

**Ord. 386
CODE OF CONDUCT
FOR MEETINGS OF THE
CITY OF SUNRISE BEACH VILLAGE**

ARTICLE 1 PRELIMINARY

1.1 Preamble.

The purpose of this code of conduct is to promote public trust and efficiency of government by establishing rules of conduct for City Councilmembers/Members, board, committee, and Commission members, and employees. These rules are intended to clearly define proper conduct so that those who must comply may understand the rules and carry out their responsibilities consistently with the rules.

1.2 Applicability

The rules of procedure adopted by the City Council are applicable not only to the City Council, but shall apply to all other boards, commissions, and committees of the City of Sunrise Beach Village. All reference to "Councilmembers/Members" or "Members" also applies to members of any other City board, council, or commission.

1.3 Default

For all situations or conduct not otherwise addressed herein, meetings will follow Roberts Rules of Order as hereinafter amended.

1.4 Amendment

These rules may be amended, or new rules adopted, by a majority vote of a quorum of the members of the City Council present.

ARTICLE 2 CONDUCT AND PROCEDURE

2.1. Council/Staff Relationship and Communication

Except for request for documents described below, Councilmembers/Members should contact City employees through the Mayor/Presiding Member. Councilmembers/Members should refrain from giving orders or direction to any subordinate of the Mayor/Presiding Member either publicly or privately. Day to day assignments should come from the Mayor/Presiding

Member. Policy direction should come from the elected body as a whole and not from individual members.

2.2. Requests for Documents

Requests for existing documents by Councilmembers/Members should be made by email to the City Secretary's official City email address no later than 24 hours prior to any meeting. Written requests ensure Councilmembers/Members are able to get all needed information requested by increasing clarity, efficiency, and accountability.

2.3. Collaboration

Within the parameters of law, the City encourages collaboration between Councilmembers/Members, city employees, and the public. Toward that end, the City encourages people to leave personal politics, conflicts, and interests outside of meetings and to conduct themselves in a manner that promotes efficient resolution of City business. The Mayor/Presiding Member should always ensure that debate and discussion focus on the item and the policy in question, not on the personalities or politics of the participants of the discussion.

2.4. Decorum and Collaboration

This code of conduct is meant to promote an atmosphere of courtesy and decorum appropriate for the efficient discussion of business. It is the responsibility of the Mayor/Presiding Member and Councilmembers/Members to maintain that atmosphere of courtesy and decorum and to be an example of ideal behavior. All shall abide by the following rules of decorum:

1. *Respectful conduct.* Meeting attendees, including Councilmembers/Members, employees, and members of the public, should conduct themselves in a calm and respectful manner during meetings. People conducting themselves in a manner that causes a significant disruption in the meeting will be asked to leave. Attendees should avoid raising their voices, moving in aggressive or threatening manners, interrupting other people, or using insulting, accusatory, threatening, or foul language.
2. *Request to Speak.* Before a Council Member, staff member or an audience member may speak, they must first be recognized by the Mayor/Presiding Member. Upon recognition the person requesting to speak shall hold the floor and shall make their point clearly and succinctly. Comments and discussion must be kept relevant to the subject before the Council. The Mayor/Presiding Member shall rule on the relevance of comments. Persons making irrelevant, personal, impertinent, overly redundant or slanderous remarks may be barred by the Mayor/Presiding Member from further comment before the Council during the meeting. The Mayor/Presiding Member has the right to cut a speaker off if the discussion becomes too personal, too loud, too crude, irrelevant, impertinent, redundant, or slanderous.

3. *Order.* If a person fails to request to speak before speaking, the Mayor/Presiding Member shall rule them Out of Order and remind them that they do not have the floor. While the Council is in session, all Councilmembers/Members must preserve order and decorum. A person shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the meeting, nor disturb any other person while speaking or refuse to obey the orders of the Mayor/Presiding Member. Members of the City Council should not leave their seats during a meeting without first obtaining permission of the Mayor/Presiding Member, or making a Motion to Recess.

