



*Janeshia A. Grider, Mayor*

Sylvia Apodaca  
Christopher Garza  
Joe Molina

Mike Martin  
Sally Hitt  
Maria Lozano

---

**CITY COUNCIL AGENDA  
REGULAR MEETING  
THURSDAY, AUGUST 24, 2023 - 7:00 P.M.  
CITY HALL COUNCIL CHAMBER  
112 BAUMAN, KIRBY, TX 78219**

---

This meeting will also be held by videoconference call. The location where a quorum of the governmental body will be physically present is City Hall, City Council Chambers at 112 Bauman Street, Kirby, Texas 78219 and it is the intent to have a quorum present at that location and for the member of the governmental body presiding over the meeting to be physically present at that location. A member of the public may testify from a remote location by videoconference at:

Topic: Regular City Council Meeting

Date and Time: August 24, 2023 at 7:00 P.M. (Central Time)

Join Zoom Meeting:

**Video Participation:** Join Zoom Meeting

<https://zoom.us>

Meeting ID: 956 855 1663 and Passcode: 1955

---

1. **Call Meeting to Order**
2. **Invocation and Pledge of Allegiance to the Flag**
3. **Mission Statement**

"The City of Kirby is dedicated to delivering excellent municipal services to our community in a fiscally responsible manner."

**4. Roll Call**

**5. Citizen Participation**

Citizens Participation Is For The City Council To Receive Information On Issues That May Be Of Concern To The Public. Citizens Participation Is Limited To Five (5) Minutes. A Purpose Of The Open Meetings Act Is To Ensure That The Public Is Always Given Notice Of The Items That Will Be Discussed By The Council. Should A Member Of The Public Bring An Item To The Council For Which The Subject Was Not Posted On The Agenda For The Meeting, The Council May Receive The Information, But Cannot Discuss Or Act Upon It At The Meeting

**6. Consideration Of And Action On Minutes**

- a. Regular Minutes – July 13, 2023
- b. Regular Minutes – July 27, 2023
- c. Regular Minutes – August 10, 2023
- d. Retreat Minutes – August 4, 2023
- e. Retreat Minutes – August 5, 2023

**7. Discussion And Possible Action**

- a. Discussion and possible action on Marsh McLennan Agency's proposal and recommendations regarding City Employee benefits.
- b. Discussion and possible action on a joint election agreement and/or polling location agreement with the Bexar County elections administrator for the November 7, 2023 regular and special elections.
- c. Discussion and possible action to approve Kirby Dollar Economic Development Program proposal.
- d. Discussion on how to get more volunteers for commissions and committees.
- e. Discussion and possible action on the storage of road materials on gaiety.
- f. Discussion and update on Ackerman Road project.
- g. Discussion and possible action to appoint New Applicant(s) to join the Crime Control and Prevention District Board
- h. Discussion and possible action to Accept the Resignation of Michael Lawrence Weden from the Economic Development Committee.

- i. Discussion and possible action on adopting a Code of Ethics and Conduct for City Council members.
- j. Discussion and possible action on Charter Review Board
- k. Discussion And Possible Action On City Of Kirby FY 2021-2022 Audit Report - Armstrong, Vaughan & Associates.
- l. Discussion and Possible Action on proposed maximum Fiscal Year 2023-24 ad valorem tax rate, and setting a proposed Fiscal Year 2023-24 budget public hearing date and a proposed date to adopt said budget and tax rate.

**8. City Manager Announcements**

- a. Announcements On City Events And Items Of Community Interest

**9. Request And Announcements**

- a. Requests By Mayor And Council Members For Items To Be Placed On Future City Council Agendas And Announcements On City Events/Community Interest

**10. Adjournment**

---

Dr. Brian Rowland  
City Manager

---

Katelyn Ueckert  
Interim City Secretary

The City Council reserves the right to adjourn into executive session at any time to discuss any of the matters listed on this agenda if authorized by Texas Government Code Section 551.071, Consultation with Attorney, Texas Government Code Section 551.072, Deliberations about Real Property, Texas Government Code Section 551.074, Personnel Matters, and Texas Government Code Section 551.076, Security Devices or Security Audits.

This meeting is wheelchair parking accessible at the main entrance located at 112 Bauman. Auxiliary services are available upon request (interpreters for the deaf must be requested twenty-four (24) hours prior to the meeting) by calling 210/661-3198 or Relay Texas 800/735-2989 (hearing/speech impaired assistance)

DATE OF POSTING: August 21, 2023  
TIME OF POSTING: 6:45 P.M.



*Janeshia A. Grider, Mayor*

Sylvia Apodaca  
Christopher Garza  
Joe Molina

Mike Martin  
Sally Hitt  
Maria Lozano

---

**CITY COUNCIL MINUTES  
REGULAR MEETING  
THURSDAY, JULY 13, 2023 - 7:00 P.M.  
CITY HALL COUNCIL CHAMBER  
112 BAUMAN, KIRBY, TX 78219**

---

This meeting will also be held by videoconference call. The location where a quorum of the governmental body will be physically present is City Hall, City Council Chambers at 112 Bauman Street, Kirby, Texas 78219 and it is the intent to have a quorum present at that location and for the member of the governmental body presiding over the meeting to be physically present at that location. A member of the public may testify from a remote location by videoconference at:

Topic: Regular City Council Meeting

Date and Time: July 13, 2023 at 7:00 P.M. (Central Time)

Join Zoom Meeting:

**Video Participation:** Join Zoom Meeting

<https://zoom.us>

Meeting ID: 956 855 1663 and Passcode: 1955

---

**1. Call Meeting to Order**

Mayor Grider called the meeting to order at 7:06 P.M.

**2. Invocation and Pledge of Allegiance to the Flag**

Mr. Rich leads the invocation and pledge of allegiance to the flag

**3. Mission Statement**

"The City of Kirby is dedicated to delivering excellent municipal services to our community in a fiscally responsible manner."

**4. Roll Call**

Present:

Absent:

Mayor Pro-Tem Apodaca  
Council Member Garza  
Council Member Hitt  
Council Member Lozano  
Council Member Martin  
Council Member Molina  
Mayor Grider

**5. Citizen Participation**

Jody Flynn- Discussed possible action to fix the routing issue on Akerman rd  
Bonny Badour- Discussed Kirby Senior Center  
James McCorders- Discussed Kirby Senior Center  
Gloria Holder- Discussed Kirby Senior Center  
Lisa Pierce- Discussed Senior Center  
Ron Badour- Discussed Senior Center

**6. Consideration Of And Action On Minutes**

a. Special Minutes – June 13, 2023

Council Member Martin moved to accept the regular minutes June 13, 2013;  
seconded by Mayor Pro-Tem Apodaca. The motion carried with a 6-0 vote

b. Regular Minutes – June 22, 2023

Council Member Garza requested Review of Kimberly Aldrich statement

**7. Discussion And Possible Action**

- a. Discussion And Possible Action On Ordinance No. O-2023-925 An Ordinance Repealing Chapter 151 Of The Code Of Ordinances Of The City Of Kirby, Texas In Regard To Flood Damage Prevention, And Adopting New Chapter 151 Of The Code Of Ordinances Of The City Of Kirby In Regard To Flood Damage Prevention And Providing For A Penalty Of A Fine Of Not More Than \$500.00 For Each Violation (Plus Costs And Expenses) With Each Day A Violation Occurs To Constitute A Separate Offence. This Is The Second Reading.

Motion made by Council Member Martin seconded by mayor Pro-Tem Apodaca to adopt the Ordinance No. O-2023-925 An Ordinance Repealing Chapter 151 Of The Code Of Ordinances Of The City Of Kirby, Texas In Regard To Flood Damage Prevention, And Adopting New Chapter 151 Of The Code Of Ordinances Of The City Of Kirby In Regard To

Flood Damage Prevention And Providing For A Penalty Of A Fine Of Not More Than \$500.00 For Each Violation (Plus Costs And Expenses) With Each Day A Violation Occurs To Constitute A Separate Offence. This Is The Second Reading

Motion passes with a 7-0 vote

AYE:

NAY:

Mayor Pro-Tem Apodaca  
Council Member Garza  
Council Member Hitt  
Council Member Lozano  
Council Member Martin  
Council Member Molina  
Mayor Grider

- b. Discussion And Possible Action On San Antonio Rugby Contract For Use Of Friendship Park Or Hugo Lentz Park.

Del Salinas- discussed item B

No action taken. More information and solid plans are wanted from Del Salinas

Motion made by Council Member Garza seconded by Mayor Pro-Tem Apodaca to move discussion to July 27<sup>th</sup> meeting

Motion passes to move Agenda item to next meeting with a 7-0 vote

AYE:

NAY:

ABSTAIN:

Mayor Pro-Tem Apodaca  
Council Member Garza  
Council Member Hitt  
Council Member Lozano  
Council Member Martin  
Council Member Molina  
Mayor Grider

- c. Discussion And Possible Action To Accept The Resignation of Katherine McGarity From Beautification And Recycle Committee.

Motion made by Mayor Pro-Tem Apodaca Seconded by Council Member Garza to Accept The Resignation of Katherine McGarity From Beautification And Recycle Committee.

Motion passes with a 7-0 vote

AYE:

NAY:

ABSTAIN:

Mayor Pro-Tem Apodaca  
Council Member Garza  
Council Member Hitt  
Council Member Lozano  
Council Member Martin  
Council Member Molina  
Mayor Grider

- d. Discussion And Possible Action On Tyler Technologies Amendment Renewal Term For A (1) One Year.

Council Discussed agenda item D

No action taken, postponed until next agenda.

- e. Discussion And Possible Action On Updating Servers To Support New Police Computer Program To Be Paid By Crime Control And Prevention District

Paul Mann discussed item E

Motion made by Council Member Martin seconded by Council Member Garza to approve

Motion passes with a 7-0 vote

AYE:

NAY:

ABSTAIN:

Mayor Pro-Tem Apodaca  
Council Member Garza  
Council Member Hitt  
Council Member Lozano  
Council Member Martin  
Council Member Molina  
Mayor Grider

- f. Discussion And Possible Action On Appointing Jeff Eklund to the Crime Control And Prevention District Board.

Motion made by Mayor Pro-Tem Apodaca seconded by Council Member Hitt to Appoint Jeff Eklund to the Crime Control And Prevention District Board.

Motion passes with a 7-0 vote

AYE:

NAY:

ABSTAIN:

Mayor Pro-Tem Apodaca  
Council Member Garza  
Council Member Hitt  
Council Member Lozano  
Council Member Martin  
Council Member Molina  
Mayor Grider

- g. Discussion And Possible Action On Renewal On RRGP Information Technology Service Agreement.

Motion made by Council Member Garza seconded by Mayor Pro-Tem Apodaca on Renewal On RRGP Information Technology Service Agreement.

Motion passes with a 7-0 vote

AYE:

NAY:

ABSTAIN:

Mayor Pro-Tem Apodaca  
Council Member Garza  
Council Member Hitt  
Council Member Lozano  
Council Member Martin  
Council Member Molina  
Mayor Grider

- h. Discussion And Possible Action On Adding Zumba To Kirby Fitness With Instructor Ellie Every Saturday at 9AM to 10AM And Approval For Fees To Be Waived.

Motion made by Council Member Garza seconded by Council Member Lozano on Adding Zumba To Kirby Fitness With Instructor Ellie Every Saturday at 9AM to 10AM And Approval For Fees To Be Waived.

Motion passes with a 7-0 vote

AYE:

NAY:

ABSTAIN:

Mayor Pro-Tem Apodaca  
Council Member Garza  
Council Member Hitt  
Council Member Lozano



Council Member Martin  
Council Member Molina  
Mayor Grider

i. Discussion, Consider, And Take Action To Remove Board Members From The Kirby Senior Center.

Motion made by Council Member Garza seconded by Council Member Martin to move agenda item I, J, K to the top of discussion and action

AYE: 6

NAY:1

Motion passed with a 6-1 vote

Aye:

Mayor Pro-Tem Apodaca  
Council Member Garza  
Council Member Lozano  
Council Member Martin  
Council Member Molina  
Mayor Grider

Nay:

Council Member Hitt

Motion made by Council Member Garza seconded by Mayor Pro-Tem Apodaca to extend time for Kathy Gomez to speak

Kathy Gomez discussed agenda item I

David Barbosa discussed Agenda item I

Motion made by Council Member Martin seconded by Council Member Garza let Jessica Bogardus speak

Jessica Bogardus Discusses Executive Session

Motion made by Council Member Garza seconded by Council Member Martin to have discussion before executive session

Motion made by Mayor Pro-Tem Apodaca seconded by Council Member Molina to Remove Board Members From The Kirby Senior Center.

Motion passes with a 5-2 vote

AYE:

Mayor Pro-Tem Apodaca  
Council Member Hitt  
Council Member Lozano

NAY:

Council Member Martin  
Council Member Garza

ABSTAIN:

Council Member Molina  
Mayor Grider

- j. Discussion And Possible Action To Replace Kirby Senior Board Members With City Council Members Chris Garza, Michael Martin, Mayor Janeisha Grider, Sally Hitt, Mayor Pro-Term Sylvia Apodaca, Maria Lozano, And Joe Molina.

Motion made by Mayor Pro-Tem Apodaca seconded by Council Member Molina To Replace Kirby Senior Board Members With City Council Members Chris Garza, Michael Martin, Mayor Janeisha Grider, Sally Hitt, Mayor Pro-Term Sylvia Apodaca, Maria Lozano, And Joe Molina.

Motion passes with a 5-2 vote

AYE:

NAY:

ABSTAIN:

Mayor Pro-Tem Apodaca  
Council Member Hitt  
Council Member Lozano  
Council Member Molina  
Mayor Grider

Council Member Martin  
Council Member Garza

- k. Discussion And Possible Action On Establishing Bank Signers For The Kirby Senior Center.

