

City of Woodcreek City Council Workshop

March 12, 2019; 2:00 p.m.

Woodcreek, Texas

Notice of Agenda

This notice, as amended, is posted pursuant to the Texas Open Meetings Act (Vernon's Texas Codes Ann. Gov. Code Chapter 551). The Woodcreek City Council will hold a Council Workshop on March 12, 2019, at 2:00 p.m. at Woodcreek City Hall, 41 Champions Circle, Woodcreek, Texas at which time the following items will be discussed:

- 1. Call Workshop to Order**
- 2. Roll Call**
- 3. Discussion on the City of Woodcreek Policies for Conduct of Elected and Appointed Officials**
- 4. Adjourn**

Attendance by Other Elected or Appointed Officials:

It is anticipated that members of other city board, commissions and/or committees may attend the workshop in numbers that may constitute a quorum of the other city boards, commissions and/or committees. Notice is hereby given that the workshop, to the extent required by law, is also noticed as a workshop of the other boards, commissions and/or committees of the City, whose members may be in attendance. The members of the boards, commissions and/or committees may participate in discussions on the same items listed on the agenda, which occur at the workshop, but no action will be taken by such in attendance unless such item and action is specifically provided for on an agenda for that board, commission or committee subject to the Texas Open Meetings Act.

The City of Woodcreek is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Please call the City Secretary's Office at 512-847-9390 for information. Hearing-impaired or speech disabled persons equipped with telecommunications devices for the deaf may call 7-1-1 or may utilize the statewide Relay Texas program at 1-800735-2988.

Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter 11, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly.

I certify that the above notice was posted on the 7th day of March 2019 at 3:30 p.m.

By: 
Brenton B. Lewis, City Manager

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODCREEK, TEXAS ESTABLISHING POLICIES FOR CONDUCT FOR ELECTED AND APPOINTED OFFICIALS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, it is important that the public have confidence in the integrity of its government; and

WHEREAS, the proper operation of government requires that City officers treat one another and City staff with courtesy and respect and governmental decisions and policy be made within the proper channels of the governmental structure; and

WHEREAS, the City Council of the City of Woodcreek, Texas ("City"), desires to adopt a policy to govern the actions of public officials and to memorialize the officials' dedication and service to the citizens of the City; and

WHEREAS, the City Council by this Resolution adopts Policies for Conduct for Elected and Appointed Officials and hereby memorializes that desire by the adoption of this Resolution;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WOODCREEK, TEXAS:

Section 1. Preamble Incorporated. That all matters stated herein above are found to be true and correct and are incorporated herein by reference as if copied in their entirety.

Section 2. Purpose. These Policies on Conduct for Elected and Appointed Officials describe the manner in which Council Members¹ and Board and Commission members should treat one another, City staff, citizens, and others they come into contact with in representing the City of Woodcreek. Council Members are expected to demonstrate appropriate behavior at all times while serving the citizens of the City and making decisions that are in the best interest of the City. Although a member or members of the Council may disagree with another's opinion or vote on a matter or a staff member's recommendation or work product, Council Members should always treat one another and City staff with courtesy and respect. Demonstrating respect for each individual through words and actions can help guide Council Members and board and commission members to do the right thing in even the most difficult situations for the citizens and the City as a whole.

Section 3. Policies Adopted. These Policies on Conduct of Elected and Appointed Officials is hereby adopted by the City Council as follows:

A. Elected and Appointed Officials' Conduct with One Another. Elected and

¹ For purposes of these policies, the term "Council Member" includes the Mayor.

appointed officials are composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. All have chosen to serve in public office in order to preserve and protect the present and the future of the community. In all cases, this common goal should be acknowledged even though individuals may "agree to disagree" on contentious issues.

B. Elected and Appointed Officials' Conduct during Public Meetings

Use formal titles.

Elected and appointed officials should refer to one another formally during public meetings, such as Mayor, Mayor Pro Tem, Council Member, Chair, or Commissioner.

Practice civility and decorum in discussions and debate.

Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. This does not allow, however, public officials to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. No shouting or physical actions that could be construed as threatening will be tolerated.

Honor the role of the Presiding Officer/Chair in maintaining order.

It is the responsibility of the Presiding Officer/Chair to keep the comments of elected and appointed officials on track during public meetings. Elected and appointed officials should honor efforts by the Presiding Officer/Chair to focus discussion on current agenda items. If there is disagreement about the agenda or the Presiding Officer/Chair's actions, those objections should be voiced politely and with reason, following procedures outlined in parliamentary procedure adopted by the City Council or Board, Commission or Committee.

- C. Council Conduct with Boards and Commissions.** The City Council has established several boards or commissions as a means of advising the City Council on certain matters or for gathering more community input. Citizens who serve on boards or commissions become more involved in government and serve as advisors to the City Council. They are a valuable resource to the City's leadership and should be treated with appreciation and respect.

