

**CITY OF MISSOURI CITY
BOARDS, COMMITTEES, COMMISSIONS, AND
TASK FORCES
POLICY AND PROCEDURE**



**As established by the
City of Missouri City
City Council**

Approved and Effective on July 15, 2013

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I. BACKGROUND:

It is the policy of City Council to annually appoint citizens to serve on various boards, committees, commissions, and task forces. Each exercises a number of advisory and quasi-judicial powers and functions essential or useful to the operation of the city government.

Boards, committees, commissions, and task forces are a vital part of city government, providing an opportunity for citizen involvement in the governing processes of the City and providing City Council with input, ideas, feedback and suggestions on public policy.

Boards, committees, commissions, and task forces are created and enabled in different ways. Some are creations of the statutes and laws that govern them, while others are creations of City Council. Terms of office and qualifications for office vary. Terms begin and expire either with the beginning of the fiscal year (July), at the beginning of the calendar year (January), or as deemed appropriate by City Council.

II. PURPOSE:

This policy and procedure establishes guidelines for the appointment of citizens to boards, committees, commissions, and task forces; the recognition of their many contributions; and provides reference for orientation and training for members. This policy and procedure applies to all citizen volunteer boards, committees, commissions, task forces and the appropriate staff members who support them. This policy and procedure does not apply to City Council committees.

III. OBJECTIVE:

It is the intent of City Council to manage the appointment process so that:

- ◆ Boards, committees, commissions, and task forces are composed of capable, dependable and effective members and that the members reflect the diversity of the community.
- ◆ Citizens are encouraged to apply for board, commission and committee appointments.
- ◆ To encourage maximum participation, City Council gives strong consideration to both the reappointment of incumbents and new appointees.
- ◆ Appointments are made thirty days prior to the beginning of term.
- ◆ City Councilmembers discuss each appointment in workshop and where allowed by the laws that govern in closed executive session, prior to appointing and voting in open session.
- ◆ New members are oriented and prepared for their respective roles prior to the beginning of the fiscal year or calendar year and prior to the oath of office.

IV. MEMBER ELIGIBILITY AND QUALIFICATIONS:

Applicant qualifications include the following:

- ◆ Must be a resident of the City for at least one (1) year

- ◆ Must be a qualified voter
- ◆ Must not be in arrears in the payment of any taxes or other liability due to the City
- ◆ May not apply to serve on a board with their immediate family members
- ◆ Regular full-time City employees are not eligible unless required by State statute
- ◆ No persons within the second degree by affinity or within the third degree by consanguinity to a City Councilmember are eligible to become a member of a board or commission
- ◆ In the event that State statute requires certain qualifications, those qualifications shall be required
- ◆ All qualified candidates applying for the first time, must complete an application form and forward it to the City Secretary's office prior to the advertised deadline

Members shall be appointed for terms of two (2) years and may be removed at any time by the City Council. Terms of office will be staggered so approximately one-half the membership at any time has experience. In the event a vacancy occurs prior to the expiration of a full term, the City Council may appoint a new member to complete the unexpired term.

A member of a board, committee, commission ceasing to reside in the City of Missouri City during his or her term of office shall immediately forfeit his or her position.

Eligibility for board, committee, commission, or task force appointments shall be defined by City charter, ordinance, resolution or by the state statute that established and governs the board, commission, committee or task force.

Appointments to boards, committees, and commissions that have specific eligibility requirements must be made in accordance with the governing requirement and appointed members must continue to meet the eligibility requirements during the term of appointment. If a member does not continue to maintain the necessary requirements the member shall resign the appointed position.

V. RESIDENCY:

Except by special circumstance as approved by the City Council, all members of boards, commissions, committees or task forces must be residents of the City.

VI. ATTENDANCE:

Members are expected to be available to attend most board meetings. If a member becomes unable to attend most board meetings, the member should submit his or her resignation so that a replacement may be named.

The City Council may dismiss any member for poor attendance. Unless the board, committee, or commission already has a policy in place, the following shall be applicable to all members: a member who shall miss three (3) cumulative meetings per City fiscal year (July 1 to June 30) is subject to removal from their respective position at the direction of the governing body.

VII. BOARD DEFINITIONS:

BOARD TYPES: Boards, committees, and commissions serve many different roles within the City. It is important that staff and the board, committee, commission members understand the role of each board and the authority and responsibility for the board, committee, commission and its members. To help define these roles, each board, commission and committee will be designated as to type, as defined below:

- ◆ **Advisory Boards:** An advisory board serves as an ongoing forum for providing public input to the City Council and appropriate department, providing them with advice on issues. Advisory boards are not authorized to make decisions on behalf of the City. The City Council will consider input from the advisory boards, as well as from other sources, in making decisions on issues. The City Council may or may not take action that is in agreement with the advice of an advisory board. Advisory boards may not speak for the City or take independent positions on issues with the public or the press. The purpose of the boards is only to advise the City Council or the appropriate department.
- ◆ **Quasi-Judicial Boards, committees, and commissions:** These boards, committees, and commissions are defined in state statute and have certain statutory responsibilities and authorities, as designated by statute. The boards, committees, and commissions have the authority to hold formal hearings and issue decisions. The decisions are not subject to review by the City Council. Members of these boards must be cognizant of protecting the unbiased quasi-judicial nature of the board and its formal hearings. Activities of these boards, committees, and commissions are limited to those authorities granted by statute.
- ◆ **Committees and Task Forces:** These are special ad-hoc panels created by the City Council for a specific project or task and are limited in duration and are not ongoing. The City Council will consider the input of the committee or task force in making decisions on issues. The City Council may or may not take action that is in agreement with the advice of the committee or task force. A committee or task force may not speak for the City, and are to only advise the City Council or the appropriate department, and are not to take independent positions on issues with the public or press.

VIII. RESPONSIBILITY:

The City Secretary shall be responsible for the implementation of this policy and procedure.

IX. APPOINTMENT PERIOD:

The City Council shall make appointments to board, commission and committees in June of each year before the beginning of terms starting July 1st of each year; and in November for terms beginning January 1st.

X. RECRUITMENT:

The City Council will seek the most qualified individuals representing a cross-section of gender, diversity, geographical representation and representation of the public at large, as well as viewpoints and special interest and expertise.

The City Secretary's Office will market and advertise board, commission, and committee positions in the official newspaper and MCTV approximately four (4) months prior to term expiration date and on an as needed basis throughout the year; will extend invitations periodically in the City newsletter, print media, the City web page and other produced materials that might engage interested residents.

The deadline for returning the application shall be stated in the public notice.

XI. APPLICATIONS:

Applications shall be available in the City Secretary's Office and on the City web page (www.missouricitytx.gov). Applications may be submitted at any time and will be retained during the appointment process and when vacancies occur. Citizens may apply for more than one board and may prioritize their requests on the application form.

All citizens interested in serving on a board, commission, committee or task force shall complete an official application. Completed applications shall be submitted to the City Secretary's Office and during the regular appointment period must be returned by the stated deadline.

An application book used in the appointment process shall be compiled and made available to City Council in May of each year prior to July appointments.

XII. BOARD, COMMITTEE, AND COMMISSION SELECTION AND CITY COUNCIL RESPONSIBILITIES:

a. City Council Responsibility

During the month of February (June term) or August (December term) City Council will be notified electronically of those members whose term will expire.

At the first Special City Council meeting in March (June term) or September (December term) the City Council shall be charged with screening applications and making recommendations of appointment for advisory boards and quasi-judicial boards.

Special meetings will be held as necessary to discuss the reappointments and appointments of members and to conduct interviews of potential new candidates.

Should a District City Councilmember wish to not reappoint a board, committee, or commission whom resides in their district, the District City Councilmember would be required to notify the board, committee, commission member of their decision. The District City Councilmember would then need to seek candidates to fill the vacancy from their district and review the applicants who submitted an application to the City.

b. Applicant Review

The City Council will review the applications in accordance with the eligibility criteria set for each board. Additional information available for consideration could include evaluations from the staff liaison and member attendance records.

c. Interview Process

City Council reserves the right to interview existing members who wish to reapply for their current position or new applicants. The City Secretary shall schedule and confirm interviews under the direction of the City Council.

Interviews will be conducted in mid-April/early November to ensure City Council has time for evaluation of each applicant. The City Secretary shall schedule and confirm interviews under the direction of the City Council. Applicants who fail to attend their scheduled interview forfeit the interview and will not be rescheduled.

City Council will strive to achieve a balance of:

- Qualified applicants covering the range of qualifications specified for the board
- Experienced and new members

d. Appointment Process

The City Council shall evaluate each applicant for each vacant position considered for appointment. Prior to making recommendations, the City Council shall advise the City Secretary to notify each board member as to whether or not their name will be placed in nomination before the full City Council.

When the entire Council is reviewing the committees' selections in the final step of the process, open meeting rules shall be enforced. Quasi-judicial board appointments may be discussed in executive session, while advisory board applications must be discussed in an open session either in workshop or at the open Council Meeting.

The next business day, after the City Council makes the appointments, the City Secretary shall prepare and mail letters to each person appointed to a board and each applicant not selected for service. Appointment letters shall state the name of the board the member has been appointed to; the term of service; and Council's appreciation for their service to the citizens of Missouri City.

The City Secretary's Office will contact boards and commission members with terms expiring, asking if they desire a reappointment. Members who desire reappointment are considered along with all other applicants.

By agreeing to serve on a City board, commission, committee or task force, the member agrees to abide by the policies and procedures of the City. Any board, commission, committee or task force member who violates the terms of the ordinances, policies and procedures or the bylaws of the board may be asked to resign or be removed from the board, commission, committee or task force by the City Council.

XIII. TERMS:

Terms shall be staggered, beginning July 1st and ending June 30th of the following year, except for the Tax Increment Reinvestment Zone Boards whose terms shall end on December 31st and begin on January 1st of each year.

Occasionally a member may be unable to finish his or her term or will be removed by the City Council prior to the term ending. In such cases, the vacant position must be filled by a mid-term appointee who will serve out the remainder of the term. The Councilmember of the district will be notified of the vacancy and seek candidates to fill the vacancy from their district and present those individuals to City Council.

XIV. NOTIFICATION:

The City Secretary's Office shall prepare letters for the Mayor notifying appointees of their appointment by City Council, with copies to the board staff liaison. The City Secretary's Office shall prepare letters notifying all applicants of the status of their application.

XV. VACANCIES:

If vacancies occur during the year, the position may be filled from the current list of applicants using the appointment process delineated above or through advertising for interested volunteers. The City Secretary's Office shall maintain applications on file for two years.

Resignations from any board, commission, committee or task force shall be in writing addressed to the Mayor with a copy to members of City Council. A vacancy occurs on the effective date shown in the resignation, when a member is removed, or has been deemed to have automatically resigned from the position.

XVI. ALTERNATES:

Alternate members shall be appointed as deemed appropriate by the City Council. Alternate members have full membership and voting privileges.

XVII. STAFF SUPPORT:

Staff support is available to the board, commission, committee and task force through the responsible staff liaison assigned to support each board, commission, committee or task force.

It is the responsibility of the staff liaison to ensure the board, commission, committee or task force has adequate and reasonable support staff. Staff liaisons and staff support will not be members of the board, commission, committee or task force to which they are assigned.

XVIII. OATH:

Upon appointment, the City Secretary will schedule the appointee's oath of office. The members must sign the oath and it must be notarized and kept in the appropriate file within the office of the City Secretary. Those persons authorized to administer the statement and the oaths are: the Mayor, the City Secretary, and any notary public.

XIX. ORIENTATION:

Upon appointment, the staff liaison will notify the appointee regarding orientation for new members.

New members shall be encouraged to attend meetings before their term begins and established board members shall be encouraged to share their experience and knowledge with new members.

New members shall be required to attend specialized training on the Open Meetings Act, Public Information Act and any State statues pertinent to their position on the board within three (3) months of their appointment. Such training shall be coordinated by and expenses born by the City.

