

# CITY OF HORSESHOE BAY

## CITY COUNCIL RULES OF PROCEDURE

### SECTION 1: AUTHORITY

- 1.1 The Charter of the City of Horseshoe Bay provides that, “Except as otherwise provided by this Charter and by the State of Texas, all powers conferred on the City shall be exercised by a City Council to be composed of a Mayor and five (5) Council Members.” (Charter Art. 2.01) The Charter also provides that, “The City Council shall determine its own rules of procedure.” (Charter Art. 3.06) In order to provide the framework for the execution of these powers and authority, the following set of rules shall be in effect upon their adoption by the City Council and until such times as they are amended or new rules are adopted by Resolution. No rule or procedure stated in this document can be in conflict with the City’s Charter or laws of the State of Texas.

### SECTION 2: GENERAL RULES

- 2.1 Meetings to be Public: All meetings of the City Council shall be open to the public, with the exception of Executive Session.
- 2.2 City Council: For purposes of these rules, the collective membership of the Mayor and Council Members shall be known as the City Council. Individually, each shall be referred to as Mayor or Council Member.
- 2.3 Quorum: Three (3) Council Members, excluding the Mayor, shall constitute a quorum for the City Council. The Mayor shall not be able to vote, except in the case of a tie. A super quorum shall consist of four (4) Council Members. A super quorum is required when considering and voting on the imposition of taxes.
- 2.4 Minutes of Meetings: An account of all proceedings of the City Council shall be kept by the City Secretary, or designee, and constitute the official record of the City Council. The Official City Council Minutes shall state the subject of each deliberation and indicate each vote, order, decision, or other action taken in accordance with the Texas Government Code 551.021.
- 2.5 City Manager: The City Manager, or designee, shall attend all City Council meetings unless expressly excused. The City Manager may make recommendations to the City Council and take part in all discussions of the City Council, but shall have no vote.
- 2.6 City Attorney: The City Attorney, or designee, shall attend all regular meetings of the City Council unless expressly excused and, shall upon request give an opinion, either written or oral, on questions of law during the meeting. The City Attorney shall act as the City Council's Parliamentarian. The City Attorney shall give an opinion, either written or oral, on questions of law to the City Manager or designated representative, during the course of daily affairs of the City. The City Attorney may make recommendations to the City Council and take part in all discussions of the City Council, but shall have no vote. The City Attorney shall confer and discuss with a Council Member or the Mayor regarding a question of law pertaining to the affairs of the City. In such event, the City Attorney shall advise the City Manager of the question posed and information provided. The City Manager shall forward the information to the full City Council as soon as reasonably practical.

- 2.7 City Secretary: The City Secretary, or designee, shall attend all meetings of the City Council unless expressly excused, and shall keep the official minutes and perform such other duties as may be requested by the City Council.
- 2.8 Employees: Any employee of the City, when requested by the City Manager, shall attend any meeting of the City Council and, if requested to do so by the City Manager, such employee may present information relating to matters before the City Council. Council Members may request presentations by staff and/or particular staff members, but the City Manager will determine the staff spokesperson for providing information, for a particular agenda item, at the City Council meeting. In accordance with the City's Charter, no member of the Council shall give orders to any subordinate of the City Manager, either publicly or privately.
- 2.9 Executive Session: All matters taken up in Executive Session shall meet the requirements for such sessions as set out in the Texas Open Meetings Act. For the opening and closing of an Executive Session, the Mayor shall do such at the location as noted on the official agenda notice posted in compliance with the Texas Open Meetings Act. The presiding officer will announce the exact time when Council enters into Executive Session, ends Executive Session, and when Council re-convenes in the open meeting. The City Attorney shall provide a letter to the Mayor (CC: City Secretary) confirming the City's legal right to convene in Executive Session for items listed on the agenda for each meeting in which Executive Session is held.
- 2.10 Training and Code of Ethics: Each member of City Council, within 30 days of being elected to office, must complete one hour of training each on the Open Meetings Act and the Public Information Act, as required in the Texas Government Code, and submit the certificates of completion to the City Secretary. Each member of City Council, within 30 days of being elected to office, must read the City's Code of Ethics Policy and return the signed Acknowledgement Form to the City Secretary.

