

ORDINANCE NO. 232-042022

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN RIDGE, TEXAS, ADOPTING CITY COUNCIL CONDUCT POLICIES INCLUDING A CODE OF ETHICS AND ETHICAL CONDUCT RULES; PROVIDING DISCIPLINARY ACTIONS FOR VIOLATIONS OF THIS ORDINANCE; PROVIDING A CUMULATIVE AND SAVINGS CLAUSE, PROVIDING FOR SEVERABILITY; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the public expects the highest standards of professional conduct from Councilmembers elected to City Council; and

WHEREAS, the Mayor and Councilmembers (“Councilmembers”) represent the City and are entrusted with upholding local, state, and federal laws and must observe a high standard of professional conduct in the course of their official duties and faithfully fulfill the responsibilities of their offices, regardless of their personal interests; and

WHEREAS, Councilmembers shall respect the presiding officer, other Councilmembers, City employees, and members of the public present during City Council meetings or other proceedings of the City, and meetings should provide an environment for healthy debate on matters before the City Council; and

WHEREAS, Councilmembers shall respect the decision-making process and the decisions of the City Council, even if they disagree with such decisions, such that respect for the decision-making processes of the City Council is fostered; and

WHEREAS, it is incumbent on Councilmembers to treat every person, including other Councilmembers, City employees, and the public with dignity, understanding, and respect while ensuring that their work environment is free from discrimination, bullying, and harassment; and

WHEREAS, City of Garden Ridge (the “City”) Ordinances include certain provisions related to the procedures and conduct of business by boards, committees, and commissions; and

WHEREAS, the City Council has reviewed the existing provisions and has determined that it is in the best interest of the citizens of Garden Ridge for there to be a broader range of specificity in the manner by which the City Council conducts itself and its business; and

WHEREAS, state law allows for the City Council to adopt rules that govern how it conducts business; and

WHEREAS, the City Council desires to adopt City Council Conduct Policies including a Code of Ethics and Ethical Conduct Rules (the “Codes”) to better serve the interest of the public.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GARDEN RIDGE, TEXAS, THAT:

SECTION 1. FINDINGS.

The findings set out herein are found to be true and correct and are hereby adopted by the City Council and made a part of this Ordinance for all purposes.

SECTION 2. GENERAL PROVISIONS.

2.1. Eligibility

The Mayor and members of the City Council shall meet the eligibility and qualification requirements for candidates for public office established in Local Government Code Chapter 22 and Elections Code Chapter 141.

2.2. Term of Mayor and Councilmembers

The Mayor shall be elected for a two-year term on odd-numbered years and shall serve until his or her successor is elected and qualified as is provided by statute.

The five (5) members of the City Council shall be elected and serve for a two-year term. Two (2) Councilmembers shall be elected in odd-numbered years, and three (3) Councilmembers shall be elected in even-numbered years. Each Councilmember shall serve until his or her successor is elected and qualified as is provided by statute.

2.3. Transition of Mayor and Councilmembers

Upon the election and qualification of a successor to the Office of the Mayor or any City Council place, all records of the outgoing Councilmember shall be transferred and delivered intact to the incoming Councilmember.

2.4. Council Liaison Appointments

A Council Liaison is a Councilmember who is specifically assigned to be the liaison between the City Council and outside agencies, committees, task forces, and boards. The Mayor nominates and the City Council confirms Councilmember appointments to such outside agencies, committees, task forces, and boards. The Council Liaison provides a link for representing the values, beliefs, and position of the City Council to these entities, and the representative will report to the City Council on the activities of these organizations no less than quarterly.

2.5. Councilmember Participation in Community Activities

Councilmembers may choose to participate in community events, community organizations, and/or non-City sponsored committees. When a Councilmember participates in these types of activities, the Councilmember is acting as an interested party rather than acting on behalf of the City Council.

2.6. City Boards/Committees/Commissions

City boards/committees/commissions are formed in accordance with Ordinance No. 210 in order to provide independent recommendations to City Council.

Technical committees are formed on an as needed basis with a clearly defined purpose, term, and reporting requirements. Technical committees may consist of up to two (2) Councilmembers recommended by the Mayor with concurrence through a vote of the majority of Councilmembers.

A Councilmember who is specifically assigned to be an ex-officio member on a City board/committee/commission acts as the representative present to provide guidance and identify procedural and structural issues related to the effective functioning of the board/committee/commission. Therefore, a Councilmember assigned to be an ex-officio member shall have no vote on the City board/committee/commission they are assigned to. A Councilmember who is appointed to sit as a member of a technical committee is not an ex-officio member of that technical committee for purposes of this policy.

SECTION 3. CITY COUNCIL MEETINGS AND ORDER OF BUSINESS.

3.1. Regular Meetings

The regular meetings of the City Council shall be held on the first Wednesday of each month, and are typically held in the City Council Chambers beginning at 6:00 p.m. Any proceeding which may legally be had at a regular meeting of the City Council may be had with the same effect at any special meeting of the City Council.

