

**ORDINANCE 2024-7
CITY OF PRESIDIO
CITY COUNCIL
CODE OF CONDUCT**

AN ORDINANCE OF THE CITY OF PRESIDIO, TEXAS, AMENDING ALL OTHER ORDINANCES OR RESOLUTIONS IN CONFLICT; ADOPTING CERTAIN RULES, PROCEDURES AND OFFICIAL ORDER OF BUSINESS FOR THE CITY COUNCIL PURSUANT TO THE AUTHORITY OF THE TEXAS LOCAL GOVERNMENT CODE; CONTAINING OTHER PROVISIONS RELATING -TO THE SUBJECT; AND PROVIDING AN EFFECTIVE DATE.

SECTION 1; BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PRESIDIO, TEXAS: That the City Council of the City of Presidio, Texas hereby adopts the following rules, procedures, and official order of business for the City Council:

WHEREAS, ARTICLE I: AUTHORITY; Texas Local Government Code, the following rules of procedure and order of business are hereby officially adopted by the City Council.

WHEREAS, ARTICLE II: GENERAL RULES

- A. Purpose and Intent:** The purpose of this ordinance is to provide for the orderly conduct of city business by the City Council, with the objective of providing for full, open, and comprehensive debate of issues brought before the body for action in a forum open to the public, and which encourages citizens' awareness of Council activities.
- B. Conflict with State Law:** Nothing within this ordinance shall be deemed as overriding or conflicting with the provisions of the State law, with respect to the conduct or announcement of meetings, establishing agenda, or adoption of ordinances.
- C. Participation:** Citizens attending any meeting of the City Council, including but not limited to any hearing, workshop, or special-called meeting, but not including an executive session as provided by State Law, shall be afforded an opportunity to rise and speak to any question before Council during REQUEST FROM THE PUBLIC section of the agenda. The speaker will be allowed five (5) minutes to address the City Council. If unable to attend the meeting a written statement related to a specific agenda item will be read into the record by the City Secretary. As presiding officer, the Mayor may fix a three (3) minute limitation to allow for a reasonable discussion. By motion, and majority vote of those present and voting, the Council may override any specific constraint to debate.
- D. Decorum:** In order to provide for the timely discussion and disposition of

business, Robert's Rules of Order, newly revised, shall govern, with the Mayor (or in his/her absence, the Mayor Pro Tem or, if likewise, unavailable, most senior Councilmember) serving as the presiding officer. The City Attorney will serve as the Parliamentarian and will recommend rulings, upon request by the presiding officer, to all points of order raised during the proceedings.

Code of Conduct:

1. The Mayor shall preserve order by ensuring that discussion is limited to the question before the Council.
2. Councilmembers shall contain themselves to the question under debate, shall avoid references to personalities, and refrain from questioning motives of other Councilmembers or staff personnel.
3. Councilmembers shall demonstrate courtesy and shall not disrupt proceedings.
4. Councilmembers shall not use their positions to secure privileges or personal gains and shall avoid situations which could cause anyone to believe that they may have brought bias or partiality to a question before Council.
5. The Mayor shall be the primary spokesperson for policy decisions of the Council. Individual Councilmembers may interface with the media with respect to their opinions on the issue, but shall make it clear that their opinions do not necessarily represent that of the City or the City Council.
6. Councilmembers shall be dedicated to the highest ideals of honor and integrity in all representation of the citizens of Presidio.
7. Councilmembers shall be dedicated to the principles of democracy by recognizing that the chief function of local government is to serve the best interest of the public at large.
8. Councilmembers shall be dedicated to the effective use of the City's available resources.
9. Councilmembers shall refrain from any activity that would hinder their abilities to be objective and impartial. City business shall be discussed in open, well-publicized meetings, except in situations in which executive sessions are authorized.

- E. Absences:** Any Councilmember who knows in advance that he/she will miss a regular meeting may submit written comments to the City Secretary for presentation under this agenda item, so that fellow Councilmembers may be made aware of pertinent issues during discussion and debate. An excused absence form will be submitted for all absences by the City Council.

WHEREAS, ARTICLE III: SPECIFIC RULES

- A. **Posting of Meetings:** As a minimum, all meetings of the City Council will be posted, with the minimum public notices required by the Texas Meetings Act. In addition, the City Council will take reasonable measures to promote attendance at Council meetings through advertising of meetings, issuance of press releases, or other appropriate means. The Agenda of the meeting shall identify those topics for which final Council action is required.
- B. **Quorum:** A minimum of three (3) members of the Council (including the Mayor), present and voting, shall constitute a quorum for the purpose of a regular meeting business.
- C. **Regular Meetings:** Pursuant to the Texas Local Government Code, the City Council shall conduct its regular meetings on the first and/or third Tuesday of each month at 6:00 p.m. at the PAC Center of the City of Presidio. If this schedule conflicts with the observance of a State or Federal Holiday, or for any other bona fide reason, the meeting may be rescheduled or postponed through a motion and a majority vote of those members present and voting PROVIDED adequate notice of the change is provided within the City's official newspaper following the Council's approved action.
- D. **Special Meetings:** Special meetings or workshops may be called by the Mayor, or by any four (4) members of the Council. The topic(s) to be discussed must be identified on a posted agenda and the Council may only take formal action on a posted item.
- E. **Emergency Meetings:** Emergency meetings may be called orally by the Mayor (or in his/her absence, the Mayor Pro Tem) or by four (4) members of the Council, when there is an identifiable public necessity. An agenda for an emergency meeting must be posted at least two hours prior to the convening of the Emergency Council Meeting. Prior to taking any formal action, the Council must approve by motion and majority vote of the members present and voting, that an emergency situation exists requiring prompt resolution or commitment of resources.
- F. **Executive Session:** An executive session may be called for any purpose specifically authorized by State law. A motion to retire to executive session must be made and approved by a majority of the members present and voting in a properly posted regular, special, or emergency Council meeting. The Council shall not take any final action on an item during an executive session.

