

FRIENDSWOOD PLANNING AND ZONING COMMISSION RULES OF PROCEDURE

1. AUTHORITY

- 1.1 **Authority.** Pursuant to the provisions of Section 2-23 of the Friendswood City Code, the Planning and Zoning Commission enacts these rules of procedure for all meetings of the Commission of the City of Friendswood, Texas.
- 1.2 **Purpose.** During any regular or special commission meeting, a reasonable opportunity shall be given to the citizens of the City to be heard, including, but not limited to, those matters under consideration. The rules of procedure are enacted as guidelines to be followed by all persons in the Council Chamber, including City administrative staff, news media and visitors.

2. GENERAL RULES

- 2.1 **Meetings to be Public.** All official meetings of the Commission shall be open to the public, except as authorized by law.
- 2.2 **Quorum.** Four or more members of the Commission is considered a majority of the members of the Commission and shall constitute a quorum for the transaction of business.
- 2.3 **Compelling Attendance.** No member shall be excused from attendance at a Commission meeting except for good, valid reasons.
- 2.4 **Minutes of Meetings.** An account of all proceedings of the Commission shall be kept by the Secretary and shall constitute the official record of the Commission.
- 2.5 **Questions to Contain One Subject.** All questions submitted for a vote shall contain only one (1) subject.
- 2.6 **Right of Floor.** Any member desiring to speak shall be recognized by the Presiding Officer and shall confine his/her remarks to the subject under consideration or to be considered and will not be interrupted.
- 2.7 **City Planner.** The City Planner shall attend all meetings of the Commission, unless excused. He/she may make recommendations to the Commission and shall have the right to take part in all discussions of the Commission but shall have no vote.
- 2.8 **City Attorney.** The City Attorney shall attend all meetings of the Commission unless excused and shall, upon request, give an opinion, either written or oral, on questions of law. The City Attorney shall act as the Commission's parliamentarian.
- 2.9 **Secretary.** The City Planner or his/her designee shall (i) serve as the Commission's Secretary, (ii) attend all meetings of the Commission unless excused, (iii) act as the reading and recording secretary of the Commission, (iv) keep the official minutes, and (v) perform such other duties as may be requested and assigned by the Chairperson. The Secretary shall keep a copy of these rules available for reference.

- 2.10 Sergeant at Arms.** The highest-ranking police officer of the Friendswood Police Department in attendance at any meeting of the Commission, shall be, and is hereby, designated and appointed as the Sergeant at Arms for such meeting.
- 2.11 Suspension of Rules.** Any provision of these rules not governed by state or local law may be temporarily suspended by the affirmative vote of four or more members of the Commission present.
- 2.12 Amendment of Rules.** These rules may be amended, or new rules adopted by the Commission with an affirmative vote of four or more members of the Commission.

3. TYPES OF MEETINGS

- 3.1 Regular Meetings.** The Commission shall hold regular and special meetings open to the public. The Commission shall meet in the Council Chamber of the City Hall on the second and fourth Thursday of each month, commencing at 6:00 o'clock p.m., unless otherwise directed by the City Planner and/or the Chairperson, provided one or more complete applications have been submitted requiring their consideration. In the event Thursday falls on a holiday, the meeting for that day shall be scheduled as determined by the Commission.
- 3.2 Special Meetings.** Special meetings of the Commission shall be called at the request of the Chairperson, the City Planner, or three (3) members of the Commission. In the event of a special called meeting, the City Planner shall notify each member of the Commission. Special meetings may be held at City Hall or another location.

4. PRESIDING OFFICER AND DUTIES

- 4.1 Presiding Officer.** The Chairperson, or in his/her absence, the Vice-Chairperson, shall preside as the Presiding Officer at all meetings of the Commission. In the absence of both the Chairperson and Vice-Chairperson and with a quorum being present, any Commissioner may be appointed by a majority of the Commission present to preside. No member of the Commission shall be required to abstain from voting on the election of a Presiding Officer under this section.
- 4.2 Call to Order.** The meetings of the Commission shall be called to order by the Chairperson, or in his /her absence the Vice-Chairperson, and in the absence of both the Chairperson and the Vice-Chairperson, the meeting shall be called to order by the City Planner.
- 4.3 Preservation of Order.** The Presiding Officer shall (i) preserve order and decorum, (ii) prevent insulting references to Commissioners, impugning of other member's motives, and repetitious comments, and (iii) confine remarks to the question under discussion. The Presiding Officer shall call upon the Sergeant at Arms as necessary to enforce compliance with the rules contained therein.
- 4.4 Substitution for Chair.** The Chairperson may call upon the Vice-Chairperson, or if he/she is unavailable, then any other member to take his/her place, for the portion of a meeting. Such substitution is not to continue beyond adjournment.
- 4.5 Points of Order.** The Presiding Officer shall determine all points of order, subject to the right of any member to appeal to the Commission. If any appeal is taken, then questions

