

VILLAGE OF VOLENTE  
RESOLUTION 2017-R-06

**A RESOLUTION OF THE CITY COUNCIL OF THE VILLAGE OF VOLENTE, TEXAS  
ESTABLISHING ADMINISTRATIVE PROCEDURES FOR MEETINGS AND RULES  
OF PROCEDURE, AND ESTABLISHING A GENERAL COMPLAINT PROCESS**

WHEREAS, the City Council finds the need to establish procedures for meetings and rules of procedure;

WHEREAS, the City Council finds the need to establish a general complaint process;

NOW THEREFORE, be it resolved by the City Council of the Village of Volente that:

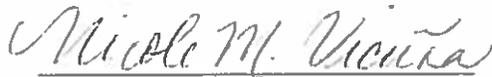
1. The attached Exhibit "A" will meet the needs to establish the procedures and processes.
2. This Resolution is effective immediately upon passage.

PASSED AND APPROVED this, the 13th day of November, 2017, by a vote of 4 ayes to 0 nays to 0 abstentions.

VILLAGE OF VOLENTE, TEXAS

 11/15/17  
Ken Beck, Mayor

ATTEST:



Nicole Vicuña, City Secretary

## Exhibit "A"

### Division 1. Meetings and Rules of Procedure<sup>2</sup>

#### Sec. 2.02.030 Time and place of regular meetings

(a) Time. The city council shall hold regular meetings on the third Tuesday of each month at 6:30 pm. If the regular meeting of the council falls on a legal or national holiday, the meeting may be rescheduled at the discretion of the mayor.

(b) Place. All regular meetings of the council shall be held in the council chambers at the village hall, currently located at 16100 Wharf Cove, Village of Volente, Texas, or at the Village of Volente Fire Station at the discretion of the city secretary.

#### Sec. 2.02.031 Special meetings and workshops

The mayor may call a special meeting or workshop of the council whenever in his or her opinion the public business may require it, or at the express written request of two council members. A workshop is generally a special meeting on a limited number of topics, that is agreed to by a majority of council, where no actions will be taken and no public comment is solicited. A special meeting is generally a meeting called by the mayor to address a limited number of topics that require council action before the next scheduled regular meeting. When a special meeting or a workshop is called, each council member will be notified by electronic mail, or by hand-delivered notification to the council member's residence, stating the date and hour of the meeting and the agenda. No business shall be transacted thereat except such as is stated in the agenda.

#### Sec. 2.02.033 Public hearings

A public hearing may be held during a regular meeting or a special meeting of the council.

#### Sec. 2.02.033 Agenda

(a) Placement of items on agenda; consent agenda. Any two members of council or the mayor may place any item on the agenda of any specific meeting for discussion and/or action. The mayor must finalize the agenda by 5:00pm on the fourth working day prior to the meeting (i.e. by 5:00pm on preceding Weds for a Tuesday meeting, assuming no holidays). If two council members are requesting an agenda item, this request must be delivered in writing or email to the secretary by 5:00pm on the fifth working day prior to the meeting. If the meeting is a Special Meeting or a Workshop, the mayor is allowed one extra day to finalize the agenda (i.e. by 5:00pm on the third working day prior to the meeting). The mayor may also select certain agenda items to be considered by the council as consent items. These items may be approved in part or in total by a majority vote of the council. Any consent item may be removed from the consent agenda and considered separately with discussion and citizen comment by any single council member. Items removed from the consent agenda will automatically go to

the end of the agenda for discussion and decision unless the mayor deems that its importance requires that it be placed in a different order on the agenda. No part of this subsection shall be interpreted in such a manner that allows any person to prevent, restrict or inhibit a member of the council or the mayor from placing any item on the agenda. Any item submitted for the agenda by council members or the mayor must be preserved in its original form and may not be edited, censored or altered in any way without the express permission of the submitting party.

(b) Submission of supporting documentation; scheduling. All supporting documentation regarding an agenda item shall be delivered to the city secretary at least four (4) working days preceding the council meeting. Any supporting documentation received after this deadline is up to the discretion of the secretary as to whether it will be distributed to council members in advance of the meeting or at the meeting or not presented. The mayor shall determine the order and scheduling of matters to appear on the agenda.

