



# City of Saginaw

## City of Saginaw

**Meeting Date:** 2/06/2018

**Staff Contact:** Gabe Reaume  
City Manager

**Agenda Item:** 8  
(CC-0218-05)

**E-mail:** [greaume@saginawtx.org](mailto:greaume@saginawtx.org)

**Phone:** 817-230-0324

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**SUBJECT:** City Council Protocol Policy Discussion

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**BACKGROUND/DISCUSSION:**

Interim City Manager Dan O’Leary made the City Council aware of the need for a City Council Protocol in December 2017. Clearly identifying roles and expectations is an important part of transparent and effective governance. Staff is seeking to discuss and review key areas of a City Council protocol in order to draft a document that is right for the City of Saginaw for adoption in the near future.

Items to discuss include:

- Clear identification of the roles, responsibilities, and conduct of the Mayor, Councilmembers, and City Manager.
- Councilmember-initiated action items for future agendas.
- Codes of Conduct.
- Ethical issues and addressing complaints.

**FINANCIAL IMPACT:**

N/A

**RECOMMENDATION:**

Staff is seeking City Council feedback on this item in order to prepare a future document for City Council review and adoption.

**Attachments**

City Council Protocol Policy-City of Sugar Land, Texas  
Code of Ethics-City of Keller, Texas

**RESOLUTION NO. 15-08**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, ADOPTING RESPONSIBILITIES, GUIDELINES, CODE OF CONDUCT, AND PROTOCOLS FOR THE MAYOR, CITY COUNCIL, AND CITY MANAGER; AND ADOPTING RULES OF PROCEDURE FOR CITY COUNCIL MEETINGS.**

**WHEREAS, the City Council wishes to adopt a policy for responsibilities, guidelines, code of conduct and protocols for the Mayor, City Council, and City Manager, and adopt rules of procedure for City Council meetings; NOW, THEREFORE,**

**BE IT RESOLVED BY THE CITY  
COUNCIL OF THE CITY OF SUGAR  
LAND, TEXAS:**

**Section I. That the City Council adopts the following policy:**

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**RESPONSIBILITIES, GUIDELINES, CODE OF CONDUCT AND PROTOCOLS FOR  
THE MAYOR, CITY COUNCIL AND CITY MANAGER; AND RULES OF  
PROCEDURE FOR CITY COUNCIL MEETINGS**

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**PURPOSE OF POLICY**

**To establish the responsibilities, guidelines, code of conduct and protocols for the Mayor, City Council and City Manager and to adopt Rules of Procedure for City Council Meetings.**

**SCOPE OF POLICY**

- 1. RESPONSIBILITIES, GUIDELINES, CODE OF CONDUCT AND PROTOCOLS FOR THE MAYOR, CITY COUNCIL AND CITY MANAGER AND RULES OF PROCEDURE FOR COUNCIL MEETINGS.**

## **A. MAYOR-CITY COUNCIL RESPONSIBILITIES**

- **Focus the Vision for Sugar Land's Future**
  - Define the preferred future of Sugar Land
  - Anticipate opportunities
  - Identify and develop partnerships
  - Leverage City resources to realize the vision
  - Continually review, test and update the vision
  
- **Develop Outcome-Based Goals that Realize the Vision**
  - Use the vision to determine goals
  - Have realistic and forward-thinking goals
  - Define measures of success and measure outcomes
  - Annually update goals
  - Identify and prioritize actions and delegate to City Manager
  
- **Anticipate Critical Issues, Work through the Issues**
  - Bring up critical and tough issues
  - Use committees to address issues and provide recommendations
  - Use work sessions to address issues, to negotiate and to build consensus
  - Inform and engage the community
  - Develop sense of confidence in the City's ability to handle the issue
  
- **Make Policy Decisions and Provide Clear Direction Based on what is Best for the City of Sugar Land**
  - Come prepared to meetings
  - Balance input with "best for city"
  - Come to timely closure
  - Have clear closure, direction and expectations
  - Support for policies and decisions
  
- **Work with the Community to set Direction and Address Citizen Preferences and Concerns**
  - Appropriately involve residents and businesses in governance
  - Seek and use input from others
  - Develop a positive working relationship and partnership
  - Treat others with trust and respect
  - Help the community to understand City decisions, programs and services
  
- **Provide Positive Community Leadership**
  - Have an active presence in the community
  - Actively participate in the community
  - Listen to the ideas, concerns and desires of others
  - Take time to explain decisions and actions
  - Develop the next generation of community and civic leaders
  - Create a positive atmosphere and motivate community

- **Provide Proactive Regional and Intergovernmental Leadership**
  - Be an advocate for Sugar Land
  - Actively participate in organizations
  - Develop and maintain relationships
  - Bring issues and opportunities to the table
  - Obtain resources for Sugar Land and a fair share back to citizens
  - Work with Fort Bend County and other government entities
  
- **Develop City Partners**
  - Help others to understand issues, actions and the City
  - Develop positive working relationships
  - Share resources for greater return to the community
  - Mobilize others to help realize the vision and achieve goals
  - Leverage City resources for future return
  