- a) The City Council may occasionally elect to meet at other locations and, upon such election, shall give public notice of the change of location in accordance with state law.
- b) If by reason of fire, flood, or other emergency, it is unsafe to meet in the City Council Chambers, the meetings may be held for the duration of the emergency at such other place as may be designated by the Mayor or, in the Mayor's absence, by the Mayor Pro-Tem or the City Administrator.
- c) When the day for any regular meeting falls on a legal holiday, the regularly scheduled meeting for such day shall be deemed canceled unless otherwise specified by the City Council. To ensure regular City Council meetings are held during necessary months, the meeting to be canceled shall be rescheduled at a regular City Council meeting prior to a conflicting holiday. At other times, when the City Council deems appropriate, one (1) or more regular meetings may be canceled and rescheduled by a majority vote of the City Council.

3.2. Workshops and Special Called Meetings

The purpose of a workshop or a special called meeting is to discuss in depth or explore matters of interest to the City, such as a meeting with one (1) of the City's appointed committees or the City Council alone may wish to explore a matter in great detail. The time, place, and purpose will be stated on all legally posted notices. City Council shall not take formal action on items presented at a workshop unless the item has been legally posted as a formal action item. Workshops and special called meetings can be called by the Mayor or the application of three (3) Councilmembers.

3.3. Agenda Officer

The City Secretary shall be the agenda officer with the responsibility for proper and legal posting of the agenda. When necessary, the City Secretary will assume responsibility for issuing a copy of the agenda to any newspaper, radio, or television stations advising them of any scheduled meeting. The City Secretary shall distribute the agenda packets for all regularly scheduled meetings to the members of the governing body no later than 12:00 p.m. the Friday prior to the meeting date.

3.4. Order of Business

City Council meetings will be generally conducted in the following order, unless otherwise necessary as determined by the Mayor, City Administrator, or City Secretary. A closed session may be held at any time during a meeting consistent with applicable state law. Any proceeding which may legally be had at a regular meeting of the City Council may be had with the same effect at any special meeting of the City Council.

- a) Workshop or Special Called Meeting Agenda.
 1. Call to Order/Roll Call.
 2. Pledge of Allegiance.
 3. Public Comments.
 4. Workshop Items.
 5. Action Items, if required.
 6. Public Comments.
 7. Adjourn.

- b) Regular Meeting Agenda.
 1. Call to Order/Roll Call.
 2. Pledge of Allegiance.
 3. Proclamations/Presentations.
 4. Public Comments.
 5. Consent Agenda.
 6. Reports from Staff.
 7. City Commission and Committee Reports/Recommendations/Possible Actions.
 8. Approvals and Authorizations.
 9. Updates on City Council Projects.
 10. Items for Future Agendas.
 11. Public Comments.
 12. Announcements.
 13. Closed Session.
 14. Reconvene into open session for possible action resulting from any items posted and legally discussed in closed session.
 15. Adjourn.

3.5. Placement of an Item on an Agenda

All items for placement on an agenda shall be coordinated through the Mayor and City Administrator. The City Administrator shall be responsible for coordinating items and supporting documentation for the agenda for timely submission to the City Secretary.

Section 551.042, Local Government Code, V.T.C.A. (i.e. Texas Open Meetings Act) permits a member of the public or a member of the governmental body to raise a subject that has not been included in the notice for the meeting, but any discussion of the subject must be limited to a proposal to place the subject on the agenda for a future meeting. Members of City Council wishing to place any item on an agenda may do so at the end of a City Council meeting during the section provided for "items for future agendas".

The Mayor and any Councilmember may submit agenda items which shall be included on the agenda. Items must be confirmed by the City Secretary by 5:00 p.m. two (2) weeks before the meeting date. Should a Councilmember need a new item placed on the agenda before City Council convenes, the Councilmember shall obtain a written statement from one (1) additional Councilmember explaining the specific item they wish to appear on the next agenda and submit their request in writing to the City Administrator or the City Secretary prior to the deadline for agenda items. The Mayor, City Administrator, or appropriate Councilmember shall be listed as the sponsor for each agenda item that has been individually requested.

3.6. Consent Agenda

The consent agenda shall contain routine, noncontroversial items that require City Council action but do not require deliberation. All items on the consent agenda shall be considered in one (1) motion unless a Councilmember requests any items be removed for discussion. Agenda items removed from the consent agenda by the request of any Councilmember will be considered separately after approval of the remaining consent agenda items.

3.7. Announcements

Members of the City Council, the Mayor, or the City Administrator have the opportunity to notify others of community events, functions, and other activities. The item shall be included on all regular meetings of the City Council.

3.8. Presentations and Public Recognition

All special presentations and public recognitions will be scheduled and coordinated through the City Secretary for placement on the agenda. The following procedures will guide presentations by members of the public at City Council meetings:

- a) Any documentation must be provided to the City Secretary no later than one (1) week prior to the City Council meeting.
- b) When called upon during the meeting, the person should come to the podium, state their name and address for the record, or, if speaking for an organization or other group, identify the group.
- c) All remarks should be addressed to the entire City Council, not to individual members.
- d) Questions, if any, should be directed to the presiding officer who will determine whether, or in what manner, an answer will be provided.

