

ORDINANCE NO. 361

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BANDERA AMENDING THE CITY OF BANDERA CODE OF ORDINANCES AMENDING CHAPTER 1, ARTICLE 1.03-CITY COUNCIL, OF THE CITY'S CODE OF MUNICIPAL ORDINANCES; REPEALING CONFLICTING PROVISIONS OF THE CITY'S CODE; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

WHEREAS, the Code of Ordinances includes certain provisions related to the conduct of business by the elected City Council; and,

WHEREAS, the City Council has reviewed the existing provisions and has determined that it is in the best interest of the citizens of Bandera 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 of the City of Bandera, Texas desires to amend the Code of Ordinances to better serve the interest of the public.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BANDERA TEXAS:

PART 1. That the City of Bandera Code of Ordinances Chapter 1 Article 1.03-City Council hereby amended as set forth in the attached Exhibit A

PART 2. That the recitals contain in the preamble hereto are hereby found to be true and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

PART 3. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance be severable, and, if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared invalid by judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance and the remainder of this ordinance shall be enforced as written.

PART 4. That it is officially found, determined and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

PART 5. This ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

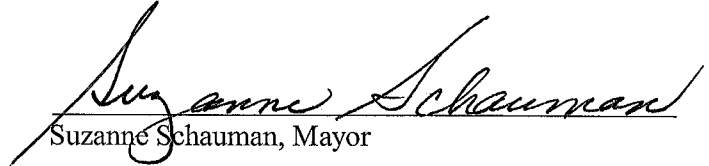
PART 6. The repeal or amendment of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue or as affecting any rights of the City of Bandera under any section or provisions of any ordinances in effect at

the time of passage of this ordinance.

PART 7. The provisions of this ordinance shall be cumulative of all ordinances not repealed by this ordinance and ordinances governing or regulating the same subject matter as that covered herein.

PASSED, APPROVED and ADOPTED by the City Council of the City of Bandera, Texas, on this 6th day of June 2019.

CITY OF BANDERA


Suzanne Schauman, Mayor

ATTEST:

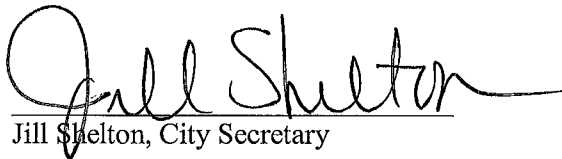

Jill Shelton, City Secretary

EXHIBIT A

That the City of Bandera Code of Ordinances Chapter 1 Article 1.03-City Council hereby amended as follows:

THE EXISTING ARTICLE 1.03 IS DELETED IN ITS ENTIRETY AND REPLACED BY THE FOLLOWING ARTICLE 1.03

ARTICLE 1.03 CITY COUNCIL DIVISION 1. GENERALLY

Sec. 1.03.001 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.

Sec. 1.03.002 Term of mayor

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

Sec. 1.03.003 Term of councilmembers

The five (5) members of the city council shall be elected and serve for a two-year term. Two (2) city councilmembers shall be elected in even years, and three (3) city councilmembers shall be elected in odd years. Each councilmember shall serve until his successor is elected and qualified as is provided by statute.

Secs. 1.03.004–1.03.030 Reserved

DIVISION 2. RULES OF MEETINGS AND ORDER OF BUSINESS Subdivision I. Authority

Sec. 1.03.031 Ad hoc committees.

Ad hoc committees are formed on an "as needed" basis with a clearly defined purpose and term, as well as reporting requirements. Ad hoc committees may consist of up to two (2) council members recommended by the mayor with concurrence through a motion of the majority of city council members.

Sec. 1.03.032 Council member appointments and assignments.

The mayor nominates and the city council confirms council member appointments to outside agencies, committees, task forces, boards and commissions. Council members provide a link for representing the values, beliefs and position of the city council to these entities. The representative will report to the city council on the activities of these organizations no less than quarterly.

Sec. 1.03.033 Council member participation in community activities.

From time to time, council members may choose to participate in community activities, committees, events and task forces. When a council member participates in these types of activities, the council member is acting as an interested party rather than acting on behalf of the

city council. Acting or participating on behalf of the city council is limited to those instances when the city council has formally designated the council member as its representative for the matter.

Subdivision II. Council Meetings

Sec. 1.03.034 Regular meetings.

The regular meetings of the city council shall be held on the first and third Thursday of each month. The meetings may be held in the city council chambers and begin at 5:30 p.m.

- (1) *Other locations.* The city council may, occasionally, elect to meet at other locations and, upon such election, shall give the public notice of the change of location in accordance with state law.
- (2) *Location during local emergency.* 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.
- (3) *Cancellation of meetings.* 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 two (2) 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.

Sec. 1.03.035 Workshops.

