

City of Smithville

Boards & Commissions Handbook



Approved November 14, 2024

CHAPTER I

CITY OF SMITHVILLE BOARDS

1.1 Boards Overview

The work done by citizens serving on city boards, committees, and commissions (hereafter referred to as a “**Board**” or “**Boards**”) is a vital part of the work of Smithville city government. The purpose of this Handbook is to set out the general outline for the operations and duties of the Boards and their members.

The City of Smithville (the “**City**”) has three types of Boards: (1) Advisory Boards; (2) Decision-making Boards; and (3) Authorities. The appointment, duties, and operation of these Boards and Commissions are governed by state law and by the Code of Ordinances of the City of Smithville.

Additionally, there are several volunteer-run support organizations active in the City that support City functions such as the Library and the Recreation Center (“**Support Organizations**”). Support Organizations are separate entities from the City operated by volunteers in accordance with their own bylaws or other governing rules and their members are not appointed by the City.

1.2 Advisory Boards

Advisory Boards advise the Smithville City Council (“**City Council**”) on public policy, but do not have any ultimate decision-making authority. They play a very important role in city government by providing the City Council with creative ideas, feedback from the community, and by serving as a sounding board for proposed public policy. The City of Smithville Code of Ordinances sets out many of the rules regarding Advisory Boards. As discussed further below, Advisory Boards are not subject to the Texas Open Meetings Act (TOMA), but are expected to comply with the requirements related to public notice. However, members serving on Advisory Boards are subject to the Texas Public Information Act and ethics rules.

It is important to remember that the role of Advisory Boards is not to set public policy but to advise, recommend, or make suggestions to the City Council. A summary of the City’s Advisory Boards is below:

ADVISORY BOARDS

Board	Members	Term (Yrs.)	Duties
Library Board	9	3	Advise City Council regarding the Smithville Public Library
Historical Preservation Design Standards Advisory Committee (HPDSAC)	9	2	Advise City Council regarding the Historic Commercial Overlay District to Include Approval of Certificate of Appropriateness (COA)
Airport Advisory Board (AAB)	7	2	Advise City Council regarding operation of the Smithville Municipal Airport

1.3 Decision-making Boards

Decision-making Boards exercise "quasi-judicial" authority and are governed by state law. Decision-making Boards set or enforce public policy and are potentially subject to review by the courts. Members serving on Decision-making Boards should take an oath of office and are subject to the Texas Open Meetings Act, Texas Public Information Act, and ethics laws. The Smithville Planning and Zoning Commission ("P&Z") has been described by the City as a recommendation board only. All plats approved by P&Z must also be approved by City Council and P&Z only makes recommendations to City Council regarding zoning ordinance changes. However, P&Z is designated as a Decision-making Board under this handbook because it is expressly made subject to the Texas Open Meetings Act, is designated as the "municipal authority for approving plats" under Texas Local Government Code, and a recommendation from P&Z is required before City Council can make a decision regarding a zoning ordinance. P&Z is the only Decision-making Board as of the most recent update to this Handbook. Previously, the City had an Airport Zoning Board. This board was made inactive following the adoption of the Smithville Airport Hazard Zoning Ordinance in 2010. P&Z is summarized below:

DECISION-MAKING BOARDS

Board	Members	Term (Yrs.)	Duties
Planning and Zoning Commission (P&Z)	5	2	Approve plats; recommend zoning ordinances

1.4 Authorities

As authorized by state law, the City has created the Smithville Hospital Authority and the Smithville Housing Authority (the "*Authorities*"). These Authorities are separate political bodies from the City. However, the City appoints all or some of their board members. The Authorities are established under the provisions of state statutes, which set forth their responsibilities, powers, and limitations. The Smithville Code of Ordinances also regulates the Authorities. The members appointed to these Authorities oversee the operation of an organization as a board of directors would a corporation. The City of Smithville has no or little authority over the members except for their appointment and budget review. A summary of the Authorities is below:

AUTHORITIES

Board	Members	Term (Yrs.)	Duties
Smithville Hospital Authority	7 (3 appointed by City)	2	Establish and operate a hospital
Smithville Housing Authority	5 (Including 1 resident)	2	Construct and operate housing for low-income residents

1.5 Support Organizations

Support Organizations are groups of volunteers (often referred to as "Friends of _____") who support city-owned and operated facilities. These groups operate under their own Bylaws and Guidelines, which are approved by the City to ensure there is no conflict of interest regarding the organization's activities. Support Organizations are not considered Boards.

1.6 Smithville Workforce Training Center

The Smithville Workforce Training Center ("*SWTC*") is a Texas non-profit corporation that serves job seekers and employers in Bastrop, Caldwell, Fayette, and Lee Counties. SWTC is a completely separate and distinct entity from the City. SWTC is governed by a board of directors with nine (9) members, whose powers and terms are set forth in the SWTC bylaws. Pursuant to that Memorandum of Understanding dated November 13, 2023, between the City and SWTC, SWTC may use a City-owned building for its functions and the City is entitled to appoint two members of the SWTC board of directors until May of 2030, at which time the relationship between the City and SWTC will be renegotiated. SWTC is not considered a Board.

1.7 General Rules

The general rules governing Boards is attached as Appendix A. To the extent of any conflict between the body of this Handbook and the general rules, the terms of the body of this Handbook controls.

CHAPTER 2

BOARD AND COMMISSION APPOINTMENT PROCESS

2.1 How Board and Commission Members Are Appointed

All appointments are at the discretion of the City and no serving Board member is guaranteed to be reappointed. A person seeking appointment to a Board must submit an application to the City Secretary. The form of the application is included as Appendix B.

- (A) Advisory Boards. Advisory boards make recommendations only and do not make any binding decisions on behalf of the City. Members of advisory boards are not public officials for most purposes.
- (1) *Library Board*. The Smithville Library Board is composed of nine (9) members appointed by the Mayor with City Council approval. Members are appointed to terms of three (3) years and no member may serve more than two (2) successive terms. The Library Board is divided into nine (9) Places with groups of three (3) directors serving in staggered terms. The Library Board must select officers from its membership. There are no specific officers required, but the recommended officers are chairperson, vice-chairperson, and secretary.
 - (2) *Historical Preservation Design Standards Advisory Committee*. The Historical Preservation Design Standards Advisory Committee (the “**Historical Committee**”) consists of nine (9) members. The nine (9) members will be representatives from the Smithville Heritage Society, the Richard D. Latham Cultural District, and the Chamber of Commerce, as well as six (6) at-large community members. Organizational members will be selected by each organization with no residential requirements. Each at-large member must live OR own a business within city limits. Committee members serve terms lasting two (2) years. The Historical Committee elects a chair and vice-chair. City staff serves as secretary for the Historical Committee.
 - (3) *Airport Advisory Board*. The Airport Advisory Board consists of seven members to be appointed by the Mayor with approval of the City Council. Members serve terms of two (2) years. Four (4) members are appointed in even numbered years and three (3) members are appointed in odd numbered years. The board elects a chairperson. The Board also has a vice-chairperson and secretary.
- (B) Decision-making Boards. Members of Decision-making Boards make final decisions on certain matters or otherwise exercise quasi-judicial authority, meaning the Board has powers that include exercising judgment; hearing, determining, or ascertaining facts and make decisions based on those facts; making binding orders and judgments; the ability to affect property rights of private persons; conducting hearings; and the ability to enforce decisions or impose penalties. Members of Decision-making Boards are public officials for most purposes. As of the date of the most recent update to this handbook, P&Z is the only Decision-making Board. There are five (5) members of the Planning and Zoning Commission that are appointed by the City Manager subject to confirmation by the City Council for terms of 2 (two) years. The members of P&Z elect a chairperson and a vice-chairperson.