- **Employ the City Manager**
  - Hire the right manager for Sugar Land
  - Provide resources to get the job done
  - Set the tone for the City guided by the core beliefs
  - Compensate for performance
  - Delegate through clear expectations and directions
  
- **Employ the Municipal Judge and Associate Judges**
  - Appoint the Judge and Associate Judges
  - Provide resources to get the job done
  - Evaluate performance of Municipal Court Judge
  - Determine compensation
  
- **Produce Results**
  - Monitor performance
  - Have knowledge about key issues and current status of actions
  - Learn and look for ways to improve
  - Celebrate successes
  - Recognize others who have contributed to the success

## **B. MAYOR AND CITY COUNCIL GUIDELINES**

1. The Council is the “Board of Directors” for the City
2. The Council represents the “Stockholders” – our citizens and stakeholders
3. The Council should follow the adopted protocols
4. The Council sets the “tone for city government” by how its business is conducted
5. The Council should provide a clear charge and direction to Boards and Commissions – its partners in governance
6. The Council sets the “authority” of the City Manager, both in word and in daily actions (avoiding managing or micromanaging)

7. The Council uses Council sub-committees to address issues and develop options as needed
8. The Council uses work sessions to discuss issues in depth, to focus direction for the city manager and staff, and to refine draft reports and recommendations
9. The Council is responsible for realizing the vision, achieving the goals, and producing results that add value to the community

### **C. MAYOR EXPECTATIONS**

- Serve as the Chief Spokesperson for the City on major policy issues, Council positions and policies, leadership on adopted vision and goals
- Serve as the highest point of contact for economic development initiatives
- Serve as the Ambassador for City and Sugar Land Community
- Serve as Ceremonial Leader (shared with individual Council Members)
- Chair the Council Meetings
- Facilitate relationship with Council Members and City Manager
- Follow the roles and responsibilities as outlined in the City Emergency Management Plan and other responsibilities as provided by state law
- Represent the City to other local governmental entities
- If the Mayor is unavailable, the Mayor is to ask the Mayor Pro Tem to represent the City
- If the Mayor Pro Tem is unavailable, the Mayor is to ask an individual Council member of his / her choice to fill in

### **D. MAYOR PRO TEM EXPECTATIONS**

- Stand in and fulfill the role of the Mayor in his absence or at his request

### **E. CITY COUNCIL MEMBERS EXPECTATIONS**

#### **At Large Council Members**

- Represent all residents
- Be responsible for “what is best” for the entire city
- Attend and participate in Council meetings and Council Committee meetings
- Work with and assist District Council Members on district issues as needed
- Balance the city-wide and broad community needs
- Represent the Mayor as a ceremonial representative of the City at his/her request

#### **District Council Members:**

- Attend and participate in Council meetings and Council Committee meetings
- Be responsible for “what is best” for the entire city
- Identify and focus on key district issues
- Provide leadership on district issues
- Maintain working relations with District residents
- Serve as liaison with neighborhood and community organizations

- Represent the Mayor as a ceremonial representative of the City at his/her request
- During Council meetings the District Council Member shall the opportunity to make the motion to approve items specific to their respective districts

## **F. COUNCIL MEMBERS SERVING AS CITY REPRESENTATIVE TO OUTSIDE ORGANIZATIONS EXPECTATIONS**

- Represent the City and the Council vision, goals, policy and direction
- Vote for the City of Sugar Land
- Keep Council informed on issues and actions of the other bodies
- Bring issues to Council for discussion and direction

## **G. CITY MANAGER RESPONSIBILITIES**

### **1. Work with Mayor-Council to Focus Vision, Define Goals and Establish Priority Work Program**

- Provide advice on vision
- Identify opportunities, anticipate issues
- Use the vision, goals
- Provide alternative solutions
- Balance long-term needs with response
- Help Mayor and Council to focus on the future

### **2. Lead City Organization**

- Be responsible for City performance and results
- Create environment consistent with the City's core values
- Set high expectations for City and self
- Lead by example
- Achieve goals while building public confidence
- Evaluate the performance of the city organization

### **3. Produce Results by Implementing Council Decisions and Directives**

- Develop annual work plan
- Make timely decisions
- Provide clear direction to City
- Achieve outcomes aligned with vision, goals, Council decision
- Provide regular status reports and updates
- Be on time and under budget

### **4. Maintain Effective Working and Personal Relations with Mayor and City Council**

- Work with Council to resolve conflicts
- Meet quarterly with Council (1-1 time)
- Take ideas and determine appropriate action

- Listen to and understand Council’s message and concerns
- Keep Council informed to avoid surprises
- Serve as a sounding board and advisor
- Accept direction from Council majority (even if he/she disagrees)

**5. Provide Creative and Innovative Ideas that Become “Best Practices”**

- Take an idea and make it better for Sugar Land
- Use experiences to develop ideas
- Look to provide best services at lowest price
- Have knowledge of best practice used by other Cities
- Take reasonable risk, empower others to take risks
- Take problem and develop a new solution
- Explore ways to solve “unsolvable” problems