(c) Furnishing of agenda to council members. A copy of the agenda along with the appropriate supporting documentation shall be furnished to each council member and the mayor prior to the council meeting as far in advance of the meeting as time for preparation will permit, but no later than the above deadline for finalizing the agenda. Each agenda will note the council member sponsor(s) of any matter for council consideration. Meetings and postings of meetings will be made in accordance with state law.

(d) Rescheduled meeting. In the event that a regular meeting is rescheduled to a day other than the third Tuesday, all deadlines for submission of matters to be included on the agenda shall be adjusted accordingly.

(e) Absence of sponsoring member. If the mayor or the two council members who sponsored a matter are not present at the council meeting, the matter shall be deferred unless the sponsoring member has agreed that the matter should proceed to a vote in their absence or if the members present deem it a matter of exigent circumstances. For example, a citizen, property or staff is in peril and immediate action is required to avert injury, loss or damage.

(f) Submissions to be made in paper form or electronic form. All submission of matters to the village for consideration by the council shall be made in paper form or in electronic form. Electronic submission may be made by compact disk or DVD format, or may be sent by electronic mail to the village's current electronic mail address listed on the village's Internet website.

**Sec. 2.02.034 Presiding officer**

The presiding officer of the council shall be the mayor. In the absence of the mayor, the mayor pro tem shall become the presiding officer. The mayor pro tem shall also serve all

the functions of the mayor in the mayor's absence. The presiding officer shall preserve strict order and decorum at all meetings of the council. He or she shall state every question coming before the council, announce the decision of the council on all subjects and decide all questions of order, subject, however, to an appeal to the council, in which event a majority vote of the council shall govern and conclusively determine such question of order. He or she shall sign all ordinances and resolutions adopted by the council during his or her presence. In the event of the absence of the mayor, the presiding officer shall sign ordinances or resolutions as adopted.

**State law reference**—Mayor as presiding officer, V.T.C.A., Local Government Code, sec. 22.037.

**Sec. 2.02.035 Call to order; temporary chairperson**

- (a) The presiding officer shall take the chair at the hour appointed for the meeting, and shall call the council to order.
- (b) In the absence of a presiding officer, a temporary chairperson shall be elected by the council members present.
- (c) Upon the arrival of a presiding officer, the temporary chairperson shall relinquish the chair upon the conclusion of the business item before the council.

**Sec. 2.02.036 Quorum**

The mayor and three council members shall constitute a quorum at any regular or special meeting of the council. In the absence of the mayor, four of the five council members constitute a quorum. In the absence of a quorum, the presiding officer may declare the meeting cancelled due to lack of quorum and reschedule or shall compel, at the insistence of any two council members present, the attendance of the absent council member(s). At a called or special meeting or any meeting to consider taxes, two-thirds of the council constitutes a quorum. (Ordinance 2013-O-4 (134), sec. 20.06, adopted 12/17/13)

**State law reference**—Quorum requirements, V.T.C.A., Local Government Code, sec. 22.039.

**Sec. 2.02.037 Order of business**

- (a) All meetings of the council shall be open to the public. On the day of each scheduled meeting and upon determination that a quorum is present, the council members, the city secretary, the village attorney (as needed), and the presiding officer shall take their regular stations in the council chambers, and the business of the council shall be taken up for consideration and disposition.
- (b) The mayor shall have the authority to indicate on the agenda that certain agenda items will be taken up by the council at a time certain.
- (c) At the appointed time, any matter then under discussion shall be postponed and the agenda item designated for a time certain will be taken up by the council. For each

agenda item, unless a different format is prescribed by law, the following protocol may be used:

- (1) Introduction of item by the presiding officer;
- (2) Presentation by staff (or sponsoring council member);
- (3) Citizen communication;
- (4) Council deliberation and possible action.

(d) If there is new information or a new direction considered during council deliberation, citizens may request that additional citizen communication be permitted. The presiding officer may allow additional citizen communication to be followed again by additional council deliberation. The presiding officer may request that the item be postponed to a future meeting to allow for a public hearing to be posted prior to further council deliberation.