(C) Authorities. Authorities are separate governmental entities from the City, although the City appoints some or all of the Authorities' board of directors.

(1) *Smithville Hospital Authority*. The Smithville Hospital Authority is separate political body from the City and is governed by a board of directors consisting of seven (7) members, each with a designated Place. In odd years, the City Council appoints three of the directors (Places 2, 4, and 6). In even years, the remaining directors (Places 1, 3, 5, and 7) are appointed by the rest of the Hospital Authority board. The Authority board elects a president, vice-president, secretary, and treasurer. The president and vice-president must be directors. The secretary and treasurer do not need to be directors. The board may elect any other officers that are authorized by its bylaws. Chapter 262, Texas Health & Safety Code further regulates the formation and operation of the Smithville Hospital Authority. A full discussion of Chapter 262 is outside the scope of this Handbook.

(2) *Smithville Housing Authority*. The Smithville Housing Authority is a separate political body from the City and is governed by a commission of five (5) members in Places 1-5. Place 5 must be filled by a tenant of a project subject to the jurisdiction of the authority. Commissioners are appointed by the mayor with the approval of the city council and serve two-year terms. The Housing Authority commissioners must select a chair and vice-chair. The Housing Authority may also employ an executive director who will serve as the secretary of the commission. Resignation, filling of vacancies, other matters governing the commissioners of the Smithville Housing Authority are found in Chapter 392, Texas Local Government Code. A full discussion of these provisions is outside the scope of this handbook.

2.2 Notice of Appointment

The City Secretary will notify all Boards of upcoming appointments. After the appointment to a Board has been approved, the Mayor or City Secretary will notify the appointee and the relevant Board of the appointment.

2.3 Eligibility and Qualifications

The Mayor and City Council seek out the best-qualified citizens to serve on Boards. Members should possess expertise in the matters subject to the review of the Board. To the extent possible, Board membership should reflect Smithville's demographics. Unless otherwise provided in state or federal law, the Smithville Code of Ordinances, or any other governing rule or document, only residents of the City of Smithville are eligible to serve on a Board. Board members must maintain eligibility during their tenure on the Board. Any Board member who ceases to be eligible to serve is deemed to have resigned on the date that such eligibility ceased. Specific eligibility requirements and qualifications are as follows:

(A) P & Z. Members must be resident citizens and qualified voters of the City.

(B) Smithville Hospital Authority. Any person who holds or acquires, directly or indirectly, any ownership or investment interest in any health care facility in Bastrop County or any surrounding county, or otherwise competes with the Smithville Hospital Authority directly or in conjunction with any other person or entity is not eligible to serve, or continue to serve, as a director of the Smithville Hospital Authority.

- (C) Smithville Housing Authority. Members of the Smithville Housing Authority are not required to be residents of, or qualified voters in, Smithville.
- (D) Historical Committee. In making appointments to the Historical Committee, the City Council shall attempt to maintain a balance of interest and skills on the committee by assessing the individual qualifications of the candidates, including but not limited to, their knowledge and demonstrated interest in preservation related fields such as architecture, history, archaeology, planning, or urban or community design. All members shall have a knowledge and demonstrated interest in historic preservation.
- (E) Airport Advisory Board. Two (2) members of the board must be Smithville residents. The remaining seven (7) may live outside the city limits but must live “within the immediate area of the City.” No person having a financial interest in any “commercial carrier by air” or in any concession, right or privilege to conduct any business within the airport may serve on the board.

2.4 Oath of Office

An oath of office will be administered to all members of Decision-making Boards. The oath of office can be administered by the Mayor, City Secretary, or a Notary Public for the State of Texas. Necessary forms are available in the City Secretary's office in City Hall.

CHAPTER 3

RESPONSIBILITIES OF THE MEMBERS OF BOARDS AND COMMISSIONS

3.1 Conflicts of Interest

Chapter 171, Texas Local Government Code, addresses conflicts of interests for local public officials. Under Chapter 171, if an official's vote will have a special economic effect on a business entity or real property in which the local official (or the official's close relative) has a substantial interest, then the official must file an affidavit disclosing the interest and abstain from discussing or voting on the matter. If any Board member believes that Chapter 171 applies to them, they should contact the City Manager and City Attorney.

Chapter 171 applies to the City Council and the Planning and Zoning Commission.

(A) Definitions. In this Section 3.1:

"Local Public Official" means a member of the governing body or another officer, whether elected, appointed, paid, or unpaid, of any district (including a school district), county, municipality, precinct, central appraisal district, transit authority, or district, or other local governmental entity who exercises responsibilities beyond those that are advisory in nature. Members of P&Z are local public officials.

"Business Entity" means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, or any other entity recognized by law.

(B) Substantial Interest in Business Entity or Real Property. For purposes of Chapter 171, a person has a substantial interest in a business entity if:

- (1) the interest is ownership of ten percent or more of the voting stock or shares of the business entity or ownership 10 percent or more or \$15,000 or more of the fair market value of the business entity; or
- (2) funds received by the person from the business entity exceed ten percent of the person's gross income for the previous year.

A person has a substantial interest in real property if the interest is equitable or legal ownership with a fair market value of \$2,500 or more.

A local public official is considered to have a substantial interest under this section if a person related to the official within the first degree by consanguinity or affinity has a substantial interest under this section. As examples, a person's child or parent is related within the first degree by consanguinity. A sibling is related within the second degree by consanguinity. A married couple are related to each other within the first degree by affinity. Siblings of one spouse are related to the other spouse within the second degree of affinity.

The Texas Attorney General has determined that a public official must file the affidavit if the official has a substantial interest in business entity that *represents* a party with an interest in the matter and it is reasonably foreseeable that the vote

will have a special economic effect on the official's business entity. *See* Tex. Att'y Gen. Op. DM-309 (1994). For example, a realtor serves on the city council. The realtor represents a seller of land that has a zoning change before the city council. The sale of the land is contingent on getting the zoning change. If the sale does not close, then the realtor will not earn his commission. If the realtor's business accounted for more than 10% of his annual income, then he has a substantial interest in a business entity that will receive a special economic effect because of the council's action. Accordingly, the realtor must file the affidavit and abstain from participation as required under Chapter 171.