XX. MEMBER RESPONSIBILITIES:

1. Each member is responsible for being prepared to attend meetings and discuss the agenda.
2. Each member is encouraged to stay informed on issues facing other municipalities.
3. It is the responsibility of members to be informed about previous action taken by the board, committee, or commission in their absence. In the case of absence from a meeting where information is given, the individual member is responsible for obtaining this information prior to the meeting when said item is to be voted upon.
4. When addressing an agenda item, the member shall first be recognized by the Chairperson, confine himself/herself to the question under debate, avoid reference to personalities, and refrain from impugning the integrity or motives of any other member, staff member, or individual addressing the board in his/her argument or vote.

XXI. CODE OF CONDUCT

1. During the meetings, members shall preserve order and decorum, shall not interrupt or delay proceedings, and shall not refuse to obey the requests of the Chairperson or the rules of procedure.
2. Members shall demonstrate respect and courtesy to each other, to Staff members and to members of the public appearing before the board, committee, or commission.
3. Members shall refrain from rude and derogatory remarks and shall not belittle other Members, Staff members, or members of the public.
4. Members will not use their position to secure special privileges and shall avoid situations that create a perception of bias or partiality in regard to a question before the board, committee, or commission.

5. Members of the board, committee, or commission will not condone any unethical or illegal activity. All members agree to uphold the intent of this policy and govern their actions accordingly.
6. Members of the board, committee, or commission are responsible for the professional and ethical behavior of himself/herself in any matter related to unprofessional or unethical behavior.
7. Members of the board, committee, or commission shall show each other, Mayor and City Councilmembers, and the public respect and courtesy at all times. They are also responsible for making objective, professional presentations to ensure public confidence in the process.
8. Robert's Rules of Order (latest revision) shall govern in all cases, unless Robert's Rules of Order are in conflict with the City Charter, City ordinances, or rules or procedures adopted by the board, committee, or commission.

XXII. PUBLIC RELATIONS POLICY

Members must take care to separate their personal roles from their board, committee, commission, or task force positions when communicating on matters not involving the board, committee, or commission business. Members must not use organization identification, stationery, supplies, and equipment for personal or political matters.

When communicating publicly on matters that involve the board, committee, or commission's business, members must not presume to speak for the board, committee, or commission on any topic, unless they are certain that the views they express are those of the board, committee, or commission, and it is the board, committee, or commission's desire that such views be publicly disseminated.

When dealing with anyone outside the board, committee, commission, or task force, including public officials, members must take care not to compromise the integrity or damage the reputation of either the City, or any outside individual, business, or government body.

XXIII. PRIVACY AND CONFIDENTIALITY

When handling financial and personal information about customers or others with whom the Organization has dealings, observe the following principles:

- Collect, use, and retain only the personal information necessary for the board, committee, or commission's business. Whenever possible, obtain any relevant information directly from the person concerned. Use only reputable and reliable sources to supplement this information.
- Retain information only for as long as necessary or as required by law. Protect the physical security of this information.

- Limit internal access to personal information to those with a legitimate business reason for seeking that information. Use only personal information for the purposes for which it was originally obtained. Obtain the consent of the person concerned before externally disclosing any personal information, unless legal process or contractual obligation provides otherwise.

XXIV. MEMBER CODE OF ETHICS

The position of a member is one of trust and service to the citizens of Missouri City. This position creates a special responsibility for the board, committee, commission, or task force member. In response to this unique challenge, the board, committee, commission, or task force is expected to govern in a manner associated with commitment to the preservation of the values and integrity of appointed City of Missouri City Councilmembers and local democracy and dedication to the promotion of efficient and effective governing.

To further these objectives, certain ethical principles shall govern the conduct of every member, who shall adhere to the following:

1. Dedicate themselves to the highest ideals of honor and integrity in all public and personal relationships in order that the member may merit the respect and confidence of the citizens of Missouri City.
2. Recognize the chief function of the board, committee, commission, or task force at all times is to serve the best interest of all the people of Missouri City.
3. Be dedicated to public service by being cooperative and constructive, and by making the best and most efficient use of available resources.
4. Refrain from any activity or action that may hinder one's ability to be objective and impartial on any matter coming before the board, committee, commission, or task force.
5. Do not seek or accept gifts or special favors in exchange for official conduct; do not utilize their official position for personal gain; do not use confidential information for personal gain; do not misuse public funds or public property.
6. Avoid the undesirable influences of family relationships or close relatives of the members of the board, committee, commission, or task force, the appearance of preferential treatment related to family relationships or close relatives, and any interference with the proper administration of the affairs of the City.
7. A close relative is defined as a person who is related within the second degree of affinity or the third degree of consanguinity.
8. The term spouse shall mean persons who are living together in conjugal relationship, whether legally married or not, and such persons shall be considered a spouse for the purposes of determining by affinity.

9. Recognize that public and political policy decisions, based on established values are ultimately the responsibility of the board, committee, commission, or task force.
10. Conduct business in open, well-publicized meetings in order to be directly accountable to the citizens of Missouri City and recognize that certain exceptions are made by the State for executive sessions and any action as a result of that type of meeting will be handled later in the open session as noted on the agenda.
11. Members of the board, committee, commission, or task force should refrain from voting on issues that do not necessarily constitute a legal conflict but may be perceived as a conflict of interest by the public or members of the City Council.
12. A member of the board, committee, commission, or task force shall not intentionally or knowingly disclose any confidential information gained by reason of said official position concerning the property, operations, policies or affairs of the city. This rule does not prohibit:
 - (a) Any disclosure that is no longer confidential by law; or
 - (b) The confidential reporting of illegal or unethical conduct to authorities designated by law.
13. Any sustained violation of the Code of Conduct by any member of the board, committee, commission, or task force are grounds for removal by the governing body at any time without cause.

XXV. SIGNATURE PAGE

I HAVE A RESPONSIBILITY TO PROTECT THE INTEGRITY OF OUR GOVERNING PROCESS AND THEREFORE HAVE READ AND AGREED TO THE ABOVE GUIDELINES.

BY AFFIXING MY SIGNATURE, I ACKNOWLEDGE THAT I WILL ABIDE BY THE CITY OF MISSOURI CITY BOARDS, COMMITTEES, COMMISSIONS, AND TASK FORCES POLICY AND PROCEDURE.

Printed Name

Signature

Date

APPENDIXES

APPENDIX ONE:

Excerpt from the Missouri City Home Rule Charter

- Article XI – General Provisions
 - Sec. 11.13 – Charter review commission

APPENDIX TWO

Excerpt from the Code of Ordinances

- Chapter 2 (Administration), Article III. - Boards, Committees and Commissions
 - Division 1 – Generally
 - Division 2 - Planning and Zoning Commission
 - Division 3 - Construction Board of Adjustment and Appeals
 - Division 4 - Electrical Board
- Chapter 38 (Fire Prevention and Protection), Article I – In General
 - Division 2 – Adjustment and Appeals
- Chapter 74 (Parks and Recreation), Article II - Parks Board
 - Ordinance No. O-13-20
- Appendix A (Zoning), Section 18 – Board of Adjustment

APPENDIX THREE:

Resolution No. 12-22: Rules of Procedure for the Planning and Zoning Commission

APPENDIX FOUR:

Roles and Responsibilities of Officers of the Parks Board

APPENDIX FIVE:

Board, Committee, and Commission Appointment/Reappointment Discussions

APPENDIX SIX:

Office of the Attorney General Open Government Training Information

APPENDIX SEVEN:

Robert's Rules of Order

PART I - HOME RULE CHARTER

ARTICLE XI. - GENERAL PROVISIONS

ARTICLE XI. - GENERAL PROVISIONS

[Sec. 11.01. - Assignment, execution and garnishment.](#)

[Sec. 11.02. - Security or bond not required.](#)

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[Sec. 11.14. - Submission of Charter to voters.](#)

Sec. 11.01. - Assignment, execution and garnishment.

The property, real and personal, belonging to the city shall not be liable for sale or appropriation under any writ of execution. The funds belonging to the city, in the hands of any person, firm, or corporation, shall not be liable to garnishment, attachment, or sequestration; nor shall the city be liable to garnishment on account of any debt it may owe or funds or property it may have on hand or owing to any person. Neither the city nor any of its officers or agents shall be required to answer any such writ of garnishment on any account whatever. The city shall not be obligated to recognize any assignment of wages or funds by its employees, agents or contractors.

Sec. 11.02. - Security or bond not required.

It shall not be necessary in any action, suit, or proceeding in which the city is a party for any bond undertaking or security to be demanded or executed by or on behalf of the city. The city shall have all remedies of appeal provided by law to all courts in this state without bond or security of any kind, but shall be liable in the same manner and to the same extent as if such bond, undertaking, or security had actually been executed or given.

Sec. 11.03. - Effect of Charter on existing law.

All ordinances, resolutions, rules, and regulations now in force under the city government and not in conflict with the provisions of this Charter shall remain in force until altered, amended, or repealed by the council after this Charter takes effect. All rights of the city under existing franchises and contracts and all

PART I - HOME RULE CHARTER

ARTICLE XI. - GENERAL PROVISIONS

existing authority for the issuance of bonds, not in conflict with the provisions of this Charter, shall be preserved in full force and effect.

Sec. 11.04. - Construction of Charter.

This Charter shall not be construed as a mere grant of enumerated powers, but shall be construed as a general grant of power and as a limitation of power on the government of the City of Missouri City in the same manner as the Constitution of Texas is constructed as a limitation on the powers of the legislature. Except where expressly prohibited by this Charter, each and every power under Article XI, Section 5 of the Constitution of Texas, which it would be competent for the people of the City of Missouri City to expressly grant to the city, shall be construed to be granted to the city by this Charter.

Sec. 11.05. - Judicial notice.

This Charter shall be deemed a public act, may be read in evidence without pleading or proof, and judicial notice shall be taken thereof in all courts and places.

Sec. 11.06. - Separability clause.

If any section, subsection, paragraph, sentence or clause of this Charter is held to be invalid or unconstitutional by a court of competent jurisdiction, the same shall not invalidate or impair the validity, force, or effect of any other section, subsection, paragraph, sentence or clause of this Charter.

Sec. 11.07. - Rearrangement and renumbering.

The council shall have the power, by ordinance, to renumber and rearrange all articles, sections, and paragraphs of this Charter or any amendments thereto, as it shall deem appropriate, and upon the passage of any such ordinance, a copy thereof, certified by the city secretary, shall be forwarded to the secretary of state for filing.

Sec. 11.08. - Interim municipal government.

From and after the date of the adoption of this Charter and until the completion of the first city election thereunder and until the qualifications of the mayor and councilmembers therein elected, the mayor and councilmembers in office on the date of the adoption of this Charter, shall continue in office and shall exercise all of the powers conferred upon the city by this Charter.

Sec. 11.09. - Reserved.

Editor's note—

The election of May 1, 1999, Amendment No. 7, deleted [section 11.09](#) in its entirety. Former [section 11.09](#) pertained to contracts concerning public improvements and derived from Ord. No. O-86-10, § 3(9) and from Ord. No. 1-30-1986/4-5-1986.)

PART I - HOME RULE CHARTER

ARTICLE XI. - GENERAL PROVISIONS

Sec. 11.10. - Nepotism.

No elected officer of the city or the city manager shall appoint, or vote for, or confirm the appointment to any office, position, clerkship, employment or duty, of any person related within the second degree by affinity or within the third by consanguinity to the person so appointing or so voting, or to any other member of the city council of Missouri City, Texas or the then city manager of Missouri City, Texas, when the salary, fees or compensation of such appointee is to be paid for, directly or indirectly, out of or from public funds of the City of Missouri City, Texas, or fees of office of any kind or character whatsoever; provided, that nothing herein contained, nor in any ordinance of this municipality, shall prevent the appointment by voting for or confirmation of any person who shall have been continuously employed in any such office, position, clerkship, employment or duty for a period of two (2) years prior to the election or appointment of the officer voting for or confirming the appointment or to the election or appointment of the officer, or city manager, related to such employee in the herein prohibited degree. No such prohibited person shall be allowed to embark upon any duties or commence employment with the city or receive any salary or fee from the city.

If the mayor or any other member of the city council or the city manager violates any provision of the immediately foregoing paragraph, then ipso facto such violation shall render vacant the office held by the person so violating it as he having violated an express prohibition of this Charter as prescribed in [section 3.06\(B\)\(2\)](#).

State law reference— Nepotism, V.T.C.A., Government Code § 573.001 et seq.

Sec. 11.11. - Grammatical classification.