**6. Represent the City**

- Create a positive image for the City
- Be a regional leader
- Identify opportunities to represent and showcase the City
- Be a City spokesperson on management and operational matters
- Support Mayor and Council regional intergovernmental leadership
- Be a strong advocate for the City’s interests

**7. Develop a “Champion” City Team**

- Hire and retain top-quality City staff
- Motivate the City staff
- Provide resources necessary to do the job
- Develop city as an effective team
- Develop employees, managers and future leaders through training and education
- Define the role and expectations for managers and employees
- Share successes with the team – people feeling part of the City team

**8. Provide Community Leadership**

- Know the community and identify opportunities for the City
- Know the community
- Look at the City through the eyes of a citizen
- Be involved in City events and activities
- Serve on boards and participate in community organizations
- Encourage managers and employees to be part of the community

## **9. Be a Strategic Thinker and Leader**

- Help Council work through political minefields
- Develop new ideas and concepts
- Present alternative ways to achieve the goal
- Think through actions, how they may impact the City
- Identify potential partners
- Encourage managers to think strategically
- Take actions that follow the strategy

## **10. Manage City's Financial Resources**

- Produce a budget that achieves goals
- Mobilize resources
- Leverage City resources
- Be a steward – responsible spender
- Keep and improve bond rating
- Think about financial implications and impacts

## **H. CITY MANAGER GUIDELINES**

1. The City Manager is the "Chief Executive Officer" for the City
2. The City Manager is responsible for the City organization
3. The City Manager is the prime contact point for the Mayor and City Council
4. The City Manager is accountable for the performance of the City organization
5. The City Manager supports the Mayor and City Council in being an effective "Board of Directors"



## **I. OUR “HOUSE” RULES – CODE OF CONDUCT**

1. Speak what you believe to be true
2. Treat others with respect and courtesy
3. Resolve conflicts among ourselves; do not criticize other council members or staff in public
4. Choose your words wisely it is “how” you say it
5. Have an open mind for everyone; listen to other ideas, opinions and recommendations
6. Have civil and professional dialogue
7. Be a positive representative of the city
8. Consistent attendance at all Council meetings and Council Sub Committee meetings; come prepared and ready to discuss issues
9. Be punctual; start on time
10. Keep each other informed; share information among all
11. Avoid personal issue or bias
12. Define problems and issues first and then focus on solutions
13. Keep closed sessions confidential
14. Honor roles, responsibilities and protocols
15. Provide clear direction to staff

## **J. COUNCIL PROTOCOL**

### **Protocol 1: *Simple information***

Go to the designated Staff Liaison to City Council

### **Protocol 2: *Research on a topic***

Go to the City Manager and/or designated Staff Liaison to City Council

If research is for a new topic or will require a significant amount of time to research, the item will be brought to City Council for direction.

### **Protocol 3: *Agenda Question***

Go to the designated Staff Liaison to City Council prior to 12 noon, on the date of the meeting.

If information is relevant to the council meeting discussion, the information will be shared with all members of City Council

### **Protocol 4: *Employee Contact***

#### **Employee-Initiated**

- Refer employee to the City Manager's office
- Refer employee to the organization's policy and guidelines
- Council Member should contact the City Manager

#### **Council-Initiated**

- Avoid management and policy discussions
- Questions and comments may be seen as an order

### **Protocol 5: *Ethics Complaints against the City Manager***

- Talk to the City Manager first
- If there is an ethics complaint against the City Manager it should be directed to the Mayor

### **Protocol 6: *Cell Phone Use/I pads and Internet Connections***

- Turn off or put on vibrate during meetings
- Avoid text messaging during meetings
- For emergency calls, please have the individual call the Assistant to the City Manager's cell phone and she will notify you of the call
- If you see an individual using their cell phone/ I Pad and find it disruptive, inform the Mayor
- The Mayor will discuss the matter with the individual
- City business or meeting requests should not be communicated through text message

### **Protocol 7: *Correspondence & E-Mail***

- **Emails sent to individual Council Member**
  - Forward to designated Staff Liaison to City Council
  - Staff Liaison will research and assist in draft response and return the response back to the Council Member for distribution/response
- **Emails sent to more than one Council Member but not entire City Council**
  - Council Members should forward email to Staff Liaison
  - Staff Liaison will research and respond back to individual Council Members for distribution/response

- **Emails sent to entire Mayor and Council**
  - Council Members should forward email to Staff Liaison
  - Staff Liaison will research, prepare and respond on behalf of Mayor and Council. Staff will distribute a copy of the response to entire City Council

## **2. RULES OF PROCEDURE FOR COUNCIL MEETINGS**

These rules of procedure for city council meetings are general guidelines for conducting council meetings. These rules are not intended to be applied inflexibly in all circumstances, but should be followed to the extent they aid the council in conducting its business in an orderly manner. The council may temporarily modify or suspend these rules in particular cases to expedite its business.