Attendance and participation at Board and Commission meetings

Council Members may attend any board or commission meeting, which are open to any member of the public. However, they should be sensitive to the way their participation, especially if it is on behalf of an individual, business or developer, could be viewed as unfairly affecting the process. Any public comments by a Council Member at a board or commission meeting should be clearly made as individual opinion and not as a representation of the feelings of the entire City Council. If the Council Member wishes to address the Board or Commission on a personal viewpoint, the Council Member shall so state that his or her comments are personal viewpoints or opinions and not that of the City Council or City.

Contact with Board and Commission members should be limited to questions of clarification

It is inappropriate for a Council Member to contact a Board or Commission

member to lobby on behalf of an individual, business, or developer, and vice versa. It is acceptable for Council Members to contact board or commission members in order to clarify a position taken by the board or commission.

Boards and Commissions serve the community, not individual Council Members

The City Council appoints individuals to serve on Boards and Commissions, and it is the responsibility of boards and commissions to follow policy established by the Council; however, Board and Commission members do not report to individual Council Members, nor should Council Members feel they have the power or right to threaten Board and Commission members with removal if they disagree about an issue. Appointment and re-appointment to a Board or Commission should be based on such criteria as expertise, ability to work with staff and the public, and commitment to fulfilling official duties. A Board or Commission appointment should not be used as a political "reward."

Be respectful of diverse opinions

A primary role of Boards and Commissions is to represent many points of view in the community and to provide the Council with advice based on a full spectrum of concerns and perspectives. Council Members may have a closer working relationship with some individuals serving on Boards and Commissions, but must be fair and respectful of all citizens serving on Boards and Commissions.

Keep political support away from public forums

Board and Commission members may offer political support to a Council Member, but not in a public forum while conducting official duties. Likewise, Council Members may support Board and Commission members who are running for office but not in an official forum in their capacity as a Council Member.

D. Elected and Appointed Officials' Conduct in Unofficial Settings

Make no promises on behalf of the Council, Board/Commission or City. Elected and appointed officials may frequently be asked to explain a Council or Board/Commission action or to give their opinion about an issue as they meet and talk with constituents in the community. It is appropriate to give a brief overview of City policy and to refer to City staff for further information. It is inappropriate to overtly or implicitly promise Council or Board/Commission action, or to promise City staff will do something specific (fix a pothole, issue a citation, plant new flowers in the median, etc.).

Refrain from personal comments about other elected or appointed official or employee. It is acceptable to publicly disagree about an issue, but it is unacceptable to make derogatory comments or personal attack about another elected or appointed official or employee, and their opinions and actions. Honesty and respect for the dignity of each individual should be reflected in every word and action taken by an elected or appointed official at all times as a continuous responsibility.

E. Elected and Appointed Officials' Conduct with Other Public Agencies

Conduct of Council Members.

When meeting or speaking with or before other public agencies, a Council Member must state whether he or she is meeting or speaking with or before the public agency as a representative of the City or on his or her personal behalf. When representing the City, the Council Member must have been designated by the Mayor or the Council and must support and advocate the official City position on an issue, not a personal viewpoint. If the Council Member is representing a personal viewpoint or if the Council Member has not been designated by the Council to represent the City, the Council Member must state that he or she is representing a personal viewpoint and/or has not been authorized by the Council to express any view on behalf of the City.

When representing another organization whose position is different from the City, the Council Member should abstain from voting on the issue if it significantly impacts or is detrimental to the City's interest. Council Members should be clear about which organizations they represent and inform the Mayor and Council of their involvement.

Conduct of Board or Commission Members.

When meeting or speaking with or before other public agencies, Board and Commission members are not authorized to represent the City or their Board or Commission unless specifically designated by the Council or the Board or Commission to do so for a particular purpose and with staff's knowledge. If the Board or Commission member is representing a personal viewpoint or if the Board or Commission member has not been designated by the Council or the Board or Commission to represent the City or the Board or Commission, the member must state that he or she is representing a personal viewpoint and/or has not been authorized by the Council or the Board or Commission to express any view on behalf of the City or Board or Commission.

F. Correspondence about Representation

City letterhead may be used when the Council Member is representing the City and the City's official position. Prior to sending correspondence on behalf of the City, the Council Member should notify the City Manager and verify whether the Council Member is authorized to represent the City on a position and/or confirm whether or not the issue giving rise to the correspondence has not been addressed by the City. A copy of official correspondence should be given to the City Clerk to be filed with the City's official records as part of the permanent public record. City letterhead should not be used for non-City business or for correspondence representing a dissenting point of view from an official Council position.