The use of any gender herein shall be applicable to all genders. The present or past tense shall include the future. The singular and plural number shall each include the other, unless otherwise expressly provided.

Sec. 11.12. - Amending the Charter.

Amendments to this Charter may be framed and submitted to the voters of the city in the manner provided by chapter 13 of title 28 of the revised Civil Statutes of Texas, 1925, as same now reads or as may be hereafter amended [V.T.C.A., Local Government Code § 9.001 et seq.].

Sec. 11.13. - Charter review commission.

The council shall appoint a charter review commission at least every four (4) years. The council shall appoint the first charter review commission after the adoption of this provision no later than July, 1981. All charter review commissions shall be appointed in July and each shall consist of five (5) citizens of the City of Missouri City.

A. *Duties of the commission:*

1. Inquire into the operation of the city government under the Charter provisions and determine whether any such provisions require revision. To this end public hearings may be held, and the commission shall have the power to compel the attendance of any officer or employee of the city and require the submission of any of the city records which it may deem necessary to the conduct of such hearing.
2. Propose any recommendations it may deem desirable to insure compliance with the provisions of the Charter by the several departments of the city government.

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ARTICLE XI. - GENERAL PROVISIONS

3. Propose, if it deems desirable, amendments to this Charter to improve the effective application of the Charter to current conditions.
 4. Report its finding and present its proposed amendments, if any, to the council.
- B. *Action by council:* The council shall receive and have published in the designated official public newspaper of the city a summary of any report presented by the Charter review commission; shall consider any recommendations made, and if any amendments be presented as part of such report, may order such amendment or amendments to be submitted to the voters of the city in the manner provided by law.
- C. *Term of office:* The term of office of such Charter review commission shall be six (6) months; and at the completion of such term a report shall be presented to the council, and all records of the proceedings of such commission shall be filed with the city secretary and shall become a public record.

(Ord. No. O-78-12, § 3(12), 5-1-1978/4-1-1978; Ord. No. O-92-14, § 1, 3-1-1992/5-2-1992)

Sec. 11.14. - Submission of Charter to voters.

Pursuant to article 1167, V.A.C.S. [V.T.C.A., Local Government Code § 9.003], the Charter commission finds and determines that it is impracticable to segregate each subject or section contained in this Charter so that the voter may vote "Yes" or "No" on the same. This Charter was drafted and framed in such a manner that the articles and sections of the Charter are so interrelated and dependent, one upon the other, to the extent that the Charter would not function properly if it were not adopted in its entirety. Therefore, the Charter commission directs that said Charter be voted upon as a whole and that it shall be submitted to the qualified voters of the City of Missouri City at an election to be held for that purpose on the twenty-third day of November, 1974, which time is fixed by the Charter commission at a time not less than forty (40) nor more than ninety (90) days after the completion of the work of the Charter commission. Not less than thirty (30) days prior to the aforesaid date of election, the city council shall cause the city secretary to mail a copy of this proposed Charter to each qualified voter of the City of Missouri City as appears from the tax collectors' rolls for the year ending January thirty-first, preceding said election. If a majority of the qualified voters voting in such election shall vote in favor of the adoption of this Charter, it shall become the Charter of the City of Missouri City, after the returns have been canvassed by the mayor and city council and an official order has been entered upon the records of the city by the mayor and council thereby declaring the adoption of this Charter. A copy of the adopted Charter, authenticated and certified by the signature of the mayor and the seal of the city, shall be forwarded to the secretary of state of the State of Texas.

ARTICLE III. - BOARDS, COMMITTEES AND COMMISSIONS

ARTICLE III. - BOARDS, COMMITTEES AND COMMISSIONS ^[4]

DIVISION 1. - GENERALLY

DIVISION 2. - PLANNING AND ZONING COMMISSION

DIVISION 3. - CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS

DIVISION 4. - ELECTRICAL BOARD

FOOTNOTE(S):

--- (4) ---

Cross reference— Electrical board, § 14-171 et seq.; parks board, § 74-31 et seq.; board of adjustment, app. A, § 18. [\(Back\)](#)

ARTICLE III. - BOARDS, COMMITTEES AND COMMISSIONS

DIVISION 1. - GENERALLY

DIVISION 1. - GENERALLY

[Sec. 2-111. - Compensation of members.](#)

[Sec. 2-112. - Indemnification of members.](#)

[Secs. 2-113—2-130. - Reserved.](#)

Sec. 2-111. - Compensation of members.

Unless expressly provided otherwise, members of a board, committee or commission shall serve without compensation; however, they shall be reimbursed for any expenses incurred in connection with such service, provided such expenses are authorized in advance by the city manager.

(Ord. No. O-10-32, § 1, 8-2-2010)

Sec. 2-112. - Indemnification of members.

The city shall defend and indemnify members of a board, committee or commission from any suit or action brought against them in connection with their performance as members of the board, committee or commission.

(Ord. No. O-10-32, § 1, 8-2-2010)

Secs. 2-113—2-130. - Reserved.

ARTICLE III. - BOARDS, COMMITTEES AND COMMISSIONS

DIVISION 2. - PLANNING AND ZONING COMMISSION

DIVISION 2. - PLANNING AND ZONING COMMISSION ⁶¹

[Sec. 2-131. - Established; membership.](#)

[Sec. 2-132. - Term of members.](#)

[Sec. 2-133. - Rules of procedure.](#)

[Sec. 2-134. - Minutes.](#)

[Sec. 2-135. - Powers and duties.](#)

[Sec. 2-136. - Qualifications.](#)

[Secs. 2-137—2-140. - Reserved.](#)

Sec. 2-131. - Established; membership.

There is established a city planning and zoning commission pursuant to [section 8.01](#) of the Charter. The ex officio members appointed pursuant to [section 8.01](#) of the Charter shall participate in the work of the planning and zoning commission but shall not have a vote in its official actions.

(Code 1981, § 2-19)

Sec. 2-132. - Term of members.

- (a) Each member of the planning and zoning commission, except the ex officio members, shall be appointed by the council for a term as provided in [section 8.01](#) of the Charter. The terms of five members of the planning and zoning commission shall expire on June 30 of every odd-numbered year and the terms of the other four members shall expire on June 30 of every even-numbered year.
- (b) The terms of office of the ex officio members shall correspond to their respective official tenures.

(Code 1981, §§ 2-20, 2-21)

Sec. 2-133. - Rules of procedure.

The planning and zoning commission shall have the authority and responsibility to adopt rules and regulations governing the conduct of its affairs and establishing the time and place of its regular meetings. Before such rules and regulations shall become effective, they shall be approved by the council.

(Code 1981, § 2-22)

Sec. 2-134. - Minutes.

The planning and zoning commission shall cause to be kept minutes of its meetings and proceedings, and such minutes shall constitute a public record.

(Code 1981, § 2-23)

PART II - CODE OF ORDINANCES
Chapter 2 - ADMINISTRATION
ARTICLE III. - BOARDS, COMMITTEES AND COMMISSIONS
DIVISION 2. - PLANNING AND ZONING COMMISSION

Sec. 2-135. - Powers and duties.

In addition to the powers and duties prescribed by the Charter, the planning and zoning commission shall have the authority and responsibility to act as an advisory body to the council on all matters relating to the development and advancement of the city's physical layout and appearance. Further, the planning and zoning commission shall have and perform such specific powers and duties as may be prescribed by this Code or other ordinances of the city.

(Code 1981, § 2-24)

Sec. 2-136. - Qualifications.

A member of the planning and zoning commission may not hold another public office while serving as a planning and zoning commission member.

(Ord. No. O-00-54, § 1, 10-2-2000)

Secs. 2-137—2-140. - Reserved.

FOOTNOTE(S):

--- (5) ---

Charter reference— Planning, § 8.01 et seq. [\(Back\)](#)

Cross reference— Zoning, app. A. [\(Back\)](#)

State Law reference— Planning and zoning commissions, V.T.C.A., Local Government Code § 211.007. [\(Back\)](#)

ARTICLE III. - BOARDS, COMMITTEES AND COMMISSIONS

DIVISION 3. - CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS

DIVISION 3. - CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS

[Sec. 2-141. - General.](#)

[Sec. 2-142. - Membership and terms.](#)

[Sec. 2-143. - Authority, procedure and administration.](#)

[Secs. 2-144—2-150. - Reserved.](#)

Sec. 2-141. - General.

There is hereby established a board to be known as the construction board of adjustments and appeals. The construction board of adjustments and appeals shall be appointed by the city council of the City of Missouri City, Texas. The board shall hear appeals made pursuant to article I of [chapter 14](#) and appeals made pursuant to article I of [chapter 38](#) of this Code of Ordinances.

(Ord. No. O-08-71, § 1, 11-3-2008)

Sec. 2-142. - Membership and terms.

- (a) *Membership.* The construction board of adjustments and appeals shall consist of five regular members and two alternate members. All regular and alternate members shall be residents of the city. All regular and alternate members shall be individuals with knowledge and experience in the technical codes, such as design professionals, contractors or building industry representatives. The alternate members shall be one representative from the building industry and one representative from the general public.
- (b) *Term.* Members of the board shall be appointed for staggered terms of two years. The members of the board shall serve at the pleasure of the city council and shall be subject to removal or replacement by the city council at any time with or without cause, and a vacancy on said board shall be filled by the city council for the unexpired term of such vacancy. The members of said board shall serve without compensation.

(Ord. No. O-08-71, § 1, 11-3-2008)

Sec. 2-143. - Authority, procedure and administration.

The construction board of adjustments and appeals shall be governed by the provisions set forth in the chapter under which an appeal is made.

(Ord. No. O-08-71, § 1, 11-3-2008; Ord. No. O-09-54, § 1, 12-21-2009)

Secs. 2-144—2-150. - Reserved.

ARTICLE III. - BOARDS, COMMITTEES AND COMMISSIONS

DIVISION 4. - ELECTRICAL BOARD

DIVISION 4. - ELECTRICAL BOARD

[Sec. 2-151. - Established; membership; term of members; ex officio members.](#)

[Sec. 2-152. - Officers; meetings; quorum.](#)

[Sec. 2-153. - Duties.](#)

[Secs. 2-154—2-160. - Reserved.](#)

Sec. 2-151. - Established; membership; term of members; ex officio members.

- (a) A five-member electrical board is created in and for the city, consisting of:
- (1) Position 1: A master electrician.
 - (2) Position 2: A registered electrical engineer.
 - (3) Position 3: A master electrician or a registered engineer.
 - (4) Position 4: A representative of a transmission and distribution utility serving the electric utility customers of the City of Missouri City.
 - (5) Position 5: A citizen at large.

In addition to the five members, the building official and a city electrical inspector designated by the building official shall serve as ex officio members of the electrical board. The ex officio members shall participate in the work of the board but shall not have a vote in its official actions.

- (b) Each member of the electrical board, except the ex officio members, shall be appointed by the council for a term of two years. The terms of the odd-numbered positions shall expire on June 30 of every odd-numbered year. The terms of the even-numbered positions shall expire on June 30 of every even-numbered year.
- (c) The terms of office of the ex officio members shall correspond to their respective official tenures.

(Ord. No. O-10-33, § 1, 8-2-2010)

Sec. 2-152. - Officers; meetings; quorum.

The electrical board shall elect a chair and a vice-chair from its members. The building official shall serve as secretary. The board shall meet as necessary. At least three members, including either the chair or the vice-chair, must be present for the board to conduct business.

(Ord. No. O-10-33, § 1, 8-2-2010)

Sec. 2-153. - Duties.

- (a) The electrical board shall monitor and assist the city in the implementation of the requirements of article VI of [chapter 14](#) of this Code of Ordinances. The board shall make such recommendations as it deems necessary to the city manager regarding the implementation of these requirements.

PART II - CODE OF ORDINANCES

Chapter 2 - ADMINISTRATION

ARTICLE III. - BOARDS, COMMITTEES AND COMMISSIONS

DIVISION 4. - ELECTRICAL BOARD

- (b) The board shall advise the city manager of any recommended changes to article VI of [chapter 14](#) of this Code of Ordinances. The board shall be given an opportunity to review and comment on all proposed revisions to article VI of [chapter 14](#) of this Code of Ordinances.
- (c) The electrical board shall act as a board of appeals as provided in article VI of [chapter 14](#) of this Code of Ordinances.