3.9. Public Hearings

- a) Procedures During Public Hearings. The City Council procedure for the conduct of public hearings is generally as follows:
 1. Mayor reads listed topic information for public hearing.
 2. Commission representative and/or City employee presents report/recommendation.
 3. The applicant/appellant has the opportunity to present comments, testimony, or arguments. In the case of an appeal when the appellant is different from the applicant, the appellant should be called upon first to provide comments or testimony. The applicant/appellant shall have a total of fifteen (15) minutes for a presentation when recognized by the presiding officer. The initial comments or presentation shall be limited to ten (10) minutes and the rebuttal or concluding comments shall be limited to five (5) minutes.

4. Mayor opens the public hearing.
5. Members of the public are provided with the opportunity to speak for or against the issue. Written communications and petitions concerning the subject matter of the hearing will be noted, read aloud, or summarized by the City Secretary.
6. The public hearing is closed.
7. The applicant or appellant then has the opportunity to provide clarification, rebuttal, or concluding comments if necessary.
8. Councilmembers may ask questions of the applicant and/or appellant, City employees, or representative.
9. The City Council deliberates and takes action.

b) Policies Pertaining to Public Hearings.

Any public hearing being held, noticed, or ordered to be held by the City Council may, by order, notice, or motion, be continued to any subsequent meeting.

Members of the City Council who wish to ask questions of the speakers during the public hearing portion may do so, but only after first being recognized by the Mayor. Interaction with the speaker shall be limited to a question or questions, rather than an ongoing dialogue.

All persons interested in the matter being heard by the City Council shall be entitled to submit written evidence or remarks, as well as other graphic evidence. All such evidence presented will be retained by the City Secretary's Office as part of the record of the hearing, with the requirements of state law.

During the public hearing, no person will be permitted to speak about matters or present evidence which is not germane to the matter being considered. A determination of relevance shall be made by the Mayor, but may be appealed to the full City Council.

3.10. Rules of Decorum

All remarks shall be addressed to the City Council as a body, and not to any individual member thereof. Any person making personal, impertinent, or slanderous remarks while addressing the City Council may be requested to leave the meeting. Issues of the conduct or procedure of public meetings not addressed by these rules or state law shall be determined by the Mayor, or the presiding officer in the Mayor's absence.

a) Citizen Comments.

All individuals wishing to be heard may do so during the citizen comment period of a meeting in accordance with the following rules:

1. *Time limit.* Unless extended by a majority vote of Councilmembers present, the maximum time allocated for citizen comments is 30 minutes. Each speaker shall have no more than three minutes to speak during citizen comments.
2. *Sign in.* Prior to the commencement of the meeting, a person wishing to address the City Council must sign in with the City Secretary, and provide the following information: name, address, and subject matter to be presented.

3. *Speaker rules.* In order for the City Council to properly consider each matter brought to it by citizens, speakers are requested to observe the following rules:
 - a. A citizen comment period shall be scheduled before action items on the agenda.
 - b. Each speaker shall be limited to one 3-minute period, which may be used to address any item on the agenda or other matters of concern to the citizen, except those for which a public hearing is scheduled.
 - c. Only one person may speak at a time and speakers must show the governing body the same respect they would like to be shown.
 - d. The speaker must provide their name and address, which shall be included in the minutes of the meeting.
 - e. Speakers must address their comments to the entire governing body rather than to individual Councilmembers, City employees, or the audience.
 - f. Speakers may file copies of their remarks or supporting information with the City Secretary who shall distribute the information to the City Council and City Administrator upon request.

- b) Public Hearings.

A person may express support or opposition to the matter that is the subject of a public hearing in accordance with the following rules:

 1. *Sign in.* Upon conclusion of each comment, speakers must sign-in with the City Secretary and indicate their name, address, and whether they spoke in favor or opposition to the matter.
 2. *Time limit.* Each person will be allowed a maximum of one 3-minute period, which also applies when the City Secretary is reading any written comments submitted.
 3. *Written comments.* Written comments must be received by the City Secretary no later than two (2) hours before the start of the meeting in which the public hearing will be held. Should citizens submit a written comment then choose to attend the public hearing and speak in person, the written comment will not be read aloud.
 4. *Closed public hearings.* No person will be permitted to address the City Council during the consideration of an agenda item on which a public hearing has been held by the City Council if the public hearing has been closed. This rule does not prohibit a Councilmember, upon consent of the presiding officer, or successful appeal to City Council, from asking questions of any person with knowledge about the subject matter in order to clarify points before the City Council votes.
 5. *Speaker rules.* Speaker rules shall be the same as citizen comments.

- c) City Employees.

City employees shall observe the same rules of procedure and decorum applicable to Councilmembers. Although the presiding officer has the authority to preserve decorum in meetings, the City Administrator is also responsible for the orderly conduct and decorum of all City employees under their direction and control. The City Administrator shall take such disciplinary action as may be necessary to ensure that decorum is preserved at all times by City employees during City Council meetings.

d) Citizen Conduct.

Citizens are welcome to attend all official meetings of the City Council and will be admitted to the Council Chambers up to the fire safety capacity of the room. Overflow crowds may listen to proceedings from the lobby and meetings may be moved to other areas of the municipal building or other locations within the City if more appropriate.

All citizens will remove hats when addressing the City Council and refrain from private conversations in the Council Chambers while the City Council is in session.

The City Administrator, Chief of Police, or such member or members of the police department, shall act as sergeant-at-arms for the City Council, and shall furnish whatever assistance is needed to enforce the rules of decorum herein established. Any person who resists removal by the sergeant-at-arms shall be charged with violating Section 42.05(a) of the Texas Penal Code.