G. **Minutes:** Minutes of all meetings of the Council shall be in writing. Distribution of minutes shall be governed by the Open Records Act. Transcripts of oral discussions, or excerpts thereof, will be made by the written or oral request by any Councilmember to the City Secretary. The requested transcript will be furnished to all the Councilmembers when prepared.

WHEREAS, ARTICLE IV: ORDER OF BUSINESS

A. **Order of Business:** Except for unusual circumstances, the following order will be followed at Regular meetings of the City Council:

1. Quorum
2. Invocation and Pledge of Allegiance
3. Requests from the Public
4. Routine Business – Minutes
5. Consent Items
6. Old Business – New Business
7. Proclamations and Special Recognitions
8. Reports or Requests from Councilmembers
9. Reports or Requests from City Administrator
10. Adjournment

B. **Background Information:** All background information must be submitted by close of business five (5) business days prior to a Council meeting. Council packets are to be completed by 5:00 p.m. three (3) days before a Council meeting. The City Administrator shall ensure that the background information is provided to the City Secretary for distribution within the packets.

C. Council packets will be prepared according to agenda items.

D. **City Administrator's Recommendation:** Each agenda item under new and old business may have a presentation by the City Administrator or designee. Any dissenting opinions (e.g., relevant memoranda, reports, etc.) prepared by staff members will be included.

WHEREAS, ARTICLE V: ESTABLISHMENT OF THE AGENDA

A. The Mayor, or three (3) Councilmembers, may request that an item be posted on the agenda of any regular Council meeting. The requesting Councilmembers are responsible for developing and/or providing the necessary background information in the time frame established above. The

City Council, per the Texas Local Government Code, hereby imposes on the Mayor the duty, responsibility, and authority of preparing and approving the agenda of all regular and special Council meetings.

- B. The City Administrator may request that any matter, other than that of an administrative nature, be placed on the regular Council meeting agenda.
- C. Any interested party may request access to the regular council meetings' agendas, after prior coordination with the City Administrator, PROVIDED a minimum of ten (10) business days has been provided to prepare a staff review of the item, and all relevant background information is furnished at the time of the request.

WHEREAS, ARTICLE VI: COMMITMENT OF CITY RESOURCES

- A. Individual Councilmembers may not commit City resources to undertake an investigation, request information, or obtain other special privileges in a manner not generally afforded to the public at large.
- B. If the City Administrator determines that a Councilmember's request will result in significant disruption to the conduct of City business, will require a significant expenditure of resources, or should best be collectively voted on and approved by the Council as a whole, the City Administrator will notify the requestor and place the item on the next regular meeting's agenda, unless specifically requested not to do so. As a general guideline, any request that results in the expenditure of four (4) or more work hours will be considered "significant."

WHEREAS, ARTICLE VII: ADOPTION OF ORDINANCES

- A. Any Councilmember may offer a proposed ordinance for consideration by the Council at a regular meeting, by requesting the posting of an agenda item as described above.
- B. Following approval as to general substance and content by the Council, the proposed ordinance will be referred to the City Attorney for a legal determination and for development into the proper form for adoption. The Council will, by motion, and in consultation with the City Attorney during discussion of the proposed ordinance, identify the deadline for completion of the review and actions by the City Attorney.
- C. **Ordinances will be adopted following the procedures within the Texas Local Government Code; Chapter 52:**
 - l. The first reading of the ordinance is for discussion, debate, and public input and awareness. Councilmembers will individually

introduce proposed revisions; the Mayor will request for a consensus by Council on each proposed revision. Following the first reading, the City Secretary and City Attorney will assemble all the proposed revisions into a comprehensive ordinance for introduction at a subsequent meeting as a second reading, if it imposes a penalty, fine, or forfeiture to the ordinance, minor grammatical or syntax changed that need to be made.


2. The second reading is for final adoption if the ordinance if it imposes a penalty, fine, or forfeiture to the ordinance, minor grammatical or syntax changed that need to be made. If substantive changes are identified, and the Council collectively approves the changes, the reading will be considered a first reading, and the ordinance will be returned to the City Attorney for revision.

D. The Mayor cannot veto a properly adopted ordinance of the City.

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

PASSED & APPROVED on this, the 16th day of July, 2024 by a vote of 3 (ayes) to 0 (nays) to 0 (abstentions) of the City Council of Presidio, Texas.

CITY OF PRESIDIO, TEXAS

by: 
John Ferguson, Mayor



ATTESTED:


Brenda Lee Acuña, City Secretary

APPROVED AS TO FORM:

Sylvia Firth, Assistant City Attorney
Alan, Bojorquez, City Attorney
Bojorquez Law Firm