Decision to postpone until Special Senior Center meeting July 17, 2013 at 12:30

No action taken

Regular meeting closes at 8:01 P.M. for executive session

Regular meeting reopens at 9:30 P.M.

**8. City Manager Announcements**

Dr. Brian Rowland announces A luncheon was held last week to include Patty Coxs parting with Kirby

Dr. Brian Rowland announces water bill meeting and Economic development meeting (Kirby dollar)

Dr. Brian Rowland request everyone completes the Open Meetings Act and Public Information Act

**9. Request And Announcements**

Council Member Lozano thanked all citizens and Kirby employees and reminded everyone to check in on their elderly neighbors

Council Member Garza requested City Council packets be put on website, requested something be done about the cultivator on Ackerman, requested lines be painted in front of school as well as requested to bring back to the agenda action on open carry in Kirby City Hall

Council Member Molina thanked city workers and requested to address the temporary restrooms at Hugo Lense Park

Mayor Pro-Tem Apodaca thanked John Rich for giving prayer for city council meeting, announced JISD open for registration immunization available there will be a block party at Rutledge on August 1<sup>st</sup>

Council Member Hitt thanked everyone for coming to meeting

Council Member Martin thanked everyone and requests to address if a portable water cooler was approved for the public work workers

Grider thanked everyone for the support with the fireworks in the park

#### **10. Adjournment**

The meeting adjourned at 11:23 P.M.

---

Dr. Brian Rowland  
City Manager

---

Katelyn Ueckert  
Interim City Secretary

The City Council reserves the right to adjourn into executive session at any time to discuss any of the matters listed on this agenda if authorized by Texas Government Code Section 551.071, Consultation with Attorney, Texas Government Code Section 551.072, Deliberations about Real Property, Texas Government Code Section 551.074, Personnel Matters, and Texas Government Code Section 551.076, Security Devices or Security Audits.

This meeting is wheelchair parking accessible at the main entrance located at 112 Bauman. Auxiliary services are available upon request (interpreters for the deaf must be requested twenty-four (24) hours prior to the meeting) by calling 210/661-3198 or Relay Texas 800/735-2989 (hearing/speech impaired assistance)

DATE OF POSTING: July 10, 2023

TIME OF POSTING: 6:45 P.M.

DATE REMOVED



*Janeshia A. Grider, Mayor*

Sylvia Apodaca  
Christopher Garza  
Joe Molina

Mike Martin  
Sally Hitt  
Maria Lozano

---

**CITY COUNCIL MINUTES  
REGULAR MEETING  
THURSDAY, JULY 27, 2023 - 7:00 P.M.  
CITY HALL COUNCIL CHAMBER  
112 BAUMAN, KIRBY, TX 78219**

---

This meeting will also be held by videoconference call. The location where a quorum of the governmental body will be physically present is City Hall, City Council Chambers at 112 Bauman Street, Kirby, Texas 78219 and it is the intent to have a quorum present at that location and for the member of the governmental body presiding over the meeting to be physically present at that location. A member of the public may testify from a remote location by videoconference at:

Topic: Regular City Council Meeting

Date and Time: July 27, 2023 at 7:00 P.M. (Central Time)

Join Zoom Meeting:

**Video Participation:** Join Zoom Meeting

<https://zoom.us>

Meeting ID: 956 855 1663 and Passcode: 1955

---

**1. Call Meeting to Order**

Mayor Grider called the meeting to order at 7:04 P.M.

**2. Invocation and Pledge of Allegiance to the Flag**

Mr. Rich leads the invocation and pledge of allegiance to the flag

**3. Mission Statement**

"The City of Kirby is dedicated to delivering excellent municipal services to our community in a fiscally responsible manner."

**4. Roll Call**

**Present:**

Mayor Pro-Tem Apodaca  
Council Member Garza  
Council Member Hitt  
Council Member Lozano  
Council Member Martin  
Council Member Molina  
Mayor Grider

**Absent:**

**5. Citizen Participation**

Susan Street- spoke on Agenda postings and discussed item G  
Roger Romans- Discussed Senior Center  
Jack Miller- Discussed Senior Center and Pay for the Police Department

**6. Consideration Of And Action On Minutes**

a. Regular Minutes – June 22, 2023

Council Member Molina moved to accept the regular minutes June 22, 2023;  
seconded by Mayor Pro-Tem Apodaca. The motion carried with a 6-1 vote

**AYE:**

Mayor Pro-Tem Apodaca  
Council Member Hitt  
Council Member Lozano  
Council Member Martin  
Council Member Molina  
Mayor Grider

**NAY:**

Council Member Garza

b. Regular Minutes – July 13, 2023

Interim City Secretary was requested to rereview July 13, 2023 Minutes

**7. Presentations**

a. Presentation On Proclamation For Patty Cox

Postponed to next meeting

**8. Discussion And Possible Action**

- a. Discussion And Possible Action On San Antonio Rugby Contract For Use Of Friendship Park Or Hugo Lentz Park.

Postponed to next meeting

- b. Discussion And Possible Action On Fixing Borchers and Swann Ln Road.

Dr. Rowland request to move to next meeting for update and request on next agenda a possible reporting portal

- c. Discussion And Update On Ackerman Road Project.

Agenda item C discussed by City Council

- d. Discussion And Possible On Allowing Firearms Into Kirby City Hall.

Council discussed agenda item D

Jack Miller discussed agenda item D

No action taken

- e. Discussion And Possible Action To Select A Date For The City Of Kirby's Back To School Pool Party

Council discussed agenda item E and agreed that August 12 from 12-4 would be an acceptable date and time

City Attorney states no need to make a vote for this item

- f. Discussion And Possible Action On Tyler Technologies Amendment Renewal Term For A (1) One Year.

Motion made by Council Member Garza and seconded by Council member Hitt to amend the renewal term with Tyler Technologies for one year giving city manager the opportunity to negotiate

AYE:  
Mayor Pro-Tem Apodaca

NAY:

Council Member Garza  
Council Member Hitt  
Council Member Lozano  
Council Member Martin  
Council Member Molina  
Mayor Grider

Motion passes with a 7-0 vote

g. Discussion and possible action on City of Kirby Mayor and City Council Leadership Retreat for August 5, 2023.

All council members discussed the retreat on Aug 4<sup>th</sup> at 6pm-10pm and Aug 5<sup>th</sup> at 9am-5pm

Jack Miller discussed agenda item G

Consensus made that all Council members are okay with these dates and times

h. Discussion And Possible Action On City Of Kirby 2023/2024 Budget Schedule

Dr Rowland discussed providing the document for reference for retreat

Garza requested a department wish list

Dr Rowland discussed other dates for discussion and states Council will get that information out of the presentation at the retreat

No action taken

i. Discussion And Possible Action On iWork's Agreement For Work Order System For Public Works.

Motion made by Council Member Martin seconded by Council Member Garza to give Dr Rowland permission to purchase iWork's agreement as he sees fit for the work order agreement for public works

Motion passes with a 7-0 vote

AYE:

NAY:

Mayor Pro-Tem Apodaca

Council Member Garza

Council Member Hitt

Council Member Lozano

Council Member Martin

Council Member Molina

Mayor Grider

**9. City Manager Announcements**

- Thanks council for their service
- Updates on early voting and elections for contract
- Updates on Interim City Secretary progress
- Updates on TML in Dallas
- Announces hog wild event is the next day
- Updates on the CDBG Administrator workshop
- Discusses possible changes to the website to a more modern website
- Announces city staff as well as council will be getting ID badges for professional dress code
- Announces upcoming interviews for finance director and public works director and supporting staff

**10. Request And Announcements**

- Council Member Lozano thanks the City staff for their work also says thanks to Kirby Senior Center director, states she would like to see if there is a VIA bench off old Seguin Rd and if a cover roof top could be placed over it due to the heat conditions, also would like to see on agenda the way the voting goes, also gives deepest prayers and condolences to Dr. Rowland
- Council Member Garza discusses the audio in Council Room, also discusses posting of council agendas, would also like to see the decision process on the agenda as to why the decisions were made about the senior center to be transparent with the public, would like to see action on budget for police department, Gives Condolences to Dr. Rowland
- Council Member Molina Thanks City Staff for hard work and gives condolences to Dr. Rowland, would like to see who request on the agenda, asks for action on restrooms at Hugo Lense Park, thanks everyone for their attendance at the council meeting
- Mayor Pro-Tem Apodaca announces Christus Mobile Clinic is having an immunization clinic the next day will be the August 14<sup>th</sup> from 9-2 at Woodlake Elementary and August 17<sup>th</sup> from 9-2 at Metzger, Judson having a block party Aug 1 6pm-8:30p, Gives thanks to city staff



- Council Member Hitt gives thanks to everyone who came out for the meeting and thanks staff
- Council Member Martin thanks Kirby staff for hard work and gives condolences to Dr. Rowland, would like an update on cool cooler for employees out in the heat, discussed Fema Training and Open Meetings act training as well as Public Information Act training, would like an explanation on next agenda for decisions surrounding Senior Center
- Mayor Grider thanks San Antonio metro health and also announces Vaccinations will be held at city hall Aug 2<sup>nd</sup>, having a free youth event at Kirby city park, thanks Former Mayor Aldrich for helping with making bows for event, asks for action on restrooms for Hugo Lense Park, thanks Dr. Rowland and Gives Condolences

## 11. Adjournment

The meeting adjourned at 9:53 P.M.

---

Dr. Brian Rowland  
City Manager

---

Katelyn Ueckert  
Interim City Secretary

The City Council reserves the right to adjourn into executive session at any time to discuss any of the matters listed on this agenda if authorized by Texas Government Code Section 551.071, Consultation with Attorney, Texas Government Code Section 551.072, Deliberations about Real Property, Texas Government Code Section 551.074, Personnel Matters, and Texas Government Code Section 551.076, Security Devices or Security Audits.

This meeting is wheelchair parking accessible at the main entrance located at 112 Bauman. Auxiliary services are available upon request (interpreters for the deaf must be requested twenty-four (24) hours prior to the meeting) by calling 210/661-3198 or Relay Texas 800/735-2989 (hearing/speech impaired assistance)

DATE OF POSTING: July 24, 2023  
TIME OF POSTING: 6:45 P.M.  
DATE REMOVED



*Janeshia A. Grider, Mayor*

Sylvia Apodaca  
Christopher Garza  
Joe Molina

Mike Martin  
Sally Hitt  
Maria Lozano

---

**CITY COUNCIL MINUTES  
REGULAR MEETING  
THURSDAY, AUGUST 10, 2023 - 7:00 P.M.  
CITY HALL COUNCIL CHAMBER  
112 BAUMAN, KIRBY, TX 78219**

---

This meeting will also be held by videoconference call. The location where a quorum of the governmental body will be physically present is City Hall, City Council Chambers at 112 Bauman Street, Kirby, Texas 78219 and it is the intent to have a quorum present at that location and for the member of the governmental body presiding over the meeting to be physically present at that location. A member of the public may testify from a remote location by videoconference at:

Topic: Regular City Council Meeting

Date and Time: August 10, 2023 at 7:00 P.M. (Central Time)

Join Zoom Meeting:

**Video Participation:** Join Zoom Meeting

<https://zoom.us>

Meeting ID: 956 855 1663 and Passcode: 1955

---

**1. Call Meeting to Order**

Mayor Grider called the meeting to order at 7:08 P.M

.

**2. Invocation and Pledge of Allegiance to the Flag**

Pastor Kory Mogoli leads the invocation and pledge of allegiance to the flag

**3. Mission Statement**

"The City of Kirby is dedicated to delivering excellent municipal services to our community in a fiscally responsible manner."

**4. Roll Call**

**Present**

Mayor Pro-Tem Apodaca  
Council Member Garza  
Council Member Hitt  
Council Member Lozano  
Council Member Martin  
Council Member Molina  
Mayor Grider

**Absent**

**5. Citizen Participation**

Ed Buano- requests action on storage of road materials behind his house

Jack Miller- discusses agenda item D and E

Patrick- discusses no unity or action among council

**6. Consideration Of And Action On Minutes**

- a. Regular Minutes – July 13, 2023

Interim City Secretary to review July 13, 2023 minutes

- b. Regular Minutes – July 27, 2023

Interim City Secretary to review July 27, 2023 minutes

**7. Discussion And Possible Action**

- a. Discussion and Update on republic services contract and trash pickup process for the City Of Kirby

Tom Armstrong with republic services discusses services provided

Council Member Lozano asks for bulk pick up process

Council Member Garza inquires the status of republic service app

Tom Armstrong states the app is in its beta testing phase still

No action taken agenda item A discussed by council

- b. Discussion and possible action On San Antonio Rugby Contract For Use Of Friendship Park Or Hugo Lentz Park

Mayor Grider Announces fields are unusable at friendship park currently and cannot start any contracts at this time

No Action taken

- c. Discussion, update and possible action related to Early Voting and Election Day location for Bexar County and City of Kirby

Council discussed agenda item C

- d. Discussion and Feedback on City of Kirby Leadership Retreat

Council discussed agenda item D

- e. Discussion And Possible Action on Christopher L. Garza's behavior at Ft. Sam Houston Golf Course Council Retreat Aug 5<sup>th</sup>, 2023

Council discussed agenda item E

Jack Miller discussed agenda item E

Patrick discussed agenda item E

Mayor Grider Made a statement to apologize to Ft Sam Houston Golf Course and thanks them for their hospitality

- f. Discussion and Possible Action on initiating an Economic Development program for the City of Kirby (Kirby Dollar)

Dr Rowland discussed agenda item F

Council discussed agenda item F

**Break announced for meeting at 8:54 P.M. until 9:05 P.M.**

- g. Discussion Possible Action, and Update on the Back to School pool party August 12, 2023 from 12 p.m-4 p.m. at the Kirby Pool

