

# **RULES OF PROCEDURE FOR THE CEDAR PARK PARKS, ARTS, AND COMMUNITY ENRICHMENT (“PACE”) ADVISORY BOARD**

These Rules of Procedure are adopted pursuant to the City of Cedar Park Home Rule Charter to provide rules, procedure, and order of business for the Parks, Arts, and Community Enrichment (“PACE”) Advisory Board, and to provide the citizens of the City a reasonable opportunity to be heard at any meeting in regard to any matter under consideration.

These Rules shall not be construed to discriminate against any person or group, nor as a content-based restriction on free speech; rather, these Rules present reasonable time, place, and manner restrictions regarding public discourse in order to provide the appropriate structure, process, and decorum for meetings of the PACE Advisory Board, to advance the City Council’s strategic goals, policies, and objectives, and to facilitate matters of official City business, while promoting transparency, public participation and engagement, informed decision making, and efficiency.

## Article 1: Meetings, Rules of Procedure, and Attendance

Rule 1.1     Regular Meetings.     Regular meetings of the PACE Advisory Board (“Board”) generally will be held on the second Monday of each month, beginning at 6:30 p.m. Public notice of all regular meetings of the Board shall be given as required by Texas Government Code Chapter 551, as amended (“Texas Open Meetings Act”).

Rule 1.2     Special Meetings.     Special meetings of the Board may be held on such dates and at such times as called by the Chair or a majority of the Board. Public notice of all special meetings of the Board shall be given as required by the Texas Open Meetings Act.

Rule 1.3     Work Sessions.     The Board may hold work sessions as needed. The Board work sessions may be held at such times as may be necessary or beneficial. Public notice of all Board work sessions shall be given as required by the Texas Open Meetings Act.

Rule 1.4     Joint Meetings.     The Board may hold joint meetings with the City Council or other boards, commissions or task forces in addition to their other meetings. Public notice of all joint meetings shall be given as required by the Texas Open Meetings Act.

Rule 1.5     Location of Meetings and Work Sessions.     All regular meetings of the Board shall be held at the Cedar Park City Council Chambers, unless the Chair (a) determines that an irresolvable scheduling conflict exists with respect to the City Council Chambers and (b) promptly notifies the Board members of the choice of an alternate location. All special meetings, joint meetings, and work sessions of the Board shall be held at a City facility.

Rule 1.6     Delivery of Minutes to City Secretary.     The Board shall promptly deliver to the City Secretary all minutes of regular meetings, special meetings, joint meetings, work sessions, and retreats upon approval thereof.

Rule 1.7 PACE Board Reports. The Chair of the Board or their designee shall report to the City Council on the activities of the Board at such time as may be directed by the City Council.

Rule 1.8 Policy Directives. The City Council is ultimately responsible for the establishment of City policies. The Board is cognizant of the City Council's primary responsibility to establish, approve, disapprove, or modify the City's policies. The Board shall ensure that any proposed policy directive initiated by the Board is reported to and approved by the City Council before issuance of any such policy directive.

Rule 1.9 Attendance. A member of the Board shall be deemed to have resigned if the member fails to attend either: a) three (3) consecutive; or b) more than fifty percent (50%) of all Board meetings during any twelve (12) month period from appointment or reappointment. Attendance shall be taken and noted at the beginning of all meetings.

Rule 1.10 Holdover. Unless disqualified or otherwise ineligible for service, each Board member shall continue to serve until their successor is appointed.

## **Article 2: Agenda**

Rule 2.1 Preparation of the Agenda. The Chair or, in their absence, the Vice Chair is responsible for preparing or ensuring the preparation of the Agenda for each meeting or work session.

Rule 2.2 Agenda Categories for Board Meetings. For each Board meeting, the Agenda may contain any of the following categories:

- a. Call to Order;
- b. Approval of Minutes;
- c. Public Communication;
- d. Board Members' Opening Comments;
- e. Subcommittee Reports
- f. Discussion and Possible Action;
- g. Staff Reports;
- h. Administrative Items;
- i. Members and Staff Closing Comments; and
- j. Adjournment.

The categories listed above are demonstrative and are not meant or intended to be exclusive.

Rule 2.3 Placement of Agenda Items by Board Members. Any Board member may request the placement of any item on the Agenda. Any Agenda item so requested shall bear the requesting member's name on each occasion at which the item appears on the Agenda. A member may request the placement of any item on the Agenda: (a) during Opening Comments or Members and Staff Closing Comments; or (b) in writing directed to the Chair and Board Liaison.

Rule 2.4 Public Availability of Agenda. The Board Agenda and a copy of the packet provided to the Board shall be made available to the public on the City's website.

Rule 2.5 Description of Certain Agenda Items. For each Agenda item requiring consideration and/or action by the Board, excluding items on the Executive Session Agenda, the Agenda shall reflect a brief substantive description of the matter for consideration and/or action.

### **Article 3: Conduct of Meetings**

Rule 3.1 Rules of Procedure.

