second before it may be discussed and must be voted on prior to voting on the main motion.
- (b) A motion may be withdrawn or modified by its mover without asking permission until the motion is voted upon. If the mover modifies the motion, the City Council member who seconded the motion may withdraw the second.
- (c) At any time after a motion has been made and seconded, a City Council member may call the question which will have the affect of stopping the debate and requiring the City Council to immediately proceed to vote on the motion to call the question.
- (d) A motion to reconsider any action of the City Council must be made no later than prior to the conclusion of the next regularly scheduled meeting of the City Council. Such a motion may only be made by a City Council member who voted with the prevailing side. The motion to reconsider may be seconded by any member. No question shall be twice reconsidered except by unanimous vote of the City Council, except that action relating to any contract may be reconsidered at any time before the final execution thereof.
 - (i) If a motion to reconsider is made at the same meeting at which the matter was acted upon, the motion may be heard and voted upon and the original action on the matter is set aside. Deliberation may then resume on the matter at that same meeting.
 - (ii) If a motion to reconsider is made at the next meeting after the matter was acted upon, the motion to reconsider may be heard and voted upon and the original action on the matter is not set aside. Deliberation may not resume on the

matter but it shall be placed on the next available agenda for deliberation.

5.12 Suspension of Rules

Any provision of these rules not governed by City ordinance, State or Federal law may be temporarily suspended by a majority vote of the members of the City Council present. The vote on any such suspension shall be taken by yeas and nays and entered upon the record.

5.13 Amendment of Rules

These rules may be amended or new rules adopted by a majority vote of the members of the City Council

5.14 Failure to Comply

A failure to comply with these rules does not invalidate any otherwise lawful act of the City Council.

COUNCIL GOVERNANCE POLICY AND RULES OF PROCEDURE

SECTION VI PUBLIC CONTACT MEDIA RELATIONS

Representative government is only successful when the citizens are kept informed and educated about the issues facing their municipality. Consequently, it is imperative that the media play an important role in the Council-Administrator-Media relations. It is through an informed public that progress is ensured and good government remains sensitive to its constituents.

These guidelines are designed to help ensure positive relationships with print, radio and television reporters. The Mayor, City Council and the City Administrator recognize that the news media provide an important link between the City Council and the public. It is the City Council's desire to establish a professional working relationship to help maintain a well informed and educated citizenry.

- 6.1 During the conduct of official business, the City shall designate adequate space for the news media.
- 6.2 All reporters will receive an agenda in advance and will be furnished support material needed for clarification, if requested.

COUNCIL GOVERNANCE POLICY AND RULES OF PROCEDURE

SECTION VII PLANNING

The Mayor and Council are responsible for establishing a vision for the City of Wimberley and planning for its future.

- 7.1 On an annual basis, the Mayor and City Council shall hold a minimum of one (1) strategic planning session wherein they set priorities goals and objectives. The goals and objectives shall address short term and long term needs of the City.
- 7.2 Policy direction shall be consistent with the strategic goals and objectives. Sufficient time and consideration should be given to policy alternatives to ensure that decisions are made consistent with the long term vision.

COUNCIL GOVERNANCE POLICY AND RULES OF PROCEDURE

SECTION VIII COUNCILSTAFF RELATIONS

- 8.1 The role of the City Administrator and the relationship of staff with City Council is addressed in City ordinance.
- 8.2 The City Council shall direct comments, correspondence and concerns about City services to the City Administrator. Citizens concerns, comments and correspondence regarding City services received by City Council members shall be forwarded to the City Administrator for appropriate staff action and a timely response.
- 8.3 Documents provided to one (1) City Council member shall also be distributed to all other members of the elected body. The City Administrator shall prepare and submit to the Council, as of the end of the fiscal year, a complete report on the finances and administrative activities of the City for the preceding year. The City Administrator shall keep the City Council advised of the financial condition and future needs of the City and make such recommendations that may seem desirable.
- 8.4 In order to ensure proper presentation of agenda items by City staff, questions arising from City Council members, after receiving their information packet, should be, whenever possible, presented to the City Administrator or the Administrator's designated assistant for City staff consideration prior to the City Council meeting. This allows time for City staff to address the City Council member's concerns and provide all Council members with the additional information.

ORDINANCE NO. 2007-006

AN ORDINANCE OF THE VILLAGE OF WIMBERLEY, TEXAS AMENDING CHAPTER 30 "ADMINISTRATION" OF THE CODE OF ORDINANCES OF THE VILLAGE OF WIMBERLEY, TEXAS TO ESTABLISH A UNIFORM ELECTION DATE FOR THE ELECTION OF THE MAYOR AND CITY COUNCILMEMBERS; PROVIDING TERMS FOR THE MAYOR AND CITY COUNCILMEMBERS; ESTABLISHING A PLACE SYSTEM FOR ELECTION OF COUNCILMEMBERS; ESTABLISHING RULES AND ORDER OF BUSINESS FOR CITY COUNCIL; PROVIDING FOR AN EFFECTIVE DATE; PROPER NOTICE AND MEETING, SEVERABILITY AND REPEALER.

