

ORDINANCE NO. 533

AN ORDINANCE OF THE CITY OF BEE CAVE, TEXAS ADOPTING ARTICLE 1.06 OF THE BEE CAVE CODE OF ORDINANCES, PROVIDING FOR BEE CAVE CITY COUNCIL PARLIMENTARY RULES, PROVIDING FOR ORDER OF BUSINESS AND MEETING DECORUM, PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Bee Cave is a home rule municipality, which has codified its regulations and enforcement; and

WHEREAS, the City of Bee Cave, as a home rule municipality, derives its powers exclusively from its home rule charter and is limited in authority only by express provisions of the Texas Constitution and the State statutes; and

WHEREAS, the City Council has determined necessity exists to update, consolidate, and clarify the ordinance setting the rules applicable to public city meetings; and

WHEREAS, the City Council finds this ordinance is necessary for the good and efficient management of the City.

WHEREAS, the City of Bee Cave believes it is important to update the policies and structure of the City's operations from time to times; and

WHEREAS, the City of Bee Cave has determined the necessity to incorporate Meeting Decorum Policy for all open meetings of the city council, city commissions, boards, and committees; and

WHEREAS, the City of Bee Cave finds it is in the best interest of its residents and the general public to adopt the following rules of conduct and decorum; and

WHEREAS, the City of Bee Cave hereby creates the below listed code provisions to govern the operations of the City; and

WHEREAS, while the public may provide information during designated times at public meetings to the City Council, such presentation must be limited to public business in order for the City Council to efficiently and effectively conduct its meetings; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEE CAVE, TEXAS that Chapter 1, Article 1.06, of the Bee Cave Code of Ordinances is hereby created and passed and shall read as follows:

Sec. 1.06.001 Application of Article

This article shall apply to meetings of the city council and any boards and commissions of the City.

Sec. 1.06.002 Preparation, contents and posting of agenda

- 1) **For City Council:** The agenda will be prepared by the city manager or designee, under the direction of the Mayor.¹ Any member of the city council, including the Mayor, may place an item on the agenda as long as they provide the topic and any backup information to the city manager no later than five business days prior to the posting of such agenda.
- 2) **For boards and commission:** The placement of items on an agenda for boards and commissions shall be placed by the city manager. The chair or president of the board or commission shall have the authority to place items on the agenda. Any appointed member of a board or commission may request an item be placed on the agenda by making a written request to the chair and city manager no later than five (5) days in advance of the agenda posting.
- 3) The agenda for regular meetings of the city council will include, at a minimum, the following:
 - a) Determination of quorum and call to order.
 - b) Pledge of allegiance
 - c) Citizen's participation. During which citizens may address the council on any topic of general public interest.
 - d) Each ordinance, resolution, or policy that the Mayor, any single council member, or city staff wishes to have council consider. Each of these agenda items shall be specifically described and there shall be provision for citizens' comments on each item for which a council vote is planned.
 - e) Approval of minutes of previous meeting(s), if available.
 - f) Reports of officers and staff
- 4) Routine matters may be placed on a consent agenda, which will be treated as one agenda item. Before the consent agenda is voted on, any item will be removed at the request of any single member of council and handled as a separate agenda item.
- 5) The agenda for all meetings shall be posted by the city secretary or his/her designee.

¹ Official Comment: The City Charter §3.01 states, in part, that the Mayor shall be responsible for the preparation of the agenda for each city council meeting. However, such does not prevent the responsibility from being delegated but subject to the direction of the Mayor.

- 6) The city secretary will assume responsibility for issuing of newspapers, cable TV stations and the chairman of all communication/public relations committee a copy of the preliminary agenda for all council meetings which posting is required.

Sec. 1.06.003 Presiding officer

- 1) The Mayor (or, in the Mayor's absence, the Mayor Pro Tem) shall preside over all meetings of the city council. In the absence of both the Mayor and Mayor Pro Tem. The senior councilmember, as determined by length of service, shall preside. In the event that two or more council members have the same length of service, the councilmember with the longest city residency shall preside. The chair or president elected or appointed to each board or commission shall be the presiding officer for such board or commission.
- 2) The presiding officer shall preserve order and decorum and is authorized to enforce compliance with the rules contained herein. The presiding officer shall require body members and citizens to limit discussion to the question under consideration and as posted on the agenda.
- 3) The city manager or his/her designee shall be present and on the dais at all posted council meetings, except when excluded by the council for an executive session.
- 4) Any or all of the provisions of this procedure may be suspended temporarily by a majority vote, except such portions that embody provisions of the charter or of state law.