G. Elected and Appointed Officials' Conduct with the Media

Mayor as the official spokesperson for the City. The Mayor is the designated representative of the Council to present and speak on the official City position. If an individual Council Member is contacted by the media or contacts the media, the Council Member should be clear about whether his or her comments represent the official City position or a personal viewpoint.

Council Members shall not state that he or she is representing the City or the City Council on a viewpoint unless specifically designated by the Mayor or the Council to represent the City in the particular viewpoint. If a Council Member is authorized to speak with or contact the media regarding a particular viewpoint, such authorization shall be limited to that particular topic and viewpoint.

Board and Commission Member Conduct with Media. Board and commission members are not authorized to represent the City outside of official board/commission meetings unless specifically authorized to do so by the City Council or the Board or Commission. If an individual Board or Commission member is contacted by the media or contacts the media, the member should be clear about whether his or her comments represent the official City or Board or Commission position or a personal viewpoint. A Board or Commission member shall not state that he or she is representing the City, City Council or the Board or Commission on a viewpoint unless specifically designated by the City Council or the Board or Commission to represent the City or Board or Commission in the particular viewpoint. If a Board or Commission member is authorized to speak with or contact the media regarding a particular viewpoint, such authorization shall be limited to that particular viewpoint.

H. Elected and Appointed Officials' Conduct with City Staff

Governance of a City relies on the cooperative efforts of elected officials, who set policy, appointed officials who advise the elected officials, and City staff, who implements and administers the Council's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

Treat all staff as professionals

Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior towards staff is not acceptable.

Elected and appointed officials' questions/inquiries to City staff

- 1. General.** Member communications with City staff should be limited to normal City business hours unless the circumstances warrant otherwise. Responses to Council questions posed outside of normal business hours should be expected no earlier than the next business day.
- 2. Routine Requests for Information and Inquiries.** Elected and appointed Officials may contact staff directly for information made readily available to the general public on a regular basis (e.g., "What are City Hall's hours?" or "How does one make a request under the Public Information Act?"). Under these circumstances staff shall treat the member no differently than they would the general public, and the member shall not use their elected status to secure preferential treatment. The City Manager does not need to be advised of such contacts.
- 3. Non-Routine Requests for Readily Available Information.** Elected and appointed officials may also contact staff directly for easily

- retrievable information not routinely requested by the general public so long as it does not require staff to discuss the issue or express an opinion
4. **Non-Routine Requests Requiring Special Effort.** Any member request or inquiry that requires staff to compile information that is not readily available or easily retrievable and/or that requests staff to express an opinion (legal or otherwise) must be directed to the City Manager, or to the City Attorney, as appropriate. The City Manager (or council appointee as appropriate) shall be responsible for allocating City resources in order to maintain a professional, well-run City government which may include distributing such requests to staff for follow-up, managing the time for response to such requests and determining the best and most cost-effective use of staffs' time and City resources to respond to the request. If the City Manager or the staff's time is being dominated or misdirected by a Council Member, it is the City Manager's responsibility to inform the Mayor. Any requests of members made that are not for the purposes of assisting them with their official duties (*i.e.*, personal requests) will be subject to procedures under the Public Information Act, Government Code Chapter 552.
 5. **Soliciting political support from staff prohibited.** Elected and appointed officials should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from City staff. City staff may, as private citizens with constitutional rights, support political candidates, but all such activities must be done away from the workplace. The use of the City's email system for political purposes or communications is not allowed.
 6. **Meeting Requests.** Any member request for a meeting with staff must be directed to the City Manager or the Mayor.
 7. **Agenda items.** In order to ensure proper presentation of agenda items by staff, questions arising from Council Members after receiving their agenda packet should be, whenever possible, presented to the City Manager for consideration prior to the Council meeting. This allows the City Manager and staff the time to address Council Member's concerns and provide all Council Members with additional information, if necessary, for review prior to the meeting.

Disrupting City staff from their jobs

Elected and appointed officials should not disrupt City staff while they are in meetings, on the phone, or engrossed in performing their job functions in order to have their individual needs met. Elected and appointed officials do not attend City staff meetings unless requested by staff - even if the elected or appointed official does not say anything, his or her presence may imply support, show partiality, intimidate staff, and/or hamper staff's ability to do their job objectively.

Public criticism of employees

Elected and appointed officials should never express concerns about the performance of a City employee in public or to the employee directly. Comments about staff performance should only be made to the City Manager or Council appointee through private correspondence or conversation.

Involvement in administrative functions

Elected and appointed officials must not attempt to influence City staff on processing of land use applications, the payment of claims against the City, granting of City licenses and permits, processing Public Information Act requests or any other functions considered administrative.

Conflicts between elected or appointed officials and City staff.

Any conflicts arising between the City staff and an elected or appointed official will be addressed by the Mayor and the City Manager.

