



***Johnson County  
Special Utility District***

***Board Meeting Procedures  
and  
Decorum***

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## **1. AUTHORITY**

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### **1.1 AUTHORITY**

The Johnson County Special Utility District (“JCSUD” or “District”) is a governmental subdivision of the state of Texas created by legislative ordinance by the Texas legislature. The Board of Directors for the District has determined that it is in the interest of the District to create the following procedures and rules of decorum for Board meetings. These shall be in effect upon adoption by the Board of Directors and until such time as amended, suspended or new rules are adopted in the manner provided.

### **1.2 GENERAL PROCEDURES**

General rules of parliamentary procedure as defined herein, consistent with any applicable statute or other legal requirement, shall govern the proceedings of the Board of Directors. To the extent not inconsistent with these rules, the Board of Directors use Robert’s Rules of Order as general guidelines for additional rules of parliamentary procedure without being a procedural requirement. Notwithstanding the above, failure to abide by, or adhere to, these rules shall not nullify or negate any action by the Board of Directors.

## **2. BOARD MEETINGS**

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### **2.1 REGULAR MEETINGS**

Regular meetings of the District Board of Directors shall be held on the Third Tuesday of each month, unless amended otherwise on occasion to accommodate difficult scheduling. The meetings are held in the District Board Room and begin at 5:30 p.m.

### **2.2 BOARD MEETING WORKSHOPS**

Immediately prior to each regular Board meeting, the Board of Directors may conduct a Workshop in order to allow the Board Members to informally review items of interest that may be scheduled for consideration at the scheduled meeting or future meetings, or other items strictly informational in nature. The time scheduled for any Workshop Session may be adjusted when the Board deems it necessary. **The Board of Directors may not take formal action on any item in a workshop session.**

### **2.3 EXECUTIVE SESSIONS**

Before the closed session is held, the presiding officer publicly announces that a closed session will be held and identifies the general subject matter for consideration. Also, to identify the section(s) of the Texas Government Code, Chapter 551, under which the closed meeting is to be held.

- a. The Board may exclude from any such Executive Session any person or persons which it is authorized by State law to exclude from such sessions.
- b. The general subject matter for consideration shall be expressed in an open meeting before such session is held.
- c. Board Members may not reveal the nature of discussion from a closed session.

## **2.4 NOTICE OF MEETINGS**

The District will post the notice and agenda in accordance with state law. Prior to each Board meeting, the General Manager or staff may include materials in the Board package to assist each Board Member in preparation for Board discussion and possible action. These packages are for the individual Board Member's use in preparing for the Board meeting and are not published with the Agenda to the general public, unless staff feels there is a public interest served by publishing one or more items in the packet.

## **2.5 QUORUM**

Four members of the seven-member Board shall constitute a quorum to do business, and the affirmative vote of a majority of the entire board of directors shall remain necessary to act on a measure or take official action. If a quorum is not present, those in attendance will be noted for the record, and no formal action shall be taken.

## **2.6 CHAIR**

The President's role includes presiding at all meetings of the Board. In the President's absence, the Presiding Officer is the Board Member designated to succeed the President by the Johnson County Special Utility District Governance Policy Code of Ethics, Management, Professional Services, and Travel Policy adopted by the Board. The Presiding Officer may participate in the discussion of all matters coming before the Board.

The Presiding Officer shall be entitled, but is not required, to vote as a member upon all matters considered by the Board but shall have no veto power. The Presiding Officer, at his discretion, may cast a tie breaker vote or may allow the measure to fail for lack of a majority vote in favor. The Presiding Officer shall have the authority to preserve order and decorum at all Board meetings, to prevent attacks on personalities or impugning staff or members' motives and keep those in debate to the question under discussion. The Presiding Officer enforces the rules of the Board and determines the order of business under the rules of the Board.

## **2.7 ATTENDANCE BY THE PUBLIC**

All meetings of the Board are open and public in accordance with the terms of provisions of the Texas Open Meetings Act except the Executive Session or closed meetings allowed by State law.

Citizens and other visitors attending Board meetings shall observe the same rules of propriety, decorum and good conduct applicable to members of the Board of Directors.