shall be, "Shall the decision of the Presiding Officer be sustained"? If four or more members present vote "No," the ruling of the Presiding Officer is overruled; otherwise, it is sustained.

4.6 Questions to be Stated. The Presiding Officer shall state all questions submitted for a vote and announce the results. A roll call shall be taken upon the request of any member.

4.7 Call for Recess. The Presiding Officer may recess a meeting for up to fifteen minutes at regular intervals of approximately one hour at appropriate points in the meeting.

4.8 Votes. Commissioners shall clearly indicate their vote on each matter submitted to a vote.

(a) The Presiding Officer may make or second motions and shall vote on all matters before the Commission unless otherwise prohibited by law.

(b) Neither the Chairperson, the Vice-Chairperson, nor any Commissioner appointed to preside, shall have any power to either recess a meeting or adjourn a meeting, or prevent the Commission from considering an agenda item or lay the same out for consideration except in strict accordance with the Texas Open Meetings Act and these rules. If not withstanding the positive provisions of this rule, the Presiding Officer, whether Chairperson, Vice-Chairperson, or Commissioner presiding, shall attempt to prevent the Commission from taking any action on any agenda item brought before it, any Commissioner present may call for a vote of the Commission to consider the matter.

(c) Except as otherwise provided by law or these rules, all action required of the Commission shall be made by a majority of the members of the Commission present at the meeting.

(d) Excluding conflicts of interest as provided by state law or by City Charter, all Commissioners present at each meeting must vote on each subject presented for Commission vote.

5. CODE OF CONDUCT

5.1 Commissioners

(a) During Commission meetings, Commissioners shall preserve order and decorum and shall not, by conversation or otherwise, delay or interrupt the proceedings or refuse to observe the rules of the Commission.

(b) A Commissioner, once recognized, shall not be interrupted while speaking unless a point of order is raised by another member or the parliamentarian, or unless the speaker chooses to yield to questions from another member. If a Commissioner is called to order while he/she is speaking, he/she shall cease speaking immediately until the question of order is determined. If ruled to be in order, he/she shall be permitted to proceed.

(c) Any member of the Commission, including the Presiding Officer, who fails to observe decorous and orderly behavior during a meeting or who disturbs a meeting of the Commission with such disorderly conduct, is subject to being expelled from

such meeting upon motion passed by two-thirds (2/3) vote of the Commission present at the meeting.

- (d) Any member of the Commission, including the Presiding Officer, reprimanded by motion or expelled from a meeting by motion who thereafter commits another breach of decorous and disorderly behavior during a subsequent meeting and again disturbs any meeting of the Commission by such disorderly conduct shall be subject to the same power of the Commission to reprimand him/her, to expel him/her from the meeting, or to request Council to remove him/her from the Commission.

5.2 Administrative Staff

- (a) Members of the Administrative staff and employees of the City shall observe the same rules of procedure and decorum applicable to members of the Commission and shall have no voice unless and until recognized by the Presiding Officer.
- (b) While the Presiding Officer shall have the authority to preserve decorum in meetings as far as staff members and City employees are concerned, the City Planner also shall be responsible for the orderly conduct and decorum of all City employees under his/her direction and control.
- (c) All remarks and questions addressed to the Commission shall be addressed to the Commission as a whole and not to any individual member thereof.
- (d) No staff member, other than a staff member having the floor, shall enter into a discussion either directly or indirectly without permission of the Presiding Officer.