Sec. 1.06.004 Introduction of agenda items; debate and voting

- 1) The presiding officer must introduce every item on the agenda. The presiding officer may change the order of the agenda. The council or board or commission may elect not to take action on any agenda item.
- 2) Any agenda item before the council or board or commission may be decided only by a motion, a second, and a favorable vote by a majority of the members present and voting (unless state law, the charter, or this division requires more than a simple majority).
- 3) Motions should be "positive" rather than "negative."
- 4) For council meetings:
 - a) The Mayor must introduce each agenda item.
 - b) The Mayor, or the city manager, or the sponsoring councilmember, will present a clear statement of the topic to be considered. This is to be followed by a "citizen participation" period.
 - c) After "citizen participation" is closed, the Mayor will invite councilmember and staff comments. Each councilmember shall be recognized to offer his/her comments at least once. The Mayor shall make comments at this time.
 - d) There shall be no limit to the number of times a councilmember may ask for the floor, but a councilmember shall speak only when recognized by the Mayor. Councilmembers'

remarks shall generally be addressed to the Mayor, but councilmembers may ask questions of other councilmembers or of the staff. Councilmembers may respond to remarks or questions but will refrain from exchange or remarks with the public except that a councilmember may ask a citizen a question of a factual or technical nature.

- e) No main motion will be recognized until the Mayor is satisfied that every councilmember has had a reasonable opportunity to present his or her comments on the general topic.
- f) The Mayor will request a motion and a second. The Mayor will repeat the motion. The Mayor may make a motion.. After a motion has been made and seconded, the Mayor will recognize each councilmember for debate on the motion. The Mayor is not obligated to recognize any councilmember for a second time until every councilmember wishing to speak has been given the opportunity to do so. The Mayor may enter the debate. When the Mayor is satisfied that each councilmember has had a reasonable opportunity to address the motion, the Mayor will call for a vote. Debate will cease and the vote be taken.

5) **For Boards and Commission:** boards and commissions may adopt their own rules of procedure for meetings, subject to approval by the city council. If a board or commission has not adopted their own rules and had such rules approved by the city council, boards and commissions must follow the procedures outlined in this section.

Sec. 1.06.005 Parliamentary procedure

- 1) Generally. In regular and special meetings these rules will govern; where the rules are silent, the presiding officer is authorized to determine reasonable rules of procedures; the presiding officer, at his or her discretion, may rely on the most recent edition of Robert's Rules of Order unless they conflict with the city charter or state statutes.
- 2) Main motions. A new main motion may not be brought up for consideration while another main motion is being debated. Each main motion must be disposed of before another is made.
- 3) Secondary motions. During the debate on a main motion, secondary motions may be proposed. The following are the secondary motions, listed in the order of their rank;
 - a) Motion to table the main motion, i.e., lay it aside and go on to the next item on the agenda.
 - b) Motion to request that discussion cease and that the main motion be voted on, i.e., moving to the previous question.
 - c) Motion to limit discussion to a fixed amount of time.
 - d) Motion to postpone action on the proposal until some definite time in the future.
 - e) Motion to refer the proposal to a committee.
 - f) Motion to amend the main motion.
 - g) Motion to postpone action on the proposal to an indefinite future time.
- 4) Privileged motions. Privileged motions may be made at any time. The following are the privileged motions, listed in order of rank.

- a) Motion to set the time and place of the next meeting other than a regular meeting.
- b) Motion to fix the time of adjournment.
- c) Motion to adjourn.
- d) Motion to recess.
- e) Motions on questions of privilege.

Sec. 1.06.006 Citizen Participation

- 1) At every regular council meeting there will be a general "citizen participation" period for comments on any topic of general public interest.
- 2) In addition, at every regular and every special meeting, each agenda item for which a council vote is planned will provide a period for "citizen participation" on that particular subject. Such citizen participation shall be completed before council discussion of the topic starts.
- 3) All citizen participation on a topic on the agenda is limited to three minutes per topic. Time may not be allocated to other speakers. Unless additional time is granted by the presiding officer, the time period is cumulative of the topic at the meeting. A citizen may speak on more than one topic and is provided three minutes for each topic on the agenda and a total of three minutes for all topics which are not on the agenda. Unless invited to speak by the presiding officer, all citizens must sign in prior to the start of a meeting in order to be provided with time to present comments.
- 4) Unless invited by the presiding officer to speak at other times, members of the public are entitled to speak only during a citizen participation portion of a council meeting, and then only when recognized by the presiding officer. Speakers should identify themselves by name and street address. The presiding officer may direct that citizen comments be addressed to the council, board, or commission as a whole and not to individual members nor to other members of the audience or the public at large. Members of each body should refrain from responding to citizen comments during the "citizen participation" period (except in the case of questions for which a straightforward factual answer can be given).
- 5) The presiding officer may limit the number of times that a citizen may speak during a meeting. Should there be a large number of persons with essentially the same message, the Mayor may request that they indicate their view by a show of hands. The presiding officer may limit the total amount of time allocated to citizen comments during a meeting.
- 6) Members of the public attending council meetings shall observe rules of propriety, good conduct, and Meeting Decorum Policy, which is attached as Exhibit "A". The Mayor is authorized to remove from the council meeting room and to bar from attending the remainder of the council meeting any person who does not adhere to the meeting rules and Meeting Decorum Policy. In case the Mayor shall fail to act, any member of the city council may move to require the enforcement of the rules, and the affirmative vote of the majority of the council present and voting shall require the Mayor to act.