It is worth noting that other public entities, such as cities, state universities, and school districts are not "business entities" under Chapter 171. Tex. Att'y Gen. Op. Nos. GA-0826 (2010) at 1, DM-267(1003), at 2, JM-852 (1988), at 2.

- (C) Affidavit Required; Abstain from Participation. If a local public official has a substantial interest in a business entity or real estate and the official's action on a matter would have a special economic effect on the business entity or real estate the official must file an affidavit the city secretary stating the nature and extent of the interest before the vote or decision. The official must also abstain from further participation in the matter. The official can remain on the dais and even go into a closed session, but may not speak on the matter. A form of the affidavit is attached as Appendix C.
- (D) Voting on Budget. The governing body of a governmental entity shall take a separate vote on any budget item specifically dedicated to a contract with a business entity in which a member of the governing body has a substantial interest.

The affected member may not participate in the separate vote, but may vote on a final budget if:

- (1) the member has complied with this chapter; and
- (2) the matter in which the member is concerned has been resolved.

- (E) Prohibited Acts; Penalty. Except as provided by Section 171.005 or 171.006, a local public official commits an offense if the official knowingly:

- (1) Fails to submit the affidavit and abstain from voting as required;
- (2) Acts as surety for a business entity that does business with the municipality;
- (3) Acts as a surety on any bond required of a municipal officer.

An offense under this section is a Class A misdemeanor punishable by up to one year in jail, a fine up to \$4,000, or both jail and fine.

- (F) Effect of Violation. Violation of the conflict of interest provisions does not render an action void unless the action would not have passed without the vote of the person who violated the terms of Chapter 171.
- (G) No Limitation on Common Law Remedies. The penalties and remedies provided by

Chapter 171 do not limit common law remedies in tort, contract, or equity, including a suit for damages, injunction, or mandamus.

3.2 Disclosure of Interest

Under Chapter 553, Texas Government Code, if a “public servant” has an interest in property, real or personal, that is going to be acquired with public funds, the public servant must disclose the interest prior to the sale. A “public servant” is a person appointed or elected to public office or an “officer” of government. Members of Decision-making Boards should consider themselves public servants under Chapter 553. Additionally, Chapter 553 arguably applies when funds of any governmental entity, not just the City’s, will be used. Any member of a Decision-making Board must file the required affidavit if any unit of government is purchasing any property from the member. If any Board member believes that Chapter 553 may apply to them, they should contact the City Manager and City Attorney.

- (A) Affidavit. A public servant must file an affidavit disclosing the interest in the property with the county clerk where the property is located at least 10 days before the acquisition of the property. A form of the disclosure affidavit is included as Appendix D.
- (B) Penalty. A person with actual notice of the acquisition of the property commits an offense if they fail to file the required affidavit. A person who fails to file the affidavit is presumed to have intentionally committed the offense. An offense under Chapter 553 is a Class A misdemeanor, punishable by a fine up to \$4,000, confinement in jail for up to 1 year, or both.

3.3 Open Meetings Act

Texas Government Code, Chapter 551, is commonly referred to as the "Texas Open Meetings Act," or "TOMA." TOMA generally requires that every meeting of a governmental body be open to the public and enumerates some exceptions to the requirement.

- (A) Definitions. Under TOMA, the following terms have the meaning ascribed to them below:

"Meeting" means a deliberation between a quorum of a governmental body, or between a quorum of a governmental body and another person, during which public business or public policy over which the governmental body has supervision or control is discussed or considered or during which the governmental body takes formal action. A “meeting” also includes a gathering conducted by the governmental body at which a quorum is present; that has been called by the governmental body; and at which the governmental body receives information from, gives information to, ask questions of, or receive questions from any third person, including an employee, about public business or policy. The term does not include a quorum present at a social function, ceremonial event, or certain other functions if formal action is not taken and any discussion of public business is incidental to the event.

"Governmental Body" means a municipal governing body e.g. the City Council, and every deliberative body having rulemaking or quasi-judicial power and classified as a department, agency, or political subdivision of a city. Additionally, the Texas Local Government Code provides that a city’s planning and zoning commission is subject

to TOMA, regardless of whether the commission has rule-making or quasi-judicial powers. The Smithville City Council, P&Z, Housing Authority, and Hospital Authority are all governmental bodies under TOMA.

"Deliberation" means a verbal exchange during a meeting between a quorum of a governmental body, or between a quorum of a governmental body and another person, concerning an issue within the jurisdiction of the governmental body or any public business.

- (B) Posted Notice. Written notice of the date, hour, place, and subject of each meeting must be posted in a place readily accessible to the general public at all times for at least seventy-two (72) hours preceding the scheduled time of the meeting. The notice must also be posted on the City's website. Only those matters posted can be discussed and acted on by the governmental body. Typically, the posted notice consists of the agenda for the next meeting.
- (C) Minutes. The governmental body must prepare and keep minutes or a recording of each open meeting. The minutes must:
 - (1) state the subject of each deliberation;
 - (2) indicate each vote, order, decision or other action taken.

The minutes or recording must be filed with the City Secretary and must be made available for public inspection and copying.

- (D) Closed Meetings. The Texas Open Meetings Act allows for closed meetings (often referred to as an "executive session") in certain circumstances., such as consultation with the attorney for the governmental body, certain personnel matters, and the lease or acquisition of land. However, before a closed meeting can be held, a quorum of the governmental body must convene in an open meeting and the presiding officer publicly announces that a closed meeting will be held and identify the sections of the Texas Open Meeting Act authorizing the closed meeting. No final action, decision, or vote can be made in a closed meeting. All final actions, decisions, and votes must be made in open meetings. Further, except for closed sessions to consult with its attorney, the governmental body is required to keep a certified agenda of the matters discussed in the closed meeting and a record of any further action taken. The presiding officer must include an announcement at the beginning and end of the closed meeting indicating the time and place and must certify that the agenda is a true and correct record of the proceedings. In lieu of maintaining a certified agenda, the body may make a recording of the closed meeting. Recordings must be given to the City Secretary immediately following the meeting. These certified agendas, minutes, or tape recordings must be preserved for at least two years. It is a misdemeanor offense for any individual to make public such certified agenda or tape recordings unless directed by a court order.
- (E) Walking Quorum. It is possible to create a quorum – and therefore a "meeting" – under TOMA through a series of communications, such as phone calls and emails. This is commonly referred to as a "walking quorum." A walking quorum potentially creates an illegal meeting because there has been a deliberation of public business by a quorum of the governing body without the required notice. Under TOMA, this could lead to a

voidable act by the governmental body. It is also criminal offense for a member of the governing body to knowingly participate in a walking quorum.

