

**RULES OF PROCEDURES  
OF THE  
PERMIT AND LICENSE APPEAL BOARD**

[PURSANT OF THE DALLAS CITY CODE, CHAPTER 8]  
[APPROVED 10/31/02]

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## **AUTHORITY**

The Dallas City Code Chapter 8 provides for open meetings of all board meetings to the public. The Rules of Procedure establish guidelines to be followed by all persons attending a permit and license appeal board meeting, including members of the Board, administrative staff, news media and visitors. The permit and license appeal board shall hear and consider evidence offered by any interested person. [City Code, Chapter 8; Chapter 2, Sec. 2-96(c)]

## **REPORTS TO THE CITY COUNCIL**

By February 1 of each year, each board shall submit to the city council an annual report of its activities containing the following:

- (1) Cover letter transmitting the report signed by the board chair, addressed to the mayor and city council;
- (2) Table of contents
- (3) Mission statement and guiding principles of the reporting body
- (4) List of objectives and success indicators for period covered in the report
- (5) Summary of the year just completed including highlights of accomplishments
- (6) Summary of the board's findings and recommendations
- (7) Other information determined to be necessary by the board

Copies of the report should be furnished to the city manager, city secretary, and each member of the board. [City Code, Sec. 8-1.1]

## MEETINGS

**Regular Meetings.** The permit and license appeal board will meet at 8:30 a.m. on each first and third Thursday of the month, in Room 6ESouth unless postponed or cancelled for valid reasons. [City Code, Sec. 8-2]

**Special Meetings.** Special meetings may be called by the chair at any time and shall be called by the chair upon written request of members comprising at least one-third of the board. [City Code, Sec. 8-3]

**Public Notice.** Notice of all special and regular meetings of the board shall be published in accordance with the Texas Open Meetings Act. [City Code, Sec. 8-7] The agenda for all regular meetings and the notice listing hearings to be considered shall be posted by the city secretary on the City's official bulletin board in accordance with the Texas Open Meetings Act [Chapter 551.071, Texas Government Code]

**Quorum.** At the beginning of each regular or special meeting, the chair shall determine whether or not a quorum exists in order to properly transact business of the board. A quorum exists when there are physically present a simple majority of the number of members officially appointed to the board, regardless of the total number of members actually provided for the board, except that no board required to be composed of 15 or more members may have a quorum of fewer than six members. A quorum of the permit and license appeal board must be present to conduct a board meeting. If a quorum of the board does not exist at the meeting within 30 minutes after the scheduled starting time of the meeting, the chair may adjourn the meeting and either re-schedule the meeting at its next regular time or call a special meeting, depending on the circumstances. [City Code, Sec. 8-4]

**Executive Sessions.** The board may meet in executive session when it is scheduled by the chair upon request by the city attorney, city secretary, or any member of the board and when it is in compliance with the Texas Open Meetings Act. The board shall publicly announce the category under the Texas Open Meetings Act that permits the executive session, tape record the executive session, and comply with all other requirements of the Texas Open Meetings Act. The board shall follow the letter and the spirit of the Texas Open Meetings Act, and closed executive sessions shall be kept to a minimum. [Chapter 551.071, Texas Government Code; City Code, Sec. 8-6]

**Attendance.** No member shall be excused from attendance at a board meeting, unless for medical reasons certified to by a physician or unless excused by the board and the city council. A member having three (3) unexcused absences in succession shall forfeit membership on the board. A member of a board meets weekly or biweekly, who is absent from more than 25 percent of the regular meetings in any six months period, whether excused or not, shall forfeit membership on the board. [City Code, Sec. 8-20]

**Punctuality and Breaks.** Permit and License Appeal Board members shall arrive at the board meetings at or before the scheduled time for the meeting to begin. At the beginning of each board meeting the chair shall announce the schedule for breaks and lunch to be taken during the meeting.

**City Attorney Participation.** The city attorney, or designated assistant city attorney, shall attend all board meetings unless excused and shall upon request give an opinion, either written or oral, on questions of law. The city attorney shall act as the board's general counsel.

**City Secretary Participation.** The city secretary or designated staff shall attend all board meetings and shall keep accurate records of all actions taken by the permit and license appeal board.