Dr. Rowland announces agenda item G

Council discussed agenda item G

Kathy Gomez Senior Center Director made an offer to donate hot dogs

- h. Discussion and Appropriate Action to Consider Setting the Date, Time, and Location for a Public Hearing on the Proposed FY 2023/2024 Budget. (City Manager)

Motion made by Mayor Pro-Tem Apodaca seconded by Council Member Martin to set the public hearing for the adoption of the fiscal year 2023-2024 budget to be held at city hall Sept 14, 2023 at 6:00 P.M.-7:00 P.M. and authorized the city manager to proceed with publishing and posting required budget adoption notices

Motion passed with a 7-0 vote

**Aye**

**Nay:**

Mayor Pro-Tem Apodaca  
Council Member Garza  
Council Member Hitt  
Council Member Lozano  
Council Member Martin  
Council Member Molina  
Mayor Grider

- i. Discussion and Appropriate Action to Consider Setting a Proposed Tax Rate, and a Date, Time, and Location for a Public Hearing on the 2023 Tax Rate. (City Manager)

Motion made by Council Member Martin seconded by Council Member Garza to set the public hearing for the adoption of the fiscal year 2023-2024 Tax Rate to be held at city hall Sept 14, 2023 at 6:00 P.M.-7:00 P.M. and authorized the city manager to proceed with publishing and posting required Tax Rate adoption notices

Motion passed with a 7-0 vote

**Aye**

**Nay:**

Mayor Pro-Tem Apodaca  
Council Member Garza  
Council Member Hitt  
Council Member Lozano  
Council Member Martin

Council Member Molina  
Mayor Grider

- j. Discussion and possible action to pass a Resolution R-2023-759 related to an Administrative Services Agreement between the City of Kirby and Kirby Senior Center

Motion made by Mayor Pro-Tem Apodaca seconded by Council Member Hitt to pass Resolution R-2023-759 related to an Administrative Services Agreement between the City of Kirby and Kirby Senior Center

Motion passed with a 5-0 vote

**Aye**

Mayor Pro-Tem Apodaca  
Council Member Hitt  
Council Member Lozano  
Council Member Molina  
Mayor Grider

**Nay:**

Council Member Garza and Council Member Martin excused themselves from vote

**Regular Meeting closed at 10:30 P.M.**

8. **Executive Session-** The City Council will meet in Executive Session pursuant to Texas Government Code Sections 551.071, Consultation with Attorney, and 551.074, Personnel Matters to Discuss the following:

a. Consultation with attorney to hear a complaint against an officer, Council Member Garza, and receive legal advice and recommendations regarding the possible investigation related to such complaint by an independent third-party investigator

b. Action Following Executive Session

1. Consideration and possible action, if required, following deliberation in closed session

Motion made by Mayor Pro-Tem Apodaca Seconded by Council Member Molina to allow Mayor Grider on behalf of the city to hire Natalie Ruby to proceed with an independent investigation on the complaint against Christopher L. Garza

Motion passed with a 6-0 vote

**Aye**

Mayor Pro-Tem Apodaca  
Council Member Hitt  
Council Member Lozano  
Council Member Martin  
Council Member Molina  
Mayor Grider

**Nay:**

Council Member Garza Excused himself from vote

**Regular meeting reopens at 11:23 P.M.**

**9. City Manager Announcements**

Dr. Rowland announces Bid notice for MarshMcLennan City benefits Health Vision and Dental

Dr. Rowland announces back to school part and Zomba with Ellie Saturday and thanks the City Council and citizens for attendance

**10. Request And Announcements**

Council Member Lozano thanked residents for staying late and thanked public works police and fire department also requested on the agenda action on increasing volunteers on commissions and committees, and would also like addressed Gaity action for materials for the road behind house of Ed Buano

Council Member Garza addressed council packet posting, asked to put on the agenda Ed Buano concerns for material storage on gaiety and address if Kirby plans to move the material

Council Member Molina thanked everyone for staying late, asked to place on the agenda an update on the Ackerman Road project

Council Member Apodaca asked everyone to check on neighbors and seniors, and asked everyone to take care of their pets and thanked the city employees

Council Member Hitt thanked everyone for staying late, states Kirby senior center is looking for volunteers and anyone interested in volunteering would be appreciated

Council Member Martin thanked City Employees and wanted update on cooling fan, asks for clarification on school zone lights

**11. Adjournment**

Meeting adjourns at 11:42 P.M.

---

Dr. Brian Rowland  
City Manager

---

Katelyn Ueckert  
Interim City Secretary

The City Council reserves the right to adjourn into executive session at any time to discuss any of the matters listed on this agenda if authorized by Texas Government Code Section 551.071, Consultation with Attorney, Texas Government Code Section 551.072, Deliberations about Real Property, Texas Government Code Section 551.074, Personnel Matters, and Texas Government Code Section 551.076, Security Devices or Security Audits.

This meeting is wheelchair parking accessible at the main entrance located at 112 Bauman. Auxiliary services are available upon request (interpreters for the deaf must be requested twenty-four (24) hours prior to the meeting) by calling 210/661-3198 or Relay Texas 800/735-2989 (hearing/speech impaired assistance)

DATE OF POSTING: August 7, 2023

TIME OF POSTING: 6:45 P.M.





*Janeshia A. Grider, Mayor*

Sylvia Apodaca  
Christopher Garza  
Joe Molina

Mike Martin  
Sally Hitt  
Maria Lozano

---

**City Council Retreat Minutes  
FRIDAY, AUGUST 4, 2023 - 6:30 P.M.  
CITY HALL COUNCIL CHAMBER  
112 BAUMAN, KIRBY, TX 78219**

---

Topic: City Council Leadership Retreat

Date and Time: August 4, 2023 at 6:30 P.M. – 10:00 P.M. (Central Time)

---

**1. Welcome**

Dr Rowland welcomed the council to the retreat at 6:31 P.M.

**2. Mission Statement**

"The City of Kirby is dedicated to delivering excellent municipal services to our community in a fiscally responsible manner."

**3. Meeting Overview**

Overview Discussed

**4. Team Building**

Council Member Christopher L. Garza declined to participate.

Council broke off into two teams to team build with island survival.

**5. Dinner**

Council Recessed for dinner at 7:40 P.M.

Mayor Grider asked Council Member Molina to say grace

Retreat reconvened at 8:19 P.M.

**6. Local Elected Leadership Model**

Council and Dr. Rowland discussed item 6.

**7. City Hall Operations**

Retreat adjourned at 10:31 P.M.

---

Dr. Brian Rowland  
City Manager

---

Katelyn Ueckert  
Interim City Secretary

DATE OF POSTING: August 1, 2023  
TIME OF POSTING: 6:30 P.M.  
DATE REMOVED



*Janeshia A. Grider, Mayor*

Sylvia Apodaca  
Christopher Garza  
Joe Molina

Mike Martin  
Sally Hitt  
Maria Lozano

---

**City Council Retreat Minutes  
Special City Council Workshop  
SATURDAY, AUGUST 5, 2023 – 9:00 A.M.  
FT Sam Houston Golf Course  
1050 Harry Wurzbach Rd, Fort Sam Houston, TX 78234**

---

Topic: City Council Leadership Retreat  
Date and Time: August 5, 2023 at 9:00 A.M. – 5:00 P.M. (Central Time)

---

**1. Welcome**

Dr Rowland welcomed the council to the retreat at 9:38 A.M.

**2. Mission Statement**

“The City of Kirby is dedicated to delivering excellent municipal services to our community in a fiscally responsible manner.”

**3. Roll Call**

**PRESENT**

Mayor Pro-Tem Apodaca  
Council Member Garza  
Council Member Hitt  
Council Member Lozano  
Council Member Martin  
Council Member Molina  
Mayor Grider

**ABSENT:**

**Due to disruptive behavior by Council Member Garza, Mayor Grider called Point Of Order - Decorum. The order was requested and Council Member Molina, Council Member Lozano, Council Member Hitt and Mayor Pro-Tem Apodaca with confirmed aye.**

**4. Citizen Participation**

No Citizen Participation.

**5. Workshop Overview**

Arrival/Breakfast

Welcome/ Overview of the Day

Staff Introduction

Goal Debrief from Previous Day

Utilities and Court Department

Police Department

Kirby Animal Shelter

Code Enforcement

Via Bus Service MTA

Lunch

Kirby Senior Center

Economic Development (Kirby Dollar)

Fire Department

City Attorney update (DNRBZ Law Firm)

Public Works

Parks

Republic Works

Engineering and Planning

Overview of Budget

Commission Board & Committee

Identify Goals and Actions items for Future Workshops

Council discussed the items provided in the Work Shop Overview.

**6. Retreat Adjourn**

Retreat adjourned at 5:15P.M.

---

Dr. Brian Rowland,  
City Manager

Katelyn Ueckert,  
Interim City Secretary

The City Council reserves the right to adjourn into executive session at any time to discuss any of the matters listed on this agenda if authorized by Texas Government Code Section 551.071, Consultation with Attorney, Texas Government Code Section 551.072, Deliberations about Real Property, Texas Government Code Section 551.074, Personnel Matters, and Texas Government Code Section 551.076, Security Devices or Security Audits.

(interpreters for the deaf must be requested twenty-four (24) hours prior to the meeting) by calling 210/661-3198 or Relay Texas 800/735-2989 (hearing/speech impaired assistance)

DATE OF POSTING: August 2, 2023

TIME OF POSTING: 9:00 A.M.

DATE REMOVED

<input checked="" type="checkbox"/>	DISCUSSION AND POSSIBLE ACTION ITEMS
<input type="checkbox"/>	SPECIAL CONSIDERATION
<input type="checkbox"/>	CONSIDERATION OF MINUTES
<input type="checkbox"/>	PUBLIC HEARING
<input type="checkbox"/>	PRESENTATION
<input type="checkbox"/>	WORKSHOP

**C I T Y O F K I R B Y**  
**C I T Y C O U N C I L M E E T I N G**  
**A G E N D A I T E M S U M M A R Y**

**DATE: August 24, 2023**

**AGENDA ITEM: 7 a.**

Discussion and possible action on Marsh McLennan Agency's proposal and recommendations regarding City Employee benefits.

<input checked="" type="checkbox"/>	DISCUSSION AND POSSIBLE ACTION ITEMS
<input type="checkbox"/>	SPECIAL CONSIDERATION
<input type="checkbox"/>	CONSIDERATION OF MINUTES
<input type="checkbox"/>	PUBLIC HEARING
<input type="checkbox"/>	PRESENTATION
<input type="checkbox"/>	WORKSHOP

**C I T Y O F K I R B Y**  
**C I T Y C O U N C I L M E E T I N G**  
**A G E N D A I T E M S U M M A R Y**

**DATE: August 24, 2023**

**AGENDA ITEM: 7 b.**

Discussion and possible action on a joint election agreement and/or polling location agreement with the Bexar County elections administrator for the November 7, 2023 regular and special elections.

<input checked="" type="checkbox"/>	DISCUSSION AND POSSIBLE ACTION ITEMS
<input type="checkbox"/>	SPECIAL CONSIDERATION
<input type="checkbox"/>	CONSIDERATION OF MINUTES
<input type="checkbox"/>	PUBLIC HEARING
<input type="checkbox"/>	PRESENTATION
<input type="checkbox"/>	WORKSHOP

**C I T Y O F K I R B Y**  
**C I T Y C O U N C I L M E E T I N G**  
**A G E N D A I T E M S U M M A R Y**

**DATE: August 24, 2023**

**AGENDA ITEM: 7 c.**

Discussion and possible action to approve Kirby Dollar Economic Development Program proposal.





**Program Description:** The Kirby Dollar Economic Development Program provides the education to citizens in the community regarding local spending, business awareness, and revenue from sales tax. The City of Kirby will monitor and manage the pilot program with assistance from the Economic Development Committee. Participating organizations will be required to fill out the proper documentation with the City of Kirby. Organizations will then track their spending activity via the collection of receipts from local businesses. Once the program date has expired, organizations are required to submit their full documentation and original receipts. The City of Kirby will then analyze and determine the program award winner based on the organization with highest value of totaled receipts. The pilot program is set to have a kick-off event and an event wrap-up. During the wrap-up event, the prize of \$2,500.00 will be awarded to the winner.

**Program Goal:** To increase and improve local economic activity.

**Program Outcome 1:** By December 2023, 50% of residents will be provided education via marketing on the Kirby Dollar Program.

**Program Outcome 2:** By December 2023, the program will have spending receipts totaling \$25,000.00 or greater.

**Program Outcome 3:** By January 2024, sales tax revenue will increase by 2%.

<input checked="" type="checkbox"/>	DISCUSSION AND POSSIBLE ACTION ITEMS
<input type="checkbox"/>	SPECIAL CONSIDERATION
<input type="checkbox"/>	CONSIDERATION OF MINUTES
<input type="checkbox"/>	PUBLIC HEARING
<input type="checkbox"/>	PRESENTATION
<input type="checkbox"/>	WORKSHOP

**CITY OF KIRBY  
CITY COUNCIL MEETING  
A G E N D A I T E M S U M M A R Y**

**DATE: August 24, 2023**

**AGENDA ITEM: 7 d.**

Discussion on how to get more volunteers for commissions and committees.

<input checked="" type="checkbox"/>	DISCUSSION AND POSSIBLE ACTION ITEMS
<input type="checkbox"/>	SPECIAL CONSIDERATION
<input type="checkbox"/>	CONSIDERATION OF MINUTES
<input type="checkbox"/>	PUBLIC HEARING
<input type="checkbox"/>	PRESENTATION
<input type="checkbox"/>	WORKSHOP

**C I T Y O F K I R B Y**  
**C I T Y C O U N C I L M E E T I N G**  
**A G E N D A I T E M S U M M A R Y**

**DATE: August 24, 2023**

**AGENDA ITEM: 7 e.**

Discussion and possible action on the storage of road materials on gaiety.