- (F) Public Participation. A relatively recent amendment to TOMA provides members of the public the right to address members of the governmental body regarding any item on the agenda. The governmental body must provide the opportunity for the public to speak either before the body considers the item or during the body's consideration. The governmental body may adopt reasonable rules regarding public comments, including rules that limit the total amount of time that a member of the public may address the body on a given item. Currently, the City's rules require speakers to fill out comment cards with certain requested information (name, address, topic, etc.) and limit comments to 3 minutes per person per item.
- (G) Violations, Penalties. Members commit a criminal offense if they knowingly participate in an unauthorized closed meeting or knowingly participate in a walking quorum. If a closed meeting is not permitted under TOMA, it is an offense to knowingly: (1) call or aid in calling the closed meeting; (2) close or aid in closing a regular meeting to the public; or (3) participate in the unauthorized closed meeting. It is a defense if the member acted in reasonable reliance on a court order or a written interpretation of TOMA in a court opinion or a written opinion of the city attorney or the Texas Attorney General. It is also an offense for a member to knowingly engage in at least one communication in a series of communications and: (1) the individual communications constitute less than a quorum; (2) the total number of participants in the series constitute a quorum; (3) the communications involve municipal business; (4) the member knew the series would involve a quorum; and (5) the member knew the series would be a deliberation once there was a quorum. An offense under TOMA is a misdemeanor punishable by a fine up to \$500, confinement to a county jail for up to 6 months, or both.

3.4 Open Records Act

Texas Government Code 552 is commonly referred to as the "Public Information Act" or the "Texas Open Records Act." The Texas Open Records Act applies to virtually all local and state governmental bodies, private entities that are supported by or that expend public funds, and information held by private entities that the governmental entity has the right to obtain, such as information held by an outside engineering firm hired by the City.

- (A) Public Information. "Public information" is information written, produced, assembled, or maintained in connection with the transaction of official business by the governmental body or by an officer or employee of the governmental body in the officer or employee's official capacity and the information pertains to the official business of the governmental body. Information is "in connection with the transaction of official business" if the information pertains to official business and is created by, transmitted, to, received by, or maintained by an officer or employee of the body in the officer's or employee's official capacity, or a person or entity performing official business or a governmental function on behalf of the governmental body. Public information specifically includes any electronic communication created, transmitted, received, or maintained on any device of the communication is in connection with the transaction of official business.

Virtually all information in the held by a governmental body is “public information” subject to the Open Records Act. All public information held by a governmental body must be released unless the information falls within one of the acts specifying exceptions to disclosure. Certain information is exempt from production, such as communications with the governmental body’s attorney, certain personnel information, and information pertaining to pending criminal cases. The Texas Open Records Act has strict timelines and processes for withholding any exempt information.

A request for information that is received by a Board under the Texas Open Records Act should immediately be sent to both the City Manager and City Secretary. The Open Records Act requires the City to release requested information within a "reasonable time" unless the City requests a decision from the Attorney General to withhold the information within ten (10) business days after the date of receipt of the request prior to withholding information.

- (B) Personal Emails and Texts. Due to the broad definition of “public information,” emails, texts, social media posts, and any other communications are subject to public disclosure under the Open Records Act if they are made in the officer’s official capacity and pertain to official business. This is true even if the communications are made from the officer’s personal computer or device or using the officer’s personal email address or phone number.
- (C) Violations; Penalties. There are several criminal offenses under the Open Records Act related to destruction of records, disclosure of confidential information, and failure to provide access. It is an offense for a person to willfully destroy, mutilate, remove, or alter public information. The offense is a misdemeanor punishable by a fine of not less than \$25 or more than \$4,000, confinement in the county jail for not less than three days or more than three months, or both fine and confinement. It is also an offense to distribute information considered confidential under the Act, use confidential information for the person’s owner purposes, or disclose the information to someone who is not authorized to inspect such information. Disclosure of confidential information is punishable by a fine of not more than \$1,000, confinement in the county jail for not more than six months, or both fine and confinement. Finally, the City’s officer of public information, generally the City Secretary, commits an offense by failing or refusing to provide public information. Such offense is punishable by a fine not to exceed \$1,000, confinement in the county jail for up to six months, or both fine and confinement. There are multiple defenses related to compliance with the Texas Open Records Act.

3.5 Meeting Attendance

Board members are expected to maintain a suitable attendance record. It is important to keep in mind that your attendance is very important to the Board you are serving on and that the City Council appointed you for your expertise. Because your attendance is important, the City Council has adopted the following attendance policy:

If a board or commission member is absent from more than twenty-five (25) percent of the duly called meetings in any period of twelve (12) consecutive months or absent from more than two duly called meetings in any period of twelve consecutive months, whichever is greater, for any reason, other than a medical reason or a reason acceptable to the Chairperson of that Board, which prevents the member's attendance, the member shall be disqualified and automatically are removed from serving as a board or commission member.

The term "duly called meetings" includes all meetings of the Board and all meetings of Board

subcommittees. The Board secretary shall provide the Mayor, through the City Secretary's office, with a quarterly attendance record, as well as copies of the minutes from each meeting held within that quarter.

3.6 Working With City Staff

Each Board member is encouraged to communicate openly with the City staff. Suggestions, opportunities, and constructive criticism are necessary for a proper relationship with the staff. However, each Board member is strongly encouraged to communicate with the appropriate department head assigned to that Board. Contact with staff below the department head level is discouraged.

3.7 Reporting to the City Council

The City Council is highly dependent on each Board to make recommendations and offer possible solutions to City projects and opportunities. All Boards are encouraged to communicate the position of the total or majority of the group. Such communication or recommendations should be in a formal or written form. Of course, each Board or commission may from time to time want to visit informally with the Mayor, City Manager, or Council member. This one-on-one informal communication (when done in compliance with TOMA) is necessary, but, to protect the integrity of the organization, the complete Council should be addressed in terms of the majority opinion of the Board.

3.8 Legal Liability

It is important to understand that the actions of members of the various Boards can subject the City to liability and subject the Board or Commission members to personal liability, both civil and criminal. The law in this area is quite complex and requires a thorough analysis of the law and facts pertaining to each particular situation. Therefore, Board and Commission members are strongly encouraged to consult with the City Attorney anytime they feel their actions while serving on such Board or Commission may have some legal consequences.

Official immunity shields Board members from civil liability for most actions they take as long as those actions are: (1) discretionary in nature; (2) taken in good faith; and (3) within the scope of the official's authority. Discretionary acts are those actions that involve personal judgment, such as whether or not to grant a variance. "Good faith" means without the intent to do harm. Acts are within an official's scope of authority when the official is authorized to take the action by state law, ordinances, or policies. Official immunity will not shield an official when performing ministerial acts. Ministerial acts are actions that an official must perform in obedience to state or federal laws that are so plain or explicit that nothing is left to discretion or judgment. For example, P&Z is required by the Texas Local Government Code to approve a plat that complies with all state laws and city ordinances.

Board members may also be held personally liable for violating rights protected by federal law, typically in the context of Section 1983, Title 42, United States Code., which provides:

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State . . . subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured.