5.3 Citizens

- (a) Citizens are welcome and invited to attend all meetings of the Commission and will be admitted to the Council Chamber or other room in which the meeting is held, up to the fire safety capacity of the room and/or to protect the health, safety and welfare of the public.
- (b) Citizens will refrain from private conversation in the Chamber or other room while the Commission meeting is in session.
- (c) Citizens attending Commission meetings shall observe the same rules of propriety, decorum, and good conduct applicable to the administrative staff. Any person making personal, impertinent, or slanderous remarks, or who becomes boisterous while addressing the Commission or while attending the Commission meeting shall be removed from the room if the Sergeant at Arms is so directed by the Presiding Officer, and such person shall be barred from further audience before the Commission during that session of the Commission.
- (d) Unauthorized remarks from the audience, stamping of feet, applauding, whistles, yells, and similar demonstrations shall not be permitted; and the Presiding Officer shall direct the Sergeant at Arms to remove such offenders from the room. In case the Presiding Officer shall fail to act, any member of the Commission may move to require him/her to act to enforce the rules, and the affirmative vote of four or

more members of the Commission present shall require the Presiding Officer to act.

- (e) No placards, banners, or exhibits of any kind will be permitted in the Council Chamber except exhibits, displays, and visual aids used in connection with presentations to the Commission, provided that such exhibits, displays and visual aids do not disrupt the meeting.

5.4 In General

- (a) **Rules.** Robert's Rules of Order (latest revision) shall be used as a guide, , provided that the "Rules Governing Debate, Rules Against the Chair's Participation in Debates" shall not be applicable; and the Chairperson, or Presiding Officer, shall have the right to participate in debate of issues pending before the Commission.

Any one or all of these rules of procedure may be suspended in order to allow a particular consideration of a matter, provided that it does not violate the state law or the Charter, and provided that four or more members of the Commission present vote in favor of such suspension. Where any rule embodies a provision of state law, identically or in substance, such rule may not be suspended.

- (b) **Recognition by Presiding Officer.** No person shall address the Commission without first being recognized by the Presiding Officer.
- (c) **Procedure.** Each person addressing the Commission shall approach the podium, give his/her name and address in an audible tone of voice for the record, and state the subject the person wishes to discuss . All comments shall be addressed to the Commission as a whole and not to any member thereof. No person other than members of the Commission and the person having the floor shall be permitted to enter into any discussion, directly or through a member of the Commission, without permission of the Presiding Officer. No question may be asked a member of the City staff without the permission of the Presiding Officer.
- (d) **Charges against Employees.** Should any person in a Commission meeting charge an employee with improper conduct, malfeasance, nonfeasance, or misfeasance, then in such event, such person shall be ruled out of order immediately and instructed to refer his/her complaint to the City Manager.
- (e) **Disturbances.** No person attending any Commission meeting shall delay, interrupt, or disrupt the proceedings or refuse to obey the orders of the Presiding Officer. Any person making personal, impertinent, and slanderous remarks or who becomes boisterous while addressing the Commission or while attending the Commission meeting shall be removed from the room if the Sergeant at Arms is so directed by the Presiding Officer.
- (f) **Communication Devices.**
 - (1) The use of wireless communication devices to send/receive text messages, instant messages, and/or emails between members of the Commission during Commission meetings is prohibited.

- (2) No person attending any Commission meeting shall possess a pager, cellular telephone, radiotelephone or other device that is set in a mode to provide audible notification of an incoming call, text, or page.
- (3) No person attending any Commission meeting shall use a cellular telephone, radiotelephone, or other telecommunication device for audible communications while the Commission meeting is in session.

6. ORDER OF BUSINESS

6.1 Agenda. The order of business of each regular and special meeting shall be as contained in the agenda prepared by the City Planner. The agenda shall be a listing by topic of subjects to be considered by the Commission. Placement of items on the agenda shall be governed by this section. Conduct of business at special meetings shall likewise be governed by an agenda and the rules of procedure contained therein. The placement of agenda items for each meeting is determined as follows:

- (a) Any and all action items or other matters, including all written data, except emergency items, to be brought before the Commission for its consideration by the Chairperson or by any member of the Commission, shall be submitted in writing to the City Planner not later than ten (10) calendar days preceding the meeting at which the same is to be considered.
- (b) When a motion or other measure of any sort has been placed before the Commission and defeated, the same identical question shall not again be considered by the Commission until ninety (90) days have elapsed, unless the Commission, by majority vote, waives this restriction as to the item, or unless the item is a plat or plan being submitted to the Commission in accordance with the approval procedures outlined in Chapter 212 of the Local Government Code.