### **SECTION 3: TYPES OF MEETINGS**

- 3.1 Regular Meetings: The City Council shall meet as provided in the Horseshoe Bay City Charter. (Charter Art. 3.06). The Regular City Council meetings shall be scheduled in advance for one year at the start of each fiscal year and meet the 72-hour posting requirement of the Texas Open Meetings Act. Any regular City Council meeting may be subject to re-scheduling, provided proper notice is given pursuant to the Texas Open Meeting Act.
- 3.2 Special Meetings: Special meetings of the City Council shall be those meetings, which are not regular meetings. Special meetings may be called upon the written request of the Mayor, or any two (2) Council Members. The posted notice for a Special Meeting shall list the subject or subjects to be considered and shall meet the 72-hour posting requirement of the Texas Open Meetings Act. Special Meetings are open to the public.
- 3.3 Emergency Meetings: An emergency meeting of the City Council shall be called only if immediate action is required because of an "imminent threat to public health and safety" or a "reasonably unforeseeable situation" has arisen. The posted notice to the public of an emergency meeting shall include the emergency or urgent public necessity and shall be posted no later than one hour before the meeting is convened. The City Attorney shall provide a letter to the Mayor (CC: City Secretary) confirming the City's legal right to call an emergency meeting each time an emergency meeting is called.
- 3.4 Workshops: Workshops may be called by the Mayor, or by any two (2) Council Members, for the purpose of discussing in depth, investigating or exploring matters of interest to the City. The time, place, and purpose of such workshops shall be stated in a notice complying with the Texas Open

Meetings Act. Such workshops may be held in any appropriate location inside or outside City Hall upon concurrence by any three (3) Council Members or as determined by the City Manager. Such workshops may include: meetings with one of the City's appointed boards, commissions, or committees, meetings with civic organizations or a meeting for Council Members to research, evaluate, explore, investigate, or discuss any matter of interest or possible action affecting the City, subject to compliance with the provisions of the Texas Open Meetings Act.

#### **SECTION 4: CONDUCT OF MEETINGS**

- 4.1 **Presiding Officer:** The Mayor, if present, shall preside at all meetings of the City Council and enforce these rules and procedures during a meeting. In the absence of the Mayor, the Mayor Pro Tem shall preside. The presiding officer shall make decisions on questions of procedure subject to review respectively by the City Council as a whole. Following a decision of the presiding officer on a question of procedure, any two (2) Council Members may be entitled to appeal the decision to the City Council as a whole by the making and the seconding of a motion of appeal. Once made, the appeal must be approved by an affirmative vote of a majority of the Council Members.
- 4.2 **Call to Order:** The meetings of the City Council shall be called to order by the presiding officer.
- 4.3 **Rules of Procedure:** Robert's Rules of Order shall be followed during all meetings of the Council to the extent practical, as a non-binding guide.
- 4.4 **Decorum and Preservation of Order:** The Council is committed to conducting its business in a courteous, reasonable, and respectful manner. All Council Members, staff, and all persons in attendance at the meetings shall demonstrate good conduct and act with propriety and decorum. No person shall make personal, impertinent, or slanderous remarks. The presiding officer shall preserve order and decorum, prevent clash of personalities, or the impugning of Council Members' motives to occur, and confine Council Members in debate to the question under discussion. Members shall only speak during Council proceedings after being recognized by the presiding officer. Recognition shall not be unreasonably withheld. No member of the Council, or the public, may interrupt the recognized member while speaking unless the recognized member is not adhering to proper meeting decorum. Any person who becomes unruly, boisterous, and/or threatening while addressing the Council or while attending the meeting may be removed from the room if the security officer is so directed by the presiding officer, and such person may be barred from further audience before the City Council during that session and future sessions.
- 4.5 **Motions to be stated:** The presiding officer shall state the name of the Council Member making the motion, re-state a motion being considered, state the name of the Council Member who seconded, and announce the results of the vote.
- 4.6 **Substitution for Mayor:** The Mayor may call the Mayor Pro Tem to take the Mayor's place in the meeting if necessary; such substitution is not to continue beyond meeting adjournment. The Mayor Pro Tem retains the right to vote as a Council Member while acting as the presiding officer.
- 4.7 **Amendment to the Minutes:** Amendments to the Minutes are made by a motion during the item to consider approval of the minutes. The Minutes provide the action taken by City Council and a summary of subjects discussed. If a Council Member desires that certain information be included in the minutes, the Council Member shall so indicate by stating, "For the record", prior to presenting the information. If it is a lengthy statement, a written copy shall be provided to the City Secretary prior to the end of the meeting.

