

**RESOLUTION NO. 2021-10-01R**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF POETRY, TEXAS ADOPTING A TOWN COUNCIL DECORUM AND PROCEDURES POLICY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town Council of the Town of Poetry, Texas (“Town Council”) desires to adopt rules of decorum and procedures for the conduct of meetings of the Town Council; and

**WHEREAS**, the Town Council desires to adopt such rules of decorum and procedures that are consistent with the laws of the State of Texas and articulate rights, obligations and standards to be upheld by councilpersons and members of the public appearing before the Town Council at a public meeting and establish clear procedures for having items considered for being placed on the agenda of an upcoming Town Council meeting.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF POETRY, TEXAS,**

**Section 1. Adoption.** That the Town Council of the Town of Poetry, hereby adopts and approves the Town Council Decorum and Procedures Policy as herein after set forth:

**TOWN OF POETRY, TEXAS  
TOWN COUNCIL DECORUM AND PROCEDURES POLICY**

These Rules of Decorum and Procedures of the Town Council of the Town of Poetry, Texas shall be effective immediately and shall remain in effect until such time as they are subsequently amended, suspended or new rules are adopted:

The purposes of the Rules of Decorum and Procedure are : (i) to ensure that the Town Council meetings are conducted in a way that allow the business of the Town to be effectively administered; (ii) to ensure that the members of the public who attend Town Council meetings can be heard in a fair, impartial and respectful manner; (iii) to ensure that Town Council meetings are conducted in a way that is open to all viewpoints, yet free from abusive, distracting or intimidating behavior; and (iv) to ensure that the rules governing decorum at Town Council meetings are understood by persons attending the meetings.

**TOWN COUNCIL MEETINGS**

The deliberations and proceedings of the Town Council shall be open to the public, except as state law provides otherwise - (e.g., executive sessions) and shall comply with the Texas Government Code’s Open Meetings Act, as amended (“the “Act”).

## **Regular Meetings**

Regular meetings of the Town Council will be held on the third (3rd) Tuesday of each month beginning at 6:30 PM at the Faith Temple Church located at 11214 FM 1565, Poetry, Texas, or at any place that the Town Council may direct. The date and/or time of any regularly scheduled meeting may be adjusted, if necessary, so long as proper public notification is provided.

## **Special Meetings**

Special meetings shall be set at such times as are necessary or appropriate and may be called by the Mayor or via a memorandum requesting a special meeting signed by any three (3) members of the Town Council and submitted to the Town Secretary. Upon receipt of a request for special Town Council meeting by the Town Secretary, the Town Secretary shall determine the availability of the Town Council chambers, the other Town Council members and Mayor for a special meeting and shall call such meeting at the earliest available opportunity at which such participants and facilities are available. Notice of a special meeting shall be given to each member of the Town Council at least 72 hours in advance of the meeting or one (1) hour in advance in case of an emergency meeting. Notice may be given in writing, in person, by telephone or by electronic communication.

## **Executive Session**

An executive session (a meeting closed to the public) may be held in accordance with the Act. The Mayor or presiding officer may call any regular, special, or emergency meeting into executive session by citing the specific provision of Texas Government Code Chapter 551 Section 551.101, et seq.

## **Work Session**

Work session meetings are informal special meetings to review upcoming issues, receive special reports, conduct goal setting sessions and for special training purposes.

## **TOWN COUNCIL AGENDA**

The Town Council Agenda is the official order of business at Town Council meetings. Items on the Agenda are prepared and submitted to the Town Council by members of the Town Council and staff.

The Agenda lists the items coming before the Town Council for consideration. An Agenda Memo for each item gives background and analysis, as well as staff recommendations, on the specific agenda item.

Prior to the public posting of Town Council Agendas, a proposed agenda shall be submitted to the Mayor (or Mayor Pro Tempore if the Mayor is not available) for review and approval. The Town Council may take action on any matter noticed in the agenda, in any manner deemed appropriate by the Council. The Town Council's consideration of the noticed matters is not limited by the recommendations indicated in the Agenda Memos.

A certified Town Council Agenda will be posted at the Town Hall and on the Town's official website no later than 72 hours prior to a regularly scheduled meeting.

Agenda packets will be available at Town Hall for public review no later than 72 hours prior to a regularly scheduled meeting.

### **Who May Place Items on the Agenda**

Items may be placed on the Agenda by the Mayor or Town Council. All requests for Agenda items should be submitted to the Town Secretary in order for proper processing and accumulation of supporting material.