(Ord. No. O-10-33, § 1, 8-2-2010)

Secs. 2-154—2-160. - Reserved.

ARTICLE I. - IN GENERAL

DIVISION 2. - ADJUSTMENTS AND APPEALS

DIVISION 2. - ADJUSTMENTS AND APPEALS

[Sec. 38-11. - Right to appeal.](#)

[Sec. 38-12. - Limitations on authority.](#)

[Sec. 38-13. - Procedures.](#)

[Sec. 38-14. - Administration.](#)

[Sec. 38-15. - Court review.](#)

[Secs. 38-16—38-30. - Reserved.](#)

Sec. 38-11. - Right to appeal.

A person shall have the right to make an appeal of orders, decisions or determinations made by the fire code official pursuant to this chapter. Such appeals shall be made to the construction board of adjustments and appeals created pursuant to article III of [chapter 2](#) of this Code of Ordinances.

(Ord. No. O-08-72, § 1, 11-3-2008)

Sec. 38-12. - Limitations on authority.

An application for appeal shall be based on a claim that the true intent of this chapter or the rules legally adopted herein have been incorrectly interpreted, the provisions of this chapter do not fully apply or an equivalent method of protection or safety is proposed. The construction board of adjustments and appeals shall have no authority to waive the requirements of this chapter.

(Ord. No. O-08-72, § 1, 11-3-2008)

Sec. 38-13. - Procedures.

An appeal shall be made by filing a written request in the office of the fire code official within 15 business days of the issuance of an order, decision or determination of the fire code official. The construction board of adjustments and appeals shall meet to hold a hearing on the application for appeal within 30 business days from the filing of the application. In the case of an operation which, in the opinion of the fire code official, presents an imminent threat to the health, safety or welfare of the public, such operation shall immediately cease until such time that the construction board of adjustments and appeals makes a decision on the appeal. The construction board of adjustments and appeals shall file its decision in the office of the city manager and shall furnish certified copies to the appellant and the fire code official.

(Ord. No. O-08-72, § 1, 11-3-2008)

Sec. 38-14. - Administration.

The fire code official shall take immediate action in accordance with the decision of the construction board of adjustments and appeals.

PART II - CODE OF ORDINANCES
Chapter 38 - FIRE PREVENTION AND PROTECTION
ARTICLE I. - IN GENERAL

DIVISION 2. - ADJUSTMENTS AND APPEALS

(Ord. No. O-08-72, § 1, 11-3-2008)

Sec. 38-15. - Court review.

Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision of the construction board of adjustments and appeals in the office of the city manager.

(Ord. No. O-08-72, § 1, 11-3-2008)

Secs. 38-16—38-30. - Reserved.

ARTICLE II. - PARKS BOARD

ARTICLE II. - PARKS BOARD ^[2]

[Sec. 74-31. - Established; membership; compensation of members.](#)

[Sec. 74-32. - Terms of members.](#)

[Sec. 74-33. - Officers; rules of procedure; records.](#)

[Sec. 74-34. - Duties.](#)

[Sec. 74-35. - Board not empowered to obligate city.](#)

[Secs. 74-36—74-60. - Reserved.](#)

Sec. 74-31. - Established; membership; compensation of members.

There is hereby created and established a parks board in and for the city. The parks board shall consist of 11 members, who shall be appointed by the mayor subject to confirmation by the city council. Members of the parks board shall serve without compensation, and each shall be a resident of the city.

(Code 1981, § 18.5-31; Ord. No. O-02-01, § 1, 1-7-2002; Ord. No. O-08-26, § 1, 6-2-2008; Ord. No. O-09-25, § 1, 8-3-2009)

Sec. 74-32. - Terms of members.

- (a) The terms of the members of the parks board shall be for two years and shall be as follows:
- (1) The terms of positions 1, 3, 5, 7, 9 and 11 shall be from July 1 of each odd-numbered year until June 30 of the next odd-numbered year.
 - (2) The terms of positions 2, 4, 6, 8 and 10 shall be from July 1 of each even-numbered year until June 30 of the next even-numbered year.
- (b) The terms of such members shall continue until their successors have been appointed and confirmed. The vacancy of a position for any reason shall be filled by appointment as provided in [section 74-31](#), and the duration of such appointment shall be for the remainder of the term of the position.

(Code 1981, § 18.5-32; Ord. No. O-02-01, § 1, 1-7-2002; Ord. No. O-08-26, § 1, 6-2-2008; Ord. No. O-09-25, § 1, 8-3-2009)

Note—Section 2 of Ordinance No. O-08-26, adopted June 2, 2008, states: "The park board member currently serving in position 2 is reassigned to position 5. The parks board member currently serving in position 5 is reassigned to position 2. The parks board member currently serving in position 8 is reassigned to position 9. The parks board member currently serving in position 9 is reassigned to position 8. The parks board member currently serving in position 10 is reassigned to position 7."

PART II - CODE OF ORDINANCES
Chapter 74 - PARKS AND RECREATION

ARTICLE II. - PARKS BOARD

Sec. 74-33. - Officers; rules of procedure; records.

The parks board shall organize by electing from its membership a chair and a vice-chair, each of whom shall hold office for one year or until his successor shall have been elected. A majority of the members of the parks board shall constitute a quorum for the transaction of its business. The parks board may adopt its own rules of procedure for the conduct of its business, subject to the approval of such rules by the city council. The parks board shall keep a record of its proceedings and shall file the record with the city secretary.

(Code 1981, § 18.5-33; Ord. No. O-09-55, § 1, 12-21-2009)

Sec. 74-34. - Duties.

The parks board shall serve in an advisory capacity to the city council regarding policy matters pertaining to city parks and recreation. The parks board shall have the following specific purposes:

- (1) Solicit funds, gifts and bequests for park acquisitions, additions and improvements.
- (2) Review and make advisory recommendations to the city council on proposed park acquisitions, additions and improvements.
- (3) Review and make advisory recommendations on parks and recreation matters submitted by the director of parks and recreation or the city council.
- (4) Promote and stimulate public interest in parks and recreational programs, and assist the director of parks and recreation in solicitation of the cooperation of public and private agencies that may have a direct or indirect involvement in parks and recreation.
- (5) Review and make advisory recommendations to the city council on changes, modifications and amendments to parks and recreation policies of the city.

(Code 1981, § 18.5-34)

Sec. 74-35. - Board not empowered to obligate city.

The parks board shall have no right, power or authority to obligate or bind the city in any manner whatsoever.

(Code 1981, § 18.5-35)

Secs. 74-36—74-60. - Reserved.

FOOTNOTE(S):

--- (2) ---

Cross reference— Boards, committees and commissions, § 2-111 et seq. ([Back](#))

ORDINANCE NO. O-13-20

AN ORDINANCE OF THE CITY OF MISSOURI CITY, TEXAS,
AMENDING CHAPTER 74, PARKS AND RECREATION, OF THE CODE
OF ORDINANCES OF THE CITY OF MISSOURI CITY, TEXAS;
AMENDING RULES REGARDING MEMBERS OF THE PARKS BOARD;
PROVIDING FOR REPEAL; AND PROVIDING FOR SEVERABILITY.

* * * * *

Section 1. The Code of Ordinances of the City of Missouri City, Texas, is hereby amended by deleting Sections 74-31, 74-32, and 74-33 of Article II of Chapter 74 thereof and substituting therefor new Sections 74-31, 74-32, and 74-33, respectively, of Article II of Chapter 74 to provide as follows:

“Chapter 74 - PARKS AND RECREATION

....

ARTICLE II. - PARKS BOARD

Sec. 74-31. - Established; membership; compensation of members.

There is hereby created and established a parks board in and for the city. The parks board shall consist of an odd number of members that shall be not less than 7 members and not more than 13 members as set by the city council. The members of the parks board shall be appointed by the mayor subject to confirmation by the city council. Members of the parks board shall serve without compensation, and each shall be a resident of the city.

Sec. 74-32. - Terms of members.

- (a) The terms of the members of the parks board shall be for two years and shall be as follows:
 - (1) The terms of the odd-numbered positions shall be from July 1 of each odd-numbered year until June 30 of the next odd-numbered year.
 - (2) The terms of the even-numbered positions shall be from July 1 of each even-numbered year until June 30 of the next even-numbered year.
- (b) The terms of such members shall continue until their successors have been appointed and confirmed. The vacancy of a position for any reason shall be filled by appointment as provided in section 74-31, and the duration of such appointment shall be for the remainder of the term of the position.

Sec. 74-33. - Officers; rules of procedure; records.

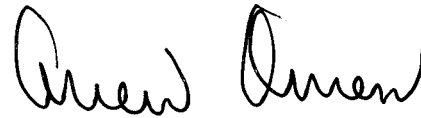
The parks board shall organize by electing from its membership a chair and a vice-chair, each of whom shall hold office for one year or until his successor shall have been elected. Five (5) board members shall constitute a quorum for the transaction of parks board business. The parks board may adopt its own rules of procedure for the conduct of its business, subject to the approval of such rules by the city council. The parks board shall keep a record of its proceedings and shall file the record with the city secretary."

Section 2. Repeal. All ordinances or parts of ordinances in conflict herewith, if any, shall be and are hereby repealed only to the extent of such conflict.

Section 3. Severability. In the event any clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof, other than the part declared to be invalid or unconstitutional; and the City Council of the City of Missouri City, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

PASSED and APPROVED on first reading this 17th day of June, 2013.

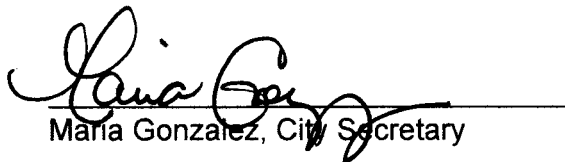
PASSED, APPROVED and ADOPTED on second and final reading this 1st
day of July, 2013.



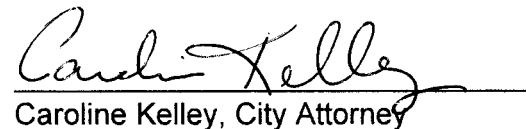
Allen Owen, Mayor

ATTEST:

APPROVED AS TO FORM:



Maria Gonzalez, City Secretary



Caroline Kelley, City Attorney

SECTION 18. - BOARD OF ADJUSTMENT

SECTION 18. - BOARD OF ADJUSTMENT ^[12]

18.1. - Establishment.

18.2. - Powers.

18.3. - Hearing.

18.4. - Vote required.

18.1. - Establishment.

A board of adjustment is hereby established in accordance with the provisions of article 1011g, Revised Civil Statutes of Texas, [V.T.C.A., Local Government Code §§ 211.008—211.011] with the powers and duties as provided in said statute and this ordinance.

The board of adjustment shall consist of five members, each to be appointed by the city council of the City of Missouri City, for staggered terms of two years and removable for cause by the appointing authority upon written charges and after public hearing. In addition, there shall be likewise appointed four alternate members of the board of adjustment who shall serve in the absence of one or more regular members when requested to do so by the city manager or the mayor. Alternate members shall be appointed for a term of two years and shall be subject to removal as the regular members. Vacancies shall be filled for the unexpired term of any member, regular or alternate, whose term becomes vacant.

All cases to be heard by the board of adjustment shall be heard by a minimum number of four members.

18.2. - Powers.

- A. The board of adjustment shall have the power to hear appeals by any person aggrieved or by any officer, department, board, or bureau of the city affected by any decision of an administrative official in the enforcement of this ordinance. Such appeal shall be taken within 15 days by filing, with the officer from whom the appeal is taken and the board of adjustment, a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.
- B. The board of adjustment shall have the power to authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done.

In granting such variance, the board of adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance.

Under no circumstances shall the board of adjustment grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use, expressly or impliedly, prohibited by the terms of this ordinance in said district.

PART II - CODE OF ORDINANCES
APPENDIX A - ZONING

SECTION 18. - BOARD OF ADJUSTMENT

- C. The board of adjustment shall have the power in appropriate cases and subject to appropriate conditions and safeguards to hear and decide special exceptions to the terms of this ordinance upon which such board is required to pass under this ordinance.

18.3. - Hearing.

The board of adjustment shall fix a reasonable time for the hearing of an appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.