<input checked="" type="checkbox"/>	DISCUSSION AND POSSIBLE ACTION ITEMS
<input type="checkbox"/>	SPECIAL CONSIDERATION
<input type="checkbox"/>	CONSIDERATION OF MINUTES
<input type="checkbox"/>	PUBLIC HEARING
<input type="checkbox"/>	PRESENTATION
<input type="checkbox"/>	WORKSHOP

**CITY OF KIRBY  
CITY COUNCIL MEETING  
A G E N D A I T E M S U M M A R Y**

**DATE: August 24, 2023**

**AGENDA ITEM: 7 f.**

Discussion and update on Ackerman Road project.

<input checked="" type="checkbox"/>	DISCUSSION AND POSSIBLE ACTION ITEMS
<input type="checkbox"/>	SPECIAL CONSIDERATION
<input type="checkbox"/>	CONSIDERATION OF MINUTES
<input type="checkbox"/>	PUBLIC HEARING
<input type="checkbox"/>	PRESENTATION
<input type="checkbox"/>	WORKSHOP

**CITY OF KIRBY  
CITY COUNCIL MEETING  
A G E N D A I T E M S U M M A R Y**

**DATE: August 24, 2023**

**AGENDA ITEM: 7 g.**

Discussion and possible action to appoint New Applicant(s) to join the Crime Control and Prevention District Board

<input checked="" type="checkbox"/>	DISCUSSION AND POSSIBLE ACTION ITEMS
<input type="checkbox"/>	SPECIAL CONSIDERATION
<input type="checkbox"/>	CONSIDERATION OF MINUTES
<input type="checkbox"/>	PUBLIC HEARING
<input type="checkbox"/>	PRESENTATION
<input type="checkbox"/>	WORKSHOP

**CITY OF KIRBY  
CITY COUNCIL MEETING  
A G E N D A I T E M S U M M A R Y**

**DATE: August 24, 2023**

**AGENDA ITEM: 7 h.**

Discussion and possible action to Accept the Resignation of Michael Lawrence Weden from the Economic Development Committee.

Michael W. Lawrence-Weden  
2802 Rod Schaffe  
Kirby, TX 78219

July 20, 2023  
City Secretary  
City of Kirby  
112 Bauman  
Kirby, TX 78219

Re: Letter of Resignation from Economic Development Committee

Mayor Grider, Mayor Pro Tem Apodaca, Kirby city Council Members:

In light of the actions of the Kirby City Council on the evening of July 13, I hereby immediately resign from the Economic Development Committee. The lack of civility and integrity that the members of Kirby City Council showed towards the Board Members of the Kirby Senior Center in removing them without cause and without the courtesy of notification shows me that I can no longer volunteer for any city committees since I could be dismissed at any time for no reason whatsoever. Your actions will exacerbate the problems that the city already has in finding individuals to fill the empty slots on city committees and commissions.

Having served on the Calhoun County Senior Citizens Board and chairing that board for 4 years and serving as the Chair for the Golden Crescent Regional Area Agency on Aging for three years I am aware of the many challenges senior citizens boards face. I am proud to have served as a member of the Kirby Senior Citizens Board which you just dismissed. They have been extremely dedicated to the seniors served by the center. To dismiss them in the manner in which you acted and then to announce that they are invited to attend future board meetings as members of the public was a slap in the face to all their hard work and sacrifice.

I find it curious that no mention was made in the July 13 meeting of continuing to serve the needs of the seniors. Nor was any attempt made to comment on the rumor that this action was taken in order to replace the Senior Center with a community center for the city of Kirby. Your actions in the future will reveal your integrity or lack of integrity in this matter.

All of Kirby will be watching to see what you do.

  
Michael W. Lawrence-Weden

<input checked="" type="checkbox"/>	DISCUSSION AND POSSIBLE ACTION ITEMS
<input type="checkbox"/>	SPECIAL CONSIDERATION
<input type="checkbox"/>	CONSIDERATION OF MINUTES
<input type="checkbox"/>	PUBLIC HEARING
<input type="checkbox"/>	PRESENTATION
<input type="checkbox"/>	WORKSHOP

**C I T Y O F K I R B Y**  
**C I T Y C O U N C I L M E E T I N G**  
**A G E N D A I T E M S U M M A R Y**

**DATE: August 24, 2023**

**AGENDA ITEM: 7 i.**

Discussion and possible action on adopting a Code of Ethics and Conduct for City Council members.



## **ORDINANCE \_\_\_\_\_**

### **AN ORDINANCE OF THE CITY OF KIRBY, TEXAS, AMENDING THE CODE OF ORDINANCES BY ADDING TITLE III, CHAPTER 39, CODE OF ETHICS AND CONDUCT FOR ELECTED OFFICIALS, BOARD MEMBERS, COMMISSION MEMBERS, AND COMMITTEE MEMBERS; PROVIDING FOR THE ESTABLISHMENT OF AN ETHICS REVIEW COMMISSION, PROVIDING FOR PENALTIES AND AN EFFECTIVE DATE**

WHEREAS, the City Council of the City of Kirby, Texas ("City") has determined that it is in the best interest of the City to require elected officials and appointed officials of the City to be independent, impartial and responsible to the citizens of the City; and

WHEREAS, the City Council desires to adopt a policy to govern the actions of public officials and to memorialize the officials' dedication and service to the citizens of the City; and

WHEREAS, the City Council has determined that it is in the best interest and welfare to the City to preserve the integrity and nonpartisan nature of City government by adopting a Code of Ethics and Conduct in the form attached hereto.

### **NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KIRBY, TEXAS, that:**

**Section 1. Amendments.** The Kirby Municipal Code of Ordinances Chapter 39 is hereby adopted as attached hereto and incorporated for all purposes.

**Section 2. Findings.** The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as part of the judgment and finding of the City Council.

**Section 3. Cumulative Clause.** This Ordinance shall be cumulative of all provisions of ordinances of the City of Kirby, Texas, except where the provisions of the Ordinance are in direct conflict with the provisions such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

**Section 4. Severability.** If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Ordinance would have been enacted without such invalid provision.

**Section 5. Public Meeting.** 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, Texas Government Code, as amended.

**Section 6. Effective Date.** This Ordinance is effective immediately upon its passage and any publication requirements.

PASSED AND APPROVED on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

PASSED AND APPROVED on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
JANESHIA GRIDER  
MAYOR

ATTEST:

\_\_\_\_\_  
Katelyn Ueckert,  
Interim City Secretary

PART II - CODE OF ORDINANCES  
Chapter 2 - ADMINISTRATION  
ARTICLE VIII. - CODE OF ETHICS AND CONDUCT  
DIVISION 1. CODE OF ETHICS

---

***DIVISION 1. CODE OF ETHICS***

**Sec. 2-501. Applicability and scope.**

This Code of Ethics shall apply to the mayor and city councilmembers, and all appointed board, committee, commission and corporation members of the City of Cibolo; who shall collectively be referred to as "members" in this Code.

(Ord. No. 1149 , § I(Exh. A), 2-9-2016; Ord. No. 1317 , § 1, 10-13-20)

**Sec. 2-502. Purpose.**

The purpose of this Code is to fulfill city council's obligation under Section 14.09 of the City Charter. Moreover, city council finds that its members and the members of the city's boards, committees, commissions and corporations are composed of people with a diverse range of backgrounds, personalities, values, opinions, and goals who have volunteered their time to serve their fellow citizens in the guidance and policy-making of the City of Cibolo; and that the office held by elected and appointed officials is one of trust and service, and creates special responsibilities for the office holder. Therefore, members must uphold values of professional and personal ethics that exemplify the highest of standards and demonstrate objectivity, impartiality, honesty, integrity, respect, faithfulness, and transparency.

(Ord. No. 1149 , § I(Exh. A), 2-9-2016; Ord. No. 1317 , § 1, 10-13-20)

**Sec. 2-503. Standards of ethical conduct.**

- (a) *City Charter.* Members shall respect and adhere to the City of Cibolo Charter in its entirety. The Charter provides a council-manager system of local government where the city council determines the policies of the city with the advice, information and analysis provided by the public, boards, committees, commissions and corporations and city staff. Except as provided by the Charter, members shall not interfere with the administrative functions of the city or the professional duties of city staff. Members shall also refrain from interfering with the ability of staff to implement council policy decisions. Furthermore, members shall comply with all of the Charter requirements for prohibitions (section 3.07); conflicts of interest (article III, section 3.10; article XIV, section 14.07); nepotism (article XIV, section 14.01); equality of rights (article XIV, section 14.02); wrongful influence (article XIV, section 14.03); wrongful interference (article XIV, section 14.04); political activities (article XIV, section 14.05); accepting gifts (article XIV, section 14.08); and compliance with this Code of Ethics and Conduct (article XIV, section 14.09). Specific examples of violations of the Charter that shall be avoided are as follows:
- (1) Do not get involved with administrative functions. Members shall not attempt to unethically influence or coerce the city manager or department heads concerning either their actions or recommendations to the city council, boards, committees, commissions or corporations about personnel, purchasing, awarding contracts, selection of consultants, processing development applications, or the granting of city licenses or permits.

- 
- (2) Do not attend city staff meetings unless requested by staff. Even if the member does not say anything, the member's presence may imply support, show partiality, intimidate staff, and hamper the ability of staff to do their jobs objectively.
  - (3) Make no promises on behalf of city council, boards, committees, commissions, corporations or staff. Members shall not overtly or implicitly promise action on the part of the city council, a particular board, committee, commission, corporation or city staff on any matter specifically delegated by the City Charter to be handled by the city manager. For any matters not specifically delegated to the city manager by the Charter, the member should still refer the matter to the city manager and, if the member feels necessary to do so, may then bring the matter before the city council for consideration and action. When approached by the public to address or correct a situation for which the city manager is responsible for managing under the Charter or any ordinance, rule or regulation of the city, members shall refer the public to the city manager or advise the public that the member will refer the matter to the city manager.
- (b) *Additional standards of ethical conduct.*
- (1) *Confidential information.* Members shall respect the confidentiality of information concerning the property, personnel, or affairs of the city. They shall neither disclose confidential information without proper legal authorization, disclose information protected by attorney-client privilege, nor use such information to advance their personal interests, financial or otherwise, nor advance the interests of third parties.
  - (2) *Public resources.* Members shall not use public resources not available to the public in general, such as city staff time, equipment, supplies, or facilities, for private gain or personal purposes.
  - (3) *Special advantage.* Members shall not take any special advantage of services or opportunities for personal gain by virtue of their public office that is not available to the public in general. They shall refrain from accepting any gifts, favors, or promises of future benefits which might compromise their independence of judgment or action or give the appearance of being compromised; and, even when the acceptance of a gift would technically be permissible under section 14.08, Members shall not accept any gifts, favors, or promises of future benefits which might compromise their independence of judgment or action or give the appearance of being compromised.
  - (4) *Open meetings.* Members shall comply with the Texas Open Meeting Act (Tex. Government Code Chapter 551) and shall report any attempt by other members to circumvent the requirements of the Texas Open Meeting Act. Members shall not post communications or information on social media relating to city business when such posting may be viewed and commented on by a quorum of the membership in violation of the Texas Open Meetings Act.
  - (5) In accordance with the law, members shall disclose investments, interest in real property, sources of income and gifts, and any other interests in direct business transactions that involve their capacity as an official of the city and where official actions by the city council, committee, commission, board or corporation members are required. Members shall abstain from participating in deliberations and decision-making where such conflicts may exist.
  - (6) Issues that may require the involvement of outside agencies. "Outside agencies" mean state administrative agencies, boards, committees' commissions or other type of enforcement bodies and county, state or federal law enforcement agencies. If a member or city employee has reason to believe that an issue has arisen that requires the consultation with, referral to or involvement of an outside agency to assist the city with resolving the issue and that involves possible criminal activity by another member, or officer or employee of the city, the individual shall first consult with the city manager and, if the individual or city manager still finds it is necessary to do so, may bring the matter before the full city council to ascertain whether action against the member, officer or employee is appropriate.

- 
- (7) *Oath of appointment.* An appointee to a board, commission, committee and corporation shall abide by the terms of their oath of appointment.
  - (8) *Failure to adhere to Code.* Members will only be investigated for allegations of violations of the Code of Ethics if a sworn complaint is filed with the city secretary. Complaints will be processed in accordance with procedures provided in section 2-523. City council may impose a fine in accordance with section 2-523(8).

(Ord. No. 1149 , § I(Exh. A), 2-9-2016; Ord. No. 1222 , § II, 11-14-2017; Ord. No. 1317 , § 1, 10-13-20)

**Secs. 2-504—2-520. Reserved.**

## ***DIVISION 2. INVESTIGATIONS AND HEARINGS***

**Sec. 2-521. Applicability and scope.**

This section shall address the process by which city council shall conduct investigations and hearings authorized by City Charter sections 14.10 (2) and to conduct hearings for violations of the Code of Ethics contained in this chapter.

(Ord. No. 1149 , § I(Exh. A), 2-9-2016)

**Sec. 2-522. Purpose.**

This section is adopted in compliance with the directive stated in City Charter section 14.10 (2), (E). If in doubt about any part of division contact the office of the city manager.

(Ord. No. 1149 , § I(Exh. A), 2-9-2016)

**Sec. 2-523. Rules for conduct of hearing.**

At any hearing held under this section during the investigation or disposition of a sworn complaint, the following rules apply:

- (1) *Prehearing review.* All complaints shall be sworn per section 2-503(b)(8) and subject to pre-hearing review as follows:
  - a. *Review by city attorney.* If a complaint is made against a member of a board, committee or commission the complaint shall be reviewed by the city attorney, who shall provide a legal opinion to city council stating whether or not the allegations in the complaint, if taken as true, constitute a violation of the City Charter or the Code of Ethics.
    - 1. If the city attorney determines that the allegations, if taken as true, constitute a violation of the City Charter or the Code of Ethics the city council shall proceed with a fact finding hearing as provided herein.
    - 2. If the city attorney determines that the allegations, if taken as true, do not constitute a violation of the City Charter or the Code of Ethics the city council shall dismiss the charge without further proceedings unless a majority of city council vote to overrule the city attorney's opinion, in which case the city council shall proceed with a fact finding hearing as provided herein.