Citizens attending council meetings shall also observe the same rules of propriety, decorum, and good conduct applicable to Councilmembers. Any person making personal, impertinent, or slanderous remarks, or who becomes boisterous while addressing the City Council or while attending council meetings, shall be removed from the room if the sergeant-at-arms is so directed by the presiding officer, and the person shall be barred from further audience before the City Council during that session.

Unauthorized remarks from the audience, stomping of feet, whistles, yells, and similar demonstrations shall not be permitted by the presiding officer, who shall direct the sergeant-at-arms to remove such offenders from the room. Aggravated cases shall be prosecuted on the appropriate complaint signed by the presiding officer. Should the presiding officer fail to act, any Councilmember may move to require the presiding officer to enforce the rules, and the affirmative vote of the majority of the Councilmembers shall require the presiding officer to act.

No placards, banners, or signs of any kind will be permitted in the Council Chambers. Exhibits, displays, and visual aids used in connection with scheduled presentations to the City Council that have been legally posted on an agenda are permitted.

Citizens shall not address the City Council or participate in discussion on any matter unless they have been included on the agenda for such purpose, are making remarks during a period set aside for citizen comments, or are recognized by the presiding officer or a Councilmember having the floor with the consent of the presiding officer or successful appeal to the City Council.

SECTION 4. RULES OF CONDUCT.

4.1. Authority of the Chair

In the role of facilitator, the Mayor will assist the City Council in focusing agenda discussions and deliberations. Subject to appeal to the full City Council, the Mayor shall have the authority to prevent the misuse of motions, the abuse of any privilege, or the observation of the business of the City Council by ruling any such matter out of order.

In such ruling, the Mayor shall be courteous and presume that the moving party is acting in good faith. Any member of the City Council may move to require enforcement of the rules, and the affirmative vote of a majority of the City Council shall require the presiding officer to act.

4.2. Council Deliberation and Order of Speakers

The Mayor has been delegated the responsibility to control the debate and the order of speakers. Speakers will generally be called upon in the order of the request to speak. With the concurrence of the Mayor, a Councilmember holding the floor may address a question to another Councilmember and that Councilmember may respond while the floor is still held by the Councilmember asking the question. A Councilmember may opt not to answer a question while another Councilmember has the floor.

Councilmembers will limit their comments to the subject matter, time, or motion being currently considered by the City Council.

Councilmembers will govern themselves as to the length of their comments or presentation. As a courtesy, the Mayor will signal by hand to a Councilmember who has been speaking for over five (5) minutes. This procedure is not meant to limit debate or to cut comments short but rather to assist Councilmembers in their efforts to communicate concisely.

Any member of the City Council wishing to speak must first obtain the floor by being recognized by the Mayor. The Mayor must recognize any Councilmember who seeks the floor when appropriately entitled to do so. When two (2) or more Councilmembers wish to speak, the presiding officer shall name the Councilmember who is to speak first. No Councilmember shall interrupt another while speaking except to make a point of order.

4.3. Motions

Motions may be made by any Councilmember who may vote on the motion. Any Councilmember who may vote on the motion, other than the person offering the motion, may second a motion. The following is the general procedure for making motions:

- a) A Councilmember who wishes to make a motion should do so through a verbal request to the Mayor.
- b) A Councilmember who wishes to second a motion should do so through a verbal request to the Mayor. Before a motion can be considered or debated it must be seconded.
- c) Once the motion has been properly made and seconded, the Mayor shall open the matter for discussion offering the first opportunity to the moving party and, thereafter, to any Councilmember recognized by the Mayor.
- d) Once the matter has been fully discussed, the Mayor calls for a vote, thus no further discussion will be allowed.

4.4. Voting and Abstention

Voting, except on unanimous votes, shall be by roll call and the ayes, nays, and abstentions shall be recorded in the minutes.

A Councilmember shall only disqualify themselves from voting in situations where they have a legal conflict of interest in the item. State law requires that when a Councilmember abstains or excuses themselves from a portion of a discussion or vote, the Councilmember must briefly state the nature of the conflict and must file an affidavit with the City Secretary prior to any discussion or action on such items.

SECTION 5. PROCEDURES ADMINISTRATION.

5.1. Adherence to Procedures

Rules adopted to expedite and facilitate the transaction of the business of the City Council in an orderly fashion shall be deemed to be procedural only, and the failure to strictly observe any such rules shall not affect the jurisdiction of, or invalidate any action taken by the City Council.

The City Council will review and revise the City Council rules of order and procedures as needed. During City Council discussions, deliberations, and proceedings, the Mayor has been delegated the primary responsibility to ensure that City officials, employees, and members of the public adhere to the City Council's adopted procedures.

The rules set forth are not exclusive and do not limit the inherent power and general legal authority of the City Council, or of its presiding officer, to govern the conduct of City Council meetings as may be considered appropriate from time to time, or in particular circumstances, for purposes of orderly and effective conduct of the affairs of the City.

5.2. Procedure Advisor

The City Attorney, or in the absence of the City Attorney, the City Secretary assists the Mayor and City Council as a resource and as an advisor for interpreting the City Council's adopted rules and procedures.