Federal liability typically arises in the context of violations of constitutional rights or in the employment context, such as violations of the Fair Labor Standards Act or the Family Medical Leave Act. However, the doctrine of qualified immunity shields officials from claims under Section 1983 if the official's action

was: (1) discretionary; (2) within the official's authority; and (3) did not violate any clearly established statutory or constitutional rights.

Further discussion of all of the potential sources of legal liability is outside the scope of this handbook. Issues of liability may arise under various circumstances and sources of law and are very fact sensitive. Board members should seek the advice of the City Attorney regarding any specific liability questions.

CHAPTER 4

MEETINGS

4.1 Role of the Chairperson

The Chairperson provides leadership to the group and has certain duties and responsibilities which must be performed:

- (A) Ensure that the meeting is conducted in accordance with established rules; and
- (B) Maintain order and bring the group to a conclusion on the matters before it.

4.2 The Agenda

The agenda must always be prepared in advance and, if possible, copies given to all Board members. Copies of the agenda should be made available to the public in attendance.

The agenda should be prepared (under the direction of the Chairperson) by the Board's secretary and given to the City Secretary for posting 72-hours prior to the scheduled meeting. (NOTE: Advisory Boards are not subject to TOMA but City Policy requires appointed Boards to adhere to the posting notice for public information).

Generally, the first order of business on the agenda is the reading, correcting, and approval of the minutes from the last meeting. This is usually followed by reports from the committees. Other matters properly listed on the agenda are next.

4.3 Robert's Rules of Order

Meetings of Boards are generally conducted under standard parliamentary rules as outlined in Robert's Rules of Order. Appendix E contains a quick reference chart for the frequently used Robert's Rules of Order. Boards may also adopt their own rules.

4.4 Quorum

A quorum is the minimum number of members needed to officially conduct business. The quorum is generally established by the ordinance, resolution, or other instrument that establishes the Board. Where no statement on the quorum number exists, the quorum is the simple majority of the members.

4.5 Public Hearings

Public hearings are open forums that allow the public an opportunity to express their opinion on a specific issue related to the City of Smithville. Public hearings are generally conducted in the following manner:

- (A) The Chairperson formally opens the public hearing.
- (B) Proponents (those in favor) of a measure speak first.
- (C) Opponents (those against) speak second.

- (D) After hearing all who wish to comment on the issue, the proponents are allowed to give a rebuttal and summarize their position, and then the Chairperson formally closes the Public Hearing.
- (E) Members of the Board may ask questions of any witness at any time.
- (F) The Board may set a time limit for individual speakers or adopt other reasonable rules to maintain an orderly hearing.
- (G) The Chairperson may use discretion about how strictly this format is followed.

4.6 Signing the Minutes for the Meeting

The Minutes of Decision-making Boards **MUST** be signed by either the Chairperson and/or the Secretary once the minutes are approved by the members of the Board.

CHAPTER 5

CODE OF ETHICS

The City Council of the City of Smithville has adopted the following Code of Ethics for all City Council members as well as members of all Boards.

5.1 Definitions

“Benefit” means anything reasonably regarded as pecuniary gain or pecuniary advantage, including a benefit to another person in whose welfare the officer has a direct and substantial interest (e.g. child or business partner of officer). A Benefit includes anything that is offered that a reasonable person would consider having some monetary value.

“Board” means a Board and any other commission or committee of the City established by ordinance, state law, or otherwise, other than an Authority.

“City” means the City of Smithville.

“Confidential Information” means all information, whether transmitted orally or in writing, which is of such a nature that it is not, at that time, a matter of public record or public knowledge and the disclosure of which would be detrimental to or adversely affect the property or the affairs of the City. All matters discussed in a closed meeting of the City Council or any Board are Confidential Information.

“Financial Interest” means an interest described as a "substantial interest" in Section 171.002(a) Local Government Code, V.T.C.A.

“Officer” means a member of the City Council or a Board

5.2 Policy

It is hereby declared to be the policy of the City that the proper operation of democratic government requires that:

- (A) Public officials in the discharge of their duties be independent, impartial, and responsible to the people of the City.
- (B) Government decisions and policies be made using the proper procedures of the government structure.
- (C) No Officer shall participate or make a decision on any matter in which the Officer has any direct or indirect financial interest or engage in any business transaction of any nature which is in conflict with the proper discharge of the Officer’s duties in the public interest.
- (D) Public office is not be used for personal gain.
- (E) The City Council and Boards shall be maintained as a nonpartisan bodies at all times.

To implement this policy, the City Council has determined that it is advisable to enact this Code of Ethics

for all Officers, whether elected or appointed, paid or unpaid, advisory or administrative, to serve not only as a guide for official conduct of the City's public servants but also as a basis for discipline for those who refuse to abide by its terms. Officers must abide by this Code of Ethics as well as any applicable law, such as TOMA and the Texas Open Records Act.

5.3 Standards of Conduct

In the discharge of an Officer's official duties:

- (A) An Officer shall not accept or solicit a benefit as consideration for a decision, opinion, recommendation, vote or other exercise of discretion, this includes a Benefit that was not offered or accepted until after the exercise of the official's discretion. An Officer is not prohibited from accepting, on behalf of the City, gifts or contributions given or made to the City. The prohibition against Benefits in this paragraph does not apply to gifts to the Officer that are:
 - (1) an item that has a value of less than \$50 (excluding cash or negotiable instrument) provide that the person making the gift may not give the Officer items that total more than \$100 in any 12-month period.
 - (2) a gift given by a person with whom the Officer has a familial, personal, business, or professional relationship that is independent of the Officer's status as an Officer.
 - (3) any Benefit that the Officer is entitled to receive by law or for which the Officer has performed a duty independent of the Officer's status as an Officer.
 - (4) Political contributions made in conformance with Title 15 of the Texas Election Code.
- (B) An Officer shall not use the Officer's position to secure special privileges or exemptions for the Officer or others.
- (C) An Officer shall not disclose Confidential Information that could adversely affect the property or affairs of the City, or, directly or indirectly, use any information understood to be confidential which was gained by reason of the Officer's position for the Officer's own personal gain or benefit or for the private interest of others.
- (D) An Officer shall not grant any special consideration, treatment, or advantage to a person or organization beyond that which is available to every other person or organization.
- (E) An Officer shall not transact any business on behalf of the City in the Officer's official capacity with any business entity of which the Officer is an owner, officer, agent or member or in which the Officer has a financial interest. If such a circumstance should arise, then the Officer shall make known the Officer's interest, abstain from voting, and refrain from discussing the matter at any time that the City Council or any Board will consider the matter. In addition to this paragraph, the Officer shall comply with all applicable laws, ordinances, statutes, and other regulations, including but not limited to Chapter 171, Texas Local Government Code.
- (F) No Officer may provide services for compensation, directly or indirectly, to a person or

organization that is requesting an approval, investigation or determination from the body of which the Officer is a member. This restriction does not apply to outside employment of an Officer if the employment is the Officer's source of income and the Officer complies with all other provisions of this Code of Ethics and Texas law.