- A. Preparation of Agenda.** The City Manager is responsible for preparing the agenda for each Council meeting. Additionally, the City Manager will maintain an internal policy directing the preparation of the supporting documents to be included with each agenda item. Periodically, City Council will be provided an opportunity to provide direction regarding additional materials to be included with agenda items to support City Council preparation for Council meetings. The manager will include any item on the agenda if: (1) requested by the Mayor; (2) requested by a Council Member and the Mayor approves the request; or (3) requested by at least two Council Members. The Mayor will review the agenda on Wednesday and may add or delete items from the agenda unless the item has been requested by two or more Council Members. A copy of the agenda will then be provided to all Council Members on Thursday and any changes will be made by noon on Friday. A copy of draft workshop PowerPoint presentations will be provided on the City Council secure website on the Friday prior to the Council meeting.
- B. Consent Agenda and Removal.** The City Manager may place items on the consent agenda that are routine and not controversial and are not likely to require council discussion. All items placed on the consent agenda may be approved together by one council vote. Before the council votes, any Council Member may, by request, have an item removed from the consent agenda. Any item removed from the consent agenda will be considered immediately after council action on the consent agenda.

### **COUNCIL MEETINGS**

**A. Quorum.** Four Council Members are necessary for the transaction of business (Charter Section 2.08).

**B. Regular Meetings.** The Council will meet in the Council Chamber in regular session every first and third Tuesday of every month (Charter Section 2.08). If a designated Tuesday is a legal holiday, the Council may hold the meeting on another day (Charter Section 2.08). The regular Council meetings shall be held at 5:30 p.m. The Council meetings held on the first and third Tuesday are broadcast live on SLTV 16 and the city's website, and recorded for future rebroadcasting.

**C. Special Meetings.** The Mayor, any four Council Members, or the City Manager may call special Council meetings (Charter Section 2.08).

**D. Closed Meetings.** The Council may meet in closed meeting as authorized by state law. Prior to entering into a closed meeting, the Mayor must first announce in an open meeting that a closed meeting will be held and identify the section or sections of the state law under which the closed meeting will be held. The Council may not take any final action, decision or vote on any public business during a closed meeting. The Mayor will prepare a certified agenda, on a form provided by the City Secretary, for each closed meeting and no electronic recording will be made and no minutes taken of a closed meeting. The certified agenda must include: (1) a statement of the subject matter of each deliberation; (2) a record of any further action taken; and (3) an announcement by the Mayor at the beginning and the end of the meeting indicating the date and time. The Mayor will certify that the certified agenda is a true and correct record of the proceedings. The Council will go back into open session in the Council Chamber to adjourn the formal meeting.

**E. Notice and Matters Considered.** The Council will not discuss or take any action on any matter relating to public business at any Council meeting unless notice of the matter has been posted as required by law. Decisions on matters of a purely administrative nature, such as the appointment of an Ad Hoc Council Subcommittee or placing an item on a future agenda, need not be posted by notice.

**F. Work Sessions.** The Council will have work sessions on the fourth Tuesday of every month. In addition, work sessions will be added to the two regular meetings as needed. The general purpose of the work sessions is to provide information, seek input and/or to discuss concepts or issues in depth.

Work sessions included at the two regular Council meetings will be held in the City Council Chamber. These work sessions will be limited to topics that require minimal discussion and are informational in nature; i.e. a final draft or project plan that is to be shared with City Council and the public prior to adoption. Work sessions held in the Council Chamber are broadcast live over SLTV16 and the internet.

Work sessions on the fourth Tuesday of every month will be held in the Cane Room at City Hall. The work session will include initiatives or topics that require in-depth discussion and direction to staff from City Council. The fourth Tuesday sessions are open to the public but not broadcast or video recorded.

## **COUNCIL PROCEDURES**

**A. Presiding Officer.** The Mayor, or Mayor Pro Tem, will serve as presiding officer of all meetings, will control the general order of business at the meeting and will make appropriate rulings on procedures in accordance with the spirit and intent of these rules. If any Council Member disagrees with the Mayor's ruling on any matter of procedure, the Council Member may appeal the ruling to the Council as a whole.

**B. Presentation of Agenda Items.** The Mayor will normally call for the items to be considered by the council in the order presented on the agenda unless the order of the agenda is changed by four (4) affirmative Council votes. The appropriate staff person will be called upon to make the presentation.

**C. General Decorum.** Council Members will speak only upon being recognized by the Mayor. Council Members shall not interrupt one another while speaking except to make a point of order. The Mayor need not recognize any Council Member for a second comment on the subject or amendment until every Council Member wishing to speak has been allowed a first comment.