- 4.8 Voting, Abstaining or Recusing: If a Council Member does not wish to vote on a matter (i.e. abstain), but does not have a legal or financial conflict of interest (i.e. recusal), the Member must state the reason when the vote is taken. An abstention counts as a negative vote. A recusal is not counted as a vote at all (as if the Member was not present at the meeting). If a Council Member recuses themselves from voting due to a legal or financial conflict of interest, the Council Member shall complete and file a Conflict of Interest Affidavit (*attached as Exhibit A*) with the City Secretary prior to the meeting at which the item will be considered (or as soon as possible thereafter). Council Members do not have to abstain from voting on the approval of minutes from a meeting at which they were not present.

## SECTION 5: AGENDA

### 5.1 Preparation of the Agenda:

- A. The order of business of each meeting shall be as contained in the City Council agenda. The agenda shall be developed by the City Manager as directed by the Mayor, and produced by the City Secretary. The agenda shall be a listing by topic of subjects to be considered by the City Council. City Council Members are encouraged to schedule individual, regular meetings each month with the City Manager, at least two weeks prior to the regular monthly meeting in order to review potential agenda items along with any other subjects the Council Member wishes to discuss or review.
- B. The City of Horseshoe Bay's Charter states "The Mayor shall be responsible for preparation of the agenda for each City Council meeting. If requested by a Council Member, the Mayor must include a requested item on an agenda". (Charter Art. 3.01) Therefore, each Council Member may place an item on the agenda, and provide supporting documentation if applicable, by informing both the Mayor and City Manager prior to the deadline for posting the agenda. In order to allow time for proper preparation and release of the Agenda Packet to the Council and public, the deadline for submitting agenda items is no later than 12:00 p.m. on Monday, four (4) days prior to the deadline for posting the agenda. In the event of an emergency, Council Members may request that items be added to the agenda at any time up to 10:00 a.m. on the Friday that is the deadline for posting the agenda. The Mayor, City Manager, and Council Member submitting the item may communicate concerning the item, agenda language, and preparation of supporting documentation. At no time may three or more Council Members communicate with each other regarding city business outside of a Council meeting; this includes written communication *via email*. To do so would be a violation of the Texas Open Meetings Act resulting in civil and criminal penalties.
- C. The City Secretary shall prepare a draft agenda, which the City Manager will distribute to the Mayor and Council Members no later than Friday, five (5) business days (7 calendar days) prior to the deadline for posting the agenda. Council Members should have all comments back to the City Manager by the following Monday by 12:00 p.m., four (4) days prior to the deadline for posting the agenda. Upon direction of the Mayor or the City Manager, the City Secretary shall send a copy of the Preliminary Agenda (final draft of the agenda) to the local HSB newspaper for publication on Tuesday, three (3) days prior to the deadline for posting the agenda.
- D. The City Manager shall provide the City Council with a written analysis of, and if appropriate, recommendation of items to be acted on by the City Council at its meetings. These communications shall be generally referred to as the Agenda Packet. The final deadline for

providing Agenda Packet materials to the City Secretary is by 12:00 p.m. on Monday, four (4) days prior to the deadline for posting the agenda.

- E. The City Secretary shall prepare the final Agenda and compile the Agenda Packet on the basis of what is complete by 5:00 p.m. on Monday, four (4) days prior to the deadline for posting the agenda, in order to have the final Agenda Packet ready for the Mayor's review on Tuesday, three (3) days prior to the deadline for posting the agenda.
- F. The Agenda and Agenda Packet should be available to members of the Council by 5:00 p.m. on the Thursday prior to a regular City Council meeting. Any breach of any prior deadline(s) may delay the ability to meet this deadline. The Agenda and Agenda Packet will be made available on the City's website by 5:00 p.m. on the Friday prior to the week of the meeting. Council Members are expected to review the Agenda Packet, in full, prior to the meeting.
- G. The City Secretary, or designee, shall post notices of all City Council meetings in compliance with the Texas Open Meetings Act.

- 5.2 Consent Agenda: In preparing the agenda, the City Manager shall give consideration to the number and degree of complexity of items to be considered by the City Council for the purpose of conserving the City Council's time in meetings. Items which are anticipated to be routine and require no discussion by the City Council shall be listed under the agenda category styled "Consent Agenda." Prior to acting on the Consent Agenda, the presiding officer shall determine if there are any items thereon which should be removed from the Consent Agenda for discussion. Any Council Member may, upon request, remove any item from the Consent Agenda for discussion and separate action. Thereafter, all remaining Consent Agenda items may be acted upon by a single motion approving the Consent Agenda.
- 5.3 Oral Presentations by the City Manager: Matters requiring the City Council's attention which may have developed since the deadline for delivery of the Agenda Packets may, upon approval of the City Council and the City Attorney, and after satisfying the requirements of the Texas Open Meetings Act, be presented orally by the City Manager, or designated staff. No deliberation or action may be taken on items that are not on the posted agenda.