2.5 Enforcement

The following actions may be taken by the Mayor/Presiding Member under the Mayor/Presiding Member's own action, or upon a Motion to Enforce by any Council Member.

1. *Warning.* The Mayor/Presiding Member may order any person (Council Member, staff member or audience member) in violation of these rules that they are in violation of the rules, which rules they are violating and ask them to stop.
2. *Removal.* If, after receiving a warning from the Mayor/Presiding Member, the person continues to disturb the meeting at a level that is disturbing the peace and functionality of the meeting, the Mayor/Presiding Member may order the person to leave the meeting. Elected Councilmembers/Members can only be removed from the meeting by a majority vote of council to end the meeting early and postpone all agenda items to be placed on the following meeting's agenda.
3. *Sergeant-at-Arms.* If the person does not leave the room when instructed, the Mayor/Presiding Member may order the Sergeant-at-Arms to remove the person. The Sergeant-at-Arms shall be the highest ranking police officer in attendance at the Council Meeting, or such other officer designated by the Chief of Police for that purpose. Upon instruction of the Mayor/Presiding Member, it shall be the duty of the Sergeant-at-Arms to remove from the meeting any person who intentionally disrupts the proceedings of the City.
4. *Resisting Removal.* Any person who resists removal by the Sergeant-at-Arms may be charged with violating Section 42.05 of the Texas Penal Code.
5. *Recess.* Any time the decorum of a meeting is disrupted for any reason, the Mayor/Presiding Member, or any Councilmember, may call for a recess to allow people to calm or otherwise to encourage an efficient and calm meeting.

2.6 Agendas

Meetings will be noticed with agendas in a time and manner consistent with the Texas Open Meetings Act, Texas Government Code Chapter 551. Councilmembers/Members requesting to add items to the agenda must email their agenda language and any supporting documents to the City Secretary no later than 96 hours prior to the scheduled meeting time.

2.7 Model Format for City Council Meetings

The following steps may be used as a model or guidebook by the Mayor/Presiding Member. Meetings are governed by a publicly noticed agenda. Only agenda items may be discussed or acted upon.

Each agenda item may be handled by the Mayor/Presiding Member in the following basic format:

1. *Announce the Item.* The Mayor/Presiding Member (presiding officer) should clearly announce the agenda item number and should clearly state what the subject matter of the agenda item is by reading the caption for the item being considered.
2. *Receive a Report.* The presiding officer should invite the appropriate people to report on the item, including any recommendation they might have.
3. *Public Comment.* Public comment often occurs at the beginning of the meeting. At an open public comment, members of the public may talk about any item whether or not it is on the agenda. If the agenda identifies a public hearing for an item, the Mayor/Presiding Member should open the public hearing after a motion, a second and a vote. Upon conclusion, the Mayor/Presiding Member should announce that public input is closed, or if a public hearing, request a motion to close the public hearing.. Discussion at the public hearing should be limited to the noticed agenda item.
4. *Discussion.* The Mayor/Presiding Member should allow each Councilmember desiring to speak on an issue an opportunity to be heard on the issue. Councilmembers/Members should speak when recognized by the Mayor/Presiding Member.
5. *Motion First.* The Mayor/Presiding Member should ask if any Councilmember has a motion on the agenda item and call for a second if one is received. Council can then vote on the motion if there is one. If the motion is for anything other than voting on the agenda issue, the Mayor/Presiding Member should ask Councilmembers/Members if anyone wants discussion on the motion itself before voting.
6. *Vote.* The Mayor/Presiding Member calls for the vote. Unless a super-majority is required for passage of the motion, a simple majority vote determines whether the motion passes or fails. Unless a member of the Council seeks recusal from voting on any question where the vote would constitute a conflict of interest, all members of the Council, shall vote upon every question, ordinance or resolution.
7. *Announce the Outcome.* The Mayor/Presiding Member announces the results of the vote and should also state what action (if any) the Council has taken. The Mayor/Presiding Member should announce the name of any member who voted in the minority on the motion.