**D. Council Action.** The Council will generally take action on matters in the following manner:

**1. Making a Motion.** The Council Member proposing any action will make a motion by clearly stating the motion. Any motion may be withdrawn by the mover before it is voted on. The withdrawal is not subject to amendment or requires a second or vote. The following is a restatement of how the most common motions apply (or do not apply to) to Council meetings. Unless stated otherwise, each motion requires a second and a vote of four (4) Council Members to pass:

- (a) Amending a Motion.** Any Council Member may move to amend a pending motion. No more than two amendments may be made to a pending motion. The last amendment made shall be voted on first.
- (b) Postpone to a Certain Date.** This motion is used to delay consideration of an item until a specified date – i.e., the next Council meeting, etc.
- (c) Postpone Indefinitely.** This motion is used to delay consideration of an item until an unspecified date.
- (d) Point of Order.** Any Council Member may raise a point of order at any time. A point of order means that the Council Member is asking for a ruling on whether the rules of procedure are being followed. The point of order shall first be made to the mayor for a ruling. The member may appeal the Mayor’s ruling to the Council, which may affirm or overrule the Mayor’s ruling by a majority vote of the Council Members present. A point of order directed to the Mayor or Council does not require a second and is not subject to amendment.
- (e) Reconsideration.** A Council Member who voted in the majority may move to reconsider an item that Council has voted on. To insure compliance with state law, the motion and any action thereon must be made immediately after the vote on the matter.

**2. Seconding a Motion.** All motions must receive a second for action, except for a call for nominations, withdrawing a motion, a request for a roll call vote, and a point of order. If a second is made, the Mayor will state the names of the respective Council Members making and seconding the motion. If a motion does not receive a second, it dies.

**3. Discussion on the Motion.** Council may discuss a pending motion only after the motion has been moved and seconded.

**4. Voting on the Motion.** After discussion, the Mayor or any Council Member may call a vote on the motion (Calling the “Previous Question”). Four affirmative votes are necessary to adopt or take action on any public business (Charter Section 2.08). The vote on all ordinances and resolutions must be taken by the “ayes” and “nays” of the Council Members (Charter Section 2.08). After voting concludes the Mayor will announce the results.

## **PUBLIC HEARINGS**

**A. Staff Presentation.** Before the Mayor announces the public hearing the appropriate staff person will be called upon to make a presentation detailing the purpose of the public hearing and provide any relevant information.

**B. Opening of Public Hearing.** The Mayor shall call the public hearing, announce the purpose of the hearing, and request that all speakers identify themselves and their addresses at the beginning of their presentations.

**C. Speakers.** Any person may speak at a public hearing. The City Secretary will provide forms for persons to register to speak prior to the meeting. If a public hearing is required due to an application being submitted to the City, the applicant shall have an opportunity to make a presentation at the beginning of the public hearing to present testimony related to the applicant’s request. All other persons registering to speak will be called after the applicant. Others, who wish to speak but have not registered to speak, will be called next.

Persons desiring to be heard will address the Council from the podium. Where there are many speakers or limited time for a public hearing, the Council may vote to limit all speakers to a specified time. If the Council does limit time, a speaker may request, and the Council may vote to grant additional specified time for that speaker.

**D. Time Limit.** The applicant will have a maximum of ten (10) minutes to speak in favor of his/her request and all other speakers will have a maximum of three (3) minutes. The Mayor or the City Council, by four affirmative votes, reserves the privilege to extend the time limit.

**E. Closing the Public Hearing.** After all speakers have had an opportunity to address the Council, the Mayor will announce the close of the public hearing.

## **PUBLIC COMMENTS**

**A. In General.** There will be a time designated for the City Council to hear from the public at the beginning of City Council meetings held at City Hall on the first, third, and fourth Tuesday of each month. Speakers may only speak on an item(s) that is on the regular, consent or workshop agenda. The number of speakers will be limited to the first ten (10) speakers who register and appear to speak at the meeting. The Mayor or the City Council, by four affirmative votes, reserves the privilege to extend the number of speakers.

- B.** If an item on the Council agenda for that meeting provides for a public hearing, the person wishing to make comments on that item shall speak at the time of the public hearing.
- C. Speaking on Regular, Consent or Workshop Agenda Items.** A request to be heard regarding an item(s) that is on the regular, consent or workshop must be made to the office of the City Secretary, and may be made in person, by telephone, facsimile, or email provided that the request is received before the scheduled time of the city council session at which public speaking is allowed.

A “request to speak” form provided by the city will contain the citizens’ name, address, telephone number, and subject agenda item(s) number that the speaker wishes to address.

Speakers will address the Council from the podium, must observe the “House Rules” Code of Conduct adopted by Council, and may speak only upon recognition by the Mayor.

In situations where a large number of citizens representing a certain delegation wish to speak, the group will be encouraged to appoint a spokesperson to make comments to the Council.

If a speaker asks a question during the time designated for public comment under this policy, a Council Member may give specific factual information or a recitation of existing policy to the speaker. Any comment or discussion by any Council Member about the subject of the inquiry shall only be made at the time the subject is scheduled for consideration on the Council agenda. (Government Code 551.042)

- D. Time Limit.** Each speaker will have three minutes regardless of the number of agenda items to be addressed. The Mayor or the City Council, by four affirmative votes, reserves the privilege to extend the time limit.