(a) Purpose. Upon the City Council's approval, these Rules of Procedure, or any amendments thereto, shall become effective. The Board shall conduct all meetings in accordance with these Rules of Procedure.

(b) Scope of Discussions. Pursuant to the Texas Open Meetings Act, Tex. Gov't. Code, Chapter 551, the Board may not deliberate or take action regarding any matter not posted on the meeting agenda. Board members shall confine their discussions concerning a motion or a question to the merits of a motion made and seconded or to a question already presented to them.

(c) Conduct of Board Members. Board members shall show respect and courtesy to, and refrain from making disparaging comments about, fellow Board members, the public, and City staff in the conduct of a Board meeting, outside Board meetings, in social settings, and on social media.

(d) Violation Does Not Invalidate Board Action. Any errors or omissions by the Board or one or more Board members to follow the procedures during any such meeting shall not invalidate the Board's action or constitute the Board's action to be illegal. The validity of any motions or meeting procedures not expressly defined herein shall be determined by the Chair, so long as the determination is consistent with federal, state, and local law.

Rule 3.2 Officers. The Officers of the Board shall consist of a Chair, Vice Chair, and Secretary. The Officers of the Board shall be elected on an annual basis by majority vote of the Board at the Board meeting in August or the first meeting thereafter. Terms of office shall be one (1) year. An officer may be reelected for an additional one (1) year term, but no individual shall serve for more than two (2) consecutive terms. All officers shall be subject to removal from office at any time by a vote of the majority of the entire Board after such item has been properly requested to be placed on the Agenda. A vacancy in the office of any officer shall be filled by a vote of a majority of the Board.

Rule 3.3 Powers and Duties of the Chair. The Chair shall preside at all meetings of the Board. The Chair shall have the power to sign and execute all appropriate documents as the Chair of the Board. The Chair shall have general and active management of the business of the Board and shall perform all the duties usually incident to the office of the Chair. In the absence of the

Chair, Vice Chair, and the Secretary, the Board shall, by majority vote of those present, determine which member shall preside over and conduct the meeting.

Rule 3.4 Vice-Chair. The Vice Chair shall have such powers and duties as may be prescribed by the Board and shall exercise the powers of the Chair during that officer's absence or inability to act. Any action taken by the Vice Chair in the performance of the duties of the Chair shall be conclusive evidence of the absence or inability to act by the Chair at the time such actions were taken.

Rule 3.5 Secretary. The Secretary shall attest to the minutes of all meetings of the Board and cause such minutes to be maintained in books provided for that purpose. The Secretary may sign with the Chair, or Vice Chair, in the name of the Board, all appropriate documents, and shall in general perform all the duties incident to the office of Secretary. Copies of the executed minutes of the Board shall be filed with the City Secretary of the City. Official Records of the Board, including agenda and minutes of all Board meetings shall be maintained and on file in the office of the Parks and Recreation Department. If the Secretary is unable to attend any meeting, the Chair or Vice Chair may appoint an acting Secretary for purposes of such meeting. In the absence of both the Chair and Vice Chair, the Secretary shall preside over and conduct the meeting.

Rule 3.6 Parliamentarian. The City Attorney or any Assistant City Attorney shall serve as parliamentarian for the Board and shall construe all applicable procedural rules liberally.

Rule 3.7 Board Member Opening and Closing Comments. Board members may comment during Opening and/or Closing Comments regarding matters not posted on the agenda for discussion; provided (a) no action is taken or discussed, and (b) the subject of the commentary is limited to:

(a) Requests for future agenda items; and

(b) "Items of community interest", which pursuant to Tex. Gov't. Code, Section 551.0415, includes:

(i) expressions of thanks, congratulations, or condolences;

(ii) information regarding holiday schedules;

(iii) an honorary or salutory 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 or public employment is not an honorary or salutory recognition for purposes of this subdivision;

(iv) a reminder about an upcoming event organized or sponsored by the City;

(v) information regarding a social, ceremonial, or community event organized or sponsored by a non-City entity that was attended or is scheduled to be attended by a City official or employee; and

(vi) announcements involving an imminent threat to the public health and safety of people in the City that has arisen after the posting of the agenda.

Rule 3.8 Applicant Discussions. Board members shall not meet with any Applicant or discuss with any Applicant issues subject to the regulation or authority of the Board except within the confines of properly posted and noticed meetings.

Rule 3.9 Applicant Presentation. Applicant, or their agent, shall make any presentation necessary for consideration of a possible action item. Unless modified by the Board such presentation shall follow any presentation made by City staff.

Rules 3.10 Presentation by City Staff. City staff shall make any presentation necessary before consideration of a possible action item.

Rule 3.11 Written Presentation by City Staff. For each request submitted to the Board for consideration and action, the following material shall be provided to the Board: applicant's documents, staff report and any written citizen communications received by staff.