5.3. Applicability of Procedures

The City Council rules of order and procedures shall also apply to the City Council when sitting as the City's representative with other entities and agencies or when sitting as the Board of Appeals or Board of Adjustment. The role of Mayor and Mayor Pro-Tem shall be interchangeable with Chair and Vice Chair, or President and Vice-President, when sitting as the City's representative with another entity.

SECTION 6. CODE OF ETHICS AND ETHICAL CONDUCT RULES.

6.1. Purpose and Limitations

The citizens and businesses of the City are entitled to have fair, ethical, and accountable local government that maintains the public's full confidence for integrity. Therefore, the City's strong desire to fulfill this expectation requires that City officials and employees:

- Comply with both the letter and spirit of the laws and policies affecting City operations.
- Be independent, impartial, and fair in their judgment and actions.
- Utilize the office or position for the public good, not for personal gain.

To this end, the City Council adopts this Code of Ethics and Ethical Conduct Rules (the “Codes”) to assure public confidence in the integrity of local government and its effective and fair operation. By adopting the Codes, City officials and employees commit to:

- Transparent and accountable governance.
- Honest, fair, and respectful dealings with fellow City officials and employees as well as members of the public.
- Working together to deliver the best outcomes for the long-term interests of the City.

These standards, together with the ongoing requirement for Councilmembers to abide by City Council policies, will ensure public trust and confidence in the City.

The Codes are intended to support, explain, and assist City Council and its individual Councilmembers to exercise its governmental powers. Nothing contained herein is intended to contradict or supersede state law.

6.2. Act in the Public Interest.

Recognizing that stewardship of the public interest must be the primary concern, City officials and employees will work for the common good of the public and not for any private or personal interest. City officials and employees shall assure fair and equal treatment of all persons, claims, and transactions coming before the City.

6.3. Comply with the Law.

City officials and employees shall comply with the federal, state, and local laws in the performance of their public duties. These laws include but are not limited to: the United States and Texas constitutions as well as laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, open processes of government, and City ordinances.

6.4. Custodian of City Records

It is the policy of the City to provide for efficient, economical, and effective controls over the creation, distribution, organization, maintenance, use, retention, and disposition of City records. City officials and employees shall adhere to the requirements, policies, and procedures of the City’s records management program established in Ordinance No. 67.

A custodian of City records shall, at the expiration of the custodian's term of office, appointment, or employment, deliver to the custodian's successor, if there is one, all City records in custody. If there is no successor, the City Council shall determine which City official or employee shall have custody.

A City official or employee does not have, by virtue of their position, any personal or property right to a City record even though the City official or employee may have developed or compiled it. The unauthorized alteration, destruction, deletion, removal from files, or use of a City record is prohibited. A City record may not be sold, loaned, given away, destroyed, or otherwise alienated from the City’s custody unless in accordance with the City’s records management program.

A City official or employee who knowingly or intentionally violates a provision adopted under Ordinance No. 67 by destroying or alienating a City record in contravention of the City's records management program or by intentionally failing to deliver City records to a successor in office shall be subject to prosecution and penalties as provided by the Local Government Records Act.

6.5. Conduct of City Officials and Employees

The professional and personal conduct of City officials and employees must be above reproach and avoid even the appearance of impropriety. City officials and employees shall refrain from abusive conduct, personal charges, or verbal attacks upon the character or motives of other City officials and employees as well as members of the public.

6.6. Respect for Process

City officials and employees shall perform their duties in accordance with the processes and rules of order established by the City Council governing the public deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions.

6.7. Conduct of Public Meetings

City officials have an obligation to attend meetings and be prepared for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand. They shall assist in preserving order and decorum and shall refrain from interrupting other speakers, making personal comments not germane to the business of the body, or otherwise interfere with the orderly conduct of meetings.

During City Council meetings, a Councilmember desiring to speak shall address the presiding officer and, upon recognition by the presiding officer, shall confine discussion to the question under debate, avoid discussion of personalities and indecorous language, and refrain from personal attacks and verbal abuse.

During City Council meetings, a Councilmember desiring to question City employees shall address questions to the City Administrator, who shall be entitled either to answer the question(s) or designate a City employee. Such designation may occur at any time, including prior to a City Council meeting. Councilmembers shall not berate nor admonish City employees.

During City Council meetings, a Councilmember, once recognized, shall not be interrupted while speaking unless called to order by the presiding officer, to raise a point of order or procedure, or unless the speaker chooses to yield to questions from another Councilmember. If a Councilmember is called to order while speaking, that Councilmember shall cease speaking immediately until the question of order is determined. If ruled to be in order, the Councilmember shall be permitted to proceed. If ruled to be not in order, the Councilmember shall remain silent or make additional remarks to comply with the rules of the City Council.

During City Council meetings, Councilmembers shall confine their questions to the particular matters before the assembly, and in debate, shall confine their remarks to the issues before the City Council.

During City Council meetings, when there is more than one speaker on the same subject, Councilmembers will delay their comments until after all speakers on the subject have been heard.

Councilmembers shall not speak on behalf of the City Council at any place or time unless they have been so directed by the City Council as a body. Councilmembers shall clearly state when they have been directed by the City Council to speak on behalf of the City Council at the meeting of any board/committee/commission.