The agenda order set out is the desired order for conducting the business of the Commission in regular and special meetings. When the best interest of the Commission and the citizens of the City require, any item appearing on the agenda shall be considered out of order as shall be determined by the Presiding Officer in his/her sole discretion.

6.2 The order of the agenda shall be as follows unless the Chairperson or City Planner determines that a different order is in the best interest of the Commission and/or the citizens of the City:

(a) **Call to Order.**

(b) **Public Comment.**

- (1) Any citizen shall have a reasonable opportunity to be heard at any and all regular or special meetings of the Commission in regard to any and all matters to be considered at any such meetings, or such other matters as citizens may wish to bring to Commission's attention.
- (2) Any matter not posted on the agenda may not be discussed by the Commission, nor shall any action be taken by the Commission, except to indicate that the matter may be placed on a later agenda.

- (3) Each speaker shall submit a card requesting the right to address the Commission to the Secretary prior to the commencement of the meeting.
- (4) Each speaker shall be granted a three-minute time period to speak before the Commission, and the Presiding Officer shall retain the discretion to further limit or increase this time as he /she deems appropriate.
- (5) No electronic media is allowed for presentation during the public comment period. Information being presented to the Commission should be in paper format, and ten (10) copies should be provided to the Secretary for distribution to the Commission and staff.

(c) Work Session Topics.

(d) Public Hearings - as called.

(1) *Sign-in procedure.* Prior to the start of the public hearing, the Presiding Officer may require that all persons desiring to be heard sign in with the Secretary, giving their names and addresses. Any person who fails to sign in shall not be permitted to speak until all those who signed in have done so. At any public hearing, persons who have signed in and wish to be heard shall be given an opportunity to be heard.

(2) Each speaker that requests to speak at a public hearing shall be granted a five-minute time period to speak before the Commission, and the Presiding Officer shall retain the discretion to further limit or increase this time as he/she deems appropriate. However, a member of the public who addresses the Commission through a translator shall be given a ten-minute time period in which to speak in order to ensure that non-English speakers receive the same opportunity to address the Commission.

(3) *Presentations.*

a. Staff will present the Commission with an overview of the public hearing.

b. The person, group, or applicant of the item at hand shall be granted a 15-minute time period to give the Commission a presentation. The Presiding Officer shall retain the discretion to further limit or increase this time as he/she deems appropriate.

1. Any PowerPoint presentation must be received by the City Planner not later than 9:00 a.m. on the Monday preceding the meeting at which the same is to be considered.

2. Information being presented to the Commission should be in paper format and ten (10) copies should be provided to the City Planner for distribution to the Commission and staff.

- (4) No member of the Commission, including the Presiding Officer, shall be permitted to address the Commission during a public hearing held by the Commission or to address any board or other commission of the City during a public hearing held by such board or other commission.
- (e) **Consent Agenda.** Routine matters which require no discussion (any member of the Commission may remove an item from the consent agenda for discussion, and may include the following items):
 - (1) Minutes.
 - (2) Final plats.
- (f) **Action Items.**
- (g) **Discussion Items.**
- (h) **Communications.**
 - (1) **Items of community interest.** Each member of the Commission will be given a five-minute time period to provide comments of community interest pursuant to Section 551.0415 of the Texas Government Code, which include:
 - a. Expressions of thanks, congratulations, or condolences;
 - b. Information regarding holiday schedules;
 - c. An honorary or salutatory recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in the status of a person's public office of public employment is not an honorary or salutatory recognition;
 - d. Reminder about an upcoming event organized or sponsored by the Commission;
 - e. Information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the Commission; and
 - f. Announcements involving an imminent threat to the public health and safety of people in the political subdivision that has arisen after the posting of the agenda.
 - (2) **Commission Report.** The members of the Commission may provide Liaison Reports concerning items of community interest or that are posted in accordance with Section 551.041 of the Texas Government Code.

(3) **Council Liaison Report.** The City Council Liaison may provide a Liaison Report concerning items of community interest or that are posted in accordance with Section 551.041 of the Texas Government Code.

(4) **Staff Report.** The City Planner may provide a Liaison Report concerning items of community interest or that are posted in accordance with Section 551.041 of the Texas Government Code.