## **2.8 MINUTES**

Discussion minutes of Board meetings will be kept. Discussion minutes will include a caption of each agenda item, a description of the agenda item (as described in the Published Agenda), the name of each Director making a motion and a second, the motion that was made and a list how each Director voted (in favor, opposed, or abstained) and the total of the votes. The minutes will also reflect the names of public speakers and those making written comments. A summary of the discussion will be included.

a. **Board Approval of Minutes.**

Minutes of meetings should be submitted to the Board for approval by the next regularly scheduled Board meeting.

b. **Recording of Meetings.**

The District maintains audio recordings of proceedings according to Texas State Library guidelines after approval of the minutes by the Board. The District will post recordings of meetings on the District website.

## **3. ORDER OF BUSINESS**

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### **3.1 RESOLUTIONS AND AGENDA ITEMS**

Each proposed agenda item shall be read by caption.

### **3.2 NUMBERING AND INDEXING OF AGENDA ITEMS**

All items of any nature are numbered consecutively for purposes of consideration on the agenda.

### **3.3 CONSENT AGENDA**

The Consent Agenda contains routine, non-controversial items that require Board action but need little or no Board deliberation, including items that have been previously approved by the Board in the annual budget.

Agenda items may be removed from the Consent Agenda by any Board Member or general manager for good cause to consider it as a separate Agenda item after approval of the remaining Consent Agenda is considered.

### **3.4 STANDARD ADJOURNMENT**

The Board establishes 9:00pm as the latest hour of adjournment and will not continue beyond that time. Remaining agenda items may be considered at 5:30pm in a special called meeting or at the next regular meeting.

### **3.5 AGENDA**

An item may be placed on the agenda by the General Manager or the President or by written request of any Board Member. No action may be taken on any item approved by the Board for a future agenda other than to request the item be included in a future agenda after such item is posted in accordance with Texas law. The General Manager is responsible for creating the agenda.

## **4. RULES OF CONDUCT**

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### **4.1 GENERAL PROCEDURE**

These rules, consistent with the District Governance & Policy and any applicable ordinance, statute or other legal requirement, shall govern the proceedings of the Board. The Presiding Officer may, at his discretion, suspend the rules and reinstitute the rules at any time during the meeting.

### **4.2 AUTHORITY OF THE CHAIR**

Subject to appeal to the full Board of Directors, the President has the authority to prevent the misuse of motions, the abuse of any privilege, or the obstruction of the business of the District by ruling any such matter out of order. In so ruling, the President shall be courteous and fair and should presume that the moving party is acting in good faith.

Any member of the Board may move to require enforcement of the rules, and the affirmative vote of a majority of the Board shall require the presiding officer to act.

### **4.3 PRESIDENT TO FACILITATE BOARD MEETINGS**

In the role of facilitator, the President assists the Board in focusing on agenda item discussions and deliberations and staying on topic.

### **4.4 BOARD DELIBERATION AND ORDER OF SPEAKERS**

The President has been delegated the responsibility to control the debate and the order of speakers. Speakers will generally be called upon in the order of the request to speak.

### **4.5 LIMIT DELIBERATION TO ITEM AT HAND**

Board Members and public speakers will limit their comments to the subject matter, time or motion being currently considered by the Board.

### **4.6 LENGTH OF BOARD COMMENTS**

Board Members will govern themselves as to the length of their comments or presentation. As a courtesy, the President may signal by hand to a Board Member who has been speaking for over five minutes. This procedure is not meant to limit debate or to cut comments short, but rather to assist Board Members to communicate concisely.



#### **4.7 OBTAINING THE FLOOR**

Any member of the Board wishing to speak must first obtain the floor by being recognized by the President. The President must recognize any Board Member who seeks the floor when appropriately entitled to do so.

#### **4.8 MOTIONS**

Any member of the Board may make a motion. Any member of the Board, other than the person offering the motion, may second a motion. The President may allow discussion on the motion and call for a vote after discussion upon the motion.