## CHAIR AND VICE CHAIR DUTIES

**Chair and Vice Chair.** The chair shall, when present, preside at all meetings of the board. In the absence of the chair, the vice-chair shall exercise the powers of the chair. The presiding officer shall rule on points of order and procedures that are brought up in board meetings. If the chair and the vice-chair are absent at the beginning of a meeting, the board shall elect a temporary chair. [City Code, Sec. 8-9]

**Preservation of Order.** The chair shall preserve order and decorum and shall appoint a sergeant-at-arms and a deputy to enforce compliance with the rules contained in this chapter. The chair shall require members of the board engaged in debate to limit discussion to the question under consideration. [City Code, Sec. 8-10]

**Questions to be Stated.** The chair shall state all questions submitted for a vote, call for an affirmative and negative vote, and announce the result. A roll call vote shall be taken upon the request of any member. [City Code, Sec. 8-11]

## CODE OF CONDUCT

**Board Members.** During board meeting, board members shall preserve order and decorum and shall neither, by conversation or otherwise, delay or interrupt the proceedings nor refuse to obey the orders of the chair or the rules of the board.

Every board member desiring to speak shall address the chair and upon recognition by the chair, shall limit remarks to the question under debate and shall avoid discussion of personalities and indecorous language.

A board member, once recognized, shall not be interrupted while speaking unless called to order by the chair, except when a point of order is raised by another member or the speaker chooses to yield to questions from another member. If a board member is called to order while speaking, the member shall cease speaking immediately until the question of order is determined. If ruled to be in order, the member shall be permitted to proceed. If ruled to be not in order, the member shall remain silent or otherwise comply with rules of the board.

All members of the board shall accord the utmost courtesy to each other, to city employees, and the member of the public appearing before the board and shall refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments, and statements as to motives and personalities.

Board members shall confine their questions as to the particular matters before the assembly and, in debate, shall confine their remarks to the issues before the board.

Member shall be removed from the meeting for failure to comply with decisions of the chair or continued violations of the rules of the board. If the chair fails to act, any member may move to require the chair to enforce the rules, and the affirmative vote of a majority of the board shall require the chair to act. [City Code, Sec. 8-22]

**Administrative Staff.** Members of the administrative staff and employees of the city may attend board meetings but shall observe the same rules of procedure and decorum applicable to members of the board.

All remarks and questions addressed to the board by a staff member shall be addressed to the board as a whole and not to any individual member.

No staff member, other than the staff member having the floor, shall enter into discussion either directly or indirectly without permission of the chair. [City Code, Sec. 8-23]

**News Media Members.** During the conduct of official business, members of the news media shall occupy spaces allocated for them.

Members of the news media shall refrain from conversing privately with other persons in the meeting room during the conduct of official business.

Interview of person attending board meetings shall be conducted outside the meeting room.

**Member of the Public.** Citizens are welcomed to attend all official meetings of city boards and will be admitted to the meeting room up to the fire safety capacity of the room.

Members of the public attending board meetings shall observe the same rules of propriety, decorum, and good conduct applicable to members of the board. Any person making personal, impertinent, and slanderous remarks, or who becomes boisterous while addressing the board or while attending the board meeting, shall be removed from the room if the sergeant-at-arms is so directed by the chair, and the person shall be barred from attendance for the balance of the meeting.

Unauthorized remarks from the audience, stamping of feet, whistles, yells, an similar demonstrations shall not be permitted by the chair, who shall direct the sergeant-at-arms to remove offenders from the room. Aggravated cases shall be prosecuted on appropriate complaint signed by the chair. If the chair fails to act, any member of the board may move to require the chair to act to enforce the rules, and the affirmative vote of the majority of the board shall require the chair to act. [City Code, Sec. 8-25]

## DUTIES AND PRIVILEGES OF MEMBERS

**Right to Floor.** When recognized by the chair, a member shall confine remarks to the question under debate, avoid personalities, and refrain from impugning the motives of any other member's argument or vote. No member shall address the chair or demand the floor while a vote is being taken. [City Code, Sec. 8-13]

**Financial Interest.** A member stopped from voting on a matter for reasons of financial interest shall;

- (1) Refrain from discussing the matter at any time with any other member of the board or any other body that will consider the matter;
- (2) Leave the room during debate and hearing;
- (3) Refrain from voting on the matter

[City Code, Sec. 8-14]

**Right to Appeal.** A member may appeal to the board from a ruling of the chair. If the appeal is seconded, the member making the appeal may briefly state reasons for the appeal and the chair may briefly explain the ruling, but there shall be no debate on the appeal and no other member shall participate in the discussion. The chair shall then put the question, "Shall the decision of the chair be sustained?" If a majority of the members present vote "Aye," the ruling of the chair is sustained; otherwise it is overruled. [City Code, Sec. 8-15]