**Sec. 2.02.038 Reading of minutes; preparation of minutes**

Unless a reading of the minutes of a council meeting is requested by a council member, the minutes may be approved without reading if the city secretary has previously furnished each council member with a copy thereof. The following procedure may be followed with regard to preparation of minutes of council meetings. The city secretary may provide a draft of proposed minutes of a council meeting to the mayor and all council members, who may submit any proposed additions, deletions, or corrections directly to the city secretary. The city secretary shall prepare the minutes with all additions, deletions, and corrections proposed by the mayor or any council member noted in redline or any other reasonable means for highlighting such changes, and present same to the council at a public meeting. Reasonable attempt should be made to present these minutes for council approval at one of the next two regular council meetings, or as soon after as is practical.

**Sec. 2.02.039 Rules of debate**

(a) Getting the floor. Improper references are to be avoided. Every council member desiring to speak shall address the presiding officer, and upon recognition by the presiding officer shall confine himself or herself to the question under debate, avoiding all personalities and indecorous language. All council members have the right to be recognized, to make motions, and to speak.

(b) Interruptions. A council member, once recognized, shall not be interrupted when speaking unless it is to call to order, or as herein otherwise provided. If a council member, while speaking, be called to order, he or she shall cease speaking until the question of order is determined, and, if in order, he or she shall be permitted to proceed.

(c) Amending a motion. A council member, upon being recognized to speak, may request that a motion on the floor for discussion be amended. Upon such a request, the mayor shall ask the council members that made and seconded the original motion if they

are willing to accept the amendment to the original motion. If both members agree to accept the amendment, then the original maker of the motion will restate the original motion to include the amendment, the motion will be amended, and debate will continue on the amended motion. If either member does not accept the amendment, then debate continues on the original motion.

(d) Previous question. Any council member, upon being recognized to speak, may move to call the question on the motion on the floor. A motion to call the question requires a second. If there is a motion and a second on the motion to call the question, then debate ends and there is a vote to consider ending debate on the original motion. A majority vote of members present is required to end debate on a motion. Either the maker or the sponsor will be recognized by the mayor to make a closing comment for correction or clarification, which will be two minutes or less if needed.

(e) Motion to reconsider. A motion to reconsider any action taken by the council may be made only on the day the action was taken. It may be made either immediately during the same session or at a recessed or adjourned session thereof. The motion must be made by one of the prevailing side, but may be seconded by any council member, and may be made at any time and have precedence over all other motions or while a council member has the floor; it shall be debatable. Nothing herein shall be construed to prevent any council member from making or remaking the same or any other motion at a subsequent meeting of the council.

(f) Request to have remarks entered in minutes. A council member may request, through the presiding officer, the privilege of having a statement on any subject under consideration by the council entered in the minutes.

(g) Format of minutes. The city secretary shall enter in the minutes a description of the agenda item, and any motions or votes taken by the council on any question coming before the council.

(h) Rules of order. Except to the extent superseded or modified by this division, Robert's Rules of Order are adopted and incorporated herein by reference as the rules of procedure for the council. Such rules are procedural guidelines, only. Failure to strictly follow the rules of order does not render an action voidable or void.

(Ordinance 2013-O-4 (134), sec. 20.09, adopted 12/17/13)

**Sec. 2.02.040 Addressing the council**

(a) Citizen communication. Interested parties or their authorized representative may address the council, if recognized by the presiding officer, by written or oral communications regarding matters then under discussion.

(b) Manner of addressing council; time limit. Each person addressing the council shall give his or her name and address in an audible tone of voice for the records, and unless further time is granted by the council, shall limit his or her to a single presentation of four

minutes. A citizen present at the meeting may award their time limit to another citizen at the meeting. A citizen accepting another's time limit may only accept a time limit from one citizen. All remarks shall be addressed to the council as a body and not to any council member thereof. No person, other than the council and the person having the floor shall be permitted to enter into any discussion, either directly or through a council member, without the permission of the presiding officer.

**Sec. 2.02.041 Silence constitutes affirmative vote**

Unless a council member states that he or she is not voting, his or her silence shall be recorded as an affirmative vote.

**Sec. 2.02.042 Decorum**

(a) Generally.

(1) Council members. While the council is in session, the council members must preserve order and decorum, and a member shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the council nor disturb any council member while speaking or refuse to obey the orders of the council or its presiding officer, except as otherwise herein provided.