- 
- (2) *Fact finding hearing.* For complaints filed by the mayor, or a member of city council, or for all other complaints city council has accepted after pre-hearing review, the following rules shall apply:

a. *General rules.*

1. *Open session.* All hearings shall be conducted in open session of city council, except that city council may conduct a closed session to receive advice from its attorney pursuant to the Texas Open Meetings Act.
2. *Special called meeting.* A special meeting of city council shall be called to hold the hearing.
3. *Public comment.* No public comment shall be allowed unless agreed to by a majority vote of city council. In the event that city council determines to allow public comment it shall set rules for public comments prior to the opening of the hearing.
4. *Council participation.* A member of city council who is either the complainant or respondent shall not sit at the dais during the hearing and shall not participate in any deliberation or vote during the hearing. For the purposes of this section, the term city council shall refer to members of city council participating in the hearing; and, action shall be taken on majority vote, unless a super majority is prescribed by the City Charter.
5. *Presiding officer.* The mayor, or, in the event of the mayor's unavailability, the mayor pro-tem; or in the event of the mayor pro-tem's unavailability, a member of city council selected by a majority of city council shall preside over the hearing.
6. *Respondent's right of appearance.* The person charged (respondent) in the complaint has the right to attend the hearing, the right to make a statement, the right to present witnesses, and the right to be accompanied by legal counsel or another advisor. Only legal counsel to the person charged in the complaint may advise that person during the course of the hearing, but may not speak on his or her behalf, except with the permission of city council or as prescribed in this section. Notice of the date and time of the hearing, and a copy of the complaint, shall be furnished to the respondent no later than the tenth day before the date of fact finding hearing.
7. *Complainant's right of appearance.* The person making a charge (complainant) has the right to attend the hearing, the right to make a statement, and the right to be accompanied by legal counsel or another advisor. Only legal counsel to the complainant may advise the complainant during the course of the hearing, but may not speak on behalf of the complainant, except with the permission of city council or as prescribed by this section. Witnesses may not be presented by the complainant, except with the permission of city council.

b. *Procedures.*

1. *Opening hearing.* The presiding officer shall open the hearing with an announcement of the nature of the hearing and the reading of the complaint, or a summary of the complaint, which shall include the allegations to be considered.
2. *Investigation results.* After opening the hearing, the presiding officer shall call for the presentation of the results of any investigation.
3. *Complainant and respondent statements.* After presentation of investigation results the presiding officer shall call for statements. The complainant and the respondent shall have ten minutes each to make a statement and statements may be made by the complainant's or respondent's legal counsel. The complainant shall precede the respondent when making statements.

---

4. *Witnesses.*

- (i) Witnesses may be offered by the respondent; witnesses may be offered by complainant with the consent of city council and any member of city council may offer witnesses.
  - (ii) Witness lists shall be offered to city council by respondent; complainant and members of city council prior to the questioning of any witness. City council shall then vote as to which of complainant's witnesses, if any, may be called to testify.
  - (iii) The presiding officer shall call witnesses from the witness list tendered by respondent and members of city council and those tendered by complainants who were approved by city council. Additional witnesses, offered by city council members, may not be called unless approved by a majority of city council present.
  - (iv) All witnesses must be sworn and all questioning of witnesses shall be conducted by the members of city council.
  - (v) Each member of city council shall be given an opportunity to offer questions to the witnesses, as called upon by the presiding officer. After each member has such opportunity, the questioning of witnesses shall close unless city council, by majority vote, chose to allow additional rounds of questioning.
  - (vi) Prior to questioning a witness may make a preliminary statement that shall not exceed three minutes.
- (4) *Modification of rules.* City council may establish time limits, which diverge from these rules, and other rules relating to the participation of any person in the hearing as the particulars of each hearing dictate; provided that such rules are imposed in a non-discriminatory manner as to the rights of the complainant and respondent and are agreed upon by a majority of city council prior to the opening of the hearing.
- (5) *Deliberations.* After the conclusion of the examination of witnesses city council shall deliberate the offered evidence.
- a. In its deliberations city council shall rely on evidence of which a reasonably prudent person commonly relies in the conduct of the person's affairs. City council shall further abide by the following:
    - 1. City council shall only consider evidence relevant to the allegations; and
    - 2. City council shall not consider hearsay unless it finds the nature of the information is reliable and useful.
- (6) *Findings of fact and law.* After deliberations city council shall vote on whether each allegation was proven true by a preponderance of the evidence, and if true, the section of the Charter or the Code of Ethics that was violated.
- (7) *Disposition.* The disposition of a matter by city council is final. If city council determines an allegation is not true, the matter shall be dismissed and city council shall take no further action, except to direct the city secretary to prepare an order, to be executed by the mayor, stating the nature of the allegations and the city council's findings. If city council determines an allegation to be true, the city council shall direct the city secretary to prepare an order, to be executed by the mayor, stating the nature of the allegations and the city council's findings and disposition of the matter, which may include any of the following:

- 
- a. *Caution the member.* A caution is educational in nature in that it provides guidance to the member, and others, so that future violations do not occur.
  - b. *Censure.* A censure is penal in nature in that it is a public expression of city council's disapproval of the acts or omissions that led to the violation of the Charter or the Code of Ethics.
  - c. *Removal.* Any member who serves at the pleasure of the city council may be removed upon a finding that the member violated the City Charter or the Code of Ethics.
  - d. *Fine.* For any allegation or allegations, specified in a sworn complaint that is/are substantiated by independent counsel or by city council as a result of a hearing, city council may impose a fine of up to \$250.00, upon any respondent named in the substantiated allegation(s).
  - e. *City Charter.* City council may take further action as may be authorized by the City Charter.

(Ord. No. 1149 , § I(Exh. A), 2-9-2016; Ord. No. 1317 , § 1, 10-13-20)

#### **Sec. 2-524. Power to subpoena witnesses and issue contempt orders.**

- (a) *Purpose and scope.* This section is adopted in compliance with the directive stated in City Charter Sections 3.06 and 14.10 (1) (E) and shall prescribe the punishment city council may impose against any person who violates a subpoena of witnesses or for the compelling of production of books, papers or other evidence.
- (b) *Subpoena power.* For the purpose of investigations and hearings, city council shall have the power to administer oaths, subpoena witnesses, compel the production of books, papers, and other evidence material to the inquiry.
- (c) *Contempt orders.* City council may impose a fine upon any person, whether or not an official or employee of the city, who violates any subpoena, issued pursuant to the City Charter and this section, and such fine shall not exceed \$250.00.

(Ord. No. 1149 , § I(Exh. A), 2-9-2016; Ord. No. 1317 , § 1, 10-13-20)

#### **Secs. 2-525—2-530. Reserved.**

### ***DIVISION 3. CODE OF CONDUCT***

#### **Sec. 2-531. Applicability and scope.**

The Code of Conduct shall be a council policy directive that shall be executed by the mayor, city council and members of all boards, committees, commissions and corporations within 30 days of being sworn into office. A complaint may not be filed for an alleged violation of the Code of Conduct policy.

(Ord. No. 1149 , § I(Exh. A), 2-9-2016; Ord. No. 1317 , § 1, 10-13-20)

#### **Sec. 2-532. Purpose.**

Election to the office of city council member reflects the trust the citizens of the City of Cibola have placed in its councilmembers; and appointment to a board, committee or commission reflects equal trust that the council has placed in its appointees. The purpose of this Code is to describe the manner in which members should treat one another, city staff, constituents, and others as representatives of the City of Cibola. And while it is understood that members shall not always agree as to adoption of policy and decisions that affect the city, members must



---

always be mindful that citizens expect members to conduct themselves in a respect and civil manner. The subsections below, while not an exhaustive list, are set out as a guide as to manner members should conduct themselves at all times.

(1) Respect for each other, city staff and the citizens of Cibolo.

- a. *Honor the principles of representative government.* Members shall recognize that public policy decisions, based on established values, are ultimately the responsibility of the entire city council.
- b. *Honor the role of the presiding officer in maintaining order.* It is the responsibility of the mayor or the board, committee or commission chair to keep the comments of members on track during their respective meetings. Members should honor efforts by the presiding officer to focus discussion on current agenda items. If there is a disagreement about the agenda or the presiding officer's actions, those objections should be voiced politely and with reason as prescribed by the Charter.
- c. *Continuance of respectful behavior in private discussions.* Members are expected to carry the same respect deemed appropriate for public discussion into private conversations, whether they be face- to-face, written communications, voicemails, emails, texts, or through social media. Members should refrain from making belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments in public or private conversation.
- d. *Treat all staff as professionals.* The city staff is composed of professionals who have been hired to execute the policies, ordinances, and laws put into effect by the City of Cibolo, the State of Texas, and the United States of America. As such, clear, honest communication that respects the abilities, experience, and dignity of each individual is expected.
- e. *Honor the work of boards, committees and commissioners.* Members shall respect the value of the independent advice of city boards, committees and commissions to the public decision-making process and shall refrain from using their position to unduly influence the deliberations or outcomes of board, committees and commission proceedings.
- f. *Maintain respect for city staff and citizens.* Members shall support the maintenance of a positive and constructive workplace environment for city employees and for citizens and businesses dealing with the city. Members shall recognize their special role in dealing with city employees and in no way create the perception of inappropriate direction to staff.
- g. *Never publicly criticize an individual employee.* Members should refrain from expressing concerns about the performance of a city employee in public or to the employee directly. Comments about staff performance should only be made to the city manager through private correspondence or conversations.
- h. *Practice civility and decorum in discussions and debate.* Members should preserve order and decorum during meetings and should not, by conversation or other action, delay or interrupt the proceedings or refuse to obey the orders of the presiding officer of the meeting or of this Code of conduct. Members should, when addressing staff or members of the public, confine themselves to questions or issues then under discussion. Members shall not engage in personal attacks, nor impugn the motives of any speaker, and shall at all times, while in session or otherwise, conduct themselves in a manner appropriate to the dignity of their office.
- i. *Speak with one voice.* Members will frequently be asked to explain an action or to give their opinion about an issue as they meet and talk with constituents in the community. It is appropriate to give a brief overview of the facts or city policies as they relate to actions taken by the city council, board, committee or commission. Objectively present the city council, board, committee or commissions' collective decision or direction, even when you may not agree. If you

---

feel the need to express your own opinion, state it in a way that does not undermine the collective decision or direction made.

(2) Endeavor towards effective and efficient governance.

- a. *Strive for efficiency.* Members shall be dedicated to public service by being cooperative and constructive, and by making the best and most efficient use of available resources.
- b. *Direct administrative and operational questions to city management.* Questions of city staff and/or requests for additional information that would be of interest to all members should be directed to the city manager. The city manager should be copied on any request. Materials supplied to a member in response to a request will be made available to all members so that all have equal access to information.
- c. When possible, keep communications with city staff short, to the point and at the best possible time. Every effort should be made to limit disruption to the work of city staff. Members should avoid making requests to staff who are in meetings, on the phone, or engrossed in performing their job functions.
- d. *Check with city staff on correspondence before taking action.* Before sending correspondence, members should check with the city manager to see if an official city response has already been sent or is in progress.
- e. *Legal advice.* Before requesting research or other action by the city attorney, members should consult with the city manager or obtain the concurrence of the city council to ascertain whether the request or action is appropriate can be accomplished more cost effectively by alternative means. Requests of the city attorney should be made through the city manager. Exceptions to this are issues related to the performance of the city manager and unique and sensitive personal, yet city business related, requests. The city attorney shall, in any case, provide any written response to the full city council and the city manager.

(Ord. No. 1149 , § I(Exh. A), 2-9-2016)

**Secs. 2-533—2-540. Reserved.**

***DIVISION 4. ADMINISTRATION.***

**Sec. 2-541. Ethics training required.**

All members of the city council, every officer of the city, every member of all boards, committees, commissions and corporations of the city and every city employee governed by this article shall attend a training session on the requirements of this ethics and conduct ordinance at least once every three years. This training session shall be scheduled by the city manager with the approval of the city council no later than February of each year for any elected or appointed official who has not attended a training session in the last three years.

(Ord. No. 1149 , § I(Exh. A), 2-9-2016; Ord. No. 1317 , § 1, 10-13-20)

**Sec. 2-542. Annual review.**

The city council shall conduct an annual review of the city's ethics and conduct policies to ensure that the provisions thereof remain applicable, necessary and sufficient to govern the conduct and practices of the city

---

council, boards, committees, commissions and the city's employees. The city council may, in its discretion, delegate this annual review process to a commission, board or committee.

(Ord. No. 1149 , § I(Exh. A), 2-9-2016)

**Sec. 2-543. Member ethics statement.**

- (a) Members of the city council, boards, committees, commissions and corporations must read, abide by, and sign a copy of the member ethics statement. The signed copy will be maintained on file in the office of the city secretary throughout the tenure of the member's position on the city council, board, committee, commission or corporation.
- (b) The form for the members' ethics statement shall be as established by council policy and be available for public examination in the office of the city secretary.

(Ord. No. 1149 , § I(Exh. A), 2-9-2016; Ord. No. 1317 , § 1, 10-13-20)

**Secs. 2-544—2-550. Reserved.**

***ARTICLE IX. MUNICIPAL COURT OF RECORD***

PART II - CODE OF ORDINANCES  
Chapter 2 - ADMINISTRATION  
ARTICLE III. - OFFICERS AND EMPLOYEES  
DIVISION 4. ETHICS REGULATIONS

---

***DIVISION 4. ETHICS REGULATIONS<sup>1</sup>***

**Sec. 2-81. Definitions.**

As used in this division, the following words and phrases have the meaning ascribed to them in this section, unless the context requires otherwise or more specific definitions set forth elsewhere in this division apply:

*Acceptance.* "Acceptance" of an offer of subsequent employment or business opportunities includes legally binding contracts and all informal understandings that the parties expect to be carried out.