WHEREAS, the Village of Wimberley was incorporated as a General Law Type A municipality, governed by the statutes of the State of Texas, in a May 6, 2000, special incorporation election and a mayor and five aldermen for the Village were elected in a special election held on August 12, 2000; and

WHEREAS, after the initial election, the City Council found it necessary, for the convenience of the voters and for the orderly transition of the City Council Members of the Village of Wimberley to establish a place system for the election of city council members; and

WHEREAS, the City Council of the Village of Wimberley desires to establish a uniform election date upon which the general election for all elected municipal officers is held; and

WHEREAS, the City Council of the Village of Wimberley desires to establish terms of office for elected municipal officials in accordance with state statute; and

WHEREAS, the City Council of the Village of Wimberley desires to establish certain rules and an order of business for City Council meetings to ensure the Village government is open and accessible to all citizens.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE VILLAGE OF WIMBERLEY, COUNTY OF HAYS, STATE OF TEXAS:

I. FINDINGS

All of the above premises are hereby found to be true and correct legislative and factual findings of the Village of Wimberley and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

. II. AMENDMENTS

That Chapter 30, Section 30.01 of the Code of Ordinances of the Village of Wimberley is hereby amended by deleting this section its entirety and replacing it with the following:

Section 30.01 Governing Body

(a) *The City Council shall be the governing body of the City. The City Council shall consist of a Mayor and five Councilmembers.*

(b) *Members of the City Council shall serve without compensation, but will be entitled to payment or reimbursement of all actual and necessary expenses incurred in the performance of their official duties as determined by a reimbursement policy adopted by City Council.*

Section 30.02 Elections

(a) *The City is hereby designated as a single precinct for the purpose of municipal elections.*

(b) *The Mayor and City Council Members shall be elected under a place system.*

(c) *The Mayor and City Council Members for Place 2 and Place No. 4 shall be elected in even numbered years and the City Council Members for Place No. 1, Place No. 3 and Place No. 5 shall be elected in odd numbered years.*

(d) *Any candidate for officer of City Council Member shall file an application for a specific place on the Council, such as "Council Member, Place No. 1."*

(e) *Regular City elections shall be held annually on the uniform election date in May of each year as determined by the legislature of the State of Texas, at which time officers will be elected to fill those places whose terms have expired, and in even numbered years the office of the Mayor. This provision does not apply to special elections to fill vacancies, as may be authorized by law.*

Section 30.03 Term of Office

Pursuant to the provisions of Section 22.035, Texas Local Government Code, as amended, the Mayor and Councilmembers of the City shall serve two year staggered terms.

Section 30.04 Meetings

(a) *The City Council shall hold at least one regular meeting each month and may hold as many special meetings as necessary to conduct City business. The regular meetings of the City Council shall be held on Thursdays in the Wimberley City Hall, unless changed by majority vote of the City Council at a public meeting.*

(b) *While in an open meeting, an executive session which is properly posted on the agenda may be convened by the Mayor or upon motion of any Councilmember.*

(c) *Notice of all meetings shall be posted in accordance with the Texas Open Meetings Act, Chapter 551 of the Texas Government Code.*

(d) *All meetings of the City Council shall be conducted in accordance with the provisions of the latest edition of Roberts Rules of Order.*

(e) *If a closed meeting is permitted by state law, the City Council may meet in a meeting that is closed to the public during any City Council meeting. A closed meeting may be held at any time during any City Council meeting, but notice of the closed meeting must be given in accordance with the Texas Open Meetings Act, Chapter 551, Texas Government Code.*

Section 30.05 Presiding Officer; Mayor Pro Tempore

(a) *The Mayor shall be the presiding officer of the City Council and shall conduct all meetings of the City Council to permit full and free discussion by the members of the Council and the public in accordance with the rules established by this Chapter.*

(b) *At the first meeting following each regular City election, or as soon thereafter as practicable, the City Council shall elect one Councilmember to serve as Mayor Pro Tempore for a term of one year and to perform the duties of the Mayor in the event of the Mayor's failure, inability or refusal to act. If the Mayor and the Mayor Pro Tempore are absent, any alderman may be appointed to preside at a meeting.*

(c) *The Mayor shall not have the power to veto or modify any ordinance adopted by the City Council and may not, in any way, neutralize or negate any action of the City Council. The Mayor may not bind or obligate the City in any way without prior authorization from the City Council. The Mayor may not vote on any motion considered by the Council, unless necessary to break a tie.*

Section 30.06 Quorum

A majority of the number of City Council Members established in Section 30.01 of this code constitutes a quorum. However, at a special called meeting or at a meeting to consider the imposition of taxes, two-thirds of the number of City Council members established by that section constitutes a quorum unless otherwise provided.

Section 30.07 Filling Vacancies on the Council

(a) In the event of a vacancy or vacancies in the office of Mayor or Councilmembers, such vacancy or vacancies shall be filled as follows:

(1) If no more than one (1) vacancy exists, a majority of the remaining members of the City Council may fill the vacancy by appointment, and the person appointed to fill the vacancy shall serve the term of the vacated position until the next regular City election.

