

City Council

101

by Sherry Mashburn, TRMC, MMC



CITY OF COLLEGE STATION
Home of Texas A&M University®



Sherry Mashburn

City Secretary

979.764.3519

smashburn@cstx.gov

Council Elections

- >>> The [College Station City Council](#) consists of seven members, including the mayor. The six regular members fill Places 1-6.
- >>> All seven members are elected at-large for three-year terms. Places 1, 3 and 5 will be elected one year, Places 4 and 6 the following year, and Place 2 and the Mayor the subsequent year.
- >>> The College Station City Council has no term limits, but no member may serve for consecutive regular terms totaling more than six years.
- >>> Candidates must receive a majority (50 percent +1) of the votes to earn a place on the city council.

Forfeiture of Office

Council members may forfeit their places if:

- >>> They fail to maintain the qualifications required by the [city charter](#).
- >>> They are convicted of a felony while in office.
- >>> They are absent from three consecutive regular city council meetings without consent of the council.

Council Powers

- >>> To appoint and remove the city manager.
- >>> To establish administrative departments and the organization and functions of divisions.
- >>> To adopt the city's budget.
- >>> To authorize the issuance of bonds by bond ordinance.
- >>> To inquire into the conduct of any office, department or agency of the city and make investigations as to municipal affairs.
- >>> To provide for a planning commission, zoning commission and a zoning board of adjustment, and appoint members of all such commissions and boards.
- >>> To adopt plats.
- >>> To adopt and modify the city's official map.
- >>> To adopt, modify and carry out plans proposed by the planning commission for the replanning, improvement and redevelopment of neighborhoods or any area or district which may have been destroyed in whole or in part by disaster.
- >>> To regulate, license and fix the charges or fares on any vehicle used for hire on the city's public streets or alleys.
- >>> To provide for the establishment and designation of fire limits.
- >>> To prevent construction and use of housing below standards fixed by the city council.





Mayor's Role

The mayor is the ceremonial head of the city government and as such is the face the community expects to see. The mayor fulfills this role in various ways.

Mayor's Responsibilities

- >>> The mayor shall be the presiding officer at all meetings.
- >>> The mayor votes but has no veto power.
- >>> The mayor preserves order and decorum.
- >>> The mayor mediates conflict among council members.
- >>> When authorized by the city council, the mayor signs all official documents, including ordinances, resolutions, conveyances, grant agreements, official plats, contracts and bonds.

