



City of Magnolia

P.O. BOX 396
MONTGOMERY COUNTY
MAGNOLIA, TEXAS 77353-0396
281-356-2266
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Ordinance 2006-101

AN ORDINANCE AMENDING ORDINANCE NUMBER 2004-358 OF THE CITY OF MAGNOLIA, TEXAS, HERETOFORE INITIALLY PASSED AND APPROVED ON THE 9TH DAY OF NOVEMBER, 2004, BY AMENDING SECTION 1 BY REPLACING RULE 16 ENTITLED "ORDER OF BUSINESS" WITH A NEW RULE 16 ORDER OF BUSINESS AND MAKING CERTAIN FINDINGS OF FACT AND CONCLUSIONS.

WHEREAS, the City Council of the City of Magnolia has heretofore adopted an ordinance providing for the normal order of business before the City Council in any regular meeting being Ordinance Number 2004-358 on the 9th day of November, 2004, and

WHEREAS, said Ordinance Number 2004-358, Section 1, Rule 16 provides the normal order of business before the City Council in any regular meeting,

WHEREAS, after study and review the City Council of the City of Magnolia has determined that said ordinance should be amended to provide the normal order of business before the City Council in any regular meeting; and

WHEREAS, notice of the agenda for this meeting, was given in accordance with law by posting the same at the place reserved and designated for notices of public meetings and public activities and prior to the adoption of this ordinance; and

AND NOW THEREFORE,

BE IT ADOPTED BY THE CITY COUNCIL OF THE CITY OF MAGNOLIA, TEXAS:

1. The City Council of the City of Magnolia having reviewed the findings of fact and conclusions as herein set out and adopts the same for inclusion in this ordinance if the same had been repeated verbatim herein.
2. Ordinance Number 2004-358 of the City of Magnolia, Texas is hereby amended by amending Section 1 by replacing Rule 16 entitled "Order of Business" with a new Rule 16 which shall provide as follows:

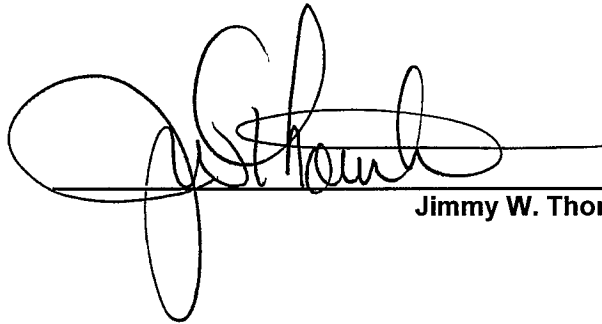
Rule 16.

Order of Business

1. Call to order
2. Invocation and Pledge of Allegiance
3. Roll Call and Certification of Quorum
4. Proclamations and Special Recognitions
5. Request or Petitions from the public

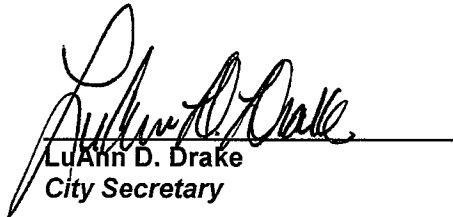
6. Consent Agenda
Minutes
Matters routine in nature
7. New Business
Items identified in alphabetical sequence
8. City reports and statements
9. Agenda requests from the City Council
10. City Manager Communication
11. Adjournment

PASSED AND APPROVED THIS THE 14TH DAY OF NOVEMBER, 2006.



Jimmy W. Thornton, Jr.
Mayor

Attest:



LuAnn D. Drake
City Secretary

City Seal

ORDINANCE NO. 2004-358

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAGNOLIA, TEXAS, ADOPTING RULES OF PROCEDURE FOR THE CONDUCT OF MEETINGS OF THE CITY COUNCIL AND OTHER BOARDS AND COMMISSIONS OF THE CITY; SETTING FORTH REQUIREMENTS AND PROCEDURES FOR THE SETTING OF NOTICES ON THE AGENDA FOR CITY COUNCIL MEETINGS AND REPEALING ORDINANCES NO. 282 AND NO. 320, REPEALING RESOLUTION NO. 2003-2 AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES AND RESOLUTIONS OR PARTS OF RESOLUTIONS INCONSISTENT OR IN CONFLICT WITH THIS ORDINANCE.