#### **4.9 VOTING**

When any vote is called, each Board Member will respond by either a show of hand or verbal response when the President calls for a vote and as directed by the President. When called upon to vote, each Board Member shall answer in the affirmative, such as “yes” for a vote in favor of the measure, and in the negative, such as for a vote against the measure, or “pass” or “abstain” to abstain from the vote. The President announces the vote total following the vote.

**a. No Second**

No second to a motion results in a lost motion. In such an instance, the Board Member making the motion may withdraw or amend his motion. If there is still no second, the motion fails, and the result is no action. Any member of the Board may offer another different motion for further action.

**b. Tie Vote**

A tie vote results in a lost motion. In such an instance, any member of the Board may offer another different motion for further action.

#### **4.10 NON-OBSERVANCE OF RULES**

Rules adopted to expedite and facilitate the transaction of the business of the Board in an orderly fashion shall be deemed to be procedural only, and the failure to strictly observe any such rules shall not affect the jurisdiction of, or invalidate any action taken by, the Board.

### **5. DECORUM FOR THE PUBLIC**

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#### **5.1 GENERAL PROCEDURE**

The Board considers each action item on the agenda separately and the President leads presentation and discussion of each item generally as follows:

- a. Staff presents its report. Board Members may ask questions of staff.
- b. Members of the public are provided with the opportunity for comment for a maximum of three



minutes each, provided they signed up to speak on the agenda item prior to the start of the Board meeting. The President can shorten the time to speak in cases where the speaker's comments are repetitious of other speakers.

- c. The Board deliberates on the issue.
- d. The President conducts a vote and announces the final decision of the Board.

## **6. ADDRESSING THE BOARD OF DIRECTORS**

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### **6.1. GENERAL RULES.**

The business of the District is conducted by and between the elected officials of the District and by those members of the District staff, consultants, experts and/or members of the public requested to be present and participate. While the public is invited to attend all open meetings of the Board, the public's participation therein is limited to that of observers unless the President, General Manager or a majority of the Board requests that they address a particular agenda item or the public member has signed up to speak on the matter in accordance with these rules. A Public Participation Form must also be completed and submitted to the District prior to the start of the meeting.

- a. Each member of the public who appears before the Board shall be limited to a maximum of three (3) minutes to make his/her remarks. A District staff member designated by the General Manager shall maintain time for each speaker.
- b. Members of the public shall conduct themselves with proper respect and decorum when addressing the Board. Those members of the public who do not conduct themselves in an orderly and appropriate manner may have their remaining time revoked, or if they are disruptive, be ordered to leave the meeting.
- c. It is not the intention of the Board to provide a public forum for the demeaning of any individual or group. Neither is it the intention of the Board to allow a member (or members) of the public to insult the honesty and/or integrity of the Board or the District, as a body, or any members of the Board or District, individually or collectively. Accordingly, profane, insulting or threatening language directed toward the Board or District staff and/or any person in the Board's presence and/or any racial, ethnic, or gender slurs or epithets will not be tolerated. Violation of these rules may result in the following sanctions:
  - 1. Cancellation of a speaker's remaining time;
  - 2. Removal from the Board Room;
  - 3. A request for a Contempt Citation by local authorities for disruption of a public meeting.

## **6.2 PRESENTATIONS BY MEMBERS OF THE PUBLIC**

The following procedures will guide oral presentations by members of the public at Board meetings:

- a. Prior to the start of the meeting, persons wishing to address the Board must sign in on the Public Participation List (available in the Board Room). The General Manager or a representative of the District will provide the Public Participation List to the President before the start of the meeting. Only those members of the public who have signed up to speak will be allowed to address the Board. The Public Participation List shall include: (a) the name of the speaker; (b) the home address of the speaker (c) the specific agenda item(s) by number that the speaker wishes to address; and (d) whether the speaker is for or opposed to the item.
- b. When called upon, the person should come to the podium state his/her name for the record, and, if speaking for an organization or other group, identify the group represented.
- c. All remarks should be addressed to the Board as a whole and not to individual members of the Board or to the general public.
- d. Questions, if any, should be directed to the presiding officer who will determine whether, or in what manner, an answer will be provided.
- e. Presentations to the Board shall be made from the podium and not from the general gallery or seating area.
- f. Each speaker shall be limited to three minutes per agenda item. This limit is given so other members of the public have the opportunity to address the Board of Directors.
- g. Members of the public who do not wish to or cannot verbally address the Board during a meeting as a method of communicating to the Board may sign in on the Public Participation List and indicate that they do not wish to speak and further may leave their written comments for the Board provided the comment complies with these rules. During the public testimony regarding the item, the President will indicate that the Board has received written comments from (name of the person) in support of or opposed to the agenda item, District project or the District issue. The minutes will include the person's name among the list of public speakers on the agenda item, project or issue.
- h. A speaker shall not present the same or substantially the same items or arguments to the Board repeatedly or be repetitious in presenting their oral comments. Nothing in the foregoing precludes submission of comments to the Board in writing, for such action or non-action as the Board, in its discretion, may deem appropriate.
- i. In order to expedite matters and to avoid repetitious presentations, the designation of a spokesperson is encouraged. Whenever any group of individuals wishes to address the Board on the same subject matter, those individuals are encouraged to designate a spokesperson to address the Board. With the consent of the Board, the President may extend the time allocation for a designated spokesperson.

### **6.3 OPEN FORUM**

Any item **not** posted on the Regular Board Agenda may be addressed during the Open Forum section at the beginning of the meeting. In accordance with the Texas Open Meetings Act, the Board can take no official action, answer any questions or participate in dialogue regarding items that have not been legally posted for the agenda. The Board, by law, may only receive comments or suggestions. The President or General Manager may, but are not required to, state specific factual information in response to an inquiry; or recite existing policy in response to the inquiry. Each person will be allowed five (5) minutes only to comment. All persons desiring to make comments under this section must sign a Public Participation List prior to the meeting, identifying the topic they desire to address during Open Forum.

a. **Timing**

Open Forum comments are generally permitted at the beginning of the regular Board meeting, as specified on the agenda. Presentations shall be limited to three minutes each but may be extended for an additional two minutes with approval of a majority of the Board or by the President.

b. **District Business**

Presentations under Open Forum are limited to items within the subject matter jurisdiction of the District.

c. **No Board Deliberations**

In compliance with the Texas Open Meetings Act, the Board may not deliberate or vote on any matter raised in Open Forum. The President, however, may request the General Manager to provide additional information on a matter of general interest to the full Board, the public at large and to the citizen making the comment as informational purpose only.

### **6.4 WAIVER OF RULES**

Any of the foregoing rules may be waived or suspended by the President or a majority vote of the Board Members present when it is deemed that there is good cause to do so, based upon the particular facts and circumstances involved and may be reinstated at any time by the same procedure.

### **6.5 NON-EXCLUSIVE RULES**

The rules set forth are not exclusive and do not limit the inherent power and general legal authority of the Board, or of its presiding officer, to govern the conduct of Board meetings as may be considered appropriate from time to time, or in particular circumstances, for purposes of orderly and effective conduct of the affairs of the District.

## **7. PROCEDURES ADMINISTRATION**

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### **7.1 ADHERENCE TO PROCEDURES**

During Board discussions, deliberations and proceedings, the President has been delegated the primary responsibility to ensure that the Board Members, staff and members of the public adhere to the Board's adopted procedures.

### **7.2 DISTRICT'S LEGAL COUNSEL AS PROCEDURE ADVISOR**

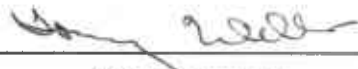
The District's Attorney assists the President, General Manager and Board as a resource and as an advisor for interpreting the Board's adopted rules and procedures.

### **7.3 SEVERABILITY**

In the event any one or more of these rules or procedures are declared invalid by Texas law the remaining rules and procedures will remain in place.

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**ADOPTED BY A VOTE OF THE BOARD OF DIRECTORS OF THE JOHNSON COUNTY SPECIAL UTILITY DISTRICT on February 18, 2020.**



**Tommy Webb,  
President**

**ATTEST:**



**Ronnie Nichols,  
Secretary/Treasurer**