In the exercise of the above-mentioned powers, the board of adjustment may reverse and affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and make such order, requirement, decision and determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

18.4. - Vote required.

The concurring vote of four members of the board of adjustment shall be necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of an applicant on any matter upon which it is required to pass under this ordinance, and to affect [effect] any variance of this ordinance.

FOOTNOTE(S):

--- (12) ---

Cross reference— Boards, committees and commissions, § 2-111 et seq. [\(Back\)](#)

RESOLUTION NO. R-12-22

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MISSOURI CITY, TEXAS, ADOPTING RULES OF PROCEDURE FOR THE PLANNING AND ZONING COMMISSION AND THE CAPITAL IMPROVEMENTS ADVISORY COMMITTEE OF THE CITY OF MISSOURI CITY, TEXAS, AND REPEALING ALL OTHER RESOLUTIONS IN CONFLICT HEREWITH.

* * * * *

WHEREAS, Chapter 395 of the Texas Local Government Code (Chapter 395) authorizes a political subdivision to finance capital improvements associated with new development; and

WHEREAS, Chapter 395 requires that a Capital Improvements Advisory Committee be appointed to advise a political subdivision on certain matters related to the procedures promulgated by Chapter 395; and

WHEREAS, Chapter 395 further requires the governing body of a political subdivision to adopt procedural rules for the Capital Improvements Advisory Committee; and

WHEREAS, the City Council of the City of Missouri City has appointed the Planning and Zoning Commission as the Capital Improvements Advisory Committee; and

WHEREAS, Section 2-133 of the Missouri City Code provides that the Planning and Zoning Commission shall have the authority and responsibility to adopt rules and regulations governing the conduct of its affairs; and

WHEREAS, Section 2-133 of the Missouri City Code requires the City Council of the City of Missouri City to approve such rules and regulations before they become effective; and

WHEREAS, on May 9, 2012, and June 13, 2012, the Planning and Zoning Commission considered rules and regulations governing the conduct of its own affairs, including procedural rules for the Capital Improvements Advisory Committee, and adopted such rules and regulations pending the approval of the City Council of the City of Missouri City; now therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MISSOURI CITY, TEXAS:


Section 1. That the facts and recitations set forth in the preamble of this Resolution are hereby found to be true and correct, and are made a part of this Resolution for all purposes.

Section 2. That the City Council of the City of Missouri City hereby adopts the Planning and Zoning Commission Rules of Procedure attached hereto as Exhibit "A" and made a part hereof.

Section 3. All resolutions or parts of resolutions in conflict herewith are repealed to the extent of such conflict only.

Section 4. This Resolution shall take effect immediately upon its passage.

PASSED, APPROVED, and ADOPTED on this 16th day of July, 2012.



Allen Owen, Mayor

ATTEST:

APPROVED AS TO FORM:

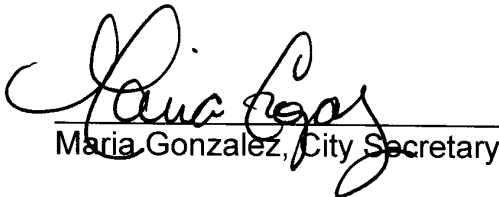

Maria Gonzalez, City Secretary
Caroline Kelley, City Attorney

Exhibit A

PLANNING AND ZONING COMMISSION MISSOURI CITY, TEXAS RULES OF PROCEDURE

I. ORGANIZATION AND OFFICERS

101. Organization

The Planning and Zoning Commission (“Commission”) shall consist of those members appointed by the City Council and shall be organized under the laws of the State of Texas, the City Charter, as amended; the Missouri City Code, as amended; and the City Zoning Ordinance, as amended.

102. Officers

A Chairman and Vice Chairman shall be elected from among the Commission’s membership at the first meeting following the 31st of July of each year and at such other times as those offices may become vacant. If at any meeting of the Commission neither the Chairman nor the Vice Chairman is present, those Commission members present shall elect one of their number to be Chairman for conducting the meeting as provided herein.

103. Duties

- A. The Chairman, or in the absence of the Chairman, the Vice Chairman or the member elected as temporary chairman, shall preside at meetings and shall decide all points of order or procedure.
- B. The Director of Development Services (“Director”) shall be the regular technical advisor of the Commission and the custodian of the minutes and other official records, shall attend to the correspondence of the Commission, and shall cause to be given such notices as are required in the manner prescribed by law.
- C. It shall be the duty of the Commissioners to attend all meetings. Commissioners who are absent for three (3) consecutive regular meetings are subject to removal from office.

104. Rules of Order

Robert’s Rules of Order, latest revision, shall be the Commission’s final authority on all questions of procedure and parliamentary law not covered by these Rules of Procedure.

Planning and Zoning Commission
Rules of Procedure

II. MEETINGS

201. Quorum

A quorum shall consist of a majority of members qualified and serving on the Commission.

202. Agenda

An agenda shall be prepared by the Director or his designee for each meeting of the Commission. The agenda shall include applications prepared and submitted according to the Missouri City Code, as amended, and the procedures provided herein.

203. Regular Meetings

Regular meetings shall be held on the second Wednesday of each month, as needed, after proper notice is given as required by law.

204. Special Meetings

Special meetings for any purpose may be held (1) on the call of the Chairman, (2) on the call of the Director, or (3) on the request of three (3) or more Commissioners and by giving written notice to all members and the general public at least 72 hours before the meeting.

205. Public Meetings

All meetings shall be held in full compliance with the provisions of the laws of the State of Texas, the Missouri City Code, as amended, and these Rules of Procedure. Any party in interest may appear on his or her own behalf or be represented by counsel or an agent.

III. CONDUCT OF MEETINGS

301. Order of Business

The Director or his designee shall record the names of the members present and absent at each meeting of the Commission. The order of business shall be as follows:

1. Call to order.
2. Roll call.
3. Minutes.
4. Reports.
5. Public Comments. Public comments shall be limited to three (3) minutes per individual and to five minutes per subject. Public comments may address items that are not on the agenda.
6. Plats.
7. Zoning map amendments.
8. Zoning text amendments.

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9. Other matters within the jurisdiction of the Commission or the Capital Improvements Advisory Committee.
10. Executive session as authorized by the Texas Open Meetings Act.

302. Vote Required

A majority of the quorum present at any meeting shall be necessary to approve or disapprove items of business; provided, however, that a majority shall be no less than three (3) members.

IV. OFFICIAL RECORDS

401. Definition

The official records shall include these rules and regulations and the minutes of the Commission together with all findings, decisions, and other official actions of the Commission. Notes and tape recordings of proceedings and discussions shall not constitute the official records of the Commission.

402. Recording of Vote

The minutes of the Commission's proceedings shall show the vote of each member on each decision of the Commission, or if absent or failing to vote, shall indicate that fact.

403. Files

All applications coming before the Commission shall be filed and maintained by the Director or his designee for as long as essential for permanent record.

404. Public Record

The official minutes and applications presented to the Commission shall be on file in the office of the Director or his designee and shall be open to public inspection during customary working hours.

V. APPLICATION PROCEDURES

501. Application Types

The Commission shall consider plats, plans, zoning amendments, and other matters related to City planning as requested by the City Council, City officials, or the public.

502. Application Required

Applications for consideration and discussion by the Commission shall be complete before being placed on any agenda of the Commission. The Director may require a reasonable amount of documentation to complete the application in order for the Commission to clearly

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understand the application. The application, in sufficient copies, shall consist of maps, plats, and written descriptions as required by the Missouri City Code, as amended, or the Director.

VI. CAPITAL IMPROVEMENTS ADVISORY COMMITTEE

601. Membership

- A. The Capital Improvements Advisory Committee (Committee) shall be composed of the Commission.
- B. The Chairman and Vice Chairman of the Commission shall serve as the Chairman and Vice Chairman, respectively, of the Committee.

602. Duties

- A. The Committee shall serve in an advisory capacity.
- B. The Committee shall:
 - (1) advise and assist the City Council in adopting land use assumptions;
 - (2) review impact fee capital improvements plans and file written comments;
 - (3) monitor and evaluate the implementation of the impact fee capital improvements plans;
 - (4) file semiannual reports with respect to the progress of impact fee capital improvements plans and report to the City Council any perceived inequities in implementing the plans or in imposing the impact fees; and
 - (5) advise the City Council of the need to update or revise land use assumptions, impact fee capital improvements plans, and impact fees.
- C. The Committee's written comments and recommendations regarding land use assumptions, impact fee capital improvement plans, and impact fees shall be submitted to the City Council before the fifth business day before the date of any public hearing or City Council action on such assumptions, plans, or fees.

603. Rules of Order

Commission Rules of Procedure shall apply to the Committee.

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VII. RULES OF PROCEDURE AND AMENDMENTS

701. Rules of Procedure

A copy of these Rules of Procedure and of any amendments thereto shall be made available in the office of the City Secretary within ten (10) days following their date of adoption.

702. Amendment Procedure


Any proposed amendment to these rules shall be considered and favorably acted on by the Commission at two separate commission meetings prior to submitting such proposed amendment to the City Council for consideration.

703. Repealing Clause

All previously adopted rules and regulations of the Commission shall be and the same are hereby expressly repealed.

ADOPTED:

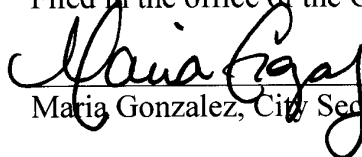
This 16th day of July, 2012.



Ron Lee, Chairman

ATTEST:

Filed in the office of the City Secretary this 16th day of July, 2012



Maria Gonzalez, City Secretary

Adopted: October 1, 2009

Policy 1-0: Roles and Responsibilities of Officers of the Parks Board

OFFICERS OF THE BOARD

- 1) The Officers of the Board shall be a President and Vice-President.
- 2) The President shall preside at all meetings of the Board, and in the event of the President's absence from any meeting, the Vice-President shall preside thereat. In the event of the absence of both the President and Vice-President from any meeting, the next senior in point of service shall preside thereat.
- 3) The President and Vice-President shall be elected by the Board during the September meeting of each year. The President and the Vice-President shall hold office for one year and until their respective successors are elected, unless their membership on the Board expires sooner.
- 4) If vacancies in the office of President or Vice-President shall occur by resignation, or when the incumbent ceases to be a member of the Board, the Board shall elect one of its members to fill same for the unexpired term.
- 5) The Board Chair shall:
 - Start and end the meeting on time
 - Create and maintain a positive tone during the meeting
 - Keep the meeting moving by following the agenda
 - Introduce each agenda item and facilitate the discussion
 - Do not let discussions stray from the agenda
 - Understand and have a working knowledge of parliamentary procedure
 - Bring items to a conclusion

Adopted: October 1, 2009

Policy 1-1: Quorum and Attendance of Parks Board

Attendance of the Parks Board

- 1) Six members of the Board shall constitute a quorum for the transaction of business. If not all positions are currently filled, a simple majority of the filled positions will constitute a quorum.
- 2) Meetings shall be held each first Thursday of the Month, with the exception of December and July.
- 3) Attendance of Parks Board meetings shall be considered required, and any foreseen absence shall be reported to the Administrative Assistant of the Parks and Recreation Department as soon as possible.
- 4) If more than two consecutive meetings are missed, the Parks Board Chair shall notify City Council through the City Secretary.
- 5) If more than three meetings are missed per term year, the Parks Board Chair shall notify the City Council through the City Secretary.
- 6) Extenuating circumstances will be considered before the notification of City Secretary.
- 7) It is anticipated that all meetings will begin promptly at 7pm.

Board, Committee, and Commission Appointment/Reappointment Discussions

(4) CLOSED BOARD APPOINTMENTS ** Executive Session

1. Construction Board of Adjustments

This board hears appeals to Building Code, Fire Code, Housing Code, and infrastructure standard requirements in Missouri City.

2. Electrical Board

The Electrical Board hears appeals and other matters concerning the city's electrical regulations.

3. Planning & Zoning Commission

The Planning and Zoning Commission is the final authority on applications concerning the subdivision of land and makes recommendations to City Council regarding applications for amendments to the Missouri City Zoning Map and Zoning Ordinance. View the Planning and Zoning Commission's agendas and minutes to gain a better understanding of current projects and issues.