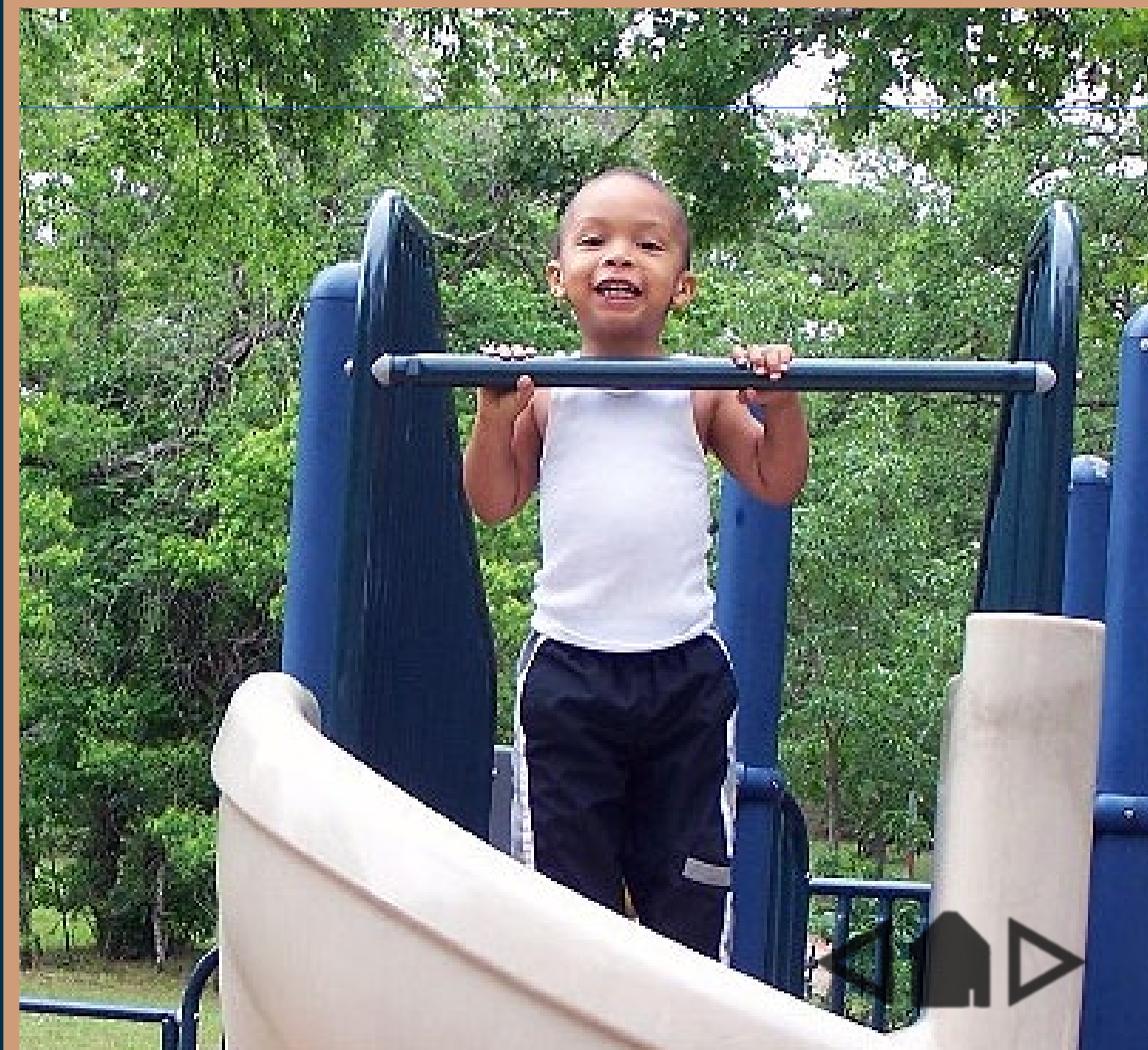
Mayor Pro Tem

- >>> The mayor pro tem acts as mayor during the disability or absence of the mayor.
- >>> In this capacity, the mayor pro tem has the rights conferred upon the mayor.



Council Duties

- >>> 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.
- >>> Members should be conscious of their body language.