Rule 3.12 Public Presentation. An applicant or any other member of the public who desires to address the Board regarding an item posted for public discussion may do so, provided that (a) their presentation is limited to three (3) minutes, (b) they register to speak prior to addressing the Board, and (c) their comments are confined to the item/subject matter before the Board. The giving or transferring of a person's speaking time to another is prohibited.

Public presentations, handouts, and communications to the Board will not be appended to the meeting minutes, although their presentation during the meeting will be preserved via the archived recording of the meeting. Any Board member may read or share written and/or verbal communications from the public during discussion of the related item.

*All electronic and printed materials to be presented at the Board meeting must be submitted for cybersecurity and legal obscenity screening in accordance with City Policy. **Electronic material must be submitted to [PublicPresentations@cedarparktexas.gov](mailto:PublicPresentations@cedarparktexas.gov) by 12:00 p.m., day of meeting, and printed material must be submitted to the Board Liaison prior to the Call to Order.** Any electronic or printed material not submitted in accordance with the Policy, that poses a cybersecurity risk, or is legally obscene, will not be allowed.*

Rule 3.13 Public Communications. Any member of the public who desires to address the Board on any item not posted for public discussion may do so during Public Communication, provided that (a) they limit such presentation to three (3) minutes, and (b) they register to speak prior to addressing the Board. If more than ten (10) persons register to speak regarding a single agenda item, the Board, by majority vote, may shorten the time available for each registered speaker on the item. The giving or transferring of a person's speaking time to another is prohibited. Board members may respond with either factual information or a statement of existing City policy, or to request clarification of comment/question posed; however, pursuant to state law, Board members may not deliberate regarding matters not posted for discussion.

Rule 3.14 Registration. The registration referred to in Rules 3.12 and 3.13 shall include the following information: (a) full name; (b) business or residential address; (c) business or residential

telephone number; (d) representation; (e) Agenda item or topic; and (f) brief statement of position [e.g. for or against an Agenda item or summary of communication].

Rule 3.15 Expansion of Time for Public Presentation and Public Communications. The Chair may expand the time limit set forth in Rules 3.12 and 3.13 for up to an additional three (3) minutes if the presenter requests an extension unless a Board member objects. In the event of a Board member's objection to a request for extension, the Board shall vote to approve or disapprove the request for extension. The giving or transferring of a person's three (3) minutes to another is prohibited.

Rule 3.16 Time Keeper. City Staff shall serve as time keeper for any public presentation or public communication made to the Board.

Rule 3.17 Signage, Exhibits, and Physical Obstructions. To preserve the public's right to observe and participate in the open proceedings before the Board, and to allow video recording for public archive, any signage, exhibits, or other materials that might obstruct the view of the Board meeting proceedings shall be placed along the walls on the outside of the seating gallery without blocking the view of the proceedings from other seats or impeding the walkway aisles.

Rule 3.18 Repetitive, Disruptive, or Disrespectful Public Presentations and Public Communications. The Chair may deny or shorten any Public Presentation or Public Communication if it is repetitive of a presentation or communication previously made, disruptive, or disrespectful. The public shall only comment from the podium; any person speaking out from the seating gallery or walkway aisles is out of order and in violation of these Rules.

Rule 3.19 Conflicts of Interest. No Board member may act in any way which places or tends to place personal interest in conflict with the interest of the City. Board members shall recuse themselves from any discussion, deliberation, debate, or vote regarding any matter which tends to place their personal interest in conflict with the interest of the City. Any Board member so recusing themselves shall briefly state, on the record, the nature of the conflict.

Rule 3.20 Board Vote. The minutes shall reflect the votes made by the Board in open meeting. All votes shall be by voice vote or show of hands, as directed by the Chair. Any abstention shall be stated by the abstaining Board member at the time of the vote. The Chair shall audibly state the result of each vote before the next agenda item is called. In the case of a split vote, and at the request of City staff or any Board member, members shall individually announce their votes. Separate action items may be called individually, or collectively with other related items, at the Chair's discretion. Any proposed motion shall clearly state the item(s) and/or subject matter to which it relates. An affirmative vote of four (4) Board members is required for approval of an item and any Board recommendation to City Council.

Rule 3.21 Executive Session. The Texas Open Meetings Act allows discussion regarding certain limited matters in closed Executive Session. All Executive Sessions shall be recorded by certified agenda in conformity with the Texas Open Meetings Act. Board members may not use or possess personal computing devices, mobile devices, e-messaging, or social media in a closed Executive Session.

All matters discussed in Executive Session are to remain private and confidential. Except as provided by law, no Board member, staff member, legal counsel, or agent may discuss or reveal the proceedings of an Executive Session to persons not present during the Executive Session, except that the City Attorney and/or Board Liaison may brief a Board member, staff member, legal counsel, or agent that would have been properly present in the Executive Session.

Rule 3.22 Adjournment. The Chair shall declare the meeting adjourned if there is no further business to be conducted.

CITY COUNCIL PASSED AND APPROVED this 25<sup>th</sup> day of March, 2021.