ARTICLE 3 ETHICS

3.1 Conflicts of Interest

Councilmembers/Members have a conflict pursuant to this code of conduct if they have a substantial interest in any contract or matter being considered by the city. A conflict of interest is any interest, reasonable expectation of an economic benefit, substantial interest, or anticipated substantial interest in a matter or business transaction involving the city that could influence an individual's ability to make an impartial decision. If a contract or business transaction involving the city, in which a Councilmember or relative of a Councilmember has a conflict of interest or potential conflict of interest comes before Council, the conflicted member shall take the following actions:

1. Immediately make a written disclosure of their interest in the matter to the city secretary and Mayor/Presiding Member.
2. Abstain from any vote or decision.
3. Not participate in any discussion on the matter with members of the council, the Mayor/Presiding Member, or city employees.

3.2 Appearance of Impropriety

Councilmembers/Members need to take steps to avoid the appearance of impropriety or inappropriate influence by discussing a conflicted matter with any employees or Councilmembers/Members except conflicted Councilmembers/Members can exercise their rights as citizens as follows:

1. to apply for city services;
2. to provide factual information during public comment portions of meetings, from the public area, on behalf of their own interests if they also identify at that time their conflict, their interest, and that they are commenting as a member of the public. A conflicted councilmember may not advise or suggest whether or not the conflicted matter is good or bad for the City or how the council should vote;
3. to discuss the personal interest with a city representative on behalf of their interest if they notify the city secretary and Mayor/Presiding Member in writing that they have a personal interest in a matter that requires action by the city, and that they are acting strictly in their private capacity, and not as a member of the City Council or board or as a city employee and they advise any member of the City Council, city board or commission, or any city employee they are dealing with that they are appearing only in their private capacity.

It is recognized that situations with ethical implications will arise outside the prohibitions of the rules; in such situations, Councilmembers/Members, board members, and employees are encouraged to keep in mind the ideal of the public trust and to conduct themselves in a manner to avoid the appearance of impropriety even where not compelled by the rules.

If a council member believes that he/she should abstain from voting on an item to avoid the appearance of impropriety, as encouraged by this Code of Conduct, or who in discussing or voting on an issue is unable to take an unbiased position, that council member shall be

disqualified from discussions about and subsequent voting for that item under this city ordinance.

3.3 Conflicts by Affiliation

A City Council member may not participate in the process for the appointment of, or the confirmation of the appointment of a member to a board, commission or committee of the city, or to the governing body of an independent entity all or part of whose members are appointed by the City Council, after they are aware that an individual seeking, being promoted for, or being considered for the position:

- (1) Is related to them within a degree described by Section 573.002, Texas Government Code;
- (2) Is their employer;
- (3) Is a director or officer of a business entity which is their employer; or
- (4) Owns ten (10) per cent or more of the voting stock or shares of a business entity which is their employer.

3.4 Gifts or Compensation

Councilmembers/Members shall not accept or solicit any money, property, service or other thing of value by way of gift, favor, loan or otherwise that might reasonably tend to, or be perceived to, influence them in the discharge of their official duties, or which they knew or should have known, was offered with the intent to influence or reward official conduct.

Gifts from people known to them for special occasions such as a wedding, anniversary, graduation, birth, illness, death, or holiday, are not considered inappropriate gifts provided that the value of the gift is fairly commensurate with the occasion and the relationship between the donor and recipient.

Loans or services provided to a councilmember as a consumer, that are consistent with those provided to similarly situated members of the public are not considered inappropriate gifts.

3.5 Confidentiality

Councilmembers/Members shall not disclose confidential information that they are privy to due to their status as Councilmembers/Members or any information discussed at executive session.

PASSED AND APPROVED on this the 15th day of September 2022.

Attest:

City of Sunrise Beach Village,


Andrea Stephens, City Secretary


Chellie Stewart, Mayor