(2) Other persons. Any person making personal, impertinent, or slanderous remarks or who shall become boisterous while addressing the council shall be forthwith, by the presiding officer, barred from further audience before the council, unless permission to continue is granted by a majority of the council.

(b) Enforcement. A member of the village administration may be the sergeant-at-arms of the council meetings, as needed. He or she shall carry out all orders and instruction given by the presiding officer for the purpose of maintaining order and decorum at the council meeting.

**Sec. 2.02.043 Members may file protest against council action**

Any council member shall have the right to have the reasons of his or her dissent from or protest against any action of the council entered on the minutes.

**Sec. 2.02.044 Ordinances, resolutions, motions and contracts**

(a) Introduction of ordinances and amendments. All council members have the right to introduce new ordinances and amendments to existing ones.

(b) Approval of contract documents by village attorney and village administrator. All contract documents shall, before presentation to the council, be approved as to form and legality by the village attorney or his or her authorized representative. All the instruments shall have first been referred to the village secretary and then the same shall be returned to the mayor with a written memorandum of the reasons why the approval is given or withheld. In the event the questioned instrument is not redrafted to meet an objection, or

the objection is not withdrawn and approval in writing given, then the mayor shall so advise the council and give the reasons. No contract affecting the village may be changed after previously being approved by the village attorney without getting his or her approval as to the form and legality of the change.

(c)

**Sec. 2.02.045 Reports and resolutions to be filed with secretary**

All reports and resolutions shall be filed with the city secretary and entered in the minutes.

**Sec. 2.02.046 Adjournment**

A motion to adjourn shall always be in order and decided without debate. A majority vote of the council is required to adjourn if there is unfinished business, and any unfinished business shall be placed on an agenda of the next meeting.

**Division 2 – General Complaint Process**

**Sec. 2.02.047 COMPLAINTS**

**Purpose**

**Complaint filing process**

A complaint may be filed by a resident of the community or by a city official.

The complaint must be in writing and filed with the city secretary.

- The date
- A photo (or multiples)
- The address, person(s), or business
- A written description of the violation(s)
- Reference to code section that is violated
- The complainant's contact information (if a citizen complaint). The complainants name and information shall be confidential (to the extent allowed by law).

**Complaint research process**

The city staff will record, document and research all complaints and may use the City's professional services staff to validate and verify complaints.

- If the city secretary verifies that a violation has occurred, the city secretary shall issue within one week a formal written warning letter to the Violator by city staff and delivered two of the following methods: email, US mail, hand delivery left at the property. The warning shall allow a one month compliance/resolution deadline and state the applicable fines, the applicable code sections, an offer that assistance may be available, and instructions for whom to contact for assistance in resolving the violation. If the city secretary concludes there is insufficient evidence of a violation, or that the allegations (even is presumed to be true) do not constitute a violation, the city secretary shall inform the

complainant that the complaint has been dismissed.

### **Complaint resolution process**

At the end of the initial thirty day compliance period, the city secretary will evaluate the complaint with the Mayor and determine if the issue is resolved. If not, the ongoing violation will be documented and a second warning letter will be issued allowing for a two week compliance/resolution deadline, including the same information as first warning and following the same delivery requirements. Within two working days after the end of the two week deadline the city secretary, along with the Mayor, will conduct a second evaluation of the compliance by the violator. If the issue is not resolved, the city secretary will recommend the assessment of the appropriate administrative fine(s) on the violation, send a notice of the fines assessed and explanation of the next step and deadlines, which could include resolution by paying the fines or escalation to city prosecutor for legal action, injunction, additional fines and court costs, and court appearances. The city staff may escalate attempts to contact the violator including calls or emails to friends or neighbors of the violator to ask the violator if the notices/warnings are being received and may request that the Mayor or other officials attempt to reach out to the violator. city staff shall continue to monitor for compliance and keep the Mayor updated at least weekly on the status

When this deadline is passed without resolution, the city secretary will turn over the violation to the city prosecutor who will evaluate the issue for possible legal and court options, consider contacting the violator, and then meet with city council in executive session to provide a recommended approach and then continue to work with the Mayor or Council as appropriate through completion of the issue.

Upon final compliance/resolution, city staff will document the final compliance and write a Thank You note to close out the complaint.