**Limitation of Debate.** No member shall be allowed to speak more than once upon any one subject until every other member choosing to speak on the subject has spoken, and no member shall speak more than twice upon any one subject, nor for a longer time than five minutes, without a two-thirds affirmative vote of the board. [City Code, Sec. 8-16]

**Voting.** Every member present when a question is put shall vote either "yes" or "no," unless the member is prevented from voting because of conflict of interests. A member who is absent from the meeting during a vote and returns to or arrives at the meeting before adjournment shall, upon returning or arriving, vote on the question for the record unless prevented from voting by a conflict of interests shall be recorded as having voted in the affirmative, unless the member has obtained the consent of the chair to leave the meeting and is absent for the remainder of the meeting. [City Code, Sec. 8-17]

**Personal Privilege.** The right of a member to address the board on a question of personal privilege shall be limited to cases in which the member's integrity, character, or motives are assailed, questioned, or impugned. [City Code, Sec. 8-19]

**Excusal During Meeting.** A member may not leave a board meeting in regular session without acknowledgement by the chair. A member who leaves a board meeting after the board has been duly called to order and is absent for the remainder of the meeting, without first obtaining the consent of the chair, shall be charged with an unexcused absence for that meeting. The consent of the chair may be given only in an emergency beyond the control of the member that requires the member to leave the meeting. [City Code, Sec. 8-21]

## ORDER OF BUSINESS

**Agenda.** The order of business of each board meeting shall be as contained in the agenda prepared as follows:

- (1) The agenda shall be a listing of all requested appeal hearing by date that have been received in the city secretary's office at least 15 days prior to a scheduled board meeting.
- (2) There shall be no more than 6 appeal hearing requests on one agenda.

**Citizens Speakers.** A person wishing to address the board must first register with the board staff and provide the following information:

- (1) Name
- (2) Residence address
- (3) Daytime telephone number
- (4) Appeal Hearing they are addressing

**Speakers Rules.** In order that the board may properly consider each appeal hearing speakers are asked to observe the following rules:

- (1) Only one person may speak at any one time
- (2) There will be no substitutes or pooling of speakers
- (3) Speakers must limit remarks to the specific appeal hearing being considered by the board
- (4) Speakers will have a maximum of two (2) minutes to speak  
**[Exception is if the chair set a time limit for speakers.]**

**Votes Requirements.** An affirmative vote of two-thirds of the members present is required to grant or deny any license appeal request.

## ADMINISTRATIVE PROCEDURES

**Board Recommendations.** All recommendations, resolutions, reports, and findings of the board shall be submitted through established administrative procedures within the city to the appropriate city department or the city council. In no event shall the members of the board, either individually or as a board, circumvent the administrative procedure through which such information is to pass. If no action is taken, or the resolution or suggestion is not properly passed to the city council or appropriate city officials, then, upon motion duly made, seconded, and passed by a majority of the members, the chair of the board shall be directed and authorized to make known the wisher of the board to the city council or appropriate city official.

Unless approved by the city council, members of a board, either individually or as a board, shall not present board recommendations, resolutions, reports, or findings to persons or agencies outside the city organization except in the ordinary course of official board meetings. [City Code, Sec. 8-26]

**Dealing with City Employees.** Under no circumstances shall members of a board or commission interfere in any manner with the employees or personnel who work with or under the board, but they shall in all cases make their wishes known to the head of the department, who shall handle the matter with employees, the same as in other employee-personnel problems. The board shall confine itself to the guidelines provided in the charter, appointing ordinance, or resolution that sets out the duties of the board. [City Code, Sec.8-27]

## PERMIT AND LICENSE APPEAL BOARD SPEAKERS RULES

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PUBLIC MEETING APPEARANCE CARD  
PERMIT AND LICENSE APPEAL BOARD

NAME OF SPEAKER: \_\_\_\_\_

RESIDENCE ADDRESS: \_\_\_\_\_

DAYTIME TELEPHONE: \_\_\_\_\_

AGENDA ITEM \_\_\_\_\_

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PUBLIC MEETING APPEARANCE CARD  
PERMIT AND LICENSE APPEAL BOARD

NAME OF SPEAKER: \_\_\_\_\_

RESIDENCE ADDRESS: \_\_\_\_\_

DAYTIME TELEPHONE: \_\_\_\_\_

AGENDA ITEM \_\_\_\_\_

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PUBLIC MEETING APPEARANCE CARD  
PERMIT AND LICENSE APPEAL BOARD

NAME OF SPEAKER: \_\_\_\_\_

RESIDENCE ADDRESS: \_\_\_\_\_

DAYTIME TELEPHONE: \_\_\_\_\_

AGENDA ITEM \_\_\_\_\_