## **SECTION 6: PUBLIC COMMENT/CITIZEN PARTICIPATION AT MEETINGS**

- 6.1 The purpose of a City Council meeting is first and foremost to conduct city business and is not a public forum. However, the City of Horseshoe Bay provides an opportunity for citizens to speak during the Public Comment section of the Regular Meetings. Those wishing to speak must sign up prior to the start of the meeting. Citizens are not allowed to speak openly during the meeting unless first recognized by the presiding officer. Speakers must go to the podium and state their name for the record, prior to making their comments. Those who are present at the meetings are not allowed to speak out of turn or to interrupt the Mayor, Council Members, City staff, or others who have been recognized and are speaking. The City welcomes and encourages citizens to attend and participate at Council meetings. Public comment times and duration may be changed at the discretion of the presiding officer.
- 6.2 Members of the public wishing to speak may be allowed to address the Council provided the person has completed the sign-up process prior to start of the meeting. Citizens are required to write their name on the Sign-Up sheet and indicate which agenda item they wish to address. Each person who signed up to speak may speak for up to five (5) minutes. After five (5) minutes, the presiding officer

will ask the speaker to leave the podium. Groups of people from the same organization or group are asked to share fifteen (15) minutes to address the Council on specific agenda items. The spokesperson for the organization or group should indicate the organization or group during the sign-up process and indicate which agenda item they will be addressing. Any citizen or group wishing to make a presentation to City Council must contact the City Manager at least 2 business days prior to the meeting to get approval. Any presentation materials, including electronic presentations, must be provided to the City Secretary (in final form) no later than 24 hours prior to the start of the meeting.

- 6.3 Citizens who have signed up to speak about an item on the agenda will be called upon by the presiding officer when the applicable agenda item is being considered. Staff will first present their report on the agenda item, if applicable, then citizens will be allowed to address the Council. Citizens who wish to speak about an item that is NOT on the agenda will be called upon by the presiding officer during the Public Comment section of the agenda, if they have signed up prior to the meeting.
- 6.4 Citizens who wish to make public comments but who are unable to attend the meeting, may submit written comments to the City Secretary at least 24 hours prior to the start of the meeting. Copies of the comments will be provided to the Council. Anonymous or unsigned comments, or comments received after the 24-hour deadline, will not be forwarded to, or considered, by Council.

## **SECTION 7: PROCEDURES FOR CITY COUNCIL APPOINTMENTS**

### 7.1 General:

A. As set out in Chapter 10 of the City of Horseshoe Bay Charter, the City Council has the authority to create, abolish, establish, and appoint such boards, commissions, and committees, composed of citizens of the City of Horseshoe Bay or residents within the City's extraterritorial jurisdiction (ETJ), as it deems necessary to carry out the functions of the City and to prescribe the purpose, functions, and tenure of each board, commission, or committee.

1. The purposes of this policy are to establish uniform procedures for the following:
  - a. The establishment and termination of all City of Horseshoe Bay boards, commissions, and committees; and
  - b. The appointment of citizens or residents to serve as members of Horseshoe Bay boards, commissions, or committees or as an official representative of the City of Horseshoe Bay.
2. This procedure for City Council Appointments applies to all City Council boards, commissions, and committees and appointments with the following exceptions:
  - a. The appointment of a Council Member by the Mayor for a special assignment. Such assignment shall be reported to the City Council as soon as possible.
  - b. The establishment of ad hoc work groups or forums by the City Council upon the recommendation of the Mayor or City Manager for the purpose of facilitating community coordination and communication on a specific issue. The members of such a working group or forum may be determined by the Mayor or City Council. Only two Council Members may be assigned to the same group or forum at a given time, in order to avoid a quorum.

### B. Definitions:

1. ***Application:*** The City of Horseshoe Bay "Application to Serve" as adopted by the City Council and published by the City Secretary.