6.8. Decisions Based on Merit

It is expected that City officials and employees review material, participate in discussions, and base their decisions on the merits and substance of the matter at hand.

6.9. Communication

Prior to permitting final action to be taken on a matter under consideration City officials and employees shall publicly share substantive information, which they may have received from sources outside the public decision-making process, that is relevant to such action by the City Council or any City board/committee/commission.

6.10. Conflicts of Interest and Disclosure

City officials and employees shall familiarize themselves and abide by the following conflicts of interest and disclosure statutes and principles:

- a) Section 171 of the Local Government Code requires Councilmembers and certain officers to file an affidavit disclosing a substantial interest in a business or property that would be beneficially affected by a decision of the City Council and thereafter abstaining from participating in discussions and voting on the matter. Once the disclosure is made, the City official is to remove themselves from the meeting area to ensure their presence does not hinder the discussion of the item or influence the vote.
- b) Section 176 of the Local Government Code requires Councilmembers and the certain officers to file a conflicts disclosure statement disclosing any business relationship with a person or business doing business with the City or being considered by the City for a business relationship.
- c) Section 176.003(a)(2)(B) of the Local Government Code requires the disclosure of gifts of an aggregate value of more than \$100.00 in the twelve (12) month period preceding a transaction described in Section 176, other than gifts of food, lodging, transportation, or entertainment accepted as a guest.
- d) Sections 553.001-553.003 of the Local Government Code requires the filing of an affidavit before the date the City will acquire a property in which public servants have a legal or equitable interest.
- e) City employees shall disclose potential conflicts of interest to their supervisor and avoid participating in the handling of matters wherein City employees have a personal interest.

- f) In order to assure their independence and impartiality on behalf of the public good, City officials and employees are prohibited from using their positions to influence government decisions in which they have a personal interest.

Any Councilmember who has testified on his or her own behalf or as a witness before a board/committee/commission on any administrative action which then comes to City Council is disqualified from participating as a Councilmember on the matter only if there is a legal conflict of interest.

6.11. Corruption

City officials and employees shall familiarize themselves and abide by the Penal Code mandates concerning corruption, including specifically Section 36.02 prohibiting bribes, Section 36.08(d) prohibiting illegal benefits, Section 36.09 prohibiting receipt of prohibited gifts, Section 39.02 concerning abuse of official capacity, and Section 39.06(a) concerning misuse of official information.

6.12. Political Advocacy

City officials and employees shall not utilize the City's name or logo for purposes of endorsing any political candidate or business. City employees shall not engage in electioneering while on the job. Electioneering means working for the election of a candidate to political office.

City employees shall not be appointed or retained on the basis of their political support or activities. City employees shall not engage in political activities relating to a campaign for elective office while in uniform or on active duty. City employees elected to office shall be required to resign their employment upon acceptance of the office.

City employees are prohibited from using their municipal title or position in any advertisement or endorsement of products, persons, or activities, without exclusive authorization by the City Council.

6.13. Confidential Information

City officials and employees shall respect the confidentiality of information concerning City property, personnel, or proceedings of the City. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal interests. City officials and employees shall keep all matters discussed in executive session confidential. Any City official or employee who shares any part or portion of the discussions, discourse, presentations, or information heard or presented during an executive session shall be deemed to have violated the Codes.

6.14. Use of Public Resources

City officials and employees shall not use public resources generally unavailable to the public such as equipment, supplies, facilities, or City employees' time for private gain or personal purposes.

6.15. Representation of Private Interests

In keeping with their role as stewards of the public interest, City officials and employees shall not appear on behalf of private interests of third parties before the City Council or any board/committee/commission proceeding of the City.

6.16. Advocacy and Media Communications

Effective media relations best serve the City by providing accountability to the public and transparency of government, ensuring accurate information is conveyed to the public, establishing and maintaining an accurate public perception of the City, informing residents of City programs and services, and promoting the City's achievements, activities and significant events. City officials and employees shall represent the official policies or positions of the City Council to the best of their ability when designated as delegates for this purpose.

The Mayor and Councilmembers have been elected to represent our community and are free to speak to the media on any subject. This policy and the following guidelines are intended to ensure that accurate consistent information is provided to the media and that City Council's integrity and professional image is preserved.

- a) The Mayor and Councilmembers have the right to express personal opinions on any issue, but must make it clear that they are speaking for themselves, are not speaking in an official capacity for the City, and are not speaking on behalf of City Council, unless the position has been adopted by the City Council.
- b) All conversations with a member of the media should be treated as on the record and all interviews with a member of the media shall be reported to the City's Communications Specialist/Public Information Officer as soon as reasonably possible after the interview.
- c) It is highly encouraged that the Mayor and Councilmembers contact the City Administrator for any relevant information prior to commenting on certain highly sensitive issues that may require greater discretion when speaking to media. These issues may include, but are not limited to:
 1. Legal issues, including liability issues and pending litigation.
 2. Personnel issues, including those surrounding existing and former City employees.
 3. Questions that involve police or fire investigations.
 4. A community-wide situation or emergency.

