

RESOLUTION NO. 2024-090

RESOLUTION ADOPTING A DECORUM AND PROCEDURES POLICY FOR THE CITY COUNCIL

WHEREAS, the City Council finds it to be in the public interest to adopt a Decorum and Procedures Policy (the "Policy") for the City Council, said Policy being attached hereto as Exhibit "A" and incorporated herein for all purposes;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS:

SECTION ONE. That the Policy is hereby approved and adopted.

SECTION TWO. That the Policy shall become effectively immediately.

On motion of Council member Poole , seconded by Council member Stretcher Burkes , the above and foregoing resolution was adopted by the City Council of the City of Midland at a regular meeting on the 28th day of May , A.D., 2024, by the following vote:

Council members voting "AYE": Davidson, Stretcher Burkes, Poole, Blong, Ladd, Norman

Council members voting "NAY": None


Lori Merritt Blong, Mayor

ATTEST:


Marcia Bentley-German, City Secretary

RECOMMENDED AND APPROVED:


Tommy Gonzalez, City Manager

APPROVED ONLY AS TO FORM:


John Ohnemiller, City Attorney

EXHIBIT "A"



CITY OF MIDLAND OFFICE OF THE CITY SECRETARY

Table of Contents

- Section 1. Council Meetings; Location
- Section 2. Open to the Public
- Section 3. Presiding Officer
- Section 4. Council Standards
- Section 5. Council Etiquette
- Section 6. Duty to Perform; Conflict of Interest
- Section 7. Role of Council; City Manager
- Section 8. Council Appointees' Relationship to Council
- Section 9. Agenda Items
- Section 10. Agenda Packets
- Section 11. Action on Agenda Items
- Section 12. Council Member Inquiries, Complaints or Comments
- Section 13. Work Sessions, Budget Meetings, Council Retreats and Special Council Meetings
- Section 14. Requests for Research or Information

Section 1. Council Meetings; Location

- a. Regular City Council Meetings of the City of Midland shall be held at City Hall, 300 N. Loraine Street, Midland, Texas in the Council Chamber.
- b. Special Meetings may be held at other locations.

Section 2. Open to the Public

All meetings of the City Council of the City of Midland (the "Council") shall be open to the public, except as otherwise provided for in Chapter 551 of the Texas Government Code (the "Texas Open Meetings Act").

Section 3. Presiding Officer

- a. The Mayor shall be the presiding officer at all meetings of the Council and shall be recognized as the head of the City for all ceremonial purposes.
- b. In case of the Mayor's absence or temporary disability, the Mayor Pro Tem shall act in the Mayor's behalf.

Section 4. Council Standards

- a. Each member of the Council is bound to uphold the Constitutions of the United States and of the State of Texas, and to carry out all applicable laws and the rules, regulations, policies, and ordinances of the City of Midland on an impartial basis.
- b. Each Council Member is bound to observe in the Council Member's official acts the highest standards of morality and to discharge faithfully, the duties of the office regardless of personal considerations, recognizing that the public interest must be the Council Member's primary concern.
- c. Council Members should be independent, impartial, and responsible to the citizens.
- d. The conduct of each Council Member should be above reproach, and a Council Member shall never use the Council Member's office for personal gain.
- e. Council Members shall refrain from abusive conduct, personal charges, or verbal attacks upon the person, character, or motives of other Council Members, City staff, and members of the public. Council Members should strive to promote and maintain courtesy, civility, respect, and professionalism.
- f. Council Members must represent unconflicted loyalty to the interest of the citizens of Midland. This accountability supersedes any conflicting loyalty, advocacy, or special interest group, or any individual, or membership of or affiliation with any company or other private or public organization.

Section 5. Council Etiquette

- a. Council Members are to provide advance notice to the City Secretary or City Manager of an impending absence unless the absence is attributable to a sudden, unanticipated event. This information is necessary in order for the City staff to determine in advance whether a quorum of the Council will be available for a meeting.
- b. Council Members are expected to attend all regularly scheduled Council meetings, work sessions, briefings, and executive sessions.
- c. The Mayor is in charge of maintaining order of Council meetings.
- d. The Mayor shall be addressed as "Mayor (surname)", "your Honor", or "Mr./Madam Mayor". The Mayor Pro Tem and other Council Members shall be addressed as "Mayor Pro Tem (Surname)" or "Council Member (Surname)".
- e. Speaking over others or interrupting while others have the floor is not permitted.
- f. Cell phones and other electronic devices should be turned off or set to vibrate during meetings.
- g. If a Council Member must take a call during a meeting, the call should be taken outside of the meeting room so as to not distract from the proceedings of the meeting.
- h. Council Members shall not grant any special consideration, treatment, advantage or favor to any individual, group, company or organization beyond that which is generally available to the public at large.

Section 6. Duty to Perform; Conflict of Interest

A Council Member shall not participate in the discussion or vote on any agenda item in which the Council Member has any conflict of interest.