2. **Active Application:** A completed Application on file with the City Secretary that is less than two years old from the date of filing with the City Secretary. All Active Applications shall be maintained by the City Secretary, unless applicant moves out of Horseshoe Bay or requests that their application be removed from the applicant pool.
3. **City Appointee:** Citizen named by the City Council to represent the City of Horseshoe Bay as a member of an external (non-City) entity's Board, Commission, or Committee.
4. **City Board, Commission, or Committee Member:** Citizen named by the City Council to serve on a City Board, Commission, or Committee.
5. **City Special/Single Purpose Committee:** A committee formed by the City Council through an Ordinance to meet a special/single purpose. Special/Single Purpose Committees are typically short-lived or only active until its purpose is served.
6. **City Statutory Board, Commission, or Committee:** A board, commission, or committee required/recommended by the Texas Local Government Code and established by the City Council through an Ordinance to perform designated functions. A City Statutory Board, Commission, or Committee continues from year to year with changing membership until it is formally terminated by action of the City Council via Ordinance, or as provided for in the ordinance creating it. Statutory Boards, Commissions, and Committees are subject to the Texas Open Meetings Act.
7. **City Advisory Committee:** A committee established by the City Council through an Ordinance to perform designated functions and to act solely in an advisory capacity that has no rule-making or quasi-judicial power. A City Advisory Committee continues from year to year with changing membership until it is formally terminated by action of the City Council via Ordinance, or as provided for in the ordinance creating it. Advisory Committees are open to the public, but are not subject to the Texas Open Meetings Act.
8. **City Council Subcommittee:** A subcommittee consisting of no more than two Council Members, and the Mayor if applicable, who work on a specific topic or provide recommendations for a specific purpose. City Council Subcommittees are created by City Council through a Resolution and are dissolved by City Council via Resolution, or as provided for in the Resolution creating it.
9. **Qualified Applicant:** A citizen who meets the member eligibility qualifications and has an Active Application on file with the City Secretary by the applicable deadline.

## 7.2 Establishment and Termination of City Boards, Commissions, and Committees:

- A. The City Council shall establish statutory boards, commissions, and committees as required/recommended by Texas law to assist in the conduct and operation of the City, such as the Planning and Zoning Commission (LGC 211), Board of Adjustment (LGC 211), and Capital Improvements Advisory Committee (LGC 395). Statutory boards, commissions, and committees are subject to the Texas Open Meetings Act.
- B. The City Council may establish citizen Advisory Committees to provide input, information, and guidance concerning a designated area as the need may arise. Advisory Committees shall be open to the public in accordance with the City's Charter Section 3.06, but are not subject to the Texas Open Meetings Act.
- C. The City Council may establish Special or Single Purpose Committees as needed. These Committee meetings are open to the public but are not subject to the Texas Open Meetings Act.

- D. All City Boards, Commissions, and Committees shall be established by Ordinance by the City Council and shall be dissolved by Ordinance as directed by the City Council, or as provided for in the Ordinance creating them. Information concerning the purposes and expectations of each group shall be set forth in the enabling Ordinance. A charter will be written for all city Boards, Commissions, and Committees which will outline the purpose of the group, responsibilities, number of members and positions, required skills and experience of members, and any other expectations of the group as determined by City Council.
- E. The duties and actions of all City Boards, Commissions, and Committees (and their members) may not be inconsistent with the Horseshoe Bay City Charter, Code of Ordinances, or the City of Horseshoe Bay Code of Ethics (*attached as Exhibit B*). Any member who is considering action on an item that may have an effect on a business entity or real property in which they have an interest must declare the conflict of interest by completing and signing an Affidavit Providing Notice of Potential Conflict of Interest (attached as Exhibit A), and recuse themselves from participating in or voting on any action related to said item.