4. Zoning Board of Adjustment & Appeals

The Zoning Board of Adjustment and Appeals hears appeals in the enforcement of the Zoning Ordinance.

(6) OPEN APPOINTMENTS ** Advisory Boards

1. Parks Board

The Parks Board serves in an advisory capacity to City Council on parks and recreation policy matters. View the Parks Board's agendas and minutes for additional information about current issues and projects.

2. TIRZ Board #1

TIRZ Board #1 makes recommendations to the City Council concerning the administration of the TIRZ. They also prepare (or cause to be prepared) and adopt a project plan and reinvestment zone financing plan for the zone, and submit plans to the City Council for its approval.

3. TIRZ Board # 2

TIRZ Board #2 makes recommendations to the City Council concerning the administration of the zone. They also prepare (or cause to be prepared) and adopt a project plan and reinvestment zone financing plan for the zone, and submit plans to the City Council for its approval.

4. TIRZ Board # 3

TIRZ Board #3 makes recommendations to the City Council concerning the administration of the zone. They also prepare (or cause to be prepared) and adopt a project plan and reinvestment zone financing plan for the zone, and submit plans to the City Council for its approval.

5. Community Development Advisory Committee

An essential component of the Community Development Block Grant Program is input from the public to determine the uses of the CDBG funds that will best benefit the low-and moderate-income persons and neighborhoods. The funding is also intended to benefit other protected classes, including the disabled and elderly.

During the first funding year of the Community Development Block Grant (CDBG) Program (1998), the City of Missouri City established a Community Development Advisory Committee.

Presently, the Committee membership is composed of the Council members from Districts A and B; one additional Council member; a resident from the Target Area in District A; a resident from the Target Area in District B; and, two citizens at large with an interest in the CDBG program, for the purpose of providing direction to the distribution of the CDBG funds.

The citizen members of the committee serve staggered two year terms.

6. Charter Review Commission

The council shall appoint a charter review commission at least every four (4) years. The council shall appoint the first charter review commission after the adoption of this provision no later than July, 1981. All charter review commissions shall be appointed in July and each shall consist of five (5) citizens of the City of Missouri City.

Office of the Attorney General Open Government Training Information

Effective January 1, 2006, elected and appointed public officials are required by a state law to receive training in Texas open government laws. The Office of the Attorney General offers free video training courses, which were developed in compliance with a mandate from the 79th Texas Legislature that the Attorney General establish the formal training necessary to ensure that all elected and appointed government officials have a good command of both open records and open meetings laws.

Please access the following link, view both the "Open Meetings Act training Video" and "Public Information Act training video", print course completion certifications, and forward it to the City Secretary of Missouri City.

https://www.oag.state.tx.us/open/og_training.shtml

Frequently Asked Questions about Open Government Training

Q: Why are public officials required to attend open government training?

A: The Texas Open Meetings Act and the Public Information Act (Govt. Code Chapters 551 and 552) apply to nearly every governmental body in Texas, yet there has not been a consistent way for public officials to receive training on how to comply with these laws. This is significant because a failure to comply with either the Open Meetings Act or Public Information Act may result in civil and criminal penalties for public officials, and can also lead to a general breakdown of confidence in our governing bodies.

The Office of the Attorney General has found that in most cases where a governmental body violates the open government laws, it is the result of public officials simply not knowing what the law requires. Inconsistent and inaccurate legal advice regarding these laws has sometimes added to the confusion.

Attorney General Greg Abbott called on the 79th Texas Legislature to enact legislation to require public officials to obtain open government training in an effort to promote openness and increase compliance with our "Sunshine laws." The Legislature responded by passing Senate Bill 286, which requires public officials to receive training in the requirements of the Open Meetings Act and Public Information Act beginning January 1, 2006.

Q: What does the law require with regard to open government training?

A: The Open Meetings Act (Government Code section 551.005) and the Public Information Act (Government Code section 552.012) impose mandatory open government educational requirements on elected and appointed officials who are subject to the those laws.

Q: How much training is required?

A: The law requires at least two hours of open government training, consisting of a one-hour educational course on the Open Meetings Act and one-hour educational course on the Texas Public Information Act.

Q: What is the deadline for completing open government training?

A: Officials who are in office before January 1, 2006 have one year until January 1, 2007 to complete the required training. Officials who are elected or appointed after January 1, 2006 have 90 days within which to complete the required training.

Q: Who is required to complete the training?

A: Each elected or appointed official who is a member of a governmental body subject to the Open Meetings Act or the Public Information Act must attend training. Additionally, employees who serve as a governmental body's designated public information coordinator are required to complete the Public Information Act training course.

Q: How often are officials required to complete open government training?

A: Officials and others subject to the training requirements must complete a course of training at least once. There is no requirement for continuing education or "refresher" courses.

Q: Are judicial officials and employees required to obtain open government training?

A: Judicial officials and judicial employees do not need to attend Public Information Act training, but may be responsible for completing Open Meetings Act training.

Judicial officials and employees do not need to obtain training regarding the Public Information Act because public access to information maintained by the court system is

governed by Rule 12 of the Judicial Administration Rules of the Texas Supreme Court and by other applicable laws and rules. (see Govt. Code 552.0035). However, if a judge or judicial employee serves as a member of a governmental body subject to the Open Meetings Act, we advise that they should comply with the Open Meetings Act training requirements. If you are unsure if the open government training requirement applies to you, please consult with the Office of the Attorney General or the Office of Court Administration.

Q: What topics are covered by the training?

A: The law outlines the basic topics to be covered by the training.

Open Meetings curriculum requirements:

the general background of the legal requirements for open meetings;
the applicability of the Open Meetings Act to governmental bodies;
procedures and requirements regarding quorums, notice, and record-keeping under the Open Meetings Act;
procedures and requirements for holding an open meeting and for holding a closed meeting; and
penalties and other consequences for failure to comply with the Open Meetings Act.

Public Information Act curriculum requirements:

the general background of the legal requirements for open records and public information;
the applicability of the Public Information Act to governmental bodies;
procedures and requirements regarding complying with open records requests;
the role of the attorney general under the Public Information Act; and
penalties and other consequences for failure to comply with the Public Information Act.

Q: Do all public officials have to receive training on the Open Meetings Act?

A: Generally yes. The Open Meetings Act training requirement applies to all elected or appointed officials who routinely participate in meetings subject to that law as part of their regular duties; this includes most officials.

However, the law recognizes that some public officials do not conduct business in meetings subject to the Open Meetings Act. These might include, for example, law enforcement officials, auditors, or county clerks. These types of officials will not be required to complete training in the Open Meetings Act.

If you are unsure if the Open Meetings Act training requirements apply to you, you should consult your county or district attorney, or call the Attorney General's Open Government Hotline at 1-877-OPEN-TEX (1-877-673-6839).

Q: Do all public officials have to receive training on the Public Information Act?

A: Yes, unless: (1) The official's governmental body employs a designated public information coordinator who is responsible for responding to Public Information Act requests on behalf of the governmental body; and (2) The designated public information coordinator completes an approved Public Information Act training course. There are no other exceptions.

All officials are strongly encouraged to complete the required Public Information Act training and should be advised that designation of a public information coordinator to complete training on their behalf does not relieve the public official of their duty to comply with the law.

Q: Do officers of entities that are not "governmental bodies" have to comply with the open government training requirements?

A: Only elected and appointed officials who serve with governmental bodies are required to obtain the training. However, if you are an official who serves with another type of entity that is required by law to comply with the Open Meetings Act or the Public Information Act, then you are strongly encouraged to complete the training, but not clearly required to do so by law. You may wish to consult with your organization's legal counsel for advice on the laws that apply to your organization.

Q: How can officials receive the required training?

A: The Office of the Attorney General provides free training for all public officials through both online and video courses. Training may also be obtained from any entity that offers a training course that has been reviewed and approved by the Office of the Attorney General. This would encompass courses by various interest groups, professional organizations, and continuing education providers.

Q: How can I obtain the Attorney General's Free Video Training?

A: The attorney general's free training videos are available for viewing on this website (see links below).

Open Meetings Act Training Video (running time: approx. 1 hour)

Public Information Act Training Video (running time: approx. 1 hour)

Q: How do I obtain a course completion certificate once I have finished the Attorney General's free video training course?

A: You can obtain your course completion certificate(s) online , and entering the identification code that was provided at the end of your training video. If you are unable to complete your certificate online, please call the Attorney General's Public Information and Assistance line at 1(800) 252-8011 to have a completion certificate mailed to you. Please be prepared to give the call agent the proper identification code.

This certificate is to be maintained by the member's governmental body and made available for public inspection upon request.

Q: Can public officials who have already attended open government training in the past opt-out of the training requirements of Government Code 551.005 and 552.012?

A: No. There are no "grand-father" provisions for public officials who may have attended open government training in the past. Only training approved by the attorney general under the provisions of the law will comply with the requirements of Government Code 551.005 and 552.012.

Q: How will public officials demonstrate that they have complied with the open government training requirements?

A: The entity providing the training is required to give the participant a certificate of course completion. The public official or public information coordinator is then required to keep the certificate on file with their governmental body and make it available for public inspection upon request.

Q: What is the penalty for failure to receive training?

A: The law imposes no specific penalty on officials who fail to attend open government training. The purpose of the law is not to punish public officials, but to foster open government by making open government education a recognized obligation of public service.

Despite this lack of a penalty provision, officials should be cautioned that a deliberate failure to comply with the training requirements could result in an increased risk of criminal prosecution should they ever be accused of violating the Open Meetings Act or the Public Information Act.

Q: Will open government training count toward compliance with other continuing education requirements for public officials?

A: Yes. To avoid imposing duplicate training requirements on public officials, the attorney general is required to harmonize the Open Meetings and Public Information Act training required by the Open Meetings Act and the Public Information Act with any other statutory training requirements that may be imposed on public officials, such as those required of county commissioners under Local Govt. Code Section 81.0025.

Q: Can I become certified by the attorney general as an open government trainer?

A: No. The attorney general is not authorized to certify individuals, companies, or organizations to provide open government training. Rather, the law allows the attorney general the option to review and approve course materials used by others for the purpose of determining whether they are accurate and otherwise in compliance with the Open Meetings Act and the Public Information Act. In this way, the law places an emphasis on the quality of information provided to public officials, rather than the credentials of the trainer.

Q: How can I apply to the attorney general for approval of open government training course materials?

A: Applicants seeking approval of an open government training course must complete an online application and submit copies of their training course materials to the Office of the Attorney General in order to receive consideration. The online application is available [here](#).

Course approval is not required for entities that will rely on completion of the attorney general's video training course to satisfy the training requirements of the Open Meetings Act and the Public Information Act.

Q: Can governmental bodies conduct their own open government training?

A: Yes. Governmental entities may conduct their own internal training on the Open Meetings Act and the Public Information Act by either making the attorney general's free video training course available for their officials, or by obtaining attorney general approval of their own course materials to ensure that they are accurate, up-to-date, and meet the requirements of the Open Meetings Act and the Public Information Act .

Q: Will other types of entities be allowed to offer training courses?

A: Yes. Officials may obtain the required training from any person or entity that offers a training course utilizing course materials that have been properly reviewed and approved by the Office of the Attorney General.

Q: Do I need approval from the Office of the Attorney General to use the AG's Open Government training videos?

A: No. The attorney general's open government training videos are freely available for use. You are permitted to use this video as part of any training course on Open Government and you are free to make as many copies of the video as you may need.

ROBERT'S RULES OF ORDER

1 General.

These rules, consistent with the City Charter and any applicable city ordinance, statute or other legal requirement, shall govern the proceedings of the City Council.

2 Authority of the Chair.

- a. Subject to appeal to the full City Council, the presiding officer shall have the authority to prevent the misuse of motions, the abuse of any privilege, or the obstruction of the business of the City Council by ruling any such matter out of order. In so ruling, the Mayor shall be courteous and fair and should presume that the moving party is acting in good faith.
- b. The presiding officer will perform the role of facilitator to assist the City Council in focusing agenda discussions and deliberations.
- c. 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.

3 Obtaining the Floor.

Any Councilmember wishing to speak must first obtain the floor by being recognized by the presiding officer. The presiding officer must recognize any Councilmember who seeks the floor appropriately entitled to do so.

