



**City Council 101  
Presentation**

# Council Elections

- ❑ The Keene City Council shall be composed of a Mayor and six (6) Council Members.
- ❑ The City shall be divided into three (3) geographic wards, consisting of Wards I, II and III, and three (3) places, consisting of Places 1, 2, and 3. Wards I and II, and Place 2 shall be elected in odd-numbered years, and Ward II, Places 1 and 3, and Mayor shall be elected in even-numbered years.
- ❑ The City Council shall serve a term of two (2) years.

# Qualifications

- Must be at least twenty-one (21) years of age.
- Must be a resident of Keene and a registered voter.
  - For election to a ward, have resided in the city and the ward in which he or she represents for one (1) year before the date of election and continue residence in the City and the ward in which he or she represents during the term of office.
  - For election to a place, have resided in the City for one (1) year before the date of the election and continue residency in the city during the term of office.
- Not hold more than one public elective office.
- Not hold an appointed office of the City excluding board, committees, and commissions.
- Not currently be subject to a finding of mental incompetence by a final judgment of a court.
- Not have been finally convicted of a felony from which the person has not been pardoned or otherwise released from the resulting disabilities.
- Failure to maintain the qualifications required by the City Charter will result in forfeiture of office.

# Council Powers

- ❑ All powers of the city and the determination of all matters of policy are vested in the City Council including but not limited to:
  - To enact municipal legislation.
  - To appoint and remove all persons appointed by the City Council.
  - To set the compensation of all appointed City officers.
  - To establish operating policy.
  - To establish the boundaries of the City.
  - To establish salary structures for each job classification.

# Office of the Mayor

- ❑ The Mayor shall sign all contracts and conveyances made or entered into by the City and all bonds issued under the provisions of this Charter. The Mayor shall be recognized as the official head of the City by the court for the purpose of serving civil process, by the governor for the purpose of enforcing military law, and for all ceremonial purposes. The Mayor shall preside at City Council meetings and shall be recognized as head of the City government. As a Member of the Council, the Mayor may participate in the discussion of all matters coming before the Council but shall be entitled to vote only in case of a tie upon all affairs considered by the Council, and shall have no veto power.

# Mayor Pro Tempore

The Mayor, at the City Council meeting in which election results are canvassed and newly elected officials are sworn in, shall nominate and the City Council shall elect one of its Members Mayor Pro Tem to serve a one (1) year term. Should a Mayor Pro Tem not be appointed by City Council during the City Council meeting in which election results are canvassed and new elected officials are sworn, the City Council may appoint a Mayor Pro Tem at the next regular meeting of the City Council by selecting one of its members without the necessity of the Mayor's nomination. The Mayor Pro Tem shall act as Mayor in the absence of the Mayor and shall have the same duties and powers as the Mayor when doing so. All legal documents shall be served to the Mayor, City Manager, and/or City Secretary.



- ❑ Members have a duty to vote on every question decided at Council meetings.
- ❑ Members have a right to speak, make motions, introduce new ordinances, and amend existing ordinances when recognized by the Mayor.
- ❑ Members should attend all meetings and are expected to be on time.
- ❑ Members should be prepared and should read the agenda packet prior to the meeting.
- ❑ Members should be committed to being fair, unbiased, and open-minded.
- ❑ Members should be involved and visible in the community and its activities.
- ❑ Members are expected to be courteous to each other and to the staff.

*Staff sees Council as a singular body – not plural.  
Councilmembers have no individual authority.*

# Political Leadership and Policy Development

- ❑ Council members are expected to:
  - View the public interest apart from personal interest,
  - Set policies and goals as a team,
  - Develop public policy,
  - Be sensitive to the balance between casual and formal relationships.
  
- ❑ Four steps to reach policy decisions:
  - Determine what is needed,
  - Determine the will of the people,
  - Determine what can be done financially and practically,
  - Make a decision and take action.



# The Council-Manager Form of Government

## □ Mission:

- City Council – Determines purpose, scope of services, tax levy, and constitutional issues.
- City Manager – Advises the Council and analyzes the conditions and trends to provide professional expertise and guidance.