7.3 Selection and Appointment of City Representatives and Members to City Boards, Commissions, and Committees:

- A. Through the appointment of City Representatives and Board, Commission, and Committee Members, the City Council shall seek to draw from the rich talents, experiences, and expertise of Horseshoe Bay citizens, and to provide a structure for citizen input and feedback.
- B. Citizens are appointed to serve on a City Board, Commission, or Committee or as a City Appointee at the pleasure of the City Council. The City Council retains the right, by majority vote, to excuse an appointed member from service or to replace any appointed member at any time for any reason.
- C. No City Board, Commission, or Committee Member shall get involved in the daily operations of the departments of the City or in personnel matters. No City Board, Commission, or Committee Member is authorized to speak for the City or the City Council. Members shall communicate with the City Manager or the assigned staff liaison for the group. Members shall not communicate with or assign work to city staff without prior approval of the City Manager or staff liaison for the group.
- D. For a citizen to be eligible for consideration for appointment or re-appointment to a City Board, Commission, or Committee or to serve as a City Appointee, they must meet the following qualifications (and any specific qualifications as stated in the related Ordinance):
  - 1. Must be a registered voter in the City of Horseshoe Bay and have resided in the city for at least 12 months prior to appointment;
  - 2. Must not be in arrears in the payment of any taxes or other liability due to the City;
  - 3. Must have an Active Application on file with the City Secretary;
  - 4. Must meet any certain requirements as set out in city ordinance or State statute; and
  - 5. City Statutory Board, Commission or Committee members may not hold any other public office, except that of Notary Public or as a member of the Armed Services or National Guard.
- E. Information about all City appointments that will be open at the end of each year will be announced at the regular City Council meeting in September of that year. Applications may be solicited in a variety of ways to include newspaper articles, website information, posting of notice on the official bulletin board, encouragement by word of mouth, and by invitation. An

announcement will be made again at the October regular meeting as well, to remind everyone of the application deadline.

- F. Applications are available and may be completed and returned to the City Secretary at any time during the year. To be considered for vacancies for terms expiring that year, the deadline for filing Applications is the first Monday of November of that year. Incumbents seeking re-appointment must also have an Active Application on file by that date. Applicants may indicate an interest in more than one group; however, no person shall serve concurrently on more than one group, unless specifically authorized by a majority vote of the City Council.
- G. At the regular City Council meeting in November, the City Council shall be informed of all Qualified Applicants who have an Active Application on file by the deadline, and have indicated an interest in appointment or re-appointment. Applicants will be informed that they are expected to attend either the November or December regular Council meeting and be prepared to speak before Council.
  - 1. Applications will be provided to the City Council at the regular meeting in November for review and consideration; however, appointments will not officially be made until the regular meeting in December each year.
  - 2. If a vacancy becomes open prior to the normal end of a member's term, the Council shall be provided the same information as early as possible before action is taken to make a new appointment.
- H. After reviewing all applications received by the deadline from Qualified Applicants, the City Council shall make appointments at the regular City Council meeting in December, for the following year, with consideration for appointing members with qualifications that enhance the whole group while providing a mix of experienced and new members.
- I. Term of Office:
  - 1. City Board, Commission, and Committee Members and City Appointees are appointed for a limited purpose and time, and once the assigned term of office is completed, they are excused from the appointment unless the City Council selects the citizen for another term of service.
  - 2. A City Appointee shall serve for the term designated by the external entity they are serving and is eligible for reappointment for only one additional term unless specifically extended by the City Council. In the event a vacancy occurs prior to the expiration of a full-term, the City Council may appoint a new member from the pool of Qualified Applicants to complete the unexpired term.
  - 3. Members of a City Board, Commission, or Committee will be appointed by the City Council for a term of two (2) years (unless stated otherwise in the related ordinance). No citizen shall be appointed to the same City Board, Commission, or Committee for more than two consecutive terms unless specifically extended by the City Council. Terms will be staggered so approximately one-half of the membership at any one time has experience (unless stated otherwise in the related ordinance). In the event a vacancy occurs prior to the expiration of a full-term, the City Council may appoint a new member from the pool of Qualified Applicants to complete the unexpired term.
  - 4. A City Special/Single Purpose Committee Member shall be appointed for the time as designated by the City Council, or until disbanded by the City Council or at such time the final report of the Committee is received by the City Council (unless stated otherwise in the related ordinance).

5. All terms for appointments to City Boards, Commissions, and Committees and for City Appointees shall run on a calendar year from January through December (unless otherwise stated in the related ordinance or in the by-laws of external entities).
- J. Any City Board, Commission, or Committee Member or City Appointee who ceases to reside in the City of Horseshoe Bay during their term of office shall immediately forfeit their position (unless the associated ordinance states otherwise).

## **SECTION 8: CONFIDENTIALITY**

- 8.1 **Litigation**: When the City of Horseshoe Bay is involved in litigation or a legal dispute, Council Members shall not comment on settlements, appeals, or other issues related to the subject until the matter is resolved. The City Attorney shall be authorized to provide any public responses or comments, as needed on matters involving litigation.
- 8.2 **Executive Sessions**: All matters discussed in Executive Session, as authorized by the Texas Open Meetings Act, may be deemed confidential by law, and participants authorized to attend Executive Sessions are not required to make public disclosure concerning the matters discussed in Executive Session. It shall be the policy of the City Council that the Mayor, individual Council Members, City Manager, City Attorney, City Secretary, and others who are authorized to attend Executive Sessions shall not make selective disclosure of confidential matters where the information has not been released to the general public. The presiding officer may be authorized to issue a statement regarding confidential matters upon approval of same by the City Council, and only under the guidance of the City Attorney. Violations of this procedure shall be enforced in accordance with the Ethics Policy and practices as adopted by the City Council.