*Affiliated.* Business entities are "affiliated" if one is the parent or subsidiary of the other or if they are subsidiaries of the same parent business entity.

*Affinity.* Relationship by "affinity" (by marriage) is defined in V.T.C.A., Government Code §§ 573.024 and 573.025.

*Before the city.* Representation or appearance "before the city" means before the city council; before a board, commission, or other city entity; or before a city official or employee.

*Benefit.* "Benefit" means anything reasonably regarded as pecuniary gain or pecuniary advantage, including a benefit to any other person in whose welfare the beneficiary has a direct and substantial interest.

*Business entity.* "Business entity" means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, unincorporated association, or any other entity recognized by law.

*City.* "City" means the City of Live Oak.

*City official.* The term includes the following persons: The mayor, members of the city council, municipal court judges and magistrates, the city attorney, the city manager, assistant city managers, department heads, executive secretaries, members of all boards, commissions, committees, and other bodies created by the city council pursuant to federal or state law or city ordinance, including entities that may be advisory only in nature; and board members of any entity who were appointed by the city council to such board membership.

*Code of ethics.* "Code of ethics," "ethics code," or "this code" means section 2-81 through 2-89 of this division.

*Confidential government information.* "Confidential government information" includes all information held by the city that is not available to the public under the Texas Open Records Act and any information from a meeting closed to the public pursuant to the Texas Open Meetings Act, regardless of whether disclosure violates the Act.

*Consanguinity.* Relationship by "consanguinity" (by blood) is defined in V.T.C.A., Government Code, §§ 573.022 and 573.023.

---

<sup>1</sup>Editor's note(s)—Ord. No. 1377, §§ I, II, adopted July 29, 2008, repealed and reenacted division 4 in its entirety to read as herein set out. Formerly, division 4 pertained to similar subject matter, and derived from Ord. No. 1266, adopted July 25, 2006.

---

**Discretionary contract.** "Discretionary contract" means any contract other than those which by law must be awarded on a low or high qualified bid basis.

**Economic interest.** "Economic interest" includes, but is not limited to, legal or equitable property interests in land, chattels, and intangibles, and contractual rights having more than de minimis value. Service by a city official or employee as an officer, director, advisor, or otherwise active participant in an educational, religious, charitable, fraternal, or civic organization does not create for that city official or employee an economic interest in the property of the organization. Ownership of an interest in a mutual or common investment fund that holds securities or other assets is not an economic interest in such securities or other assets unless the person in question participates in the management of the fund.

**Employee.** Except as otherwise provided elsewhere in this division, the term "employee" or "city employee" is any person listed on the city payroll as an employee, whether part-time or full-time.

**Ethics law.** "Ethics law" means any rule, regulation, ordinance, policy or statute whether local, state or federal in nature within the jurisdictional authority of the ethics review board as described in subsection 2-87(b).

**Former city official or employee.** A "former city official" or "former city employee" is a person whose city duties terminate after the passage of this division.

**Gift.** "Gift" means a voluntary transfer of property (including the payment of money) or the conferral of a benefit having pecuniary value (such as the rendition of services or the forbearance of collection on a debt), unless consideration of equal or greater value is received by the donor.

**Indirect ownership.** A person "indirectly owns" an equity interest in a business entity where the interest is held through a series of business entities, some of which own interests in others.

**Knowingly.** A person acts "knowingly," or with knowledge, with respect to the nature of his or her conduct or to circumstances surrounding his or her conduct when he or she is aware of the nature of his or her conduct or that the circumstances exist. A person acts knowingly, or with knowledge, with respect to a result of his or her conduct when he or she is aware that his or her conduct is reasonably certain to cause the result.

**Officer or city officer.** "Officer" or "city officer" includes:

- (1) The mayor or any council member;
- (2) A municipal judge or magistrate or the city attorney;
- (3) A member of any board or commission which is more than advisory in function.

**Official action.** "Official action" includes:

- (1) Any affirmative act (including the making of a recommendation) within the scope of, or in violation of, an official or employee's duties; and
- (2) Any failure to act, if the city official or employee is under a duty to act and knows that inaction is likely to affect substantially an economic interest of the city official or employee or any person or entity listed in subsection 2-82(a)(1)b. through i.

**Official information.** "Official information" includes information gathered pursuant to the power or authority of city government.

**Outside business associate.** "Outside business associate" includes a person if both that person and the city official or employee own, with respect to the same business entity:

- (1) Ten percent or more of the voting stock or shares of the business entity; or
- (2) Ten percent or more of the fair market value of the business entity.

---

*Outside client.* "Outside client" includes business relationships of a highly personalized nature, but not ordinary business-customer relationships.

*Ownership.* Ownership of an interest in a mutual or common investment fund that holds securities or other assets does not constitute direct or indirect ownership of such securities or other assets unless the person in question participates in the management of the fund.

*Partner.* "Partner" includes partners in general partnerships, limited partnerships, and joint ventures.

*Personally and substantially participated.* The requirement of having "personally and substantially participated" in a matter is met only if the individual in fact exercised discretion relating to the matter. The fact that the person had responsibility for a matter does not by itself establish that the person "personally and substantially participated" in the matter.

*Representation.* "Representation" encompasses all forms of communication and personal appearances in which a person, not acting in performance of official duties, formally or informally serves as an advocate for private interests. Lobbying, even on an informal basis, is a form of representation. "Representation" does not include appearance as a witness in litigation or other official proceedings.

*Solicitation.* "Solicitation" of subsequent employment or business opportunities includes all forms of proposals and negotiations relating thereto.

(Ord. No. 1377, § II(Exh. A), 7-29-08)

## **Sec. 2-82. General.**

### **(a) *Improper economic benefit.***

- (1) *General rule.*** To avoid the appearance and risk of impropriety, a city official or employee shall not take any official action that he or she knows is likely to have an economic effect that is distinguishable from its economic effect on members of the public in general for:
  - a. The city official or employee;
  - b. His or her parent, child, spouse, or other family member within the second degree of consanguinity or affinity;
  - c. His or her outside client;
  - d. A member of his or her household;
  - e. The outside employer of the city official or employee or of his or her parent, child, or spouse;
  - f. A business entity in which the city official or employee knows that any of the persons listed in subsections a. or b. holds an economic interest;
  - g. A business entity which the city official or employee knows is an affiliated business or partner of a business entity in which any of the persons listed in subsections a. or b. holds an economic interest;
  - h. A business entity or nonprofit entity for which the city official or employee serves as an officer or director or in any other policy making position; or
  - i. A person or business entity:
    1. From whom, within the past 12 months, the city official or employee, or his or her spouse, directly or indirectly has (i) solicited, (ii) received and not rejected, or (iii) accepted an offer of employment; or

- 
2. With whom the city official or employee, or his or her spouse, directly or indirectly is engaged in negotiations pertaining to business opportunities.

(b) *Unfair advancement of private interests.*

- (1) *General rule.* A city official or employee may not use his or her official position to unfairly advance or impede private interests, or to grant or secure, or attempt to grant or secure, for any person (including himself or herself) any form of special consideration, treatment, exemption, or advantage beyond that which is lawfully available to other persons.
- (2) *Special rules.* The following special rules apply in addition to the general rule:
- Reciprocal favors.* A city official or employee may not enter into an agreement or understanding, whether verbal or written, with any other person that official action by the city official or employee will be rewarded or reciprocated by the other person, directly or indirectly.

(c) *Gifts.*

- (1) *General rule.* A city official or employee shall not solicit, accept, or agree to accept any gift or benefit: That reasonably tends to influence or reward official conduct; or
- (2) *Special applications.* Subsections (1)a. and b., do not include:
- a. A gift to a city official or employee relating to a special occasion, such as a wedding, anniversary, graduation, birth, illness, death, or holiday, provided that the value of the gift is fairly commensurate with the occasion and the relationship between the donor and recipient;
  - b. Reimbursement of reasonable expenses for travel authorized in accordance with city policies;
  - c. A public award or reward for meritorious service or professional achievement provided that the award or reward is reasonable in light of the occasion;
  - d. A loan from a lending institution made in its regular course of business on the same terms generally available to the public;
  - e. A scholarship or fellowship awarded on the same terms and based on the same criteria that are applied to other applicants; or
  - f. Admission to an event in which the city official or employee is participating in connection with official duties.
- (3) *Campaign, contribution exception.* The general rule stated in subsection (1) does not apply to a campaign contribution made pursuant to the Texas Election Code.
- (4) *Gifts to closely related persons.* A city official or employee shall take reasonable steps to persuade:
- a. A parent, spouse, child, or other relative within the second degree of consanguinity or affinity; or
  - b. An outside business associate not to solicit, accept, or agree to accept any gift or benefit:
    - 1. That reasonably tends to influence or reward the city official's or employee's official conduct; or
    - 2. That the official or employee knows or should know might reasonably be perceived as tending to influence or reward the city official's or employee's discharge of official duties.

If a city official or employee required to file a financial disclosure report under section 2-87 knows that a gift or benefit meeting the requirements of subsections (4)b.1. or 2., has been accepted and retained by a person within subsections (4)a. or b., the official or employee shall promptly file a report with the city secretary's office

---

disclosing the donor, the value of the gift or benefit, the recipient, and the recipient's relationship to the official employee filing the report.

(d) *Confidential information.*

- (1) *Improper access.* A city official or employee shall not use his or her position to secure official information about any person or entity for any purpose other than the performance of official responsibilities.
- (2) *Improper disclosure or use.* A city official or employee shall not intentionally or knowingly disclose any confidential information gained by reason of said official or employee's position concerning the property, operations, policies or affairs of the city. This rule does not prohibit: Any disclosure that is no longer confidential by law; or the confidential reporting of illegal or unethical conduct to authorities designated by law.

(e) *Representation of private interests.*

- (1) *Representation by a member of the board.* A city official or employee who is a member of a board or other city body shall not represent any person, group, or entity:
  - a. Before that board or body;
  - b. Before city staff having responsibility for making recommendations to, or taking any action on behalf of, that board or body, unless the board or body is only advisory in nature; or
  - c. Before a board or other city body which has appellate jurisdiction over the board or body of which the city official or employee is a member, if any issue relates to the official's or employee's duties.
- (2) *Representation before the city.*
  - a. *General rule.* A city official or employee shall not represent for compensation any person, group, or entity, other than himself or herself, or his or her spouse or minor children, before the city. For purposes of this subsection, the term "compensation" means money or any other thing of value that is received, or is to be received, in return for or in connection with such representation.
  - b. *Prestige of office and improper influence.* In connection with the representation of private interests before the city, a city official or employee shall not:
    1. Assert the prestige of the official's or employee's city position for the purpose of advancing private interests; or
    2. State or imply that he or she is able to influence city action on any basis other than the merits.

(f) *Public property and resources.* A city official or employee shall not use, request, or permit the use of city facilities, personnel, equipment, or supplies for private purposes (including political purposes), except:

- (1) Pursuant to duly adopted city policies; or
- (2) To the extent and according to the terms that those resources are lawfully available to the public.

(g) *Political activity.* Limitations on the political activities of city officials and employees are imposed by state law, the City Charter, and city personnel rules. In addition, the following ethical restrictions apply:

- (1) *Influencing subordinates.* A city official or employee shall not, directly or indirectly, induce or attempt to induce any city subordinate of the official or employee to:
  - a. Participate in an election campaign, contribute to a candidate or political committee, or engage in any other political activity relating to a particular party, candidate, or issue; or



- 
- b. Refrain from engaging in any lawful political activity.

A general statement merely encouraging another person to vote does not violate this rule.

- (2) *Paid campaigning.* A city official or employee shall not accept any thing of value, directly or indirectly, for political activity relating to an item pending on the ballot, if he or she participated in, or provided advice relating to, the exercise of discretionary authority by a city body that contributed to the development of the ballot item. Any thing of value does not include a meal or other item of nominal value the city official or employee receives in return for providing information on an item pending on the ballot.
- (3) *Official vehicles.* A city official or employee shall not display or fail to remove campaign materials on any city vehicle under his or her control.

(h) *Actions of others.*

- (1) Violations by other persons. A city official or employee shall not knowingly assist or induce, or attempt to assist or induce, any person to violate any provision in this division.
- (2) Using others to engage in forbidden conduct. A city official or employee shall not violate the provisions of this division through the acts of another.
- (3) All contracts for administrative services between a member of the city council and independent contractors shall contain a provision requiring the independent contractor to comply with all requirements imposed by this division on city employees.

(Ord. No. 1377, § II(Exh. A), 7-29-08)

**Sec. 2-83. Applicability of section 12.01 of the City Charter.**

- (a) An officer or employee has a "financial interest" in a contract with the city or in the sale to the city of land, materials, supplies, or service, if any of the following individuals or entities is a party to the contract or sale:
  - (1) The officer or employee;
  - (2) His or her parent, child, or spouse;
  - (3) A business entity in which the officer or employee, or his or her parent, child or spouse, directly or indirectly owns any stock, bond, or financial instrument providing a tangible financial interest; i.e., taxable income.
  - (4) A business entity of which any individual or entity listed in subsections (1), (2) or (3) is:
    - a. A subcontractor on a city contract;
    - b. A partner; or
    - c. A parent or subsidiary business entity.
- (b) Definitions. For purposes of enforcing section 12.01 of the City Charter the terms "officer" and "employee" shall be as defined in section 2-81.

