

CITY OF PRINCETON HOME RULE CHARTER COMMISSION

Bylaws & Rules of Order and Procedure

REMINDER –MEETINGS OF THE HRCC ARE SUBJECT TO THE TEXAS OPEN MEETING ACT (“TOMA”). IT IS A CRIMINAL VIOLATION FOR A QUORUM OF HRCC MEMBERS TO DELIBERATE ON HRCC BUSINESS OUTSIDE OF A POSTED PUBLIC MEETING. DISCUSSIONS OF HRCC BUSINESS OUTSIDE OF A POSTED PUBLIC MEETING MUST BE LIMITED TO NUMBERS LESS THAN A QUORUM– IF YOU ARE AN HRCC VOTING MEMBER, DO NOT DELIBERATE THE PROPOSED CHARTER (VIA E-MAIL, SOCIAL MEDIA, OR OTHERWISE) OR ANY VOTING MATTER OUTSIDE OF A NOTICED PUBLIC MEETING OR COMMITTEE ASSIGNMENT UNTIL THE FINAL CHARTER LANGUAGE HAS SENT TO THE COUNCIL AND THE HRCC’S BUSINESS IS CONCLUDED.

Rules of order and procedure prevent confusion by establishing an organized process for conducting meetings of the Home Rule Charter Commission (“HRCC”). Properly followed, they save time for all participants, while protecting the individual’s right to participate fully. The City Manager’s designee shall serve as Parliamentarian for the HRCC. A person serving as HRCC Parliamentarian may not cast a vote on any matter.

PRESIDING OFFICER: The City Attorney shall preside over meetings of the HRCC as a non-voting participant until the body selects a Presiding Officer from among the membership selected by the City Council, who shall thereafter be designated as the “Chair” of the HRCC. The Chair shall only vote on matters subject to a vote of the full HRCC only in the event of a tie vote among other Voting Members, shall exercise a vote as normal on any HRCC Committee matters unless otherwise indicated by these rules (inclusive of any committee bylaws). The Chair shall designate one or more Alternate Chair(s) to serve in event of their absence. If the Chair or an Alternate Chair is unavailable for a meeting, the City Attorney shall select a Voting Member present to temporarily serve in that capacity.

RULES FOR CONDUCTING MEETINGS, GENERALLY: The City Attorney shall supply initial draft charter language for deliberation by the HRCC, and be responsible for modifications of its provisions to accomplish the objectives identified by the HRCC and adopted by majority vote for potential consideration by the City’s voters. Unless otherwise indicated by these Bylaws & Rules of Order and Procedure, meetings of the HRCC and debates on agenda items shall be conducted under the rules or parliamentary procedure and ethical rules applicable to the City Council. A vote to suspend or amend the HRCC rules shall require a 2/3 majority vote of the Voting Members present at a regular meeting. Any person, whether a Voting Member or otherwise, whose behavior is unreasonably disruptive to the business of the HRCC may be ejected from a meeting in the discretion of the Chair. Unreasonable disruptions include, but are not limited to: failing to recognize the authority of the Chair in designating who has the floor to address the HRCC (e.g., repeatedly interrupting persons who have been given the floor by the Chair, attempting to dominate discussion); activity which unduly interferes with the voting of the HRCC or tabulation of such votes; or attempting any type of coercion or intimidation of HRCC members in an effort to affect their vote(s).

VOTING MEMBERS: Qualified City residents selected for the HRCC shall be “Voting Members”, with votes of equal strength on all matters subject to vote of the membership. To be qualified, a person must be eligible to vote in City of Princeton municipal elections and must complete the mandatory Open Meetings Act training within the time period required by law.

SELECTION OF VOTING MEMBERS: Exactly fifteen (15) adult residents of the City have been selected to serve as the Home Rule Charter Commission’s Voting Members from the qualified volunteer applicants. Those who are qualified to serve as Voting Members but are not selected for the initial HRCC roster have been sequentially listed as alternates.

NON-VOTING MEMBERS: Alternates, other qualified City residents, and persons ineligible for HRCC membership (e.g., inhabitants of the City’s ETJ) may participate in meetings as Non-Voting Members of the HRCC, including discussion items in the discretion of the Chair. Non-Voting Members can participate in discussions regarding charter matters within the restrictions provided by these Bylaws & Rules of Order and Procedure, and may voice their opinions regarding HRCC business in that manner when recognized by the Chair, but Non-Voting Members do not cast votes.