**Section 2.** That Resolution 14-01 is repealed.

APPROVED on April 07, 2015.

/s/

**James A. Thompson, Mayor**

**ATTEST:**

**APPROVED AS TO FORM:**

*Meredith Riedel*

*GG*

**Glenda Gundermann, City Secretary**



# CITY COUNCIL

## AGENDA REQUEST

<b>AGENDA OF:</b>	<b>04-07-15</b>	<b>AGENDA REQUEST NO:</b>	<b>III-A</b>
<b>INITIATED BY:</b>	<b>CINDY DEES</b> <i>CD</i> ASSISTANT TO THE CITY MANAGER	<b>RESPONSIBLE DEPARTMENT:</b>	<b>CITY MANAGER'S OFFICE</b>
<b>PRESENTED BY:</b>	<b>CINDY DEES</b> <i>CD</i> ASSISTANT TO THE CITY MANAGER	<b>DIRECTOR:</b>	<b>ALLEN BOGARD</b> CITY MANAGER
		<b>ADDITIONAL DIRECTOR (S):</b>	<b>N/A</b>

**SUBJECT / PROCEEDING:** RESOLUTION NO. 15-08 ADOPTING RESPONSIBILITIES, GUIDELINES, CODE OF CONDUCT, AND PROTOCOLS FOR THE MAYOR, CITY COUNCIL, AND CITY MANAGER; AND ADOPTING RULES OF PROCEDURES FOR CITY COUNCIL MEETINGS

**EXHIBITS:** RESOLUTION No. 15-08

CLEARANCES	APPROVAL
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<b>LEGAL:</b>	<b>MEREDITH RIEDE</b> <i>MRE</i> CITY ATTORNEY	<b>ASSISTANT CITY MANAGER:</b>	<b>N/A</b>
<b>PURCHASING:</b>	<b>N/A</b>	<b>ASSISTANT CITY MANAGER:</b>	<b>N/A</b>
<b>BUDGET:</b>	<b>N/A</b>	<b>CITY MANAGER:</b>	<b>ALLEN BOGARD</b> <i>AB</i> FOR AB

BUDGET
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<b>EXPENDITURE REQUIRED: \$</b>	<b>N/A</b>
<b>CURRENT BUDGET: \$</b>	<b>N/A</b>
<b>ADDITIONAL FUNDING: \$</b>	<b>N/A</b>

RECOMMENDED ACTION
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Approve Resolution No. 15-08 and repeal Resolution No. 14-01.



## EXECUTIVE SUMMARY

On March 24, 2015, the City Council held their annual spring planning retreat where they reviewed policy No. 3000-17, Responsibilities, Guidelines, Code of Conduct and Protocols for the Mayor, City Council, and City Manager; And Rules of Procedure for City Council Meetings. The City Council directed the following changes to the existing policy:

1. Section J. Council Protocol - Amend Protocol 6: *Cell Phone Use/I pads and Internet Connections* by adding the following statement:
  - City business or meeting requests should not be communicated through text message
2. Section J. Council Protocol - Amend Section 2. Rules and Procedures for Council Meetings, subsection A. Preparation of Agenda by adding the following two statements:
  - Preparation of Agenda. The City Manager is responsible for preparing the agenda for each Council meeting. Additionally, the City Manager will maintain an internal policy directing the preparation of the supporting documents to be included with each agenda item. Periodically, City Council will be provided an opportunity to provide direction regarding additional materials to be included with agenda items to support City Council preparation for Council meetings.
  - A copy of draft workshop PowerPoint presentations will be provided on the City Council secure website on the Friday prior to the Council meeting.

Staff recommends approval of Resolution No. 15-08 and repealing Resolution No. 14-01.

## EXHIBITS



## CITY OF KELLER CODE OF ETHICS

### ETHICS POLICY

1.01 Keller's general ethics policy. It is the policy of the City of Keller (the "City") to uphold, promote, and demand the highest standards of ethical behavior from its Mayor, members of the City Council ("City Council"), employees, and individuals appointed to serve on the city's boards, commissions, committees, task forces, and other appointed advisory groups ("City Officials"). Honesty, integrity, fairness, and transparency of action are the hallmarks of public service in Keller. To further these ideals, the following code of ethics (the "Code") shall govern all elected officials and employees, including citizen advisory boards and commissions of the City of Keller, who shall:

- a) Obey and observe the constitution and laws of the United States of America, the constitution and laws of the State of Texas, and the charter, laws, and policies of the City of Keller;
- b) Act impartially and not give preferential treatment to any private organization or individual.
- c) Disclose, as a matter of record, any matter in which a city official or official's family member has an employment or other business relationship with a vendor that results in the official or official's family member receiving taxable income of more than \$2,500 in the preceding twelve months. The term "vendor" is any person who enters or seeks to enter into a contract with a city and shall have the same meaning and application given to it in Chapter 176 of the Texas Local Government Code;
- d) Not participate in any vote or decision on a matter in which they have a substantial interest. The term "substantial interest" shall have the meaning given in Chapter 171 of the Texas Local Government Code;
- e) Protect confidential information concerning city functions and never use such information for personal financial gain.
- f) Protect and conserve city property and never use it for other than authorized activities;
- g) Disclose waste, fraud, abuse, and corruption to appropriate authorities; and
- h) Never ask or direct any other City Council member of City Official or employee to violate any provision of this code of ethics by action or omission.