(Ord. No. 1377, § II(Exh. A), 7-29-08)

**Sec. 2-84. Former city officials and employees.**

- (a) *Continuing confidentiality.* A former city official or employee shall not use nor disclose confidential government information acquired during service as a city official or employee. This rule does not prohibit:

- 
- (1) Any disclosure that is no longer confidential by law; or
  - (2) The confidential reporting of illegal or unethical conduct to authorities designated by law.
- (b) *Subsequent representation.*
- (1) *Representation by a former board member.* A person who was a member of a board or other city body shall not represent for compensation any person, group, or entity for a period of one year after the termination of his or her official duties:
    - a. Before that board or body;
    - b. Before city staff having responsibility for making recommendations to, or taking any action on behalf of, that board or body, unless the board or body is only advisory in nature; or
    - c. Before a board or other city body which has appellate jurisdiction over the board or body of which the former city official or employee was a member, if any issue relates to his or her former duties.
  - (2) *Representation before the city.* A former city official or employee shall not represent for compensation any person, group, or entity, other than himself or herself, or his or her spouse or minor children, before the city for a period of one year after termination of his or her official duties.

(Ord. No. 1377, § II(Exh. A), 7-29-08)

## **Sec. 2-85. Discretionary contracts.**

- (a) *Impermissible interest in discretionary contract or sale.* This subsection applies only to contracts or sales made on a discretionary basis, and not to contracts or sales made on a competitive bid basis. Within one year of the termination of official duties, a former city officer or employee shall not have a financial interest, direct or indirect, in any discretionary contract with the city, and shall not be financially interested, directly or indirectly, in the sale to the city of any land, materials, supplies, or service. Any violation of this section, with the knowledge, express or implied, of the individual or business entity contracting with the council shall render the contract involved voidable by the city manager or the council. A former city officer or employee has a prohibited "financial interest" in a discretionary contract with the city or in the sale to the city of land, materials, supplies, or service, if any of the following individuals or entities is a party to the contract or sale:
- (1) The former officer or employee;
  - (2) His or her parent, child, or spouse;
  - (3) A business entity in which the former officer or employee, or his or her parent, child or spouse, directly or indirectly owns any stock, bond, or financial instrument providing a tangible financial interest, i.e., taxable income.
  - (4) A business entity of which any individual or entity listed in subsections (1), (2) or (3) is:
    - a. A subcontractor on a city contract;
    - b. A partner; or
    - c. A parent or subsidiary business entity.
- (b) *Prior participation in negotiation or awarding.* A former city official or employee may not, within one year of the termination of official duties, perform work on a compensated basis relating to a discretionary contract, if he or she personally and substantially participated in the negotiation or awarding of the contract. A former city official or employee, within one year of termination of official duties must disclose to the city secretary immediately upon knowing that he or she will perform work on a compensated basis relating to a

---

discretionary contract for which he or she did not personally and substantially participate in its negotiation, award or administration. This subsection does not apply to a person who was classified as a city official only because he or she was an appointed member for a board or other city body.

- (c) *Exception: prior employment or status.* Notwithstanding subsections (a) and (b), a former city official or employee may upon leaving official duties return to employment or other status enjoyed immediately prior to commencing official city duties.
- (d) *Definitions.* For purposes of this section:
  - (1) A "former city employee" is any person who, prior to termination of employee status, was required to file a financial disclosure statement pursuant to section 2-87.
  - (2) A "former city officer" is any person who, immediately prior to termination of official duties, was:
    - a. The mayor or a member of city council;
    - b. A municipal judge or magistrate or the city attorney;
    - c. A member of any board or commission which is more than advisory in function. The term does not include members of the board of another governmental entity even if some or all of these members are appointed by the city.
  - (3) The term "contract" means any discretionary contract other than a contract for the personal services of the former city official or employee.
  - (4) The term "service" means any services other than the personal services of the former official or employee.

(Ord. No. 1377, § II(Exh. A), 7-29-08)

## **Sec. 2-86. Employees subject to V.T.C.A., Local Government Code ch. 176.**

- (a) The requirements of V.T.C.A., Local Government Code §§ 176.003 and 176.004 are hereby extended to and applicable to any employee of the city who has the authority to approve contracts on behalf of the city.
- (b) A list of the employees subject to this section shall be maintained by the city secretary's office.

(Ord. No. 1377, § II(Exh. A), 7-29-08)

## **Sec. 2-87. Ethics review board.**

- (a) *Structure of the ethics review board.*
  - (1) *Establishment.* There is hereby established an ethics review board, which shall have the powers and duties specified in this division.
  - (2) *Composition.* The ethics review board shall consist of five members. Each member of the city council shall nominate one member of the board. Each nominee must be confirmed by a majority of city council members. Nomination and confirmation of board members shall be conducted at open meetings of the city council.
  - (3) *Terms of office.* Board members shall be appointed to two-year terms. Initial appointments shall be made so that terms are staggered. No member shall serve for more than three two-year terms.
  - (4) *Qualifications.* Members of the board shall have good moral character and shall be residents of the city. No member of the board shall be:

- 
- a. A salaried city official or employee;
  - b. An elected public official;
  - c. A candidate for elected public office;
  - d. An officer of a political party; or
- (5) *Removal.* Members of the ethics review board may be removed from office for cause by a majority of the city council only after a public hearing at which the member was provided with the opportunity to be heard. Grounds for removal include: failure to satisfy, or to continue to satisfy, the qualifications set forth in subsection (4); substantial neglect of duty; gross misconduct in office; inability to discharge the powers or duties of office; or violation of any provision in this division.
- (6) *Vacancies.* A vacancy shall be filled by a person who will serve for the remainder of the unexpired term. The appointment shall be made by the member of city council who is entitled to make appointments to the seat that was vacated, and must be confirmed by a majority of the city council.
- (7) *Recusal.* A member of the ethics review board shall recuse himself or herself from any case in which, because of familial relationship, employment, investments, or otherwise, his or her impartiality might reasonably be questioned. A board member may not participate in official action on any complaint:
- a. That the member initiated;
  - b. That involves the member of city council who nominated him or her for a seat on the ethics review board; or
  - c. During the pendency of an indictment or information charging the member with an offense, or after a finding of guilt of such an offense.
- If the number of board members who are recused from a case is so large that an ethics panel cannot be constituted, as provided for in subsection (a), the city council shall nominate a sufficient number of ad hoc members so that the case can be heard. Ad hoc members of the ethics review board must be confirmed by a majority vote of the city council and serve only for the case in question.
- (8) *Chair and vice-chair.* Each year, the board shall meet and elect a chair and a vice-chair from among its members, who will serve one-year terms and may be re-elected. The chair or a majority of the board may call a meeting of the board. The chair shall preside at meetings of the ethics review board and perform other administrative duties. The vice-chair shall assume the duties of the chair in the event of a vacancy in that position.
- (9) *Reimbursement.* The members of the ethics review board shall not be compensated but shall be reimbursed for reasonable expenses incurred in the performance of their official duties.
- (b) *Jurisdiction and powers.*
- (1) *Jurisdiction.* The ethics review board shall have jurisdiction to investigate and make findings and recommendations concerning:
- a. Any alleged violation of this division;
  - b. Any alleged violation of section 12.01 of the City Charter;
  - c. Any alleged violation of V.T.C.A., Local Government Code ch. 171;
  - d. Any alleged violation of V.T.C.A., Local Government Code ch. 176;
  - e. Any alleged violation of V.T.C.A., Penal Code §§ 36.02, 36.08, 39.02 and 39.06(a); and
  - f. Any alleged violations of V.T.C.A., Government Code ch. 553.

---

The board shall not consider any alleged violation that occurred more than two years prior to the date of the filing of the complaint or more than two years after the complainant discovered or should have discovered the alleged violation.

(2) *Termination of city official or employee's duties.* The termination of a city official's or employee's duties does not affect the jurisdiction of the ethics review board with respect to alleged violations occurring prior to the termination of official duties.

(3) *Powers.* The ethics review board has power to:

- a. Establish, amend, and rescind rules and procedures governing its own internal organization and operations, consistent with this division;
- b. Meet as often as necessary to fulfill its responsibilities;
- c. Designate ethics panels with the power to render decisions on complaints or issue advisory opinions on behalf of the board;
- d. Request from the city manager through the city council the appointment of such staff as is necessary to carry out its duties;
- e. Review, index, maintain on file, and dispose of sworn complaints;
- f. Make notifications, extend deadlines, and conduct investigations;
- g. Render, index, and maintain on file advisory opinions;
- h. Provide assistance to the ethics compliance officer of the city in the training and education of city officials and employees with respect to their ethical responsibilities;
- i. Prepare an annual report and recommend to the mayor and city council needed changes in ethical standards or procedures; and
- j. Take such other action as is necessary to perform its duties under this division.

(c) *Ethics compliance officer.*

(1) *City attorney's office.* The city attorney or an attorney chosen by the city council shall serve as the ethics compliance officer for the city. The ethics compliance officer shall:

- a. Receive and promptly transmit to the ethics review board complaints and responses filed with the city secretary;
- b. Investigate, marshal, and present to the ethics review board the evidence bearing upon a complaint;
- c. Act as legal counsel to the ethics review board;
- d. Issue advisory opinions to city officials and employees about the requirements imposed by the ethics laws; and
- e. Be responsible for the training and education of city officials and employees with respect to their ethical responsibilities.

At least once each year, the ethics compliance officer shall cause to be distributed to each city official and employee a notice setting forth the duties of the ethics review board and the procedures for filing complaints. The ethics compliance officer shall also ensure that such notices are posted in prominent places in city facilities.

- 
- (2) *Outside independent counsel.* An independent outside attorney, who does not otherwise represent the city, shall be appointed by the city council at the recommendation of the city attorney, to serve as the ethics compliance officer for a particular case:
- a. When a complaint is filed relating to an alleged violation of the ethics laws by:
    1. The mayor or a member of the city council; or
    2. A city employee who is a department head or of higher rank;
  - b. When the ethics review board, at the recommendation of the city attorney, requests such an appointment; or
  - c. When requested by the city attorney.
- (3) *Exculpatory evidence.* The ethics compliance officer shall disclose to the ethics panel and provide to the person charged with violating the ethics laws evidence known to the ethics compliance officer tending to negate guilt or mitigate the seriousness of the offense.
- (4) *Notice of charges.* The city attorney shall consider whether the facts of the case establish a violation of any provision in the ethics laws, regardless of which provisions, if any, were identified in the complaint as having been allegedly violated. However, before the city attorney may find that a violation of a particular rule [has occurred]; the person charged in the complaint must be on notice that compliance with that rule is in issue and must have an opportunity to respond. Notice is conclusively established: if the complaint alleged that the rule was violated; if compliance with the rule is raised by a member of the board or the ethics compliance officer as a disputed issue at a hearing before the ethics panel; or if the board or the ethics compliance officer provides the person charged in the complaint with written notice of the alleged violation and a seven-day period within which to respond in writing to the charge.
- (5) *Scheduling of a hearing.* Regardless of whether the complainant or the person charged in the complaint requests a hearing, the ethics panel has discretion to decide whether to hold a hearing.
- (6) *Ex parte communications.* It is a violation of this division:
- a. For the complainant, the person charged in the complaint, or any person acting on their behalf to engage or attempt to engage, directly or indirectly, in ex parte communication about the subject matter of a complaint with a member of the ethics panel, any other member of the ethics review board, or any known witness to the complaint; or
  - b. For a member of an ethics panel or any other member of the ethics review board to:
    1. Knowingly entertain an ex parte communication prohibited by subsection b.1. of this rule; or
    2. Communicate directly or indirectly with any person, other than a member of the ethics review board, its staff, or the ethics compliance officer, about any issue of fact or law relating to the complaint.
- (7) *Duty to cooperate.* All city officials and employees shall cooperate with the ethics review board and shall supply requested testimony or evidence to assist it in carrying out its charge. Failure to abide by the obligations imposed by this subsection is a violation of this section.
- (d) *Complaints.*
- (1) *Filing.* Any person (including a member of the ethics review board or its staff, acting personally or on behalf of the board) who believes that there has been a violation of the ethics laws may file a sworn complaint with the city secretary. The complaint shall:
- a. Identify the person or persons who allegedly committed the violation;

- 
- b. Provide a statement of the facts on which the complaint is based; and
  - c. To the extent possible, identify the rule or rules allegedly violated.

The complainant may also recommend other sources of evidence that the ethics review board should consider and may request a hearing.

A complaint filed in good faith is qualifiedly privileged. A person who knowingly makes a false statement in a complaint, or in proceedings before the ethics review board, is subject to criminal prosecution for perjury or civil liability for the tort of abuse of process.

- (2) *Confidentiality.* No city official or employee shall reveal information relating to the filing or processing of a complaint except as required for the performance of official duties. Ex parte communications by members of the ethics review board are prohibited by subsection (c)(6). All papers relating to a pending complaint are confidential.
- (3) *Notification.* A copy of a complaint shall be promptly forwarded by the city secretary to the ethics compliance officer and to the person charged in the complaint. The person charged in the complaint shall also be provided with a copy of the ethics rules and shall be informed that:
  - a. Within 14 days of receipt of the complaint, he or she may file a sworn response with the city secretary;
  - b. Failure to file a response does not preclude the ethics review board from adjudicating the complaint;
  - c. A copy of any response filed by the person charged in the complaint will be provided by the city secretary to the complainant, who may within seven days respond by sworn writing filed with the city secretary, a copy of which shall be provided by the city secretary to the person charged in the complaint;
  - d. The person charged in the complaint may request a hearing; and
  - e. City officials and employees have a duty to cooperate with the ethics review board.
- (4) *Assistance.* The city secretary shall provide information to persons who inquire about the process for filing a complaint.
- (e) *Hearings.* At any hearing held by the ethics commission during the investigation or disposition of a complaint, the following rules apply:
  - (1) *General rules.* At least three members of the commission must be present for the hearing. Any member of the commission who is not present ceases to be a member of the commission and may not participate in the disposition of the case. All witnesses must be sworn and all questioning of witnesses shall be conducted by the members of the commission. The commission is not bound by the state rules of evidence and may establish time limits and other rules relating to the participation of any person in the hearing. No person may be held to have violated the ethics laws unless a majority of the commission so finds by a preponderance of the evidence.
  - (2) *Person charged.* The person charged in the complaint has the right to attend the hearing, the right to make a statement, the right to present witnesses, and the right to be accompanied by legal counsel or another advisor. The legal counsel or other advisor to the person charged in the complaint may advise that person during the course of the hearing, but may not speak on his or her behalf, except with the permission of the ethics panel.
  - (3) *Complainant.* The complainant has the right to attend the hearing, the right to make a statement, and the right to be accompanied by legal counsel or another advisor. The legal counsel or other advisor to the complainant may advise the complainant during the course of the hearing, but may not speak on

---

behalf of the complainant, except with the permission of the ethics panel. Witnesses may not be presented by the complainant, except with the permission of the ethics panel.