Section 7. Role of Council; City Manager

- a. The Council's role is to establish policies and priorities for the City of Midland.
- b. The City Manager is responsible for directing and managing the daily operations of the City.
- c. The City Manager is responsible to the Council as a whole rather than to individual Council Members.
- d. In the event that a Council Member is approached by a City employee concerning a City issue, the employee should be referred to the appropriate employment chain of command, unless the issue is of such a nature that the issue should be directed to the City Manager.
- e. The City Manager shall determine if information requested by an individual Council Member requires resources that would be detrimental to other priorities and shall decide whether the request shall be granted.
- f. Any information or material that the City Manager or City Manager's staff prepares in response to a request by a Council Member shall be made available to the entire Council.
- g. Council Members who wish to request information or services or submit complaints about City operations, should present such requests or complaints through the City Manager.

Section 8. Council Appointees' Relationship to Council

The City Manager, City Attorney, City Governance Officer/City Secretary, Municipal Court Presiding Judge, and Municipal Court Associate Judge are accountable to the Council as a body, not to any individual member or group of members.

Section 9. Agenda Items

- a. The City Manager shall be responsible for the placement of items on Council agendas.
- b. Any member of the Council shall have the right to place an item on the agenda of a duly convened meeting of the Council and nothing contained in this Decorum and Procedure Policy shall be construed to limit or circumscribe such right.

Section 10. Agenda Packets

- a. The City Governance Officer/City Secretary shall prepare a packet for each member of the Council containing a copy of the agenda together with supporting material for each item to be considered by the Council.
- b. Such packets shall be electronically or personally delivered to each Council Member at least 72 hours prior to the Council meeting. Each Council Member should review all the material contained therein to enable an informed decision to be made on each issue that is considered.
- c. If any Council Member has a question about any information contained in the packet, the Council Member should speak with the City Manager who will answer question(s) and provide any additional information that is available.

Section 11. Action on Agenda Items

- a. Action on the consent agenda items should consist of a motion and a second to approve the consent agenda, which includes all items contained therein, and then followed by a vote. Any Council Member or the City Manager may request for an item to be removed from the consent agenda for discussion. Each item removed from the consent agenda shall require a separate vote of the Council.
- b. Any Council Member may call upon a City staff member or another person with unique knowledge of an item to explain the issue under consideration.
- c. If a motion is not made, the Mayor shall announce that the matter dies for the lack of a motion.
- d. If a motion is made, a second may be volunteered by any Council Member.
- e. If a second is not forthcoming, the Mayor shall inquire as to whether there is a second.
- f. If a second is not made, the Mayor shall announce that the motion dies for the lack of a second.
- g. If a second is received, the Mayor shall ask if there are any questions and all questions or discussion on the issue shall be concluded prior to voting.
- h. If, in the opinion of the Mayor, excessive time is being consumed by questions or discussion, or if the dialogue is redundant or not germane to the issue, the Mayor may limit or close the discussion. Likewise, any member of the Council may call upon the Mayor to intervene in such case.
- i. If there are no questions or further discussion, the Mayor shall then call for a vote.
- j. Once the vote has been taken, no further questions or discussion on the issue shall be allowed except at the discretion of the Mayor.
- k. Except as otherwise provided by law, a simple majority vote is required for approval of an item.
- l. The Mayor may call a recess at any time during a meeting.

Section 12. Council Member Inquiries, Complaints or Comments

Council Members shall not comment, deliberate, or discuss any item that is not on the agenda.

Section 13. Work Sessions, Budget Meetings, Council Retreats and Special Council Meetings

- a. Work sessions, briefings, budget meetings, Council retreats and Special Council Meetings may be held by the Council.
- b. As in the case of regular meetings, all decorum and procedural issues that apply to regular meetings shall also apply.

Section 14. Requests for Research or Information

- a. A Council Member may request information or research from City staff on a given topic through the City Manager or other appropriate Council appointee.

- b. Requests for policy direction shall be brought to the full Council at a regular meeting for consideration. All information, reports, memoranda, or other materials or products shall be made available to the full City Council.
- c. The City Manager or other appropriate Council appointee may determine if extensive City staff time and resources are required to accomplish the request. If so, the City Manager or other appropriate Council appointee may present such request to the full Council prior to proceeding.



APPROVED



City Council Meeting

Item Number: 13
 Meeting Date: May 28, 2024
 To: City Council / City Manager
 From: Marcia Bentley-German, City Governance Officer/City Secretary
 Subject: RESOLUTION ADOPTING A DECORUM AND PROCEDURES POLICY FOR THE CITY COUNCIL (DISTRICT: ALL) (CITY SECRETARY'S OFFICE) (TRANSPARENT & CONSISTENT COMMUNICATION)

Purpose:

ADOPTING A DECORUM AND PROCEDURES POLICY FOR THE CITY COUNCIL

Recommended City Council Action:

Approve

Fiscal Impact:

None

Strategic Priority:

(Transparent & Consistent Communication)

Discussion:

None

City Manager's Office