WHEREAS, the City Council of the City of Magnolia, Texas finds and determines it has the power to set rules and procedures regarding agenda items and conduct of meetings as long as such rules and procedures are not in conflict with State Law; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MAGNOLIA, TEXAS:

Section 1. City Council. The following rules of procedure shall govern all meetings and proceedings of the City Council of the City of Magnolia, and the conduct of all members and other persons in attendance at such meetings.

Rule 1. Meetings, Regular and Special

(A) The City Council shall meet in the Council Chambers of the City Hall, on the second Tuesday of each month, commencing at 7:00 p.m. In the event a Tuesday falls on a holiday, the meeting for that day shall be rescheduled as determined by Council. Any meeting of Council may be recessed from hour to hour for a period of time not to exceed 24 hours, by an affirmative vote of 4 or more members of Council present at such meeting, and such recessed meeting shall be held without further posted notice.

(B) Other special meetings shall be held on the call of the Mayor, City Manager or of three (3) or more Council Members. The agenda for such meetings shall be established at the discretion of those calling the meeting.

(C) Special meetings may be held at City Hall or other location designated by the Council.

(D) The Council may retire into Executive Session as authorized by the Open Meetings Act (Texas Government Code Chapter 551). These Rules of Procedure shall apply to the conduct of Council Members in an Executive Session, provided they do not conflict with the provisions of the Open Meetings Act.

Rule 2. Chairman and call to order

The Mayor, or in his/her absence the Mayor Pro-Tem, shall preside at all meetings of the Council. If the Mayor and the Mayor Pro-Tem are absent, any Council Member may be appointed by a majority of the Council to preside. At the hour of the meeting, the Mayor shall assume the chair, call the Council to order, and the City Secretary shall record the roll.

Rule 3. Handling of agenda subjects

The City Council shall be the sole judge of its own procedure and in full control of the business before it. Neither the Mayor, the Mayor Pro-Tem, nor any Council Member appointed to preside shall have any power to either recess a meeting or adjourn a meeting, or prevent the City Council from considering an agenda item or lay the same out for consideration, except in strict accordance with Texas Open Meetings Act, and as enacted herein. If the presiding officer, whether Mayor, Mayor Pro-Tem, or Council Member presiding, shall attempt to prevent City Council from taking any action on any agenda item brought before it, any Council Member present may call for a vote of the City Council to consider the matter.

Rule 4. Conduct of Mayor and Council Members

Any member of the Council, including the Mayor, who fails to observe decorous and orderly behavior during a meeting, or who disturbs a meeting of Council with such disorderly conduct, is subject to being expelled from such meeting upon motion passed by two-thirds (2/3) vote of the Council present at the meeting. Any Member reprimanded by motion or expelled from a meeting by motion who thereafter commits another breach of decorous and orderly behavior during a subsequent meeting shall be subject to the same power of Council to reprimand him/her, expel him/her from the meeting, or subject such member to complaint, investigation, and conviction of official misconduct.

Rule 5. Non-interruption

Each member of the City Council shall be permitted to address the chair while either seated or standing, and after recognition shall not be interrupted while speaking without his/her consent.

Rule 6. Handling of question of order

All questions of order shall be decided by the presiding officer with the right of appeal of his/her decision by the City Council, and a majority of the Council Members present may overrule the decision of the chair. When the chair makes a ruling on a point of order and one of the Council Members state, "I appeal the ruling of the chair," or words to such effect, no other business shall be transacted until the question, "Shall the ruling of the chair be sustained?" is voted on. The presiding officer shall immediately put such question to vote without debate, and, if he/she fails to do so immediately, any member of the City Council may put the question to a vote.