(2) In lieu of filling one (1) vacancy on the City Council by appointment, as provided for above, a special election may be called to fill such vacancy.

(3) If two (2) or more vacancies on the City Council exist at the same time, a special election shall be called to fill such vacancies.

(b) Special elections shall be ordered, held and conducted in accordance with the general laws of the State.

Section 30.08 Agenda for Council Meetings

(a) The City Administrator shall prepare and post the agenda for each City Council meeting.

(b) The City Administrator must place an item on an agenda if:

(1) The item is requested by the Mayor or a member of the City Council;

(2) The item is requested by a City commission;

(3) The item is requested by a City department head or the City Attorney; or

(4) The City Administrator determines that the item is necessary in the general conduct of City business.

(c) *An item placed on the agenda at the request of the Mayor or any member of the City Council may not be removed from the agenda unless the removal is approved by the person requesting the agenda item.*

Section 30.09 Consent Agenda: Exceptions

The City Council may adopt certain items by consent of the City Council, without taking a separate vote on each item. The items adopted by consent of the City Council are the "consent agenda." The Council may not adopt the following by consent:

(a) *An item subject to a public hearing;*

(b) *An item posted on the agenda for consideration at a specific time;*

(c) *An item for which the City Administrator has received a written request that the item be removed from the consent agenda;*

(d) *An item for which the City Administrator has received, before the meeting is called to order, registration cards from one or more persons who intend to testify on the items; or*

(e) *An item that any member of the City Council requests be removed from the consent agenda.*

Section 30.10 Rules of Order

(a) *Decorum shall be observed by all members of the Council and all persons attending a Council meeting. No person or Councilmember may use disparaging, threatening or abusive language during a Council meeting.*

(b) *The presiding officer shall maintain order at all Council meetings. The presiding officer may shorten a person's speaking time, ban a person from speaking for the balance of a meeting, or cause a person to be removed from the Council meeting for a violation of the rules of order set out in this Subchapter. A ban or removal applies only for the duration of the meeting at which it is imposed.*

(c) *The presiding officer shall rule out of order any Councilmember breaching decorum. A Councilmember ruled out of order may call for a vote of the Council to sustain or overrule the presiding officer.*

Section 30.11 Citizen Communication

(a) *The presiding officer will ensure that citizens of the City have a reasonable opportunity to address the Council regarding matters under consideration at any meeting.*

(b) *A person who intends to speak at a Council meeting on an agenda item or at a public hearing shall deliver to the City Administrator a registration card that includes the person's name, the date of the Council meeting, and the agenda item or items upon which he or she wishes to speak.*

(c) *The person may deliver the card to the City Administrator at any time after the City Administrator posts the agenda for the meeting and before the item is taken up.*

(d) *The presiding officer shall grant a person at least three minutes to address the City Council, unless the Council rules otherwise or the presiding officer exercises authority under Section 30.10 to reduce the speaker's time. More than three minutes of time may be granted at the discretion of the presiding officer.*

Section 30.12 General Order of Business at Council Meetings

The general order of business at a City Council Meeting is as follows:

- (a) *Call to order.*
- (b) *Call of Roll.*
- (c) *Invocation.*
- (d) *Pledge of Allegiance/salute to the Texas Flag*
- (e) *Citizen communications on any item not on the agenda.*
- (f) *City Administrator Report*
- (g) *Council action on the consent agenda.*
- (h) *Consideration of any items pulled from the consent agenda.*
- (i) *Other specific agenda items.*
- (j) *City Council reports.*
- (k) *Executive sessions.*
- (l) *Adjournment.*

Section 30.13 Administration

The City Council shall work through the City Administrator in dealing with the City officers and employees who are under the direction of the City. City staff shall

respond to direction from the Council as a whole, and not to direction from individual members of the City Council.

Section 30.14 Effect of Procedural Rules

The procedural rules set forth in this Subchapter are directory only and it is the intent of the City Council that the violation of any such procedural rules shall not affect the validity or legality of any City Council action otherwise properly taken.

III. REPEALER

All ordinances or parts of ordinances in force when the provisions of this Ordinance becomes effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of any such conflict.

IV. SEVERABILITY

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, and the remainder of this Ordinance shall be enforced as written.

V. EFFECTIVE DATE

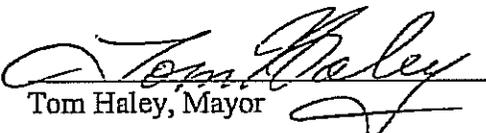
This Ordinance shall take effect immediately upon its passage and publication as may be required by governing law.

VI. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

PASSED AND APPROVED on this 15th day of March, 2007, by a 5 (Ayes) 0 (Nays) 0 (Abstain) vote of the City Council of the Village of Wimberley, Texas.

VILLAGE OF WIMBERLEY

By: 
Tom Haley, Mayor

ATTEST:

Brenda Millender
Brenda Millender, City Secretary

SEAL

APPROVED AS TO FORM:

Patty L. Akers
Patty L. Akers, City Attorney