- (G) If an Officer begins negotiations or enters an agreement concerning prospective employment with a person that has a matter before the Board, the Officer shall immediately notify the Board of the nature of the negotiation and arrangement and shall not:
 - (1) Discuss the matter at any time with other Board members or the City Council, if the City Council will also consider the matter; and
 - (2) Vote on the matter.
- (H) An Officer shall not personally represent or appear on behalf of the private interests of others:
 - (1) before the City Council or any City Board or department;
 - (2) in any proceeding involving the City; or
 - (3) in litigation or a claim to which the City or an employee of the City is a party if the interest of the person being represented are adverse to the City or an employee of the City.
- (I) An Officer shall not knowingly perform or refuse to perform any act in order to deliberately thwart the execution of the City ordinances, rules, or regulations or the achievement of official City programs.
- (J) An Officer shall not engage in any dishonest or criminal act or any other conduct prejudicial to the government of the City. An Officer is in violation of the Code of Ethics upon final conviction of a felony or a misdemeanor involving moral turpitude

5.4 Restriction of Representation of Others and Employment

An Officer who leaves a Board position, whether due to term limits, resignation, removal or otherwise, shall not, within twelve (12) months after leaving that position:

- (A) Represent any other person or organization in any formal or informal appearance before the City Council or a Board concerning a matter which was acted upon while the Officer was a member of a Board or that involves Confidential Information shared with the Officer while a member of a Board.
- (B) Apply, nor be eligible for employment by, the City in any full-time or part-time employment or contract for personal services within twelve (12) months after leaving the Board position.

5.5 Whistleblower Policy

The City and the Boards are committed to upholding the requirements of the provisions of Chapter 554, Texas Government Code (the "*Whistleblower Act*"). In accordance with the Whistleblower

Act, Boards and their members may not suspend, terminate, or otherwise retaliate against an employee who reports a violation of law to an appropriate authority in good faith. In addition to the protections under the Whistleblower Act, Boards and their members may not suspend, terminate, or otherwise retaliate against an employee who:

- (A) Reports violations of law;
- (B) Reports unsafe acts or conditions;
- (C) Files a Worker's Compensation Claim;
- (D) Files a grievance;
- (E) Files a complaint of alleged discrimination.

5.6 Penalty for Violation of Code

The failure of any Officer to comply with this article, the violation of one or more of the standards of conduct set forth in this Code, or the violation of any applicable law, constitutes grounds for reprimand or removal from office, as applicable. The matter shall be decided by a majority vote of the City Council, exclusive of those any councilmembers that are alleged to have violated the standards of conduct. The decision of the City Council will be final.

5.7 Enforcement Procedure

Any person who is a resident of Smithville with knowledge that a violation under this Code of Ethics may have occurred may file a sworn complaint with the City Secretary naming the Officer and describing the nature of the violation. Upon filing of the complaint, the City Secretary shall provide copies of the complaint to the Mayor, City Manager, City Attorney, chairperson of the relevant Board, City Council members, and any Officer who is the subject of the complaint.

Within three (3) business days after receipt of the complaint by the chairperson of the relevant Board, the chairperson shall appoint a committee to investigate the complaint (the "*Ethics Committee*") consisting of two (2) City Council members and one member of the relevant Board. If the Board chairperson is the subject of the complaint or the complainant, the Board's vice chairperson shall select the Ethics Committee members unless the vice chairperson is also disqualified, in which case the City Manager shall select the Ethics Committee members. No City Council member or Board member who is the subject of the complaint, or who is the complainant, may serve on the Ethics Committee. If five or more members are disqualified, the person appointing the Ethics Committee may appoint the remaining members of the Ethics Committee from the citizens of Smithville.

The Ethics Committee shall investigate the allegations made in the sworn complaint and within thirty (30) days of its appointment, make a finding as to whether or not there is sufficient evidence that a violation of this ordinance has occurred. In conducting the investigation, the Ethics Committee may contact witnesses and may consult with the City Attorney. The Officer that is the subject of the complaint shall be allowed counsel at such Officer's own expense and shall not be represented by the City Attorney.

If the Ethics Committee finds insufficient evidence to support the alleged violation, a report so stating shall be filed by the Ethics Committee with the City Secretary and no further action shall be taken on the

matter.

If the Ethics Committee finds sufficient evidence of an alleged violation, the Ethics Committee shall present a recommendation to the City Council as to the appropriate action to be taken at the first regular City Council meeting after the investigation is complete. At such time, the Officer that is the subject of the complaint shall be allowed representation by counsel, the right to call witnesses, and the right to cross-examine witnesses.

At the next regular City Council meeting following the recommendation of the Ethics Committee, any City Council member may move that the City Council take action to accept, reject, or modify the recommendation of the Committee. In the absence of a motion, or if the motion fails to pass by the required margin, the Ethics Committee shall file a written report of its investigation with the City Secretary and the investigation shall be closed.

APPENDIX A

GENERAL BOARD PROVISIONS

All capitalized terms used in this Appendix A have that meaning ascribed to them in the City of Smithville Boards and Commission Handbook to which it is attached. The following provisions apply to all Boards except to the extent of any conflict with the provisions in the main body of the Handbook.

1. The Mayor, City Manager, and City Secretary will serve as ex-officio members of all appointed Boards and Commissions. Ex-officio members are not entitled to vote and are not counted towards the determination of a quorum.
2. Boards will reflect, where possible, the demographics of the community.
3. Resignations of any member shall be submitted in writing to the Mayor, with notification to the chairperson of the relevant Board. Any vacancy will be filled as specified by the Smithville Code of Ordinances, state law, or any other rule adopted by or applicable to the relevant Board. If no method of filling the vacancy is specified, the Mayor will nominate a successor, approved by City Council, to fill a vacancy. The successor will serve the unexpired term and shall begin duties at the next regular meeting of the Board or Commission.
4. Unless otherwise determined by the Board or City Council, Board members who are absent from half of the meetings in a 12-month period year or three consecutive meetings, without satisfactory excuse, shall be considered as having resigned.
5. Boards shall set the date and time of meetings and may meet as often as necessary as long as proper posting for meetings has been met.
6. Unless otherwise specified, the members of each Board will elect a chairperson, vice-chairperson, and secretary, provided that the City may designate a City staff person as secretary of each Board. Additional officers may be elected from within the members as deemed necessary to perform the work of the Board.
7. Agendas for all meetings must be presented to the City Secretary for posting in accordance with the Texas Open Meetings Act.
8. The chairperson, or vice-chairperson in the absence of the chairperson, shall conduct the meetings of the Board. The secretary will record all meetings and minutes and a copy of the approved minutes will be filed with the City Secretary.
9. Any recommendation from the Board shall be submitted in writing to the City Secretary. Any agenda item must be received no later than 5:00 P.M. on the Wednesday prior to the regular City Council meeting held on the 2nd Monday of each month.
10. Board members will serve without compensation.
11. No Board member has the authority to incur or create any debt in connection with actions of the Board. Boards may not enter into any contract, leases or other legal obligations. They may not hire personnel or direct City personnel.