Rule 7. Procedure for submitting agenda items

Any and all ordinances, resolutions or other matters, including all written data, except emergency items, to be brought before the City Council for its consideration by the Mayor or by any member of the Council, shall be submitted to the City Secretary not later than 5:00 p.m. of the Monday before the Monday preceding the meeting at which the same is to be considered.

Rule 8. Motion to table

Since the Council has regularly scheduled meetings, a motion to table, when carried, does not permanently defeat an ordinance, resolution, motion, or other measure. If such ordinance, resolution, motion, or other measure is tabled by a majority vote of the Council, such ordinance, resolution, motion, or other measure, if not sooner removed from the table, must be removed at the third meeting, and acted upon, even if only to place the item on the table again.

Rule 9. Procedure to debate

Upon any ordinance, resolution or other measure being laid out, or any motion being made, any Council Member present, before there is any debate opened on the subject, may make a parliamentary objection to the consideration of the subject which need not be seconded. No debate shall then be permitted and the presiding officer shall immediately put the question, "Shall the objection be sustained?" If the objection is sustained by a vote of two-thirds of the Council Members present, the ordinance, resolution, motion, or other measure is permanently defeated for that meeting and shall not be debated (except in accordance with Rule 11.)

Rule 10. Closing of debate (Calling the question)

If, during debate upon any ordinance, resolution, motion or other matter before the Council, any member moves that the subject under discussion be put to a vote without further debate (and such a motion need not be seconded), the presiding officer

shall immediately ask the Council, "Is there any objection to proceeding to a vote on the ordinance, resolution, motion, or other measure before the Council being taken immediately?" If any member objects, the presiding officer shall immediately and without debate put the question, "Shall the subject being discussed be put to a vote, without debate?" to a vote of the Council, and if two-thirds of the Council Members present vote in favor of ordering the vote, debate on the question shall be closed, and a vote on the ordinance, resolution, motion or other measure taken immediately.

Rule 11. Reconsideration of a subject

When an ordinance, resolution, motion, or other measure of any sort has been placed before the City Council and defeated, the same identical question shall not again be considered by the City Council until ninety (90) days have elapsed.

Rule 12. Reducing motion to writing

All oral motions must be seconded before being put to vote by the chair (except where otherwise provided in these rules), and upon request of any other member of the Council, or Mayor, the party making any such oral motion (except a motion to order a vote on a subject being considered per Rule 10 or to table, or other such procedural matter) shall reduce the same to writing, or request the City Secretary to so the same. If a written motion is made by any member of the Council and filed with the presiding office, it shall still require a second.

Rule 13. Secretarial procedure

The City Secretary shall be the Secretary of the Council and shall act as reading and recording clerk to the Council. By his or her signature, the Secretary shall certify the correctness of the minutes and journals, shall record all actions taken by the Council, shall record the vote upon each measure when taken by the ayes and nays, shall post Council agendas, and shall perform such other duties as may be required of the City Secretary by the Mayor and the City Council. The City Secretary shall mark the absence of the Mayor or any other member of Council. In the absence of the City Secretary, any suitable person may be appointed by the City Secretary or Mayor to serve as acting City Secretary of any meeting.

The City Secretary shall keep a copy of these rules of procedure in the Council Chamber for reference.

Rule 14. Voting

All action required of the City Council shall be made by an affirmative vote of a majority or more members of the Council present at such Council meetings, unless a higher percentage is otherwise required by law for the action being considered. Except when abstention is required pursuant to a conflict of interest as provided by state law, all

Council Members present at each meeting shall vote on each subject presented for Council vote.

Rule 15. Citizens' right to be heard

Any citizen shall have a reasonable opportunity to be heard at any and all regular meetings of the City Council in regard to any and all matters to be considered at any such meeting, or such other matters as citizens may wish to bring to Council's attention; provided, however, any matter not posted on the agenda may not be discussed by Council, nor shall any action be taken by Council, except to indicate that the matter may be placed on a later agenda. A time shall be set aside during each Council meeting for the Council to hear from the public. Citizens attending any regularly scheduled meeting may speak before Council by completing a form and presenting it to the City Secretary prior to the beginning of such meeting. In addition, citizens may request a Council member to place an item on the agenda.