- (a) The purpose of a workshop 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 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.
- (b) Workshop meetings may be called by the mayor or any council member subject to approval of three (3) or more members of the city council at a properly posted meeting of the city council.

Sec. 1.03.036 Attendance by the public.

Citizens and other visitors attending city council meetings and workshops shall observe the same rules of propriety, decorum and good conduct applicable to members of the city council.

Subdivision III. Order of Business

Sec. 1.03.037 General order.

City council meetings will be generally conducted in the following order, unless otherwise necessary as determined by the mayor, city administrator or city secretary. An executive session may be held at any time during a meeting consistent with applicable state law.

- (1) Workshop agenda.
 - a. Call to order.
 - b. Roll call.
 - c. Announcements.

- d. Public recognition.
 - e. Workshop items.
 - f. Public comment.
 - g. Adjourn.
- (2) Regular meeting agenda.
- a. Call to order.
 - b. Invocation and pledge of allegiance.
 - c. Roll call.
 - d. Citizen's forum.
 - e. Consent agenda.
 - f. Public hearings/action.
 - g. Action items.
 - h. Reports from staff, outside entities, advisory committees and boards.
 - i. Items for future agendas.
 - j. Announcements
 - k. Executive session.
 - l. Reconvene into open session for possible action resulting from any items posted and legally discussed in executive session.
 - m. Adjourn.

Sec. 1.03.038 Placement of an item on an agenda.

- (a) 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.
- (b) Members of city council wishing to place any item on an agenda may do so at the end of a council meeting during the section provided for "items for future agendas."
- (c) Should a city council member need an item placed on the agenda before council convenes in a council meeting and the item has already been removed from the agenda by the mayor, the council member shall obtain a signed statement from one (1) additional city council member explaining the item they wish to appear on the next agenda, prepare an agenda item request form and submit the completed agenda item request form prior to the deadline for agenda items. The city secretary will provide the necessary statement form. This form may be submitted to the city administrator or the city secretary.
- (d) The mayor, city administrator or appropriate city council member shall be listed as the sponsor for each agenda item that has been individually requested.

Sec. 1.03.039 Agenda officer.

- (a) The city secretary shall be the agenda officer with responsibility for proper and legal posting of the agenda.

- (b) The city secretary will assume responsibility for issuing to newspaper, radio, and television stations a copy of the agenda advising them of any scheduled meeting.
- (c) 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.

Sec. 1.03.040 Citizens' forum/public comment.

- (a) All individuals wishing to be heard, may do so on all matters except the following:
 - (1) Personnel matters.
 - (2) Matters listed on the agenda as a public hearing.
 - (3) Matters under litigation.
- (b) Individuals wishing to be heard shall comply with the following:
 - (1) Each person addressing the council must provide his/her legal name and current address for city records and meeting minute preparation.
 - (2) Each person will only be allowed to speak on matters on the workshop or regular agenda during citizen's forum/public comment. No rebuttals will be permitted.
 - (3) Each person addressing the governing body shall not exceed three (3) minutes.
 - (4) The citizen's forum/public comment portion of the agenda shall not exceed thirty (30) minutes total.
 - (5) Individuals wishing to speak on a matter posted on the agenda as a public hearing must do so once the public hearing has been opened.
 - (6) Section 551.042, 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.
 - (7) All remarks shall be addressed to the Council as a body, and not to any individual member thereof. Any person making personal, impertinent, or slanderous remarks while addressing the Council may be requested to leave the meeting.

Sec. 1.03.041 Public recognition.

All special presentations and announcements will be scheduled and coordinated through the city secretary for placement on the agenda. A period of time, not to exceed fifteen (15) minutes, will be set aside for public recognition at each city council meeting.

Sec. 1.03.042 Consent agenda.

- (a) The consent agenda shall contain routine, noncontroversial items that require city council action but require no city council deliberation. All items on the consent agenda shall be considered in one (1) motion unless removed.
- (b) Examples of routine business found on consent agendas include, but are not limited to:
 - (1) Approval of license applications and bonds.
 - (2) Approval of minutes.

- (3) Approval of payment for contracts.
 - (4) Bid and contract awards.
 - (5) Set date for hearings.
 - (6) Appointments.
 - (7) Resignations.
 - (8) Staff reports.
- (c) Agenda items removed from the consent agenda by the request of council members or staff will be considered before approval of the entire consent agenda.

Sec. 1.03.043 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. This item shall be included on all meetings of the city council.

Subdivision IV. Rules of Conduct

Sec. 1.03.044 General procedure.

These rules, any applicable city ordinance, statute or other legal requirement, and "Robert's Rules of Order Newly Revised" shall govern the proceedings of the city council.

Sec. 1.03.045 Authority of the chair.