TIME AND LOCATION OF MEETINGS: Except as may be modified by the HRCC membership, with notice provided to any absent Voting Members, the times and locations for meetings of the HRCC shall be as designated by the City Council, to occur twice per month beginning in February 2022 and continuing until work is complete or the body is dissolved. No meeting of the HRCC shall begin, and no HRCC business shall be conducted, prior to the posted start time of the meeting. Other meetings not on the initial schedule can be scheduled by affirmative vote of a majority of HRCC Voting Members during any scheduled meeting, or may be called as needed by the Chair. Members of the HRCC shall be notified of the time & place of any special meeting at least 72 hours prior to the time the meeting is set to begin.

QUORUM & VOTING:

Regular Meetings: A quorum of the HRCC shall be deemed present for a regular meeting whenever 8 or more Voting Members are present.

Special Meetings: The quorum for any special meeting called by the Chair shall be no less than 8 Voting Members. Special meetings called by majority vote of the present Voting Members may have an alternate quorum threshold specified by the vote setting the meeting, but if no such threshold is set by that motion, it will require no less than 8 Voting Members to constitute a quorum.

Voting: Votes to finalize language of a section of the charter shall be conducted by roll call vote of the Voting Members present. **Proxy voting is prohibited; Voting Members must be present at the meeting when the vote is called to be counted.**

PROCEDURE FOR PLACING ITEMS ON A MEETING AGENDA: In order to ensure all sections are covered during the limited time available, the HRCC is encouraged to progress through meetings in a manner which avoid repeated discussion or debate on the same topics. Any Voting Member may suggest an item for placement on an HRCC meeting agenda through the City Attorney, who will consult with the suggesting member and the Chair and make a recommendation regarding placement on an upcoming agenda. Items which fall within the subject matter of an item already on the agenda for a regular meeting shall not be set on any earlier meeting agenda, but matters which have been the already been the subject of HRCC deliberations may be set for further consideration on a later agenda. The meeting schedule is intended to allow a comprehensive review of all sections previously the subject of HRCC review

immediately prior to recommendation of the Charter language for use in the adoption election; so all sections are planned to receive at least two instances of review and evaluation by the HRCC.

MOTIONS AND DEBATE RULES:

Motions: A motion is simply a vehicle for initiating action on a proposal. Some types of motions can be brought up and voted on at any time, while others are out of order at certain times. Certain motions outrank others. Some motions require a second; others do not.

- A **main motion** is used by a Voting Member to initiate the consideration of a new item of business (a) within the scope of the posted agenda; or (b) which is not required to be listed on an agenda. TOMA prohibits any deliberation on items which are appropriate for inclusion on an agenda but are not listed; a “main motion” could be used to add an item to a future agenda for discussion and potential action.
 - After being seconded by another Voting Member, a main motion is subject to being debated, amended, tabled, or withdrawn before a final vote is taken.
 - The making a main motion may, prior to receiving a second, withdraw or change it. If the motion has already been seconded, approval of the person who seconded it is required in order for the maker of the motion to change or withdraw it, unless another Voting Member objects, in which case the change or withdrawal must be voted upon.
 - A new main motion cannot be brought up for consideration while another main motion is being debated. Each main motion must be disposed of before another is made.
- A **secondary motion** is used to propose an action on a main motion being debated by the full HRCC. Examples of secondary motions include the following:
 - 1) Motion to table the main motion; that is, lay it aside and go on to the next item.
 - 2) Motion to request that discussion/debate cease and that the main motion be voted upon; (a/k/a “moving the previous question”).
 - 3) Motion to limit discussion to a fixed amount of time.
 - 4) Motion to postpone action on the proposal until some definite time in the future.
 - 5) Motion to refer the proposal to a committee.
 - 6) Motion to amend the main motion.
 - 7) Motion to postpone action on the proposal to an indefinite future time.

These examples of secondary motions are listed in the order of their rank. Therefore, if the council is debating Member X’s motion that the item under consideration be referred to a committee, and Member Y moves to table the main motion, debate would cease until Member Y’s higher-ranking motion is voted upon.

- A **privileged motion** is used to bring procedural questions before the council, such as whether the council should recess or adjourn. Unlike other motions, privileged motions do not require a second in order to be considered. A privileged motion can be offered at any time, without regard to any other motion pending before the council, and must be decided before the council returns to the other business under discussion. Therefore, a motion to adjourn, if made while a main motion is before the council, must be decided

before the main motion is considered any further. Some privileged motions are more privileged than others. This is the usual order of their importance:

- 1) Motion to set the time and place of the next meeting.
- 2) Motion to fix the time of adjournment.
- 3) Motion to adjourn.
- 4) Motion to recess.
- 5) Motions on questions of privilege.
- 6) Motion to keep the meeting to the agreed order of business.