No member of the public shall be heard until recognized by the presiding officer. Any member of the public interrupting City Council proceedings, or failing to abide by these rules of procedure in addressing City Council, shall be deemed guilty of disorderly conduct and, at the direction of the presiding officer, shall be removed from Council Chambers by the sergeant-at-arms or other agent designated by City Council. Any citizen shall be entitled to visit City Hall, during regular business hours, and inspect all past Council Meeting Minutes, City audits, and the Agenda to be considered by the Council in advance of the meeting and inform himself or herself as to the matters to be considered.

Rule 16. Order of Business

Unless agreed to otherwise by majority vote of Council, the normal order of business before the City Council in any regular meeting shall be as follows:

- (1) Call to order.
- (2) Invocation and Pledge of Allegiance.
- (3) Roll Call and Certification of Quorum.
- (4) Proclamations and Special Recognitions.
- (5) Request or Petitions from the Public. The Council shall receive petitions and hear any member of the public as provided in Rule 15, and any appeal or other matter shall then be heard by the City Council.
- (6) Consent agenda
 - A. Warrants.
 - B. Bids.
 - C. Appointments.
 - D. Matters routine in nature.
 - E. Routine resolutions.
 - F. Minutes.

- (7) New Business.
- (8) Excused Absences.
- (9) Agenda Requests from the City Council
- (10) Reports or Requests from the City Manager.
- (11) Adjournment.

Rule 17. Order of business for special meetings

Unless agreed to otherwise by majority vote of Council, the normal order of business before the City Council in any special meeting shall be as follows:

- (1) Call to order.
- (2) The presiding officer shall state the purpose(s) of the meeting.
- (3) No business shall be discussed or acted upon at such meeting unless the subject has been duly posted in accordance with the Texas open meetings act.
- (4) Adjourn meeting.

Rule 18. Suspension of Rules of Procedure

Any one or all of these Rules of Procedure may be suspended in order to allow a particular consideration of a matter, provided that it does not violate state law, and provided that not less than two-thirds Council Members vote in favor of such suspension. Where any rule embodies a provision of state law, identically or in substance, such rule may not be suspended. The requirement of two-thirds to suspend a rule shall not apply to Rules 16 and 17, but the order of business may be suspended by a majority vote.

Rule 19. Rules of Procedure

Except where in conflict with any state law, City ordinance or the Rules of Procedure adopted by this Resolution, the Rules of Procedure laid down in *Robert's Rules of Order*, 75th Anniversary Edition, shall govern the proceedings of the City Council.

Section 2. Boards and Commissions.

Rule 1. Meetings. Except as otherwise provided in this Section, as otherwise provided by an ordinance or resolution applicable to a specific board or commission, or as may be otherwise provided by law, the members of each board and commission of the City shall develop its own rules of procedure.

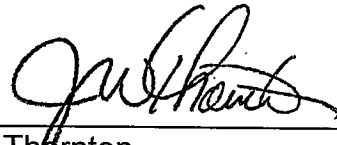
Rule 2. All Rules of Procedure governing the conduct of meetings shall be in compliance with the Texas Open Meetings Act.

Rule 3. Except in an emergency, the nature of which shall be stated in the notice of meeting, no meeting of a board or commission of the City shall be commenced before 5:00 p.m.

Section 3. All ordinances or parts of ordinances and resolutions or parts of resolutions inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

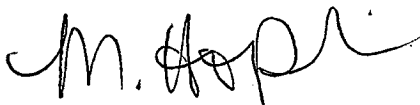
Section 4. In the event that any clause, phrase, section, subsection, paragraph, provision or sentence, or other part of this Ordinance—or the application of the Ordinance to any person or circumstance—shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof, other than the part or provision declared invalid, unconstitutional, or unenforceable.

PASSED, APPROVED, AND RESOLVED by the City Council of the City of Magnolia, Texas, the 9th day of November 2004.



Jimmy Thornton
Mayor

ATTEST:



Melonie M. Hopkins
Asst. City Secretary