## □ Policy:

- City Council – Pass ordinances, approve new projects and programs, and ratify the budget.
- City Manager – Make recommendations on all decisions, formulate the budget and determine service distribution formula.

## □ Management:

- City Council – Review organization's performance in manager's appraisal and provide clear direction for the City Organization
- City Manager – Control of the human, material, and informational resources of the organization to support policy and administrative functions and carry out the will of the City Council.

# City Council Meetings

- The City Council shall hold regular meetings and as many additional meetings as it deems necessary to transact the business of the City.
- All meetings shall comply with State and Municipal law.
- Special meetings may be called by the City Secretary on the written request of the Mayor or any four (4) City Council Members. All City Council meetings shall be held at City Hall or at such a place in the City that will permit the attendance of the general public. All City Council meetings and all sessions of the City Council shall be open to the public; however, the City Council may recess for the purpose of discussing in an executive session those matters permitted by State law.
- All executive sessions must be called and provided for in a public meeting and must state the general subject to be discussed. No final action or vote regarding any matter considered in an executive session shall be made except in a public meeting.
- Rules and Journal. The City Council shall determine its own rules and order of business and shall provide for keeping a journal of all its proceedings. This journal shall be public record.
- Voting. The ayes and nays shall be recorded in the journal. Four (4) Council Members of the City Council shall constitute a quorum. All matters may be passed by majority of the quorum except as otherwise provided herein.
- Council meetings are conducted in accordance with Chapter 551 of the Local Government Code, the Texas Open Meetings Act and the Texas Public Information Act.

# Open Meetings Act

- ❑ Every meeting of the City Council must be conducted in accordance with Chapter 551 of the Government Code (Texas Open Meetings Act).
- ❑ All *newly* elected officials are required to complete Open Meetings Act training within 90 days after taking the oath of office.
- ❑ The Open Meetings Act requires a written notice (agenda) of the date, hour, and location of every Council meeting along with an agenda specifically describing all the items to be considered.
- ❑ The notice/agenda must be posted 72 hours in advance of such meeting on a bulletin board at City Hall that is accessible to the public 24 hours a day.
- ❑ The Open Meetings Act requires a City that maintains an internet website to post meeting notices on its website.

# Executive Sessions

- ❑ Executive sessions are permitted for the discussion of items that legitimately fall within the confines of statutorily defined exceptions.
- ❑ Before an executive session can occur, an open session must be convened, and the presiding officer must announce that a closed meeting will take place. The officer must cite the section of the Open Meetings Act that authorizes the closed session.
- ❑ Open meetings law expressly provides that no final action, decision, or vote can be made except in a meeting that is open to the public.

# Executive Sessions Cont'd

- ❑ A Councilmember who violates the open meeting law can be punished by a fine of \$100 to \$500 and/or be confined to the county jail for one to six months.
- ❑ Actions taken by a Council in an illegal meeting are voidable. A court may assess litigation costs and reasonable attorney fees incurred by a party who substantially prevails in action brought under the open meetings law.
- ❑ It is an affirmative defense to prosecution if the Mayor or Councilmember relied in good faith on the written advice of the City Attorney.

# Open Meetings Exceptions

- ❑ There are ten (10) *narrow* exceptions to the Open Meetings Act:
  - Consultation with attorney
  - Deliberation regarding real property
  - Deliberation regarding prospective gifts
  - Personnel matters
  - Deliberation regarding security devices
  - Agency financed by the federal government
  - Exclusion of a witness from hearing
  - Meeting concerning a municipally owned utility
  - Deliberation regarding economic development negotiation
  - Deliberation regarding test item

# Conflict of Interest

- ❑ Refer to Chapter 171 of the Local Government Code and Article XI, Section 11.05 of the City Charter.
- ❑ Every time a local public official participates in contracting with his/her governmental entity or owns real property that may be affected by that entity's actions, the official must consider whether his/her discussion, decision or vote on an item will violate either Texas conflict of interest laws or local conflict of interest provisions.
- ❑ An official with a conflict of interest under Chapter 171 must file an affidavit and abstain from discussion and voting.
- ❑ An official may be charged with a crime for violating conflict of interest laws.