- (a) 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 so ruling, the mayor shall be courteous and presume that the moving party is acting in good faith.
- (b) 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.

Sec. 1.03.046 Mayor to facilitate council meetings.

In the role of facilitator, the mayor will assist the city council in focusing agenda discussions and deliberations.

Sec. 1.03.047 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 council member holding the floor may address a question to another council member and that council member may respond while the floor is still held by the council member asking the question. A council member may opt not to answer a question while another council member has the floor.

Sec. 1.03.048 Limit deliberations to item at hand.

Council members will limit their comments to the subject matter, time or motion being currently considered by the city council.

Sec. 1.03.049 Length of council comments.

Council members will govern themselves as to the length of their comments or presentation. As a courtesy, the mayor will signal by hand to a council member 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 council members in their efforts to communicate concisely.

Sec. 1.03.050 Obtaining the floor.

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 council member who seeks the floor when appropriately entitled to do so. When two (2) or more members wish to speak, the presiding officer shall name the member who is to speak first. No member of the city council shall interrupt another while speaking except to make a point of order or to make a point of personal privilege.

Sec. 1.03.051 Motions.

Motions may be made by any member of the city council who may vote on the motion. Any member of the city council who may vote on the motion, other than the person offering the motion, may second a motion.

Sec. 1.03.052 Procedures for motions.

The following is the general procedure for making motions:

- (1) A council member who wishes to make a motion should do so through a verbal request to the mayor.
- (2) A council member 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.
- (3) 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 council member recognized by the mayor.
- (4) Once the matter has been fully discussed, the Mayor calls for a vote, thus no further discussion will be allowed.

Sec. 1.03.053 Voting.

- (1) Voting, except on unanimous votes, shall be by roll call and the ayes, nays and abstentions shall be recorded in the minutes.
- (2) Abstention.
 - (a) A member shall disqualify himself from voting whenever he finds that he has a personal or monetary interest in the item, or he will be directly affected by the decision of the council. He/she shall do so by filing an affidavit with the city secretary prior to any discussion or action on such items.
 - (b) A member may disqualify himself from voting whenever any applicant, or his agent, has sought to influence the vote of the member on his application, other than in the public hearing. If a member does disqualify himself, he shall state his reason for abstention.
 - (c) When a council member abstains or excuses himself/herself from a portion of a council discussion or vote because of a legal conflict of interest, the council member must briefly state the nature of the conflict in an affidavit. State law requires the inclusion of this information in the record.

Sec. 1.03.054 Nonobservance of rules.

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.

Subdivision V. Public Hearings

Sec. 1.03.055 General procedure.

The city council procedure for the conduct of public hearings is generally as follows:

- (1) Mayor reads listed topic information for public hearing.
- (2) Mayor opens the public hearing.
- (3) Staff presents its report.
- (4) Council members may ask questions of staff.
- (5) The applicant or appellant then 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 or appellant shall have a total of fifteen (15) minutes for a presentation when recognized by the mayor or 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.

- (6) Council members may ask questions of the applicant and/or appellant.
- (7) Members of the public are provided with the opportunity to speak for or against the issue.
- (8) The public hearing is closed.
- (9) The city council deliberates and takes action.

Sec. 1.03.056 Continuance of 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.

Sec. 1.03.057 Public discussion at hearings.

- (a) *Questions of speakers.* Members of the city council who wish to ask questions of the speakers or each other 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.
- (b) *Materials for public record.* 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.
- (c) *Germane comments.* 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.

Sec. 1.03.058 Communications and petitions.

Written communications and petitions concerning the subject matter of the hearing will be noted, read aloud, or summarized by the mayor. A reading in full shall take place if requested by any member of the city council.

Subdivision VI. Addressing the City Council

Sec. 1.03.059 Oral presentations by members of the public.

The following procedures will guide oral presentations by members of the public at city council meetings:

- (1) When called upon, the person should come to the podium state his/her name and address for the record, and, if speaking for an organization or other group, identify the group.
- (2) All remarks should be addressed to the city council as a whole, not to individual members.
- (3) Questions, if any, should be directed to the presiding officer who will determine whether, or in what manner, an answer will be provided.

Sec. 1.03.060 Waiver of rules.

Any of the foregoing rules may be waived or suspended by a majority vote of the council members when it is deemed that there is good cause to do so, based upon the particular circumstances involved.

Sec. 1.03.060 Nonexclusive rules.

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.

Subdivision VII. Procedures Administration

Sec. 1.03.061 Review of city council procedures.

The city council will review and revise the city council rules of order and procedure as needed, and at a minimum, every two (2) years.

Sec. 1.03.062 Adherence to procedures.

During city council discussions, deliberations and proceedings, the mayor has been delegated the primary responsibility to ensure that the city council, staff and members of the public adhere to the council's adopted procedures.