4 Council Deliberations and Order of Speakers.

- a. The presiding officer shall control the debate and the order of speakers.
- b. Speakers shall generally be called upon in the order of their request to speak.
- c. With the concurrence of the presiding officer, a Councilmember holding the floor may address a question to another Councilmember, the City Manager, the City Attorney, the City Secretary, or the Municipal Court Judge and that Councilmember or officer may respond while the floor is still held by the Councilmember asking the question.
- d. With the concurrence of the presiding officer, a Councilmember holding the floor may address questions to an individual making a presentation to the City Council, e.g., city staff member, consultants, and citizens making public comments.

- e. Comments and questions shall be conducted in rounds to ensure that Councilmembers have the opportunity to make their comments and then respond to the comments they have heard from their fellow Councilmembers.
- f. The presiding officer only shall terminate deliberations and debate after all Councilmembers have been provided a reasonable time and opportunity to participate and prepare them to render a reasonable and responsible vote on the question.
- g. During presentations by the staff or special guests on statutory agenda items, Councilmembers may obtain the floor from the presiding officer to ask questions of the presenters regarding details of their presentations.
- h. Following a motion and second of a statutory agenda item, Councilmembers may enter into discussions about the item as described below in subsection 8.8d.

5 Length of Comments.

Councilmembers shall govern themselves as to the length of the comments, questions, or presentations. As a courtesy, the presiding officer will signal by hand to a Councilmember who has been speaking for over five minutes. This procedure is not meant to limit debate or to cut comments short, but rather to assist Councilmembers in their efforts to communicate concisely.

6 Limit Deliberations to Item at Hand.

Councilmembers shall limit their comments and questions to the subject matter, time, or motion being currently being considered by the City Council.

7 Motions.

Any member of the City Council, including the presiding officer, may make motions. The presiding officer shall, prior to offering a motion, however, ensure that other Councilmembers have the opportunity to make the motion. Any member of the City Council, other than the person offering the motion, may second a motion. See Annex A (Chief Purposes of Motions) and Annex B (Parliamentary Strategy).

8 Procedures for Motions.

The following is the general procedure for making motions:

- a. Before a motion can be considered or debated, it must be seconded. If there is no second, the motion fails.

- b. A Councilmember who wishes to make a motion should do so through a verbal request to the presiding officer.
- c. A Councilmember who wishes to second a motion should do so through a verbal request to the presiding officer.
- d. Once a motion has been properly made and seconded, the presiding officer shall open the matter for discussion offering the first opportunity to the moving party and, thereafter, to any Councilmember properly recognized by the presiding officer.

9 Order of Precedence of Motions.

(See Principle Rules Governing Motions)

10 Amendments to Motions.

- a. When a motion is on the floor and an amendment is offered, the amendment shall be acted upon prior to action on the main motion.
- b. No proposal of a subject different from that under consideration shall be admitted as a motion or amendment to a motion.
- c. A motion to amend an amendment shall be in order, but one to amend an amendment to an amendment shall not be in order.
- d. Action shall be taken on the amended amendment prior to any other action to further amend the main motion.

11 Motion to Continue.

A motion to continue will leave the motion in its present condition for consideration on a date and time certain.

12 Motion to Remove.

A motion to remove will take the matter off the agenda and will not be considered by the Council for an indefinite period of time.

13 Motion to Table.

A motion to table will delay consideration of the item being discussed by the City Council.

14 Motion to Refer.

A motion to refer forwards the item under consideration to the named group, committee, or board for further study.

15 Motion to Lay on the Table.

A motion to lay on the table allows an item to be temporarily set aside under discussion.

16 Motion to Take from the Table.

A motion to take from the table allows the matter to be discussed again and would only be used in conjunction with a motion to lay on the table at the same meeting.

17 Withdrawal of Motion.

A withdrawal of motion indicates a motion may be withdrawn or modified by the Councilmember who originally made the motion at any time prior to its passage. If the motion is modified, the Councilmember who seconded the motion may withdraw his/her second.

18 Motion for Reconsideration.

- a. A motion to reconsider any action of the City Council may be made, seconded, and voted on not later than the next succeeding voting agenda meeting of the City Council. If reconsideration of the Council action has not been posted on the Council agenda for the meeting at which the motion to reconsider is made, however, actual reconsideration of the item must be delayed until the next voting agenda meeting after the posting requirements of the Open Meetings Act are met.
- b. A motion to reconsider an action of the City Council may only be made by a member who voted with the prevailing side. Any member can second it. 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.

19 Motion to Close Debate.

A motion to close debate on the motion (or motions) to which it is applied effectively terminates debate temporarily pending the result of the vote to approve the motion to close debate. If the motion to close debate passes by a two-thirds majority vote, further debate on the motion (or motions) before the Council is terminated and an immediate vote taken. If the motion to close debate does not pass, then debate continues. The motion to close debate is the most drastic of the motions to control debate. Accordingly, the following rules apply:

- a. Councilmembers may not interrupt a speaker to move to close debate.
- b. A motion to close debate: Requires a second,
- c. Is not debatable,
- d. Cannot be amended,
- e. Requires a two-third vote,
- f. Takes precedence over all subsidiary motions except to postpone temporarily,
- g. Applies to debatable motions only, and
- h. Can have no motion applied to it except to withdraw.

The Chief Purposes of Motions

PURPOSE	MOTION
Present an idea for Consideration and action	Main motion Resolution Consider informally
Improve a pending motion	Amend Division of question
Regulate or cut off debate	Limit or extend debate Close debate
Delay a decision	Refer to committee Postpone to a certain time Postpone temporarily Recess Adjourn
Suppress a proposal	Table Withdraw a motion
Meet an emergency	Question of privilege Suspend rules
Gain information on a pending motion	Parliamentary inquiry Request for information Request to ask a member a question Question of privilege
Question the decision of the presiding officer	Point of order Appeal from decision of the chair
Enforce rights and privileges	Division of assembly Division of question Parliamentary inquiry Point of order Appeal from decision of the chair
Consider a question again	Resume consideration Reconsider Rescind Renew a motion Amend a previous action Ratify
Change an action already taken	Reconsider Rescind Amend a previous action
Terminate a meeting	Adjourn Recess

Parliamentary Strategy

To Support a Motion	To Oppose a Motion
<ol style="list-style-type: none"> 1. Second it promptly and enthusiastically. 2. Speak in favor of it as soon as possible. 3. Do your homework; know your facts; have handouts, charts, overhead projector slides, etc. if appropriate. 4. Move to amend motion, if necessary, to make it more acceptable to proponents. 5. Vote against motion to table or to postpone, unless delay will strengthen your position. 6. Move to recess or postpone, if you need time to marshal facts or work behind the scenes. 7. If defeat seems likely, move to refer to committee, if that would improve chances. 8. If defeat seems likely, move to divide question, if appropriate, to gain at least a partial victory. 9. Have available a copy of the rules of procedure, City Charter, and <i>The Standard Code of Parliamentary Procedure</i>, in case of a procedural dispute. 10. If motion is defeated, move to reconsider, if circumstances warrant it. 11. If motion is defeated, consider reintroducing it at a subsequent meeting. 	<ol style="list-style-type: none"> 1. Speak against it as soon as possible. Raise question; try to put proponents on the defensive. 2. Move to amend the motion so as to eliminate objectionable aspects. 3. Move to amend the motion to adversely encumber it. 4. Draft a more acceptable version and offer as amendment by substitution. 5. Move to postpone to a subsequent meeting. 6. Move to refer to committee. 7. Move to table. 8. Move to recess, if you need time to round up votes or obtain more facts. 9. Question the presence of quorum, if appropriate. 10. Move to adjourn 11. On a voice vote, vote emphatically. 12. If the motion is adopted, move to reconsider, if you might win a subsequent vote. 13. If the motion is adopted, consider trying to rescind it at a subsequent meeting. 14. Have available a copy of the rule of procedure, City Charter, and <i>The Standard Code of Parliamentary Procedure</i>, in case of a procedural dispute.

Principal Rules Governing Motions

Order of precedence (1)	Can Interrupt?	Requires second?	Debat-able	Amend-able	Vote required?	Applies to what other motions	Can have what other motions applied to
Privileged Motions							
1. Adjourn	No	Yes	No (3)	Yes (3)	Majority	None	Amend
2. Recess	No	Yes	Yes (3)	Yes (3)	Majority	None	Amend (3)
3. Question	Yes	No	No	No	None	None	None
Subsidiary Motions							
4. Postpone temporarily (Table)	No	Yes	No	No	Majority (2)	Main motion	None
5. Close debate	No	Yes	No	No	2/3	Debatable motions	None
6. Limit debate	No	Yes	Yes (3)	Yes (3)	2/3	Debatable motions	Amend (3)
7. Postpone to certain time	No	Yes	Yes (3)	Yes (3)	Majority	Main motion	Amend (3), close debate, limit debate
8. Refer to committee	No	Yes	Yes (3)	Yes (3)	Majority	Main motion	Amend (3), close debate, limit debate
9. Amend	No	Yes	Yes	Yes	Majority	Rewordable motions	Close debate, limit debate, amend
Main Motions							
10. a. The main motion	No	Yes	Yes	Yes	Majority	None	Restorative, subsidiary
b. Restorative main motions							
Amend a previous action	No	Yes	Yes	Yes	Majority	Main motion	Subsidiary, restorative
Ratify	No	Yes	Yes	Yes	Majority	Previous motion	Subsidiary
Reconsider	Yes	Yes	Yes (3)	No	Majority	Main motion	Close debate, limit debate
Rescind	No	Yes	Yes	No	Majority	Main motion	Close debate, limit debate
Resume consideration	No	Yes	No	No	Majority	Main motion	None

INCIDENTAL MOTIONS

No Order of precedence	Can Interrupt?	Requires second?	Debat-able	Amend-able	Vote required?	Applies to what other motions	Can have what other motions applied to
Motions							
Appeals	Yes	Yes	Yes	No	Majority	Decision of chair	Close debate, limit debate
Suspend rules	No	Yes	No	No	2/3	None	None
Consider informally	No	Yes	No	No	Majority	Main motion	None
Requests							
Point of order	Yes	No	No	No	None	Any error	None
Parliamentary inquiry	Yes	No	No	No	None	All motions	None
Withdraw a motion	Yes	No	No	No	None	All motions	None
Division of a question	No	No	No	No	None	Main motions	None
Division of assembly	Yes	No	No	No	None	Indecisive note	None

NOTES:

- (1) Motions are in order only if no motion higher on the list is pending. Thus, if a motion to close debate is pending, a motion to amend would be out of order; but a motion to recess would be in order, since it outranks the pending motion
- (2) Requires two-thirds vote when it would be in order, since it outranks the pending motion.
- (3) Debatable if no other motion is pending.
- (4) Withdraw may be applied to all motions.
- (5) Reference document will be most recent edition of *Robert's Rules of Order Newly Revised* (issued in odd-numbered years)

Fundamental Principles of Parliamentary Law

1. All members have equal rights, privileges, and obligations; rules must be administered impartially.
2. The minority has rights, which must be protected.
3. Full and free discussions of all motions, reports, and other items of business is a right of all members.
4. In doing business the simplest and most direct procedure should be used.
5. Logical precedence governs introduction and disposition of motions.
6. Only one question can be considered at a time.
7. Members may not make a motion or speak in debate until they have been recognized by the chair and thus have obtained the floor.
8. No member may speak a second time on the same question if anyone who has not spoken on that question wishes to do so.
9. Members must not attack or question the motives of other member. Customarily, all remarks are addressed to the presiding officer.
10. In voting, members have the right to know at all times what motion is before the assembly and what affirmative and negative votes mean.
11. The majority vote decides. This is a fundamental concept of democracy.
12. All meetings will be characterized by fairness and good faith.

Parliamentary Terms and Definitions

Adhere

To be attached to and dependent on; pending amendments adhere to the motion to which they are applied.

Ad hoc Committee

See Special Committee.

Adjourn

To officially terminate a meeting.

Adjourned Meeting

See Continued Meeting.

Adjournment Sine Die (without day)

The final adjournment terminating a convention or series of meetings.

Adopt

To approve by vote and give effect to a motion or a report.