Thus, during consideration of a main motion, a privileged motion might be made to adjourn. But before the question is called on the motion to adjourn, another higher-ranking privileged motion might be made to set the time and place of the next meeting.

Debate: Motions are usually classified three ways:

- (1) undebatable motions;
- (2) privileged motions upon which limited debate is permitted; and
- (3) fully-debatable motions.

Undebatable motions involve procedural questions that can be resolved without discussion, such as tabling a main motion, moving the previous question, restricting further discussion of a main motion to a fixed number of minutes, postponing action, or referring an item under discussion to a committee. [See items (1) through (7) under “secondary motions.”] After an undebatable motion is offered, the Chair must immediately take a vote.

Privileged motions upon which limited debate is permitted include setting the time of the next meeting and others listed among items (1) through (6) under “privileged motions.” Any discussion of a privileged motion must be addressed to the motion itself. A motion to fix the time for adjourning the HRCC meeting, for example, might require limited debate as to the advisability of such a decision, but other points of discussion would be out of order.

Fully-debatable motions are subject to unlimited discussion prior to a decision. One of the most important principles of debate is that speakers’ statements be directly relevant to the item under consideration. Those recognized by the Chair are given the floor only for the purpose of discussing the item then pending, and they are out of order if they depart from that item. “Debate” can easily evolve into statements of personal philosophy. Interesting though they may seem to the speaker, such departures do not belong in a council meeting.

Unless otherwise specified by the Chair when the agenda item is called or when given the floor by the Chair, each speaker recognized shall be limited to 5 minutes of floor time until all Voting Members present have had a fair opportunity to offer their comments in the first round of debate on the item. This time limit does not apply to reports from HRCC committees and any Q&A time for same allowed by the Chair, as those matters shall not constitute debate for purposes of these rules. Voting Members may designate a proxy, who may be a Voting Member or Non-Voting Member, to speak on their behalf on a given item, but any proxy designation shall count as the designating member’s opportunity to comment during the first round of debate.

A motion may have as many rounds of debate as the Chair finds appropriate for the item at issue, and after the first round, the Chair may recognize speakers in any order. **The Chair has discretion to end debate on any motion or reclaim the floor from any speaker if commentary becomes abusive/offensive, needlessly cumulative, strays off topic, or threatens to consume an undue amount time available for HRCC business.**

Other provisions modified from the general City Council Rules of Order:

- 1) As the context requires:
 - a. Provisions of the City Council rules referencing the City Council as a body shall be construed as referencing the HRCC as a whole;
 - b. Provisions referencing the Mayor or Chair of the City Council shall apply to the Presiding Officer/Chair of the HRCC;
 - c. Provisions referencing the Mayor Pro Tempore shall apply to the Alternate Chair of the HRCC; and
 - d. Provisions referencing councilmembers shall be interpreted as applicable to the HRCC members.
- 2) A consent agenda shall only be used for ratification of minutes of past meetings and administrative business.
- 3) The schedule for meetings listed in the council Rules of Order shall not apply to the HRCC.
- 4) Section 2.1(d), relating to fines for missed meetings, shall not apply to the HRCC.
- 5) Section 2.1(e) shall not apply to the HRCC, and the following provision shall apply instead: "If a Voting Member of the HRCC is absent for two consecutive regular meetings, the Voting Member shall be deemed to resigned their position and shall be replaced by an eligible Alternate. Voting Members who are replaced in this manner shall be added to the end of the queue of Alternates."
- 6) Section 9.3(8): **It should be presumed that current City employees and currently seated elected or appointed City officials have financial interests, organizational responsibilities, personal relationships, and/or strong personal biases raising potential conflicts of interest with respect to provisions of the draft home rule charter.** Spouses and others within the first degree of consanguinity and affinity should also be presumed to have similar conflicts. In order to minimize such conflicts or the appearance of impropriety, the Voting Members of the HRCC shall be comprised only of persons who do not presently serve as a City employee or elected/appointed City official unless their service is necessary to maintain the minimum number of HRCC members required by law. In the event such persons serve as Voting Members of the HRCC, they shall not participate in discussions on any home rule charter provisions which relate to the conflict of interest or create an appearance of impropriety, and shall abstain from voting on same.