Sec. 1.03.063 City attorney or city secretary as 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.

Sec. 1.03.064 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.

DIVISION 3. CODE OF ETHICS AND CONDUCT FOR CITY OFFICIALS AND EMPLOYEES

Sec. 1.03.065 Statement of Purpose.

The citizens and businesses of Bandera are entitled to have fair, ethical and accountable local government which earns the public's full confidence for integrity. The strong desire of the City of Bandera to fulfill this expectation therefore requires that city officials, both elected and appointed, and employees:

- Comply with both the letter and spirit of the laws and policies affecting the operations of government;
- Be independent, impartial and fair in their judgment and actions;
- The office or position be used for the public good, not for personal gain; and

To this end, the Bandera City Council has adopted this Code of Ethics and Conduct for city officials and employees to assure public confidence in the integrity of local government and its effective and fair operation.

Sec. 1.03.066 Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings subscribed to them in this section.

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

City Council. The legislative and governing body of the city consisting of the mayor and city council members.

City Official. Any member of the city council and any appointed member of a board, commission, or committee set up by ordinance, state law or otherwise, on a temporary or permanent basis, the City Administrator, City Treasurer and City Secretary.

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

Sec. 1.03.067 Act in the Public Interest.

Recognizing that stewardship of the public interest must be their primary concern, city officials and employees will work for the common good of the people of Bandera and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims and transactions coming before the Bandera City Council, boards, commissions, and committees.

Sec. 1.03.068 Comply with the Law.

City officials and employees shall comply with the laws of the nation, the State of Texas, and the City of Bandera in the performance of their public duties. These laws include but are not limited to: the

United States and Texas constitutions; laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, and open processes of government; and City ordinances and policies.

Sec. 1.03.069 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, board, commission, and committee members and the public.

Sec. 1.03.070 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 and boards, commissions, and committees governing the public deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the City Council by City staff.

Sec. 1.03.071 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 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.

Sec. 1.03.072 Decisions Based on Merit

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

Sec. 1.03.072 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 Council, boards, commissions, or committees.

Sec. 1.03.073 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 which requires council members 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 participation in discussion 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 which requires city council members and the city administrator 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 which requires the disclosure of gifts of an aggregate value of more than \$250.00 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 Government Code which 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 participation in the handling of matters wherein 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.

Sec. 1.03.074 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.

Sec. 1.03.075 Political Advocacy

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

Sec. 1.03.076 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.

Sec. 1.03.077 Use of Public Resources

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

Sec. 1.03.078 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 Council or any board, commission, committee, or proceeding of the City.

Sec. 1.03.079 Advocacy

City officials and employees shall represent the official policies or positions of the City Council, board, commission, or committee to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, city officials and employees shall explicitly state they do not represent their body or the City of Bandera, nor will they allow the inference that they do.

Sec. 1.03.080 Policy Role of City Officials and Employees

City officials and employees shall respect and adhere to the Bandera city governmental structure as outlined in State law, 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, commissions, and committees and City staff. Except as provided by the City ordinance, city officials therefore shall not interfere with the administrative functions of the City or the professional duties of the City staff; nor shall they impair the ability of staff to implement Council policy decisions.

Sec. 1.03.081 Independence of Boards, Commissions, and Committees

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

Sec. 1.03.082 Positive Work Place Environment

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

Sec. 1.03.083 Implementation

- (a) As an expression of the standards of conduct for city officials and employees expected by the City, the Bandera Code of Ethics and Conduct is intended to be self-enforcing. It therefore becomes most effective when city officials and employees are thoroughly familiar with it and embrace its provisions.

- (b) Ethical standards shall be included in the regular orientations for candidates for City Council, applicants to boards, commissions, and committees and newly elected and appointed officials and new employees.
- (c) City officials and employees entering office, including those appointed to boards, commissions and committees shall sign a statement affirming they have read and understood the City of Bandera Code of Ethics and Conduct. In addition, the Code of Ethics and Conduct shall be reviewed periodically by the City Council, boards, commissions, and committees, and the City Council shall consider recommendations from boards, commissions, committees, employees, and citizens for revision as it becomes necessary.

Sec. 1.03.084 Compliance and Enforcement

- (a) The Bandera Code of Ethics and Conduct expresses standards of ethical conduct expected for city officials and employees of the Bandera City Council, boards, commissions, and committees.
- (b) 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.
- (c) The chairs of boards, commissions, and committees and the Mayor have the additional responsibility to intervene when city officials' actions appear to be in violation of the Code of Ethics and Conduct and are brought to their attention.
- (d) 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 City's ethical standards. The City Council also may act to remove members of boards, commissions, and committees from office.

Sec. 1.03.085-Sec. 1.03.099 Reserved