Any individual Town Council member may propose an agenda topic for consideration by the Town Council at the next regular Town Council meeting by delivering to the Town Secretary a written proposed agenda topic for discussion at least one (1) week prior to the date of the next regular Town Council meeting; or, if an action item, at least two (2) weeks prior to the date of the next regular Town Council meeting at which the agenda topic is to be considered.

## **TOWN COUNCIL MEETING PROCEDURES**

### **Role of Council**

The Town Council's role is to establish policies and priorities within the terms of the Town and applicable State and Federal Statutes. Town Council members are public officials. Public officials are agents of the public and hold office for the benefit of the public. Each member of the Town Council is bound to uphold the Constitution of the United States and of the State of Texas, to carry out applicable laws and the provisions of the Town and Ordinances of the Town of Poetry on an impartial basis.

### **Presiding Officer and Duties**

The Mayor, or in the absence of the Mayor, the Mayor Pro-Tem, shall be the Presiding Officer at all meetings of the Town Council. If both the Mayor and Mayor Pro-Tem are absent, an acting Mayor Pro-Tem may be elected by the Town Council members present to preside. The Mayor may call a recess at any time during a meeting.

### **Quorum Requirements**

The Mayor/Presiding Officer shall call the meeting to order at the time designated for a scheduled meeting. Except to adjourn, a quorum is necessary to conduct business at any meeting of the Town Council. Quorum is defined as a majority of the Town Council members.

### **Right of Member to be Heard**

Council members desiring to speak shall gain the attention of the Mayor/Presiding Officer and, upon recognition by the Mayor/Presiding Officer, shall confine their remarks to the question

under debate.

The Mayor/Presiding Officer shall be authorized to ask any Council member to cease or to limit discussion, or to call the question when it appears further discussion or opinions offered will not be meaningful. If a Council member disagrees with the Mayor's call to order, the Town Council may take a vote to continue the discussion.

### **Preservation of Order**

The Mayor/Presiding Officer shall preserve order and decorum, discourage attacks on personalities or the impugning of a Council member's motive, and confine Council member debate to the question under discussion. Persons in attendance at the meeting who become disorderly, abusive, or disruptive may be removed from the meeting.

### **Consideration of Agenda Items**

The Town Council procedure for the consideration of an agenda item is as follows:

- A. Mayor reads the agenda item or staff presents its report and recommendation,
- B. The Mayor, representative/applicant can present information/presentation if needed.
- C. Council members may ask questions or discuss item and deliberate.
- D. During deliberation, Council members may ask anyone present a specific question for clarification.
- E. Council members may ask questions of appropriate experts.
- F. Members of the public are provided with the opportunity to make comments for three minutes. [Or six minutes if an interpreter is needed].
- G. A Council member makes a motion.
- H. Another Council member seconds the motion. (If there is no second, the motion will not be considered.)
- I. Once the motion has been properly made and seconded, the Mayor/Presiding Officer may open the matter for any final discussion among Council members.
- J. Once the matter has been fully discussed, the Mayor/Presiding Officer calls for a vote, no further discussion will be allowed, provided, however, Council members may be allowed to explain their vote.
- K. Mayor/Presiding Officer may ask for any final General comments from the public after all the Agenda items are voted on at the end of the Session under General comments section.



## **Vote of Council**

Unless otherwise provided by law, a majority of the Town Council is required for approval of an issue. The Town Council is made up of five (5) council members, making a majority three (3) votes. The Mayor is not given a vote, except in case of a tie.

## **Appearance before Town Council**

Agenda item “Citizen Comments” provides the opportunity for any member of the public to speak or ask questions on any topic that is on the agenda. During the “General Public Comments” agenda item Citizens may also make comments on any items not on the posted meeting agenda, but Town Council members will be unable to deliberate, but may provide factual responses. There will be an opportunity to speak on public hearing items as those items are announced.

There are several ways for citizens to be heard by the Town Council during regular Council meetings. Citizens may submit written comments to the Town Secretary prior to the meeting. Copies will be made and distributed to Council Members for review before the meeting. Citizens may sign a sheet available in the Council Chambers which will be available as early as thirty (30) minutes prior to the meeting and may be heard on citizen comment period and any scheduled public hearing items. Citizens wishing to be heard during citizen comment and public hearings should sign the appropriate sign-up sheet prior to the commencement of the meeting. The Mayor/Presiding Officer may ask for any final comments from the audience. After final comments are made, individuals who did not sign up, but spoke, will be asked to sign the sign-up sheet for the record.

