

CAPITAL IMPROVEMENTS ADVISORY COMMITTEE RULES OF PROCEDURE

I. INTRODUCTION

The City of San Marcos Capital Improvements Advisory Committee (CIAC) is established to comply with Section 395.058 of the Texas Local Government Code. The CIAC may also be referred to as the “Impact Fee Advisory Committee.

II. MISSION STATEMENT

The CIAC is responsible is established to:

- (1) advise and assist in adopting land use assumptions;
- (2) review the capital improvements plan and file written comments;
- (3) monitor and evaluate implementation of the capital improvements plan;
- (4) file semiannual reports with respect to the progress of the capital improvements plan and report any perceived inequities in implementing the plan or imposing the impact fee; and
- (5) advise of the need to update or revise the land use assumptions, capital improvements plan, and impact fee.

III. MEMBERS

A. CIAC members shall be appointed by a majority vote of the City Council and shall serve at the pleasure of and may be removed at the will of the City Council.

B. The CIAC is composed of not less than five members who shall be appointed by a majority vote of the governing body of the political subdivision. Not less than 50 percent of the membership of the CIAC must be representatives of the real estate, development, or building industries who are not employees or officials of a political subdivision or governmental entity. If the impact fee is to be applied in the extraterritorial jurisdiction of the political subdivision, the membership must include a representative from that area.

C. Except as specifically duly authorized by the CIAC, a member may not:

1. act in an official capacity on behalf of the CIAC;
2. make any representations to third party or any governing body that the member is authorized to speak for or on behalf of the CIAC; or

3. participate through written or public comment on a matter being considered by another board or commission or the city council that is a review of or succeeds a recommendation of the CIAC.

D. Attendance at CIAC meetings shall conform to the requirements outlined in Section 2.069 - Absence from meetings of the City Code.

E. A member who seeks to resign from the CIAC shall submit a written resignation to the Chair and the staff liaison, who shall notify the city clerk's office. If possible, the resignation should allow for a thirty-day notice.

F. Members must comply with Chapter 2, Article 5, Code of Ethics, of the San Marcos City Code of Ordinances. If, in connection with a decision or matter before the CIAC, a conflict of interest or appearance of impropriety as to a member is identified, the affected member shall:

1. notify the staff liaison who shall provide a conflict of interest disclosure form to the member;
2. complete and submit the conflict of interest disclosure form;
3. when the matter is taken up by the CIAC, announce the nature of the conflict or appearance of impropriety;
4. thereafter, leave the room until consideration of the matter is concluded; and
5. abstain from any participation in the matter whether before the CIAC, a city department, another board or commission or the city council until the matter is finally concluded.

K. In accordance with Chapter 36 of the Texas Penal Code, members of the CIAC shall not accept gifts from persons in connection with the member's official duties and responsibilities.

IV. OFFICERS.

A. The officers of the CIAC shall consist of a Chair and a Vice-Chair.

B. The Chair and Vice-Chair shall be elected at the first meeting following the effective date of these Rules of Procedure and shall serve until the CIAC's work for the applicable fiscal year is completed. Thereafter, such officers shall be elected at the first regular meeting after the CIAC is called upon during any subsequent fiscal year.

1. If the previous Chair continues on the CIAC, they will preside over the meeting at which an election of new officers is conducted.
2. If the previous Chair is no longer on the CIAC and the Vice-Chair continues on the CIAC, the Vice-Chair will preside over the meeting and conduct the election.

3. If neither the Chair nor the Vice-Chair remain on the CIAC, the staff liaison shall conduct the election of the Chair, at which point the newly elected Chair will preside over the remainder of the meeting, including the election of the Vice-Chair.

V. DUTIES OF OFFICERS.

A. The Chair shall be in person at the meeting location, preside at CIAC meetings, review each final meeting agenda, and execute approved meeting minutes.

B. In the absence of the Chair, the Vice-Chair may preside, if in person, and shall perform all duties of the Chair.

C. In the absence of both the Chair and the Vice-Chair at the meeting location, the CIAC should elect a temporary Chair for that meeting, or until the Chair or Vice-Chair arrives. The staff liaison may conduct the election of a temporary Chair, who shall serve only for the current meeting. The temporary Chair must be present at the meeting location.

D. The Chair is responsible for promoting and maintaining order in meetings. The Chair should ensure adherence to the agenda for the meeting.

E. The Chair should control discussion to ensure that it focuses on the issue and not on any person. Personal remarks and attacks are not permitted.

VI. AGENDAS.

A. The following general order of business should be used for regular meetings of the Commission to the extent applicable. The order of business may be adjusted with the consent of the members.

1. Call to order

2. Roll call

3. Consent Agenda (includes routine items which normally do not need separate discussion such as minutes from the previous meeting)

4. Presentations by city staff or outside entities invited by the CIAC

5. Items for action or discussion/direction

6. Reports (report items should be listed individually as needed to comply with Open Meetings Act requirements)

7. Executive Session (in accordance with Open Meetings Act exceptions)

8. Adjournment

- B. The CIAC may only discuss or consider an item on the agenda.
- C. For items not on a current agenda, the CIAC, by majority vote, may direct an item to be placed on a future agenda.
- D. After first consulting with and receiving input from the staff liaison, the Chair shall review each final meeting agenda as prepared by the staff liaison. The Chair may not remove an item placed on an agenda by the staff liaison or by prior direction of the CIAC.