I. Elected and Appointed Officials' Use of Public Resources.

Elected and appointed officials shall not use public resources not available to the public in general, such as City staff time, equipment, supplies or facilities, for private gain or personal, political purposes. Public resources may be used for assisting the elected or appointed official in performing his or her official duties for the City in compliance with the section entitled *Elected and appointed officials' questions/inquiries to City staff* above and the policies set forth herein.

J. Ceremonial Events

Requests for a City representative at ceremonial events will be handled by the City Manager's office. The Mayor will serve as the designated City representative. If the Mayor is unavailable, then the City Manager will determine if event organizers would like another representative from the Council. If another representative from the Council is requested, the Mayor Pro Tem will serve as the designated City representative. If both the Mayor and Mayor Pro Tem are unavailable, the Mayor may recommend another Council Member to serve as a representative of the City.

Invitations received at City Hall are presumed to be for official City representation. Invitations addressed to Council Members shall be shared with the City Manager's Office in order to assure posting in compliance with the Texas Open Meetings Act, if applicable.

K. Implementation

As an expression of the standards of conduct for elected and appointed officials expected by the City, these Policies on Conduct for Elected and Appointed Officials are intended to be self-enforcing. It therefore becomes most effective when elected and appointed officials are thoroughly familiar with them and embrace their provisions. For this reason, this document shall be included provided to all elected and appointed officials and newly elected and appointed officials. Elected and appointed officials shall sign a statement affirming they read and understood the policies adopted herein. In addition, the City Council may review these Policies on Conduct for Elected and Appointed Officials from time to time and consider recommendations Council Members, Board and Commission members, the City Manager, City staff, applicable committees and citizens and update these policies as necessary.

L. Enforcement of These Policies

Compliance and Enforcement of Council Members' Behavior and Conduct.

These policies express standards of behavior and conduct expected for members of the City Council and Boards and Commissions. Each elected and appointed official has the responsibility to assure that the policies regarding conduct are understood and met, and that the public can continue to have full confidence in the integrity of government. The Chairs of Boards and Commissions and the Mayor and Council have the additional responsibility to intervene when actions of an elected and appointed official appear to be in violation of these policies and/or are brought to their attention. Council Members should point out to the offending Council Member infractions of these policies which may be brought to the attention of the entire Council for consideration and action by written complaint.

The affected Council Member is entitled to a full and complete hearing before the City Council with the opportunity to call witnesses and present evidence in his or her behalf. The non-implicated City Council Members in attendance shall conduct a hearing in open session and review the complaint. The City Council may reject the complaint and take no action or take action. It shall be the Council's responsibility to determine the next appropriate action. Any such action taken by Council (with the exception of "take no further action") shall be conducted at a noticed meeting. These actions include, but are not limited to discussing and counseling the individual on the violations; formally reprimand or censure the offending Council Member; or removing the Council Member from committee assignments by the Council.

Compliance and Enforcement of a Board and Commission Members' Behavior and Conduct

Counseling and verbal reprimands may be administered by Board and Commission Chairs (or their designee) to Board and Commission members that fail to comply with these policies. These lower levels of sanctions shall be kept private to the degree allowed by law. Verbal or written reprimands may be administered by the Mayor or Mayor Pro Tem at the direction of the Council. Copies of all written reprimands administered by the Mayor or Mayor Pro Tem shall be distributed in memo format to the respective Board or Commission member, the Board or Commission Chair, the City Clerk, the City Manager, and the City Council. Written reprimands administered by the Mayor or Mayor Pro Tem shall not be publicized except as required under the Public Information Act.

The City Council may impose sanctions on Board and Commission members whose conduct does not comply with the City's policies, up to and including removal from office. The Member shall be provided a copy of the complaint in writing. The affected member shall have the right to a full and complete hearing before the City Council with the opportunity to call witnesses and present evidence on his or her behalf. Any form of discipline imposed by Council shall be determined by a majority vote of at least a quorum of the Council at a noticed public meeting.

It shall be the Council's responsibility to determine the next appropriate action. Any such action taken by Council (with the exception of "take no further action") shall be conducted at a noticed meeting. These actions include, but are not limited to discussing and counseling the individual on

the violations; formally reprimanding or censuring the offending Board or Commission member; or removing the member from the Board or Commission.

Section 4. Effective Date. This Resolution shall be effective immediately upon its passage.

PASSED AND APPROVED this, the ___ day of _____, 2019, by a vote of ___(ayes) to ___(nays) to ___(abstentions) of the City Council of Woodcreek, Texas.

City of Woodcreek

by: _____
William P. Scheel, Mayor

ATTEST:

by: _____
Brenton Lewis, City Manager

APPROVED AS TO FORM:

by: _____
Casandra C. Ortiz, City Attorney