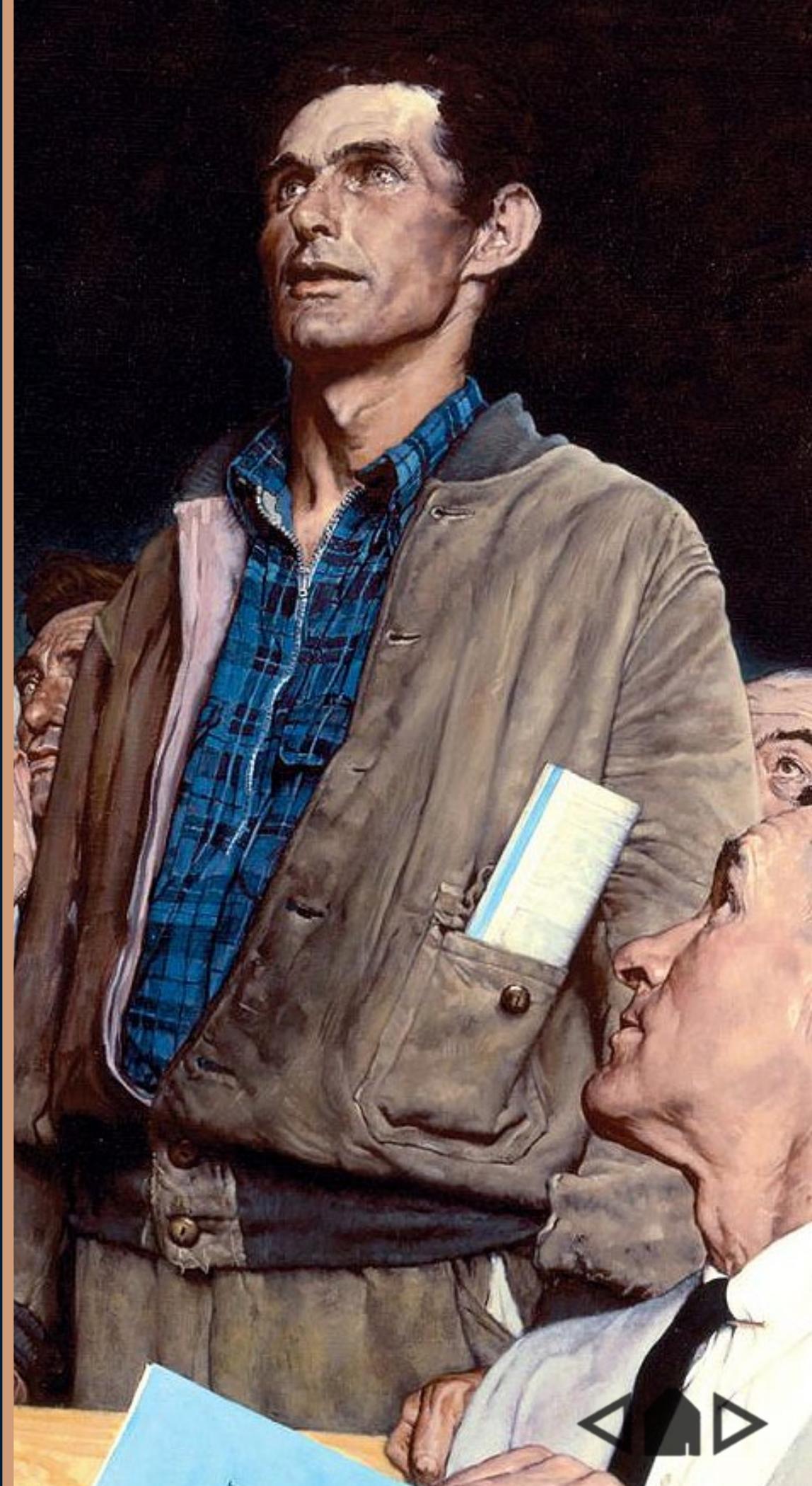
Council Meetings

- >>> The council meets regularly but not less than once each month.
- >>> Meetings are normally scheduled at 7 p.m. on the second and fourth Thursdays of each month.
- >>> The mayor or a majority of council members may call special meetings.
- >>> To conduct business, at least four council members (a quorum) must be present.
- >>> Council members are expected to report absences to the mayor in a timely manner to avoid violating quorum requirements.
- >>> 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.