**EXHIBIT A**

**THE STATE OF TEXAS**  
**COUNTY OF LLANO/BURNET**

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**AFFIDAVIT PROVIDING NOTICE OF  
POTENTIAL CONFLICT OF INTEREST**

I, \_\_\_\_\_ [*printed name of affiant*], a local public official of the City of Horseshoe Bay, Texas (the City), make this affidavit and hereby on oath state the following:

Action being contemplated by the City may have an effect on a business entity or real property in which I have an interest. Such interest may be a “substantial interest” as that term is defined in Chapter 171 of the Texas Local Government Code. The action being contemplated may have a special economic effect on the business entity or real property distinguishable from the effect on the public.

The business entity or real property in which I have an interest is described as follows (*individual/company name; address; or lot description*):

\_\_\_\_\_  
\_\_\_\_\_

The nature and extent of my interest in the business entity or real property is herein described by stating that either I or a person related to me in the first degree by consanguinity (blood) or affinity (marriage), as determined by Chapter 573 of the Texas Government Code (*check all that apply*):

- \_\_\_\_\_ own 10% or more of the voting stock or shares of the business entity;
- \_\_\_\_\_ own 10% or more of the fair market value of the business entity;
- \_\_\_\_\_ own \$15,000 or more of the fair market value of the business entity; and/or
- \_\_\_\_\_ received funds that exceed 10% of gross income for the previous year;
- \_\_\_\_\_ has an equitable or legal ownership in real property with a fair market value of \$2,500 or more.

Alternatively, even if I do not have a “substantial interest” as defined by Chapter 171 of the Texas Local Government Code, I am filing this affidavit so to avoid the appearance of impropriety. My interest may be described as follows:

\_\_\_\_\_  
\_\_\_\_\_

Upon the filing of this affidavit with the City Secretary, I affirm that I shall recuse myself from any discussion, vote or decision involving this business entity or real property unless a majority of the members of the governmental entity of which I am a member is likewise required to file and has filed affidavits declaring similar interests on the same official action.

**SIGNED** this, the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Signature of Affiant

\_\_\_\_\_  
Title of Affiant

**BEFORE ME**, the undersigned authority, this day personally appeared \_\_\_\_\_ [*name of affiant*] and by oath stated that the facts herein stated are true and correct.

**SWORN TO AND SUBSCRIBED BEFORE ME** on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public in and for the State of Texas  
My Commission Expires: \_\_\_\_\_

# ***EXHIBIT B***

## **CITY OF HORSESHOE BAY**

### **CODE OF ETHICS**

#### **I. DECLARATION OF POLICY**

It is hereby declared to be the policy of the City of Horseshoe Bay that the proper operation of democratic government requires that public officials and employees be independent, impartial and responsible only to the people of the City; that the governmental decisions and policy be made in the proper channels of the governmental structure; that no official, employee or member of any standing committee or board should have any interest, financial or otherwise, direct or indirect, or engage in any business transaction or professional activity, or incur any obligation of any nature, which is in conflict with the proper discharge of his duties in the public interest; that public office not be used for personal gain; and that the City Council at all times shall be maintained as a nonpartisan body. To implement such a policy, the City Council deems it advisable to enact a code of ethics for all officials and employees, whether elected or appointed, paid or unpaid, to serve not only as a guide for official conduct of the City's public servants, but also as a basis for discipline for those who refuse to abide by its terms.

#### **II. DEFINITIONS**

In this article, unless the context otherwise requires:

*Employee* means any person employed by the City, including those individuals on a part-time basis, but shall not be extended to apply to any independent contractor.

*Official* means member of the City Council and any appointive member of a board, commission or committee set up by ordinance or State law on a permanent basis; but does not include members of a board, commission or committee that functions only in an advisory or study capacity and which does not have the power to make findings as to the rights of specific parties.