## **CONFLICTS OF INTERESTS**

2.01 Conflicts of interest generally. A conflict of interests arises when a City Council member or City Official, a relative of that official, or an entity in which a City Council member or City Official has a substantial interest is actively engaged in an activity that involves the city's decision-making processes. "Decision-making processes" is broader than just voting and includes being involved with any aspects of any decisions the city makes, such as making a recommendation to City Council by way of participation in a citizen advisory committee, contracting, sales, purchases, permitting, and zoning. "Substantial interest" shall have the same meaning given in Chapter 171 of the Texas Local Government Code.

- (a) When a substantial interest arises, the City Council member or City Official involved must immediately refrain from participating in any manner in the city's decision-making processes on the matter, including voting on the matter or attending non-posted and non-public meetings with, having written or verbal communications with, or offering advice to any member of the City Council or City Official, or any city employee, contractor, agent, charter officer, (other than the city attorney when the City Council member or City Official is seeking legal advice regarding a possible conflict of interest).
- (b) During a public meeting when an agenda item in which a City Council member or City Official has a conflict of interest comes up for consideration, the City Council or City Official shall state publicly that he or she has a conflict of interest, fill out the appropriate disclosure forms, recuse himself or herself, and leave the room while the matter is being discussed and acted upon by others on the public body.
- (c) In situations where a City Council member or City Official has a question about the applicability of this Code or the provisions of Texas' conflicts of interest laws, the city charter, or any city ordinance, a ruling may be sought from the city attorney on whether an actual conflict of interests exists.

## **GIFTS**

3.01 Acceptance of gifts. City Council members or City Officials are prohibited from soliciting or accepting gifts from anyone who is engaged in a general practice or specific situation that involves the city's decision making or permitting processes where the gift is intended to give preferential treatment to the person or entity making the gift. The term "gift" includes money, services, loans, travel, entertainment, hospitality (including meals), promises of any future gifts, or anything of value as more particularly defined in Chapter 36 of the Texas Penal Code, or other applicable laws that might be construed as an attempt to create a more favorable relationship than that enjoyed by any other citizen, including, but not limited to: (a) the purchase, sale, or lease of any real or personal property by the city official, that official's relative, or an entity in which that official has a substantial interest at a value below or above that available to the general public, and (b) employment and/or services, contracts, direct or indirect, by a city official, that official's relative, or an entity in which that official or relative has a substantial interest.

## **COMPLAINTS OR ALLEGATION OF A VIOLATION OF THIS CODE**

4.01 Initiation of complaints. All complaints or allegations of a violation of this code of ethics against a City Council member or City Official covered by this Code must be in writing, sworn to before a notary public as to the complaint's validity and truthfulness, and state:

- a) The specific section(s) of the Code that has been violated.
- b) The specific act which violated the specified section(s).
- c) The name of the individual who has allegedly violated the Code.
- d) The name and contact information for the complainant.

4.02 Filing of the complaint form. All complaints must be sworn to as true and correct by the complaining party before a notary public. The complaint form (See Appendix) must be filed of record with the city secretary or designee, who will forward a copy of the complaint within three (3) business days to the party complained against, and the city attorney. Complaints must be filed within six (6) months from the date of knowledge of the incident.

4.03 Confidentiality policy. Any complaint, including all information and the complainant's name, address and contact information, will be considered public information pursuant to the Texas Public Information Act.

4.04 False or frivolous complaints. A person who knowingly makes a false, misleading, or unsubstantiated statement in a complaint is subject to criminal prosecution for perjury and potential civil liability for, among other possible causes of action, defamation. If after reviewing an ethics complaint it is determined that a sworn complaint is groundless and appears to have been filed in bad faith or for the purpose of harassment, or that intentionally false or malicious information has been provided under penalty of perjury, then the City Council may direct that the matter be referred to the appropriate law enforcement authority for possible prosecution. A City Council member or City Official who seeks to take civil action regarding any such complaint shall do so at his or her expense.

4.05 Complaints pertaining to city elections. Any complaints relating to city elections shall be filed with the appropriate county or state authority.