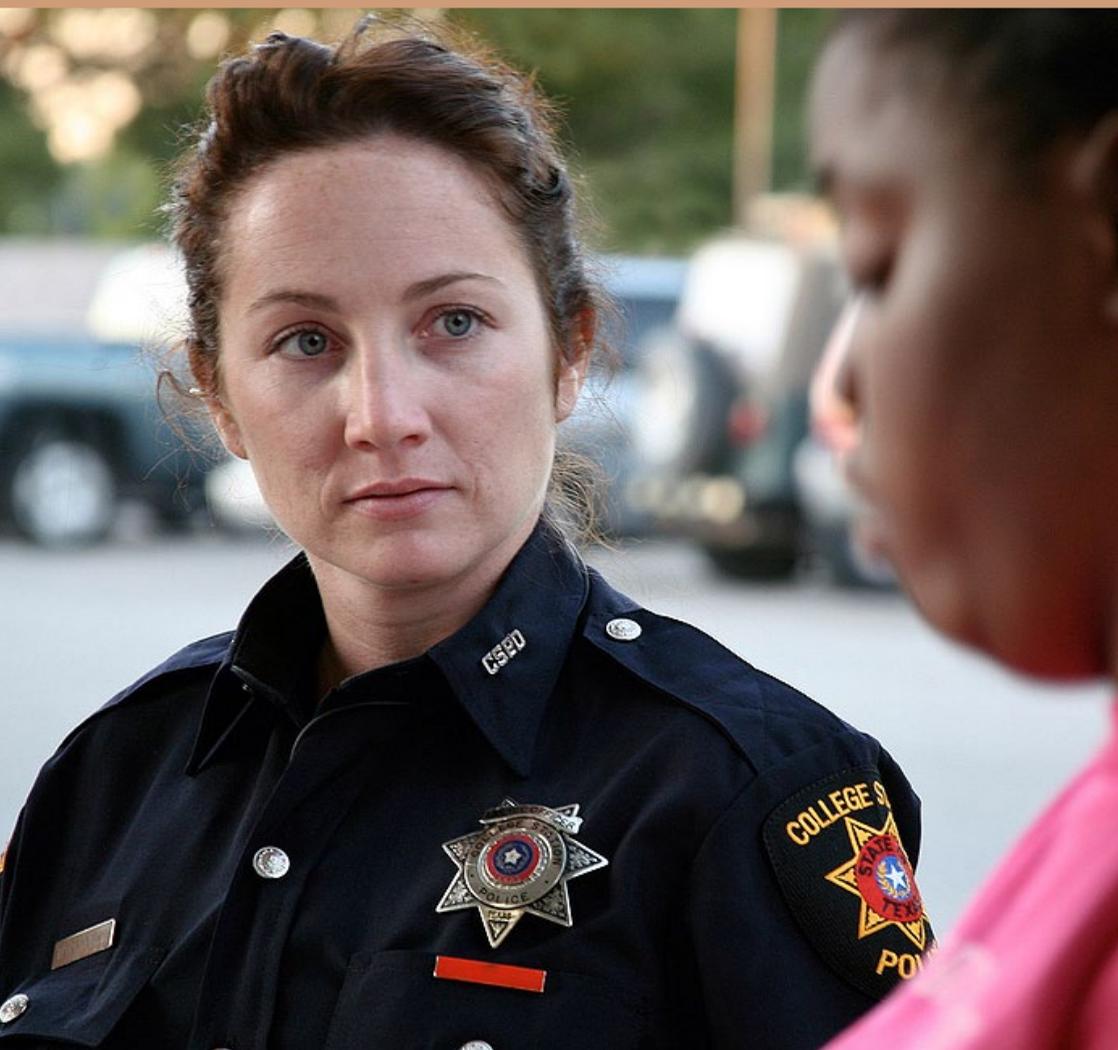
Open Meetings Act

- >>> Every meeting of the city council must be conducted in accordance with [Chapter 551](#) of the Government Code (Texas Open Meetings Act).
- >>> Any person taking office is required to complete training no later than 90 days after taking the oath of office or assumes the responsibilities of office.
- >>> A time will be set for new council members to meet this requirement.
- >>> 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, the council first must convene in open session 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 meeting law expressly provides that no final action, decision or vote can be made except in a meeting that is open to the public.
- >>> Any council member 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, and 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 council member relied in good faith on the written advice of the city attorney.



Open Meetings Exceptions

There are 10 *narrow* exceptions to the Open Meetings Act:

1. Consultation with attorney.
2. Deliberation regarding real property.
3. Deliberation regarding prospective gifts.
4. Personnel matters.
5. Deliberation regarding security devices.
6. Agency financed by the federal government.
7. Exclusion of a witness from hearing.
8. Meeting concerning a municipally-owned utility.
9. Deliberation regarding economic development negotiation.
10. Deliberation regarding test item.



Conflict of Interest

[Local Government Code 171](#)

- >>> Everytime a local public official participates in contracting with his governmental entity or owns real property that may be affected by that entity's actions, the official must consider whether his discussion, decision or vote on an item will violate either Texas conflict of interest laws or local conflict of interest provisions.
- >>> Business entity conflicts and real property conflicts are covered by Texas conflict of interest laws.
- >>> For the purposes of Texas conflict of interest laws, a business entity includes sole proprietorships, partnerships, firms, corporations, holding companies, joint-stock companies, receiverships, trusts and any other entity recognized by law as a business entity.
- >>> A substantial interest in a business entity, such that would amount to a potential conflict of interest, includes stock interest, other ownership interest and income interest. This also pertains to close family members with any of these interests.
- >>> A substantial interest in real property, such that would amount to a potential conflict of interest, consists of a \$2,500 ownership interest in real property by the official or a close family member.
- >>> 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 if he fails to file an affidavit noting a conflict, participates in discussions on an item for which a conflict exists, serves as a surety for certain businesses, or serves as a surety for local official bonds.



Political Leadership

Council members are expected to:

- >>> View the public interest apart from personal interests.
- >>> Set policies and goals as a team.
- >>> Develop public policy.

Policy Development

Four steps to reach policy decisions:

1. Determine what is needed.
2. Determine the will of the people.
3. Determine what can be done financially and practically.
4. Make a decision and take action.

Staff Role

Does city staff have a role in policy development?

YES!



Council/Manager Government

Mission

- >>> ***Council's Sphere:*** Determine purpose, scope of services, tax level and constitution issues.
- >>> ***Manager's Sphere:*** Advise council, and analyze conditions and trends.

“What can the city do?”

“What should the city do?”

Policy

- >>> ***Council's Sphere:*** Pass ordinances, approve new projects and programs, and ratify budget.
- >>> ***Manager's Sphere:*** Make recommendations on all decisions, formulate budget, and determine service distribution formula.

Management

- >>> ***Council's Sphere:*** Review organization's performance in manager's appraisal.
- >>> ***Manager's Sphere:*** Control of the human, material and informational resources of the organization to support policy and administrative functions.



Council/Staff Relations

- >>> Policy vs. administration roles.
- >>> Team approach.
- >>> Council members and staff should be sensitive to the balance between casual and formal relationships.
- >>> Staff sees council as singular, not plural. Council members have no individual authority.

City Plans to Know

- ✓ [Comprehensive Master Plan](#)
- ✓ [Transportation Plan](#)
- ✓ [Parks, Recreation, Trails and Open Space Master Plan](#)
- ✓ [Capital Improvement Plan](#)