No person may speak without being recognized by the Mayor/Presiding Officer. Any citizen desiring to address the Town Council should come to the podium or designated location to address the Council and be recognized by the Mayor/Presiding Officer.

After being recognized by the Mayor/Presiding Officer, the person shall approach the podium and state his/her name and address for the record before making their remarks. Audience members shall address their comments to the Mayor/Presiding Officer, avoid personalizing, or directing comments to any one or more individuals, and avoid lengthy commentary. State law prohibits the Town Council from taking any action on any item unless it appears on the posted meeting agenda. Inquiries from speakers about matters not listed on the agenda will either be directed to the Secretary or placed on a future agenda for Council to consider.

In order to conduct a timely meeting, each individual’s comments may be limited to three (3) minutes unless the Mayor/Presiding Officer grants an extension of time. No person may be allowed to yield their time to another person.

Members of the audience may not engage in disorderly conduct, including the utterance of loud, threatening, or abusive language, clapping, whistling, and stamping of feet or other acts, which disturb, disrupt, impede, or otherwise render the orderly conduct of the Town Council meeting impractical. A member of the audience engaging in any such conduct may, at the discretion of the Mayor/Presiding Officer or a majority of the Town Council, be subject to ejection from that

meeting.

The Mayor/Presiding Officer shall have the discretion to take any measures necessary to maintain control of a public meeting in order to ensure the fair and impartial conduct of business and the timely completion of that business. The Mayor/Presiding Officer may, at his/her discretion, shorten the time for speaking.

No disruptive audible electronic device use is allowed in the Council Chambers.

### **Appointment of Board/Committee Members**

The Council shall have the discretion to appoint various members of the public to any boards and/or committees.

### **Ordinances**

An ordinance is the most authoritative form of action the Council can take. An adopted Ordinance becomes an established rule of law of the Town and remains in effect until otherwise rescinded or amended by the Council.

All proposed ordinances must be either drafted or approved by the Town Attorney.

### **Resolutions**

Resolutions are acts of a relatively permanent nature and remain in effect until rescinded or amended by the Town Council. Generally, resolutions implement or carry out the terms of an Ordinance, provide a statement of policy, or express Council's opinion on a public matter. Resolutions shall be in written form but need not be published.

### **Motions**

A motion refers to a formal proposal by a Council member that the Town Council may take action upon. Motions are generally introduced by voice.

## **COUNCIL MEMBER CONDUCT STANDARDS**

Each elected official of the Town of Poetry, Texas is bound to observe in his/her official acts the highest standards of morality and to discharge faithfully the duties of the office regardless of personal considerations, recognizing that the public interest must be their primary concern. Council members should be independent, impartial and responsible to the citizens, and such public office shall not be used for personal gain. The conduct of each member in both their official and private affairs should be above reproach. Council members must represent unconflicted loyalty to the interest of the citizens of the entire Town. This accountability supersedes any conflicting loyalty, advocacy or special interest group, or any individual, or membership of (or affiliation with) any company or other private or public organization.

### **Duty to Perform/Conflict of Interest**

It is considered that by seeking and accepting public office, each Council member is bound to perform the inherent duties of his/her office, one of the foremost of which is to vote on every issue that is brought before the Council for a vote. An exception to the duty to vote would be in the case of a conflict of interest. In such case, the abstaining Council member shall have the right to explain for the record the nature of the conflict of interest. Abstentions from voting without declaring a conflict of interest are unacceptable. Each Council member shall maintain a current statement regarding actual and potential conflicts of interests, as required by law, with the Town Secretary. Council members shall disclose orally prior to the discussion and action of any agenda item any actual conflicts of interest that exist with that item. Council members shall not participate in the discussion or vote on any agenda item in which the Council member has any conflict of interest.

### **Violations of this Policy**

Whenever the Mayor or another member of the Council perceives that this policy is being violated, a point of order may be called. The Mayor shall rule on whether a violation has occurred and shall take whatever steps that he/she deems appropriate to remedy any such violation.

**Section 2. Effective Date.** This Resolution shall be effective immediately upon its passage and approval. PASSED AND ADOPTED this 21st day of September 2021.

APPROVED:

Tara Senkevech, Mayor

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ATTEST:

APPROVED AS TO FORM:

Town Attorney

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