(i) **Executive Session.**

The Commission may recess into executive session as authorized by Chapter 551, Texas Government Code. Matters discussed during each Executive Session shall be identified by certified agenda or tape recorded, prepared, and retained as required by law.

(j) **Action Related to Executive Session.**

(k) **Adjournment.**

7. CONSIDERATION OF AGENDA ITEMS

7.1 **Printed or Typewritten Form.** All backup materials, such as draft ordinances, staff reports, site plans and plats shall be provided to the Commission in printed or electronic form.

7.2 **Distribution of Information.** The City Planner or his/her designee shall provide electronic or paper copies of all backup materials, such as draft ordinances, staff reports, site plans and plats, to all members of the Commission before or at the meeting at which the site plan or plat is to be considered.

7.3 Discussion, Consideration and Processing of Items.

(a) **Motion to Table.** Since the Commission will have regularly scheduled meetings, a motion to table, when carried, does not permanently defeat an agenda item. If such agenda item is tabled by a majority vote of the Commission present at a meeting, such agenda item, if not sooner removed from the table, must be removed at the third meeting and acted upon, even if only to place the item on the table again.

(b) **Objection to Consideration.** Upon any agenda item, other than a site plan, plat, or other item where state law mandates timely action, being laid out, or any motion being made, any Commissioner present, before there is any debate opened on the subject, may make a parliamentary objection to the consideration of the subject which need not be seconded. No debate shall then be permitted, and the Presiding Officer shall immediately put the question, "Shall the objection be sustained"? If the objection is sustained by a vote of two-thirds (2/3) of the Commissioners present, the agenda item is permanently defeated for that meeting and shall not be debated unless reconsidered under Section 6.1(b) of these rules.

(c) **Closing of Debate.** If, during debate upon any agenda item before the Commission, any member moves that the subject under discussion be put to a vote without further debate (and such a motion need not be seconded), the Presiding

Officer shall immediately ask the Commission, "Is there any objection to proceeding to a vote on the agenda item before the Commission being taken immediately"? If any member objects, the Presiding Officer shall immediately and without debate put the question, "Shall the subject being discussed be put to a vote, without debate"? to a vote of the Commission, and if two-thirds (2/3) of the Commissioners present vote in favor of ordering the vote, debate on the question shall be closed and a vote on the agenda item taken immediately.

(d) Procedure to Debate

(1) The Chairperson or Presiding Officer shall have the right to participate in debate of issues pending before the Commission.

(2) Prior to a motion concerning an item on the agenda, the Chairperson or Presiding Officer may (i) call upon the City Planner or designee to provide an overview of the item, and/or (ii) allow the members of the Commission to discuss the matter.

(e) Amendments. A motion may be amended without a formal vote as a "friendly amendment" if both the first and second of the main motion agree to the amended language. If they do not, the amended motion is voted on and then the Commission shall return to the main motion.

(f) Reducing Motion to Writing. All oral motions must be seconded before being put to vote by the Presiding Officer (except where otherwise provided in these rules); and upon request of any member of the Commission, the party making any such oral motion (except a motion to order a vote on a subject being considered per 7.3(c) or other such procedural matter) shall reduce the same to writing or request the City Planner to do the same.

(g) Majority Vote Required. All action required of the Commission shall be made by an affirmative vote of a majority of the members of the Commission present and voting at such Commission meeting. Should state law require more than a majority vote, the City Attorney shall notify the Commission of such requirement prior to the vote. As used in these rules, any action requiring a vote of a majority of the Commission present shall mean a majority of the commission present and voting.

(h) Recommendations. When required by State law, the Commission shall provide a final report to City Council. The final report or recommendation is a definitive action of approval or disapproval coupled with a recitation of reasons for the decision reported which are necessary to support the Commission.

8. CREATION OF AD HOC SUBCOMMITTEES

8.1 Commission Subcommittees. The Commission may, as the need arises, authorize the appointment of the "ad hoc" subcommittees composed of members of the Commission. Any subcommittee so created shall be created by a majority vote of the Commission and shall cease to exist upon the accomplishment of the special purpose for which it was created or when abolished by a majority vote of the Commission present.

9. ANNUAL REPORT TO CITY COUNCIL

- 9.1 Annual Report.** When directed to do so by City Council, the Chairman shall provide to City Council a report of activities accomplished over the previous year as well as upcoming or current goals that the Commission is working toward.

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