6.17. Policy Role of City Officials and Employees

City officials and employees shall respect and adhere to the City governmental structure as outlined in state law in addition to the City's policies and procedures. In this structure, the City Council determines the policies of the City with the advice, information, and analysis provided by the public, boards/committees/commissions, and City employees. Except as provided by this ordinance, Councilmembers therefore shall not interfere with the administrative functions of the City or the professional duties of the City employees; nor shall they impair the ability of City employees to implement City Council policy decisions.

6.18. Independence of Boards, Commissions, and Committees

Because of the value of the independent advice of boards/committees/commissions to the public decision-making process, City officials shall refrain from using their position to influence unduly the deliberations or outcomes of board/committee/commission proceedings. This section should not be interpreted to limit the participation of a Councilmember on a board/committee/commission to which they have been duly appointed by the City Council.

6.19. Positive Workplace Environment

City officials shall support the maintenance of a positive and constructive workplace environment for City employees, and for citizens and businesses dealing with the City. City officials shall recognize their role in dealing with City employees and refrain from creating the perception of inappropriate direction to City employees.

Only the City Council, acting as a body, is permitted to provide individual instruction to City employees, to include the City Attorney's Office, City Engineer's Office, and City Judges/Prosecutors regarding any matter confronting the City, whether policy-related or otherwise.

As the Chief Executive Officer of the City, the Mayor (or Mayor Pro-Tem acting in the Mayor's absence) may give direction and clarification to City employees, to include the City Attorney's Office, City Engineer's Office, and City Judges/Prosecutors to ensure that City rules, policies, and ordinances are properly carried out.

No member of the City Council shall give individual instruction to, attempt to define policy for, make any demand of, or attempt to influence City employees, to include the City Attorney's Office, City Engineer's Office, and City Judges/Prosecutors to circumvent City rules, policies, or ordinances.

Any member of the City Council may make requests of City employees, to include the City Attorney's Office, City Engineer's Office, and City Judges/Prosecutors for information, assistance, or other help as may be necessary, so long as such requests do not hinder the productivity of City employees or the operations of the City and so long as no orders, threats, promises, intimidations, or ultimatums, explicit or implicit, are issued.

Any member of the City Council giving individual instruction or making a demand of City employees, to include the City Attorney's Office, City Engineer's Office, and City Judges/Prosecutors with the exception noted below shall be deemed to have violated the Codes.

The single exception to this rule is that in times of emergencies lawfully declared by the Mayor, the Mayor may act independently as to matters of urgent need until a meeting of the City Council, in quorum, can be called.

6.20. Implementation

As an expression of the standards of conduct for City officials and employees expected by the City, the Codes are intended to be self-enforcing. It therefore becomes most effective when City officials and employees are thoroughly familiar with it and embrace its provisions. Ethical standards shall be included in the regular orientations for newly elected and appointed City officials as well as new City employees.

All City officials and employees shall sign a statement affirming they have read and understood the City of Garden Ridge Code of Ethics and Ethical Conduct Rules. In addition, the Codes shall be reviewed periodically, and the City Council shall consider recommendations from City officials, employees, and citizens for revisions as necessary.

6.21. Compliance

The Codes express standards of ethical conduct expected for elected and appointed City officials and City employees. City officials and employees themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government.

The chair of a City boards/committee/commission and the Mayor have the additional responsibility to intervene when any City official's actions appear to be in violation of the Codes and are brought to their attention.

6.22. Violations

Councilmembers are expected to abide by the Codes at all times. Any Councilmember not adhering to the Codes shall be in violation of said Codes.

Any suspected or alleged violation by a Councilmember must be reported to the Mayor. Any suspected or alleged violation by the Mayor shall be reported to the Mayor Pro-Tem and the City Administrator. In the case of a City employee making the report regarding a Councilmember, the report shall be made to the City Administrator, who will then report it to the Mayor (or the Mayor Pro-Tem regarding a report concerning the Mayor). Upon report, the City Administrator and City Attorney will assist the Mayor (or the Mayor Pro-Tem regarding a report concerning the Mayor) in following the procedures for addressing violations or alleged violations.

6.23. Procedure for Conducting Inquiries

The role of leading an inquiry of any Councilmember for any violation or alleged violation of this policy lies with the Mayor, Mayor Pro-Tem, and, if approved by City Council, an independent attorney or investigator. If the Mayor and/or Mayor Pro-Tem is the subject of an inquiry, their respective roles of leading an inquiry will be deferred to the next ranking Councilmember by seniority and, if approved by City Council, an independent attorney or investigator. The City Attorney shall not conduct the investigation of any Councilmember.

Any Councilmember who is the subject of an inquiry shall have the ability to provide a written statement responding to the findings of the inquiry. All Councilmembers who are not the subject of an inquiry have a right to participate in the inquiry process regarding violations or alleged violations and their subsequent enforcement.

Depending on the circumstances of alleged violations of law or policy, the City Council may approve an independent attorney or investigator to initiate an investigation of the allegations prior to imposing any enforcement actions described in this policy.

In deciding whether or not to open an investigation the City Council should consider:

- a) Whether a City Council investigation may compromise other investigations regarding the same alleged actions, and, if the actions may result in criminal charges, whether the right of the accused Councilmember to a fair jury trial may be compromised by proceeding with an investigation;
- b) If persons involved in the allegations may choose to exercise their constitutional right against self-incrimination, which may limit the investigation's ability to present a full picture of alleged events; and
- c) How to ensure the protection of rights of those accused of violations, those making such accusations, and those who have information regarding the accusations.