## **COMPLAINTS AGAINST THE MAYOR AND MEMBERS OF THE CITY COUNCIL**

5.01 Independent ethics reviewers. The city may use independent, non-city personnel to handle ethics complaints lodged against the Mayor and members of the City Council. The city attorney shall first attempt to select a pool of five (5) individuals who could serve as the city's independent ethics reviewers to handle ethics complaints lodged against the Mayor and members of the City Council. To be eligible for selection, individuals must be active/retired federal or state judges or faculty members at any ABA accredited law school within the state of Texas who do not live in Keller and do not work for firms or employers that regularly have business in the City or represent clients in the City. In the event the city attorney cannot select a sufficient number of eligible people who can perform the necessary services, then the city attorney may complete the pool by selecting Texas licensed attorneys who do not live or office in the City and whose firms or employers do not regularly have business in the City or represent clients in the City. A supermajority vote of the remaining

City Council members that are not the subject of a complaint hereunder shall be required to direct the City Attorney to institute such a panel. A supermajority shall be defined as 75% of the City Council members that are not the subject of a specific complaint hereunder.

5.02 Initial screening of complaints. The city attorney shall review each complaint filed alleging a violation by the Mayor or members of the City Council and within fifteen (15) days either:

- a) Return it for being incomplete;
- b) Recommend its dismissal for being untimely;
- c) Recommend dismissal if the complaint on its face fails to state allegations that, if true, would violate a mandatory requirement or prohibition – as opposed to an aspirational or administrative provision – of the ethics code or any laws; or
- d) If the complaint states on its face allegations that, if true, would constitute a violation of a mandatory requirement or prohibition (as opposed to aspirational or administrative provisions) of the Code, take action as set forth below.

5.03 Review and findings. For ethics complaints alleging violations of the Code that proceed for additional review, the city attorney shall investigate the allegations and, within thirty (30) days, submit to the City Council, the complainant, the official who is the subject of the complaint, a report with findings of fact, conclusions of law, and a recommendation.

A super-majority vote of City Council (excluding the City Council member accused of the wrongdoing) may recommend referral of the complaint, regardless of the city attorney's opinion, to an independent ethics panel for further review. Then the city attorney shall immediately transfer the complaint to an ethics panel as prescribed herein. The members of the ethics panel shall investigate the complaint and report to the City Council, the complainant, the official who is the subject of the complaint, the city attorney, and the city secretary its findings of fact and conclusions of law within sixty (60) days of being empaneled (unless the panel requests an extension that is granted by the majority of the City Council). The City Council shall consider the ethics panel's report at a public meeting and either accept or reject the ethics panel's report as submitted by a simple majority.

The super-majority vote of City Council's recommendation to refer a complaint for review by an ethics panel does not mean that any of the complaint's allegations are true or that any city official has violated this Code.

5.04 Sanctions and penalties. If the ethics panel finds that a violation of the Code has occurred, it shall make recommendations to the City Council, as follows:

- a) A letter of notification shall be issued when the violation is clearly minor and unintentional, or when the party complained against was acting in accordance with an advisory opinion issued by the city attorney. A letter of notification shall inform the party complained against of appropriate actions to be taken to avoid future violations.
- b) A letter of admonition shall be issued when the violation is minor and may or may not have been unintentional, but calls for a more substantial response than a letter of notification.
- c) A letter of reprimand shall be issued when the violation has been committed either

intentionally or through disregard of the Code or an advisory opinion issued by the city attorney. Any city official, elected by the people, shall be subject to recall and removal from office by the registered voters of the city on the grounds of incompetency, misconduct, or malfeasance in office.

5.05 Policy Enforcement. If a Member(s) of the City Council believes this policy has been violated, the topic shall be placed on a meeting agenda following proper procedure (by City Manager, Mayor, or two members of the City Council).

A determination of violation shall be stated by majority vote of those present during the deliberation.

If it is a Member of the Council who is determined to be in violation of this policy, a standard letter of violation signed by the Mayor (or Mayor Pro Tempore, if the letter is going to the Mayor) shall be issued to the person. A copy of the letter shall become a part of the Council Member's official file with the City.

## **COMPLAINT FORM**

- (1) The complainant's name, address, and telephone number;
- (2) The name and position of the city official who is the subject of the complaint;
- (3) The nature of the alleged violation, including the specific provision of the ethics code or law allegedly violated;
- (4) A statement of facts constituting the alleged violation and the dates on which or period of time in which the alleged violation occurred;
- (5) All documents or other material in the complainant's possession that are relevant to the allegation, a list of all documents or other material relevant to the allegation that are available to the complainant but not in the complainant's possession, and a list of all other documents or other material relevant to the allegations but unavailable to the complainant, including the location of the documents, if known;
- (6) A list of witnesses, what they may know, and their contact information, if known; and
- (7) The complaint must identify the date the complainant learned of the alleged violation and provide a statement of the facts surrounding the discovery of the violation, a list of the persons with knowledge about the date the violation was discovered, and a summary of the information they possess about the discovery. The complaint shall include an affidavit stating that the information contained in the complaint is true and correct, or that the complainant has good reason to believe and does believe that the facts alleged constitute a violation of the ethics code. If the complaint is based on information and belief, the complaint shall identify the basis of the information and belief, including all sources, contact information for those sources, and how and when the information and/or belief was conveyed to the complainant by those sources. The complainant shall swear to the facts by oath before a notary public or other person authorized by law to administer oaths under penalty of perjury.