#### **III. STANDARDS OF CONDUCT**

No official or employee of the City shall:

- a.** Accept any gift or favor from any person, firm or corporation that might reasonably tend to influence him in the discharge of his official duties, or grant in the discharge of his official duties any improper favor, service or thing of value. This shall not include a de minimis gift or favor with a value of less than \$100.
- b.** Use his/her official position to secure special privileges or exemptions for himself or others.
- c.** Grant any special consideration, treatment or advantage to any citizen, individual, business organization or group beyond that which is available to every other citizen, individual, business organization or group. This shall not prohibit the granting of fringe benefits to City employees as a part of their contract of employment or as an added incentive to the securing or retaining of employees.
- d.** Disclose information that could adversely affect the property, government or affairs of the City, nor directly or indirectly use any information gained by reason of his official position or employment for his own personal gain or benefit or for the private interest of others.

- e.** Transact any business on behalf of the City in his official capacity with any business entity with which he is an official, agent or member, or in which he owns a substantial interest. In the event that such a circumstance should arise, then he shall make known his interest, and in the case of an official, abstain from voting on the matter, or in the case of an employee, turn the matter over to his superior for reassignment, state the reasons for doing so, and have nothing further to do with the matter involved.
- f.** Engage in any outside activities which will conflict with, or will be incompatible with, the duties assigned to him in the employment of the City, or reflect discredit upon the City, or in which his employment in the City will give him an advantage over others engaged in a similar business, vocation or activity.
- g.** Accept other employment or engage in outside activities incompatible with the full and proper discharge of his duties and responsibilities with the City, or which might impair his independent judgment in the performance of his public duty.
- h.** Receive any fee or compensation for his services as an official or employee of the City from any source other than the City, except as may be otherwise provided by law. This shall not prohibit his performing the same or other services for a private organization that he performs for the City if there is no conflict with his City duties and responsibilities.
- i.**
- (1) No City Councilman or employee shall represent, directly or indirectly, or appear in behalf of private interests of others before any agency of the City or any City board, commission or committee, nor shall he represent any private interest of others in any action or proceeding involving the City, nor participate on behalf of others in any litigation to which the City might be a party, nor shall he ever accept any retainer or compensation that is contingent upon a specific action taken by the City or any of its agencies.
- (2) No other official shall represent, directly or indirectly, or appear in behalf of the private interests of others before a board, commission or committee of which he is a member, or before the Council or board which has appellate jurisdiction over the board, commission or committee of which he is a member, with regard to matters that may be the subject of specific action by any such body.
- j.** Use the prestige of his position in behalf of any political party, but he shall at all times maintain the nonpartisan policy of the City, provided that all officials and employees are encouraged to register and vote as they may choose in all local, state and national elections.
- k.** Knowingly perform or refuse to perform any act to deliberately thwart the execution of the City ordinances, rules or regulations, or the achievement of official City programs.
- l.** Use City supplies, equipment or facilities for any purpose other than the conduct of official City business.
- m.** Engage in any dishonest or criminal act or any other conduct prejudicial to the government of the City or that reflects discredit upon the government of the City.

#### **IV. DISCLOSURE OF INTEREST**

Any official, whether elected or appointed, who has either a personal or private interest in any matter pending before his committee or board, shall disclose such interest to the other members of the committee or board and shall refrain from discussing the same with any other member of the committee or board and shall not vote thereon.

#### **V. ONE-YEAR PROHIBITION OF TRANSACTIONS WITH CITY AFTER OFFICIAL'S TERMINATION OF SERVICE**

Any official, whether elected or appointed, shall be disqualified, for a period of one (1) year after termination of service with the City, from entering into any transactions or contracts with the City where he shall have a financial interest either directly or indirectly.

#### **VI. REPORTS BY CITY'S AUDITOR**

Each year, at the time of the annual audit of the financial affairs of the City, the City's auditor shall comment in a special report to the City Council on any and all financial transactions between the City and its officials and employees.

#### **VII. VIOLATIONS; DECISIONS**

The failure of any official or employee to comply with or who violates one or more of the foregoing standards of conduct which apply to him shall constitute grounds for expulsion, reprimand, removal from office or discharge, whichever is applicable. In the case of a City Councilman, the matter shall be decided by a majority of the remainder of the Councilmen. In the case of members of boards or commissions, the matters shall be decided by the City Council. The decision of these bodies shall be final in the absence of bias, prejudice or fraud.

Adopted and approved on September 17, 2012, by unanimous vote of the Council of the City of Horseshoe Bay during a regularly scheduled meeting.