Sec. 1.06.007– Debate and Order

- (a) **Presiding Officer.** The presiding officer at a meeting shall control the flow and order of the meeting. If an agenda item was requested by city staff, the city manager may summarize the item for the council or may refer to the staff member who requested the item to brief the council, board or commission. If the item was requested by one or more members of the council, board, or commission, the presiding officer must allow the requesting members to summarize the item. Once the purpose for the item has been briefed to the council, board or commission, the presiding officer may encourage either further discussion or call for a motion.
- (b) **Discussion of the Item Without Interruption.** Each council, board, and commission member must be given an opportunity to speak on the item without interruption. The presiding officer is also to be given an opportunity to speak on the item without interruption. The presiding officer must maintain order and not allow interruption of a member who has the floor. The presiding officer must also be allowed to speak without interruption on the item. The presiding officer must allow each member the opportunity to speak at least once before allowing any member to speak on the item a second time. Citizens providing comments and members of the audience may not speak out, interrupt, disrupt, or disturb the debate while members of the council, board or commission are discussing and item or when a presenter is providing information to the council, board or commission.
- (c) **Ruling a Member or Public Out of Order.** When a member of the public, a council, board, or commission member, or anyone else present during the meeting disrupts the meeting, interrupts the person who has the floor, or fails to follow the direction of the presiding officer in the course of maintaining the orderly progression of the meeting, the presiding officer or a member of the city council, board or commission may call that person out of order. Being called out of order applies only to actions taken in a specific meeting and such determinations may not be combined to future meetings.
1. **Presiding Officer.** The presiding officer shall warn a disruptive person, person interrupting the individual who has the floor, or person failing to follow the instructions of the presiding officer they are acting out of order. If the person continues to disrupt, interrupt, or fail to comply with instruction the presiding officer shall instruct the person they are determined to be out of order and to cease such actions or else they will be removed from the meeting. The presiding officer may instruct the person on a proper method to handle an item without disruption. The presiding officer must ensure opinions are expressed, but without disruption to the debate and action process. The presiding officer shall determine if a person is out of order.
 2. **Body members.** If the presiding officer fails to call a person out of order, or is the one interrupting or causing disruption, any member of the city council, board or commission may call the disrupting or interrupting person out of order. The member may raise a point of order and note either the presiding officer is out of order or that the person interrupting is out of order.

- a. The presiding officer may acknowledge and concede the point or may dispute the point.
- b. If the presiding officer concedes the point, the presiding officer shall instruct the person interrupting or disrupting the meeting to cease such actions, else they may be removed from the meeting.
- c. If the presiding officer disputes the point and the person disrupting or interrupting is not the presiding officer, the presiding officer must explain why the point is disputed. After explanation, the city council, board or commission must vote on whether the person called was out of order or not.
- d. If the presiding officer is the person called out of order and the presiding officer concedes the point, the presiding officer shall cease such disruptive or interrupting actions.
- e. If the presiding officer is the person called out of order and the presiding officer disputes the point, the presiding officer must explain why the point is disputed. After the explanation, any other member of the city council, board or commission may second the point that the presiding officer is out of order. The council, board or commission must vote on whether the presiding office was out of order or not.

(d) Ejecting a Body Member or Public from Meeting.²

- 1. If a member of the public is warned, then determined to be out of order by the presiding officer, the presiding officer may have the person removed from the meeting for any subsequent disruptions, interruptions, or failures to follow the presiding officer's instructions which occur at the same meeting. The presiding officer may instruct any law enforcement official to remove the person from the meeting and such law enforcement official must comply with the instruction.
- 2. If a member of the city council, board or commission is determined to be out of order more than two times during a single meeting, the presiding officer may have the member removed from the meeting. The presiding officer may instruct any law enforcement official to remove the person from the meeting and such law enforcement official must comply with the instruction.
- 3. If the presiding officer is determined to be out of order by vote of the city council, board or commission more than two times during a single meeting, the presiding officer may be removed from the meeting. If the Mayor is removed under this subsection, the Mayor Pro Tem shall assume control of the meeting. If the Mayor

² Official Comment: Removal from a public meeting is a significant remedy. As a result, the purpose of this subsection is to give both the public and members of the council, board, and commission three chances before they are removed. For members of the public, they should receive a warning, then a determination they are out of order, and upon a third violation, they may be removed from the meeting. For members of the council, board or commission, they are not provided a warning, but must be found out of order two times during the same meeting. Upon a finding the third time that a member of the city council, board or commission is out of order, the member may be removed.

and Mayor Pro Tem are not available to control the meeting, the remaining council person with the most senior tenure on the council shall assume control of the remainder of the meeting.³

4. Nothing in this section prevents a presiding officer or a member of law enforcement from forcibly removing an individual without warning due to an immediate threat of physical violence or harm.