At any point during any of the processes described in this policy, the City Council may refer the matter, as appropriate, to the Comal County District Attorney, the Texas Elections Commission, or to another law enforcement agency, for investigation. Following such a referral, the City Council may proceed with any actions it chooses to take under the provisions of the Codes and any other action permitted by state law.

If, upon proper investigation, an inquiry involving a City official is determined to be unfounded, written documentation of this fact will be recorded in the minutes. If, upon proper investigation, an inquiry involving a City employee is determined to be unfounded, written documentation of this fact will be placed in the employee's personnel file.

6.24. Enforcement of Violations

The City Council may impose sanctions, such as reprimand, formal censure, or loss of committee assignment, on City officials whose conduct does not comply with the Codes or City's standards. The City Council also may act to remove members of any City board/committee/commission from office.

Councilmembers have the obligation to govern themselves responsibly in the enforcement of any violation of this policy. The objective for establishing rules of enforcement pertaining to this policy is to provide fair, consistent, concise, and efficient guidelines for the use of enforcement against violations of this policy.

As a general matter, enforcement of this policy may be progressive, but circumstances may indicate that strong actions be taken immediately. Furthermore, City Council is not bound to the enforcement guidelines of this policy and should make decisions on a case-by-case basis. City Council, as a collective body, may change the order of the disciplinary steps listed below, or may choose not to use any step, depending on the circumstances under review.

City Council may take any appropriate disciplinary action including, but not limited to:

- a) Cautioning. Cautioning is identified as a verbal reprimand and shall not be recorded. A cautioning shall be administered in private to the Councilmember by the Mayor with the City Administrator, Chief of Police, or City Attorney present acting as a witness. If the Mayor is receiving the cautioning, it shall be administered in private to the Mayor by the Mayor Pro-Tem with the City Administrator, Chief of Police, or City Attorney present acting as a witness.
- b) Correction. Correction is identified as a verbal reprimand and shall be conducted during a public meeting in accordance with the Texas Open Meetings Act. The correction of any Councilmember, including the Mayor, shall be noted in the minutes but will not otherwise be administered in writing. A quorum of the City Council, including the corrected Councilmember, shall be present during the administration of the correction. The City Attorney shall be notified of the correction in advance and shall be present during the administration of the correction.
- c) Censure. The act of placing a Councilmember under censure is an official and public reprimand of a Councilmember by the governing body for multiple and/or serious infractions against the Codes.

The censure of any Councilmember, including the Mayor, shall be administered in writing. City Council shall assess censure on a case-by-case basis, with any censure period lasting no more than sixty (60) days. At the end of the censure period, the censure has expired and shall not be extended. A Councilmember placed under censure may return to a good standing status once their censure period has ended. The body of the City Council may determine to end the censure period of a Councilmember prior to the conclusion of said period at their discretion.

All censure hearings shall be conducted in accordance with the Open Meetings Act and the City Council may adopt a resolution of censure based on clear and convincing facts supporting the allegations of misconduct giving rise to the censure. A resolution of censure may include the imposition of sanctions against the Councilmember, such sanctions may include removal from committee assignments and restrictions on representing the City in any official capacity. A censure must be publicly voted on in open session of the City Council and must be passed by a 2/3 supermajority vote. A Councilmember under consideration of censure will not vote on their own censure.

SECTION 7. DEFINITIONS.

For purposes of this Ordinance, the following terms, words, and the derivation thereof shall have the meaning given herein. All other terms have their usual and ordinary meaning.

Business means a corporation, partnership, sole proprietorship, firm, holding company, joint stock company, receivership, trust or any other for profit or non-profit entity.

City Council means the legislative and governing body of the City consisting of the Mayor and Councilmembers.

City Official means any member of the City Council and any appointed member of a board, committee, or commission set up by ordinance, resolution, state law, or otherwise on a temporary or permanent basis.

City Records means any document, paper, letter, book, map, photograph, sound or video recording, microfilm, magnetic tape, electronic medium, or other information recording medium, regardless of physical form or characteristic and regardless of whether public access to it is open or restricted under the laws of the state, created or received by a local government or any of its officials or employees pursuant to law, including an ordinance, or in the transaction of public business.

Custodian of City Records means any City official or employee who creates or receives City records.

Employee means any person employed by the City, including those individuals on a part-time basis as well as independent contractors hired by the City for repetitive performance of services, but not independent contractors engaged for occasional services.

SECTION 8. CUMULATIVE AND SAVINGS.

This ordinance is cumulative of all provisions of ordinances of the City of Garden Ridge, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed. All previous versions of this ordinance to the extent that they are in conflict herewith are repealed.

SECTION 9. SEVERABILITY.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this ordinance is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality will not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 10. EFFECTIVE DATE.

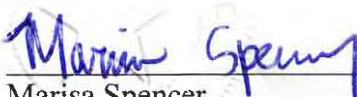
This ordinance shall become effective immediately upon its passage, approval, and any publication as provided by law.

PASSED AND APPROVED ON this 6th day of April, 2022.



Robb Erickson
Mayor

ATTEST:



Marisa Spencer
City Secretary