Affirmative Vote

The “yes” or “aye” vote supporting a motion as stated.

Agenda

The official list of items of business planned for consideration during a meeting or convention.

Apply

A motion is said to apply to another motion when it may be used to alter, dispose of, or affect the first motion.

Approval of Minutes

Formal acceptance, by vote of the members or by general consent, of the secretary’s record of a meeting, thus making the record the official minutes of the organization.

Assembly

A meeting of the members of a deliberative body.

Ballot Vote

The expression by ballot, voting machine. Or otherwise of a choice with respect to any election or vote taken on any matter, cast in such a manner that the person expressing the choice cannot be identified with the choice expressed; i.e., a secret ballot.

Bylaws

The set of rules adopted by an organization defining its structure and governing its functions.

Call of a Meeting

The written announcement distributed to members prior to the meeting indicating the time and place of the meeting, and stating the business that is to be brought up at the meeting.

Chair

The presiding officer of a deliberative body.

Challenging a Vote

Objecting to a vote on the ground that the voter does not have the right to vote.

Challenging an Election

Objecting to an election on the ground that it is not being conducted properly.

Charter

An official grant from government of the right to operate as an incorporated organization, or an official grant from a parent organization of the right to operate as a constituent or component group of the parent organization.

Close Debate

A motion which, if approved, ends discussion and prevents further amendments. The old terminology for this motion is “move the previous question.” The term “vote immediately” also is sometimes used.

Closed Session

A session of an assembly, board, or committee open only to members of the assembly, board, or committee, the proceedings of which are confidential.

Common Parliamentary Law

The body of rules and principles that is applied by the courts in deciding litigation involving the procedure of organizations. It does not include statutory law or particular rules adopted by an organization.

Consent Agenda

A section of an organization’s agenda including only routine matters which are expected to be approved without discussion and without dissent. Any member desiring to discuss or oppose an items can remove it from the consent agenda. Also known as a consent calendar or a unanimous consent agenda.

Constituent or Component Groups

Subordinate groups making up a parent state, national, or international organization and chartered by it.

Continued Meeting

A meeting that is a resumption at a later specified time of an earlier regular or special meeting. The continued meeting is legally a part of the original meeting. Sometimes called an adjourned meeting.

Convene

To open a meeting or convention, usually a large and formal one.

Cumulative Voting

The casting of more than one vote for a candidate when several offices are to be filled, instead of voting for as many candidates as there are vacancies.

Debate

Formal discussion of a motion or proposal by members under the rules of parliamentary law.

Delegation of Authority

An assignment by one person or group to another person or group of the authority to act for the first person or group in certain matters that are lawful and capable of being delegated.

Demand

An assertion of a parliamentary right by a member.

Dilatory Tactics

Misuse of procedures of debate to delay or prevent progress in a meeting.

Discretionary Duty

A duty that usually cannot be delegated to another because members rely on the special intelligence, skill, or ability of the person chosen to perform the duty.

Disposition of a Motion

Action on a motion by voting on it, referring, postponing, or in some way removing it from the consideration of the assembly.

Division of the Assembly

A standing vote.

Division of the Question

Separation of a motion into two or more parts to be discussed and voted upon independently.

En Bloc

As a group.

Ex Officio Member

One who is a member of a committee or board by reason of holding another office, a treasurer is often an ex officio member of the finance committee.

Executive Session

See Closed Session.

Floor (as in have the floor)

When a member receives the formal recognition from the presiding officer, that member has the floor and is the only member entitled to make a motion or to speak.

General Consent

An informal method of approving routine motions by assuming unanimous approval unless objection is raised. Also called unanimous consent.

Germane Amendment

An amendment relating directly to the subject of the motion to which it is applied.

Hearing

A meeting of an authorized group for the purpose of listening to the views of members or others on a particular subject.

Hostile Amendment

An amendment that is opposed to the spirit or purpose of the motion to which it is applied.

Illegal Ballot

A ballot that cannot be counted because it does not conform to the rules governing ballot voting.

Immediately Pending Question

The last-proposed of several pending motions and therefore open for immediate consideration.

Incidental Motion

One of a class of motions dealing not with the content of the pending motion but with a procedural question arising incidentally from its consideration. Examples are point of order, parliamentary inquiry, suspension of the rules, division of the question, and appeal from the ruling of the chair. Incidental motions have no order of precedence.

Incorporate

To form a group into a legal entity chartered by government and recognized by law as having special rights, duties, and liabilities distinct from those of its members.

Informal Consideration

Consideration and discussion of a problem or motion without the usual restriction on debate.

Inherent Right

A right or power that is possessed without being derived from another source.

In Order

Permissible and correct from a parliamentary standpoint at a particular time.

Lay on the Table

See Table

Legal Ballot

A ballot the intent of which is clear, despite misspelling. (Blank ballots or ballots cast for ineligible persons are not considered legal.)

Main Motion

A motion which brings business before the assembly.

Majority

A number that is more than half of any given total.

Majority Rule

Rule by decision of the majority of those who actually vote, regardless of whether a majority of those entitled to vote do so.

Majority Vote

More than half of the number of legal votes cast for a particular motion or candidate, unless a different basis for determining the majority is required.

Mass Meeting

See Organizing Meeting.

Media

The means of mass communication such as radio, television, newspapers and magazines that reach or influence people widely. Local media is further defined as The Huntsville Item, The Houstonian, KSAM-KHVL Radio, KSHU-Channel 7, and KBTX-TV in Bryan/College Station.

Media Inquiries

That portion of regular and special session agendas generally made available to recognized local media to ask questions of the City Council relevant to the business conducted up to that point during the session.

Meeting

An official assembly of the members of an organization during which there is no separation of the members except for a recess, and which continues until adjournment.

Member in Good Standing

Any person who has fulfilled the requirements for in the particular organization and who has neither voluntarily resigned nor been suspended or expelled from membership.

Minority

Any number that is less than half of any given total.

Minutes

The legal record of the actions of a deliberative body that has been approved by vote of the body.

Motion

A proposal submitted to an assembly for its consideration and decision: it is introduced by the words, "I move..."

Multiple Slate

A list of offices and candidates containing the names of more than one nominee for an office or offices.

Nomination

The formal proposal to an assembly of a person as a candidate for an office.

Nonprofit Corporation

A corporation whose basic and dominant purposes are ethical, moral, educational, or social, and which distributes no profit to its members.

Objection

The formal expression of opposition to a proposed action.

Order of Business

The adopted order in which the various classifications of business are presented to the meetings of an assembly.

Organizing Meeting

The initial meeting of a group which does not have an established membership roster or rules, sometimes called a mass meeting.

Out of Order

Not correct, from a parliamentary standpoint, at the particular time.

Parliamentary Authority

The code or rulebook specified in an organization's bylaws as its authority in matters not covered by its bylaws or standing rules.

Pending Question

Any motion that has been proposed and stated to the assembly for consideration and that is awaiting decision by vote.

Plurality Vote

A larger vote than that received by any opposing candidate or alternative measure.

Point of Order

The raising of a question as to the propriety of some action taken by the chair or by a member.

Policy

An adopted statement of a belief, philosophy, or practice of an organization.

Precedence

The rank or priority governing the proposal, consideration, and disposal of motions.

Precedent

A course of action that may serve as a guide or rule for future similar situations in the particular organizations.

Preferential Ballot

A ballot on which the voter indicates more than one choice, and the order of preference, so that second and subsequent choices can be taken into consideration without another election being needed because of failure of any candidate (or proposition) to obtain a majority on the first ballot.

Previous Notice

The announcement in advance, either at the preceding meeting or in the call of the meeting, that a particular subject will be considered at a meeting.

Previous Question

See Close Debate.

Privileged Motion

A motion not related to the pending business, but of such urgency that it should be allowed to interrupt pending business, to be decided generally without discussion. Privileged motions include questions of privilege and the motions to recess and to adjourn.

Procedural Motion

A motion that presents a question of procedure as distinguished from a substantive proposition.

Proposal or Proposition

A statement of a motion of any kind for consideration and action.

Proviso

A stipulation in the bylaws or in a rule, usually indicating the date or time it goes into effect.

Proxy

A signed statement authorizing a person to cast the vote of the person signing it. Proxy may also refer to the person who casts the vote.

Public Hearing

A formal meeting of the city council during which public testimony may be heard prior to formal action being taken on a specific measure or matter before the council. Some public hearings are mandated by state law while others may be called by the mayor with the consent of four other members of council.

Putting the Question

The statement, by the presiding officer, of a motion to the assembly for the purpose of taking the vote on it.

Qualified Motion

A motion that is limited or modified in some way in its effect by additional words or provisions, for example, "I move we adjourn at four o'clock."

Question

Any proposal submitted to an assembly for decision.

Quorum

The number or proportion of member that must be present at a meeting of an organization to enable it to act legally on business.

Railroading

To push a motion through so rapidly that members do not have opportunity to exercise their parliamentary rights.

Recess

A brief interruption of a meeting.

Recognition

Formal acknowledgment by the presiding officer of a particular member, giving that member the sole right to speak or to present a motion.

Renew a Motion

To present again a motion previously lost at the same meeting or convention.

Request

A statement to the presiding officer of some right that a member desires to exercise. A request can amount to a demand; for example, a call for division.

Rescind

To repeal a motion which has been passed.

Resolution

A formal motion, usually in writing, and introduced by the word "Resolved," that is presented to an assembly for decision.

Restorative Motion

A main motion that concerns an action previously taken.

Restricted Debate

Debate on certain motions in which discussion is restricted to a few specified points.

Ruling

Any pronouncement of the presiding officer that relates to the procedure of the assembly.

Second

After a motion has been proposed, the statement "I second the motion" by another member who thus indicates willingness to have the motion considered.

Seriatim

Consideration by sections or paragraphs.

Single Slate

A list of offices and candidates containing the name of only one candidate for each office.

Special Committee

A committee that is selected to carry out a particular task, and that ceases to exist once the task is completed. Also called an ad hoc committee.

Special Meeting

A meeting held at a time other than that at which the organization normally meets, called to handle one or more specific matters, which must be noted in the call to the meeting.

Standing Committee

A committee that has a fixed term of office and that performs any work in its field assigned to it by the bylaws or referred to it by the organization, that board, or the presiding officer.

Statute

A law passed by a legislative body.

Statutory Law

Law that is enacted by legislative bodies.

Subsidiary Motion

A motion which changes the main motion or disposes of it or aids in consideration of either a main motion or another motion. Subsidiary motions include to amend, to refer to committee, to postpone to a certain time, to limit or extend debate, to close debate, and to postpone temporarily.

Substantive Motion

A motion that states a concrete proposal of business as opposed to a procedural matter.

Substitute Motion

The form of amendment that offers a new motion on the same subject, as an alternative to the original motion.

Suspension of the Rules

A vote to disregard temporarily a rule that prevents the assembly from taking a particular action.

Table

To set a motion aside until the assembly decides to resume consideration of it.

Teller

A member appointed to help conduct an election and help count the votes.

Town Hall Meeting

An informal community meeting sponsored by a councilmember(s) to share information and receive input from citizens, regarding city government, public services, and plans for the future of the City of Huntsville.

Two-thirds Vote

A vote of at least two-thirds of those present and voting.

Term of Office

The duration of service for which a member is elected or appointed to an office.

Tie Vote

A vote in which the affirmative and negative votes are equal on a motion, or a vote in an election in which two or more candidates receive the same number of votes. A motion receiving a tie vote is lost, since a majority vote is required to take an action. Candidates receiving a tie vote may be voted on until one is elected or the assembly votes to break the tie in some other way.

Unanimous Consent

See General Consent.

Unanimous Vote

A vote without any dissenting vote. One adverse vote perverts a unanimous vote.

Unfinished Business

Any business that is postponed to the next meeting or that was pending and interrupted by adjournment of the previous meeting.

Voice Vote

A vote taken by calling for “ayes” and “nos” and judged by volume of voice response; sometimes called a viva voce vote.

Vote Immediately

An alternative term for the motion to close debate.

Waiver of Notice

Act of relinquishing the right to have had notice of a proposal or meeting. Also may refer to the statement proving the relinquishment of notice.

Write-in Vote

A vote for someone who has not been nominated, cast by writing in on the ballot the name of the person.