VII. MEETINGS.

- A. CIAC meetings shall comply with Texas Government Code Chapter 551 (Texas Open Meetings Act) in that discussion and action are limited to the items listed on the agenda for this meeting.
- B. If a quorum (a majority of the voting members) does not convene within fifteen minutes of the posted time for the meeting, then the meeting may be cancelled. If there is not a quorum, no business can be conducted, no votes or action can be taken, and there are no minutes.
- C. Meetings shall be conducted by the rules of common courtesy except Robert's Rules of Order shall generally be followed when taking any official action such as adopting a motion.
- D. The Chair should introduce each item as it appears on the agenda, and in the order in which it appears on the agenda. The Chair may allow items to be considered out of order with the informal consent of the members.
- E. The following types of actions may be taken or motions can be made during a meeting:
 - 1. **Approval** - Means the item is approved as proposed.
 - 2. **Conditional approval** - Means approval for the item will take effect upon the occurrence of the conditions.
 - 3. **Approval as amended** - Means the item is approved with changes from the original proposal.
 - 4. **To Table** - Means to temporarily delay the consideration of the item while another item is brought up for consideration.
 - 5. **Remove from Table** – Means to bring back the previously delayed item for consideration.
 - 6. **Postpone** - Means postponement of consideration of the item, either until a definite date or event, or indefinitely. Action on the item at a subsequent meeting requires the item to be placed on the agenda for that meeting.
 - 7. **Reconsider** - Means to reopen discussion of an item that was already acted upon. Reconsideration may only occur at the same meeting, or at the next meeting after the one at which the original action occurred. A motion to reconsider may only be made by a

person who voted on the prevailing side on the original action. Reconsideration of an item at a subsequent meeting requires the item to be placed on the agenda for that meeting.

8. Withdraw - Made by the person who made the motion. Does not require a formal vote unless a member objects to the withdrawal.

9. Close debate ("calling for the question") – Requires a motion and second and 2/3 vote. If it passes, a vote is then taken on the motion that was under discussion, without further debate. If it fails, debate resumes on the motion that was being discussed.

10. Amend - Usually consists of striking out, inserting, adding, or substituting words, sentences or paragraphs to the subject of the original motion. This motion is voted upon separately from the original motion.

11. Recess - A temporary break in a meeting may be called by the Chair. This does not require a formal vote unless a member objects to the recess.

12. Limited discussion or debate - The Chair may establish a reasonable time limit for consideration of an item, or a reasonable time limit on each person addressing the CIAC, or upon each member who comments on an issue. This does not require a formal vote unless a member objects to the limits.

F. The CIAC shall meet as requested by the staff liaison in order to comply with Chapter 395 of the Texas Local Government Code or, otherwise, in accordance with a schedule approved by the CIAC.

G. Special meetings of the CIAC may be called by the staff liaison if necessary to comply with a statutory deadline.

H. Executive sessions are permitted only when they have been posted in advance and conform to those requirements of the Texas Government Code Chapter 551 (Texas Open Meetings Act) which pertain to executive sessions.

I. A majority of the voting membership of the CIAC constitutes a quorum regardless of vacancies.

J. To be effective, a CIAC action must be adopted by an affirmative vote of the number of members necessary to provide a quorum.

K. All votes shall be conducted by roll call rather than simple voice vote.

L. The Chair has the same voting privilege as any other member.

M. The staff liaison shall prepare the meeting minutes. The minutes must include the vote of each member on each item before the CIAC and indicate whether a member voted in favor, against, abstained or is absent. Example:

For: Member 1, Member 2, Member 3, Member 4

Against: Member 6

Absent: Member 5 (line only needed if someone is absent)

Recused: Member 7 (line only needed if someone has recused)

N. The staff liaison shall maintain all CIAC records and meeting agendas and minutes.

VIII. RULES OF COMMON COURTESY AND PROCEDURE.

A. During meetings, members shall preserve order and decorum, and shall not interrupt or delay proceedings. Meetings will be conducted in accordance with Section. 2.046. - Rules of Decorum for City Council and City Board and Commission Meetings of the City Code.

B. Members shall demonstrate respect and courtesy to each other, to city staff members, and to members of the public.

C. Members shall refrain from rude and derogatory remarks and shall not belittle staff members, other members, or members of the public.

D. The Chair should exercise control over persons who violate this policy or disrupt a meeting in the following ascending order of action:

1. Call the person to order, advising the person of the infraction.

2. Advise the person that the infraction must cease immediately or the person will be ordered to leave the meeting.

3. Order the person to leave the meeting. If the offending person is a member, the Chair shall call for a vote on the expulsion of the member from the meeting.

IX. PERSONNEL MATTERS

Personnel matters are not within the purview of the CIAC and are not appropriate for posting on an agenda, discussion at a meeting, or as a subject for a recommendation. Neither the CIAC nor any of its members shall recommend, instruct or request the City Manager or any of the City Manager's subordinates to change the job qualifications for a current employee, appoint, or remove any person from, office or employment. The CIAC and its members are prohibited from giving orders to subordinates of the City Manager either publicly or privately.