12. The chairperson of each Board may appoint special committees for the study and investigation of special problems and those special committees will serve until completion of the work for which they are appointed.

APPENDIX B
BOARDS / COMMISSIONS / COMMITTEES APPLICATION



**APPLICATION FOR APPOINTMENT TO A CITY OF SMITHVILLE
 ADVISORY BOARD, COMMISSION, AND/OR COMMITTEE**

Thank you for your interest in serving on a City of Smithville Board, Commission and/or Committee.

Completing and Submitting an Application

Completed and signed applications can be submitted in person or by email to:

City Secretary
 317 Main St
 Smithville, TX 78957
jdlynch@ci.smithville.tx.us

APPLICANT INFORMATION

Name:		
Street Address:		
City:	State:	Zip Code:
Home email:		Work email:
Home Phone:	Work Phone:	Cell Phone:

Please indicate how you wish to be contacted: Phone Email

CONSENT TO USE PERSONAL INFORMATION

Your personal information will be reviewed to determine the most suitable candidates for the committee.
 All applications are kept for one year from the date selected applicants are announced.

ELIGIBILITY FOR MEMBERSHIP ON AN ADVISORY BOARD

- Membership on city-appointed boards require the applicant to live within the city limit and/or ETJ.
- Applicant cannot be an elected official, officer, or employee of the City of Smithville.
- Members are expected to be able to complete their term.

CITY ADVISORY BOARD, COMMISSION, AND/OR COMMITTEE FOR WHICH YOU ARE APPLYING	
<input type="checkbox"/> AIRPORT ADVISORY BOARD <input type="checkbox"/> HOSPITAL AUTHORITY BOARD <input type="checkbox"/> HISTORIC PRESERVATION DESIGN <input type="checkbox"/> STANDARDS ADVISORY COMMITTEE	<input type="checkbox"/> LIBRARY ADVISORY BOARD <input type="checkbox"/> PLANNING AND ZONING <input type="checkbox"/> HOUSING AUTHORITY BOARD <input type="checkbox"/> OTHER _____

<input type="checkbox"/> New Applicant	<input type="checkbox"/> Current Board Member Years of Service: _____
---	---

DEMOGRAPHICS				
Education:				
<input type="checkbox"/> HS/GED	<input type="checkbox"/> Some College	<input type="checkbox"/> College Degree	<input type="checkbox"/> Graduate School	
Age Range:				
<input type="checkbox"/> <18	<input type="checkbox"/> 18-34	<input type="checkbox"/> 35-59	<input type="checkbox"/> 60+	
Years in Smithville:				
<input type="checkbox"/> <2	<input type="checkbox"/> 2-4	<input type="checkbox"/> 5-9	<input type="checkbox"/> 10-19	<input type="checkbox"/> 20+

QUALIFICATIONS

1. Have you previously been a member of a City of Smithville Advisory Board? If yes, please indicate the Board and term of your previous appointment.

2. How did you hear about this Board and/or vacancy?

3. Please list experience and background relevant to the Board for which you are applying:

After all applications have been received, the Mayor and City staff will bring a report to Council meeting for Council's consideration.

DECLARATION OF APPLICANT

I declare that the information I submit in this application is correct and that I am eligible to be appointed to a City of Smithville Advisory Board, as I am not an elected official, officer or employee of the City of Smithville.

SIGNATURE _____ DATE _____

APPENDIX C
CHAPTER 171 CONFLICT OF INTEREST AFFIDAVIT

THE STATE OF TEXAS §
COUNTY OF BASTROP §
CITY OF SMITHVILLE §

**AFFIDAVIT PROVIDING NOTICE OF
POTENTIAL CONFLICT OF INTEREST**

I, _____, a local public official of the City of Smithville, Texas (the “*City*”), make this affidavit and hereby on oath state the following:

Action being contemplated by the City may have an effect on a business entity or real property in which I have an interest. Such interest may be a “substantial interest” as that term is defined in Chapter 171 of the Texas Local Government Code. The action being contemplated may have a special economic effect on the business entity or real property distinguishable from the effect on the public.

The business entity or real property in which I have an interest is described as follows (name; address; or lot description):

The nature and extent of my interest in the business entity or real property is herein described by stating that either I or a person related to me in the first degree by consanguinity (blood) or affinity (marriage), as determined by Chapter 573 of the Texas Government Code (check all that apply):

_____ own 10% or more of the voting stock or shares of the business entity;

_____ own 10% or more of the fair market value of the business entity;

_____ own \$15,000 or more of the fair market value of the business entity; and/or

_____ received funds from the business entity that exceed 10% of gross income for the previous year;

_____ has an equitable or legal ownership in real property with a fair market value of \$2,500 or more.

Alternatively, even if I do not have a “substantial interest” as defined by Chapter 171 of the Texas Local Government Code, I am filing this affidavit so to avoid the appearance of impropriety. My interest may be described as follows:

Upon the filing of this affidavit with the City Secretary, I affirm that I shall abstain from any discussion, vote, or decision involving this business entity or real property unless a majority of the members of the governmental entity of which I am a member is likewise required to file and has filed affidavits declaring similar interests on the same official action.

SIGNED this the _____ day of _____, 20__.

Signature of Affiant

Printed Name

Title of Affiant

BEFORE ME, the undersigned authority, this day personally appeared _____ and by oath stated that the facts herein stated are true and correct.

SWORN TO & SUBSCRIBED BEFORE ME on this the _____ day of _____, 20__.

Notary Public in and for the State of Texas

My Commission Expires: _____

ACKNOWLEDGEMENT

STATE OF TEXAS

COUNTY OF _____

BEFORE ME, _____ (*insert the name and character of the officer*) on this day personally appeared _____ (*affiant*) known to me (or proved to me on the oath of _____ or through) _____ (*description of identity card or other document*) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this ____ day of _____ (month), A.D., _____ (year).

Notary Public in and for the State of Texas

APPENDIX E
ROBERT'S RULES OF ORDER REFERENCE CHART

To:	You say:	Interrupt Speaker	Second Needed	Debatable	Amendable	Vote Needed
Adjourn	"I move that we adjourn"	No	Yes	No	No	Majority
Recess	"I move that we recess until..."	No	Yes	No	Yes	Majority
Complain about noise, room temp., etc.	"Point of privilege"	Yes	No	No	No	Chair Decides
Suspend further consideration of something	"I move that we table it"	No	Yes	No	No	Majority
End debate	"I move the previous question"	No	Yes	No	No	2/3
Postpone consideration of something	"I move we postpone this matter until..."	No	Yes	Yes	Yes	Majority
Amend a motion	"I move that this motion be amended by..."	No	Yes	Yes	Yes	Majority
Introduce business (a primary motion)	"I move that..."	No	Yes	Yes	Yes	Majority

The above listed motions and points are listed in established order of precedence. When any one of them is pending, you may not introduce another that is listed below, but you may introduce another that is listed above it.