II. CUMULATIVE CLAUSE

That this Ordinance shall be cumulative of all provisions of the City of Bee Cave, except where the provisions of this Ordinance are in direct conflict with the provisions of such other ordinance, in which event the conflicting provisions of such other ordinance are hereby repealed, while leaving the remainder of such other ordinance intact. To the extent of any conflict, this Ordinance is controlling.

III. SEVERABILITY

That it is hereby declared to be the intention of the City Council of the City of Bee Cave, that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared unconstitutional or invalid by final judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of the Ordinances, since the same would have been enacted by the City Council without incorporation in this ordinance of any such unconstitutional or invalid phrases, sentences, paragraphs, or sections.

IV. PROPER NOTICE AND MEETING

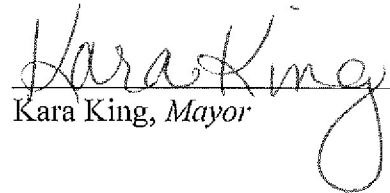
It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government

³ Official Comment: Because the presiding officer's present during the meeting is of such important, the ability to remove the presiding officer can only be done by three votes of the city council during a meeting. If the presiding officer concedes any point of order raised by a council person, such concession shall not be used against the presiding officer for purposes of removal. However, multiple concessions during a meeting can be considered for purposes of considering an ethics complaint raised against the presiding officer.

DULY PASSED ON FIRST READING, on the 23 day of APRIL, 2024 at a regular meeting of the City Council of the City of Bee Cave, Texas, which was held in compliance with the Open Meetings Act, Gov't. Code §551.001, et. Seq. at which meeting a quorum was present and voting.

~~**DULY PASSED AND APPROVED**, on the _____ day of _____, 2024 at a regular meeting of the City Council of the City of Bee Cave, Texas, which was held in compliance with the Open Meetings Act, Gov't. Code §551.001, et. Seq. at which meeting a quorum was present and voting.~~

CITY OF BEE CAVE, TEXAS

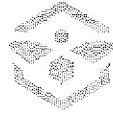

Kara King, Mayor

ATTEST:


Thomas Hatfield, *Interim City Secretary*

APPROVED:


Ryan Henry, *City Attorney*



BEE CAVE TEXAS

Simply Elevated

Members of the public are invited and encouraged to attend any sessions of the City Council that are not closed to the public in accordance with the Texas Opening Meetings Act. Meeting Rules and Procedures along with the Meeting Decorum Policy are established by ordinance and apply to all open meetings of the City Council, City Boards, commissions, and committees. The presiding officer of the meeting will ensure that the decorum of the meeting is maintained and is appropriate.

City of Bee Cave Meeting Decorum Policy

I. Application

- The City of Bee Cave meeting decorum policy is applicable to all those in attendance of the city's public meetings, including the public, media, councilmembers and city staff.
- All persons in attendance shall mute all hand-held devices including laptops.
- While the public is invited to attend all meetings (with the exception of executive sessions) and encouraged to attend, the public's participation is limited to that of observers unless a member of the public makes a proper request to address the body to speak during the designated time. A call for comments during a public hearing qualifies as a properly designated time to allow a member of the public to speak.
- The City Council has expectations that all members of the public will be courteous and respectful to others, will be patient when listening to others speak, will not interrupt when others are speaking, and will be mindful of everyone else's time.
- Each person attending the meeting will refrain from private conversations while the meeting is in session.
- Reactions from the audience following the recognition of citizens and other guests are considered appropriate and encouraged. Reactions from the audience during staff presentations to the council, citizen participation and during council discussion are not appropriate and are not permitted. This includes but is not limited to clapping, cheering, booing, stamping of feet, whistling, shouting, and other audible behaviors.
- All members of the public will wear appropriate attire, including being fully clothed, having shoes or sandals, and be groomed in a sanitary manner.
- All persons present at a meeting have an obligation to obey the presiding officer, who holds the duty to maintain order.

- All persons shall not leave trash, debris, discarded papers, or other items brought into the meeting chambers. All persons must take out what they bring in.
- Any person making personal, rude, impertinent, profane, or slanderous remarks or who becomes boisterous when addressing the councilmembers or while attending a meeting may be removed from the meeting room at the request of the presiding officer.
- During the conduct of official business, members of the new media shall refrain from conducting interviews with other persons in the meeting room.
- Any person using a recording device or camera may be directed by city staff to a designated area in the meeting room.