To:	You say:	Interrupt Speaker	Second Needed	Debatable	Amendable	Vote Needed
Object to procedure or personal affront	"Point of order"	Yes	No	No	No	Chair decides
Request information	"Point of information"	Yes	No	No	No	None
Ask for vote by actual count to verify voice vote	"I call for a division of the house"	Must be done before new motion	No	No	No	None unless someone objects
Object to considering some undiplomatic or improper matter	"I object to consideration of this question"	Yes	No	No	No	2/3
Take up matter previously tabled	"I move we take from the table..."	Yes	Yes	No	No	Majority
Reconsider something already disposed of	"I move we now (or later) reconsider our action relative to..."	Yes	Yes	Only if original motion was debatable	No	Majority
Consider something out of its scheduled order	"I move we suspend the rules and consider..."	No	Yes	No	No	2/3
Vote on a ruling by the Chair	"I appeal the Chair's decision"	Yes	Yes	Yes	No	Majority

The motions, points and proposals listed above have no established order of preference; any of them may be introduced at any time except when meeting is considering one of the top three matters listed from the first chart (Motion to Adjourn, Recess or Point of Privilege).

PROCEDURE FOR HANDLING A MAIN MOTION

NOTE: Nothing goes to discussion without a motion being on the floor.

Obtaining and assigning the floor

A member raises hand when no one else has the floor

- The chair recognizes the member by name

How the Motion is Brought Before the Assembly

- The member makes the motion: *I move that (or "to") ...* and resumes his seat.
- Another member seconds the motion: *I second the motion* or *I second it* or *second*.
- The chair states the motion: *It is moved and seconded that ... Are you ready for the question?*

Consideration of the Motion

1. Members can debate the motion.
2. Before speaking in debate, members obtain the floor.
3. The maker of the motion has first right to the floor if he claims it properly
4. Debate must be confined to the merits of the motion.
5. Debate can be closed only by order of the assembly (2/3 vote) or by the chair if no one seeks the floor for further debate.

The chair puts the motion to a vote

1. The chair asks: *Are you ready for the question?* If no one rises to claim the floor, the chair proceeds to take the vote.
2. The chair says: *The question is on the adoption of the motion that ... As many as are in favor, say 'Aye'.* (Pause for response.) *Those opposed, say 'Nay'.* (Pause for response.) *Those abstained please say 'Aye'.*

The chair announces the result of the vote.

1. *The ayes have it, the motion carries, and ...* (indicating the effect of the vote) or
2. *The nays have it and the motion fails*

WHEN DEBATING YOUR MOTIONS

1. Listen to the other side
2. Focus on issues, not personalities
3. Avoid questioning motives
4. Be polite

HOW TO ACCOMPLISH WHAT YOU WANT TO DO IN MEETINGS

MAIN MOTION

You want to propose a new idea or action for the group.

- After recognition, make a main motion.
- Member: "Madame Chairman, I move that _____."

AMENDING A MOTION

You want to change some of the wording that is being discussed.

- After recognition, "Madame Chairman, I move that the motion be amended by adding the following words _____."
- After recognition, "Madame Chairman, I move that the motion be amended by striking out the following words _____."
- After recognition, "Madame Chairman, I move that the motion be amended by striking out the following words, _____, and adding in their place the following words _____."

REFER TO A COMMITTEE

You feel that an idea or proposal being discussed needs more study and investigation.

- After recognition, "Madame Chairman, I move that the question be referred to a committee made up of members Smith, Jones and Brown."

POSTPONE DEFINITELY

You want the membership to have more time to consider the question under discussion and you want to postpone it to a definite time or day, and have it come up for further consideration.

- After recognition, "Madame Chairman, I move to postpone the question until _____."

PREVIOUS QUESTION

You think discussion has gone on for too long and you want to stop discussion and vote.

- After recognition, "Madam President, I move the previous question."

LIMIT DEBATE

You think discussion is getting long, but you want to give a reasonable length of time for consideration of the question.

- After recognition, "Madam President, I move to limit discussion to two minutes per speaker."

POSTPONE INDEFINITELY

You want to kill a motion that is being discussed.

- After recognition, "Madam Moderator, I move to postpone the question indefinitely."

POSTPONE INDEFINITELY

You are against a motion just proposed and want to learn who is for and who is against the motion.

- After recognition, "Madame President, I move to postpone the motion indefinitely."

RECESS

You want to take a break for a while.

- After recognition, "Madame Moderator, I move to recess for ten minutes."

ADJOURNMENT

You want the meeting to end.

- After recognition, "Madame Chairman, I move to adjourn."

PERMISSION TO WITHDRAW A MOTION

You have made a motion and after discussion, are sorry you made it.

- After recognition, "Madam President, I ask permission to withdraw my motion."

CALL FOR ORDERS OF THE DAY

At the beginning of the meeting, the agenda was adopted. The chairman is not following the order of the approved agenda.

- Without recognition, "Call for orders of the day."

SUSPENDING THE RULES

The agenda has been approved and as the meeting progressed, it became obvious that an item you are interested in will not come up before adjournment.

- After recognition, "Madam Chairman, I move to suspend the rules and move item 5 to position 2."

POINT OF PERSONAL PRIVILEGE

The noise outside the meeting has become so great that you are having trouble hearing.

- Without recognition, "Point of personal privilege."
- Chairman: "State your point."
- Member: "There is too much noise, I can't hear."

COMMITTEE OF THE WHOLE

You are going to propose a question that is likely to be controversial and you feel that some of the members will try to kill it by various maneuvers. Also you want to keep out visitors and

the press.

- After recognition, "Madame Chairman, I move that we go into a committee of the whole."

POINT OF ORDER

It is obvious that the meeting is not following proper rules.

- Without recognition, "I rise to a point of order," or "Point of order."

POINT OF INFORMATION

You are wondering about some of the facts under discussion, such as the balance in the treasury when expenditures are being discussed.

- Without recognition, "Point of information."

POINT OF PARLIAMENTARY INQUIRY

You are confused about some of the parliamentary rules.

- Without recognition, "Point of parliamentary inquiry."

APPEAL FROM THE DECISION OF THE CHAIR

Without recognition, "I appeal from the decision of the chair."

Rule Classification and Requirements

Class of Rule	Requirements to Adopt	Requirements to Suspend
Charter	Adopted by majority vote or as proved by law or governing authority	Cannot be suspended
Bylaws	Adopted by membership	Cannot be suspended
Special Rules of Order	Previous notice & 2/3 vote, or a majority of entire membership	2/3 Vote
Standing Rules	Majority vote	Can be suspended for session by majority vote during a meeting
Modified Roberts Rules of Order	Adopted in bylaws	2/3 vote