(f) *Disposition.*

- (1) *Written opinion.* The ethics commission shall make all reasonable efforts to issue a decision within 21 days after the filing of a complaint. The ethics panel shall state in a written opinion its findings of fact and conclusions of law. The written opinion shall either:

- a. Dismiss the complaint; or
- b. Upon finding that there has been a violation of the ethics laws:
  1. Make a recommendation of further investigations to the city council, the city manager or the city attorney; or
  2. State why no remedial action is recommended.

If the ethics panel determines that a violation has occurred, the opinion shall identify in writing the particular rule or rules violated. If the complaint is dismissed, the grounds for the dismissal shall be set forth in the opinion.

- (2) *Notification.* Copies of the opinion shall be forwarded to the complainant, the person charged in the complaint, the ethics compliance officer, and any member of the ethics review board who did not participate in the disposition of the case. A copy of the opinion shall also be forwarded to the city secretary, who shall make it available as authorized by law.
- (3) *Similar charges barred.* If the complaint is dismissed because the evidence failed to establish a violation of the ethics laws, the ethics review board shall not entertain any other similar complaint based on substantially the same evidence.
- (4) *Factors relevant to sanctions.* In deciding whether to recommend, in the case of a violation of the ethics law, criminal prosecution and/or civil remedies, the ethics panel shall take into account relevant considerations, including but not limited to the following:
  - a. The culpability of the person charged in the complaint;
  - b. The harm to public or private interests resulting from the violation;
  - c. The necessity of preserving public confidence in the conduct of local government;
  - d. Whether there is evidence of a pattern of disregard for ethical obligations; and
  - e. Whether remedial action has been taken that will mitigate the adverse effect of the ethical violation.
- (5) *Civil remedies.* The following civil remedies may be recommended by an ethics panel which finds that the ethics laws have been violated:
  - a. Review of the case by the city manager, or his or her designate, for disciplinary action;
  - b. A suit by the city for damages or injunctive relief;
  - c. Disqualification from contracting;
  - d. Voiding of a contract; and
  - e. A fine.

- (g) *Petition for declaratory ruling.* Any city official or employee against whom public allegations of ethics violations have been made in the media or elsewhere shall have the right to file a sworn statement with the



---

city secretary affirming his or her innocence, and to request the ethics review board to investigate and make known its findings, and make any relevant recommendations concerning the issue.

(h) *Advisory opinions.*

(1) *Opinions issued by the ethics review board.*

a. *Requests by persons other than city officials or employees.*

1. By writing filed with the city secretary, any person other than a city official or employee may request an advisory opinion with respect to the interpretation of the ethics laws, but only with respect to whether proposed action by that person would violate the ethics laws. The city secretary shall promptly transmit all requests for advisory opinions to the ethics compliance officer (city attorney) and the chair of the ethics review board. (City officials and employees may request advisory opinions from the city attorney pursuant to subsection (2), below.)
2. Within 30 days of receipt by the chair of the ethics review board of a request for an advisory opinion, the board shall issue a written advisory opinion. During the preparation of the opinion, the board may consult with the ethics compliance officer of the city and other appropriate persons. An advisory opinion shall not reveal the name of the person who made the request, if that person requested anonymity, in which case the opinion shall be written in the form of a response to an anonymous, hypothetical fact situation. A copy of the opinion shall be indexed and kept by the ethics review board as part of its records for a period of not less than five years. In addition, copies of the opinion shall be forwarded by the chair of the ethics review board, or his or her designate, to the person who requested the opinion, to the ethics compliance officer, and to the city secretary. The city secretary shall make the opinion available as a public record in accordance with the Local Government Records Act. The ethics compliance officer shall promptly cause to be posted the opinion for a period of no less than five years on the Internet via the city's website.

- b. *Opinions initiated by the board.* On its own initiative, the ethics review board, acting as the full board, may issue a written advisory opinion with respect to the interpretation of the ethics laws as they apply to persons other than city officials and employees if a majority of the board determines that an opinion would be in the public interest or in the interest of such person or persons subject to the provisions of the ethics laws. Such an opinion may not include the name of any individual who may be affected by the opinion. A copy of any such opinion shall be indexed and kept by the ethics review board as part of its records for a period of not less than five years. In addition, copies of the opinion shall be forwarded by the chair of the ethics review board, or his or her designate, to the ethics compliance officer and to the city secretary. The city secretary shall make the opinion available as a public record in accordance with the Local Government Records Act. The ethics compliance officer shall promptly cause to be posted the opinion for a period of no less than five years on the Internet via the city's website.

- c. *Reliance.* If a person reasonably and in good faith acts in reliance on an advisory opinion issued by the ethics review board, that fact may be considered by an ethics panel in adjudicating a complaint filed against that person, but does not by itself bar the finding of a violation.

(2) *Opinions issued by the ethics compliance officer.*

a. *Requests by city officials or employees.*

1. By writing filed with the office of the city attorney, any city official or employee may request an advisory opinion with respect to whether proposed action by that person would violate the ethics laws.

- 
2. Within 30 days of receipt of the request by the office of the city attorney, the ethics compliance officer shall issue a written advisory opinion. The advisory opinion shall not reveal the name of the person who made the request, if that person requested anonymity, in which case the opinion shall be written in the form of a response to an anonymous, hypothetical fact situation. Copies of the opinion shall be forwarded by the ethics compliance officer to the members of the ethics review board, to the person who requested the opinion, and to the city secretary, and promptly posted by the ethics compliance officer for a period of no less than five years on the Internet via the city's website. The city secretary shall make the opinion available as a public record in accordance with the Local Government Records Act.
- b. *Reliance.* A person who reasonably and in good faith acts in accordance with an advisory opinion issued by the ethics compliance officer may not be found to have violated the ethics laws by engaging in conduct approved in the advisory opinion, provided that:
    1. He or she requested the issuance of the opinion;
    2. The request for an opinion fairly and accurately disclosed all relevant facts; and
    3. Less than five years elapsed between the date the opinion was issued and the date of the conduct in question.
- (i) *Annual report.* The ethics review board shall prepare and submit an annual report to the mayor and city council detailing the activities of the board during the prior year. The format for the report shall be designed to maximize public and private understanding of the board's operations, and shall include a summary of the content of ethics opinions issued by the board and a listing of current city lobbyists based on information gathered by the board from records on file with the city secretary. The report may recommend changes to the text or administration of this division. The ethics compliance officer of the city shall take reasonable steps to ensure wide dissemination and availability of the annual report of the ethics review board.
  - (j) *Public records and open meetings.* To the extent required, the ethics review board shall comply with the Texas Public Information Act and the Open Records Act.
- (Ord. No. 1377, § II(Exh. A), 7-29-08)

## **Sec. 2-88. Enforcement mechanisms.**

- (a) *Disciplinary action.* Other city officials and employees who engage in conduct that violates this division may be notified, warned, reprimanded, suspended, or removed from office or employment by the appointing authority, or by a person or body authorized by law to impose such remedies. Disciplinary action under this section may be imposed in addition to any other penalty or remedy contained in this division or any other law.
- (b) *Damages and injunctive relief.* This division has been enacted not only to further the purposes stated in this division but to protect the city and any other person from any losses or increased costs incurred by the city or other person as a result of the violation of these provisions. It is the intent of the city that this legislative enactment can and should be recognized by a court as a proper basis for a civil cause of action for damages or injunctive relief based upon a violation of its provisions, and that such forms of redress should be available in addition to any other penalty or remedy contained in this division.
- (c) *Civil fine.* Any person, whether or not an official or employee of the city, who violates any provision of this division is subject to a fine not exceeding \$500.00.

- 
- (d) *Prosecution for perjury.* Any person who files a false sworn statement under provisions of this division requiring financial disclosures or pertaining to any proceeding before the ethics review board is subject to criminal prosecution for perjury under the laws of the state.
  - (e) *Voiding or ratification of contract.* If the ethics review board panel finds that there has been a violation of any provisions in this division that is related to the awarding of a contract, the city council must vote on whether to ratify or void the contract. Such action shall not affect the imposition of any penalty or remedy contained in this division or any other law.
  - (f) *Disqualification from contracting.*
    - (1) Any person (including business entities and nonprofit entities) who intentionally or knowingly violates any provision of this division relating to persons doing business with the city may be prohibited by the city council from entering into any contract with the city for a period not to exceed three years.
    - (2) It is a violation of this division:
      - a. For a person debarred from entering into a contract with the city to enter, or attempt to enter, into a contract with the city during the period of disqualification from contracting; or
      - b. For a city official or employee to knowingly assist a violation of this division.
    - (3) Nothing in this section shall be construed to prohibit any person from receiving a service or benefit, or from using a facility, which is generally available to the public, according to the same terms.
    - (4) A business entity or nonprofit entity may be disqualified from contracting based on the conduct of an employee or agent, if the conduct occurred within the scope of the employment or agency.

(Ord. No. 1377, § II(Exh. A), 7-29-08)

## **Sec. 2-89. Administrative provisions.**

- (a) *Other obligations.* This division is cumulative of and supplemental to applicable state and federal laws and regulations. Compliance with the provisions of this division shall not excuse or relieve any person from any obligation imposed by state or federal law regarding ethics, financial reporting, or any other issue addressed herein.

Even if a city official or employee is not prohibited from taking official action by this division, action may be prohibited by duly promulgated personnel rules, which may be more stringent.

- (b) *Distribution and training.*
  - (1) The city attorney or designated ethics compliance officer shall provide information about this division to every official and employee of the city, and copies of this division shall be made readily available to city officials, employees, and the public. Within 30 days after entering upon the duties of his or her position, every new official or employee shall be furnished with information about this division. The failure of any person to receive a copy of this division shall have no effect on that person's duty to comply with this division or on the enforcement of its provisions. Upon appointment to a board or commission, such official shall be provided with a copy of the ethics ordinance.
  - (2) The city attorney or designated ethics compliance officer, in consultation with the ethics review board, shall develop educational materials and conduct educational programs for the officials and employees of the city on the provisions of this division, section 12.01 of the City Charter, and V.T.C.A., Local Government Code ch. 171. Such materials and programs shall be designed to maximize understanding of the obligations imposed by these ethics laws.

- 
- (c) *Criminal sanctions.* Any person violating any provisions of this division shall, upon conviction, if convicted in the municipal court of the city shall be subject to a fine not to exceed \$500.00. This provision shall not, however, be preclusive of any criminal prosecutions which may involve violations prosecutable only in either the district courts or county courts at law of Bexar County, Texas.

This division is cumulative of all other laws addressing conflicts of interest and the prohibitions and sanctions that may be imposed under other laws relating to the subjects covered hereunder.

No person shall intentionally or knowingly induce, attempt to induce, conspire with, aid or assist, or attempt to aid or assist another person to engage in conduct which violates this division.

(Ord. No. 1377, § II(Exh. A), 7-29-08)

**Secs. 2-90—2-100. Reserved.**

PART II - CODE OF ORDINANCES  
Chapter 2 - ADMINISTRATION  
ARTICLE VIII. - CODE OF ETHICS AND CONDUCT  
DIVISION 1. CODE OF ETHICS

---

***DIVISION 1. CODE OF ETHICS***

**Sec. 2-501. Applicability and scope.**

This Code of Ethics shall apply to the mayor and city councilmembers, and all appointed board, committee, commission and corporation members of the City of Cibolo; who shall collectively be referred to as "members" in this Code.

(Ord. No. 1149 , § I(Exh. A), 2-9-2016; Ord. No. 1317 , § 1, 10-13-20)

**Sec. 2-502. Purpose.**

The purpose of this Code is to fulfill city council's obligation under Section 14.09 of the City Charter. Moreover, city council finds that its members and the members of the city's boards, committees, commissions and corporations are composed of people with a diverse range of backgrounds, personalities, values, opinions, and goals who have volunteered their time to serve their fellow citizens in the guidance and policy-making of the City of Cibolo; and that the office held by elected and appointed officials is one of trust and service, and creates special responsibilities for the office holder. Therefore, members must uphold values of professional and personal ethics that exemplify the highest of standards and demonstrate objectivity, impartiality, honesty, integrity, respect, faithfulness, and transparency.

(Ord. No. 1149 , § I(Exh. A), 2-9-2016; Ord. No. 1317 , § 1, 10-13-20)

**Sec. 2-503. Standards of ethical conduct.**

(a) *City Charter.* Members shall respect and adhere to the City of Cibolo Charter in its entirety. The Charter provides a council-manager system of local government where the city council determines the policies of the city with the advice, information and analysis provided by the public, boards, committees, commissions and corporations and city staff. Except as provided by the Charter, members shall not interfere with the administrative functions of the city or the professional duties of city staff. Members shall also refrain from interfering with the ability of staff to implement council policy decisions. Furthermore, members shall comply with all of the Charter requirements for prohibitions (section 3.07); conflicts of interest (article III, section 3.10; article XIV, section 14.07); nepotism (article XIV, section 14.01); equality of rights (article XIV, section 14.02); wrongful influence (article XIV, section 14.03); wrongful interference (article XIV, section 14.04); political activities (article XIV, section 14.05); accepting gifts (article XIV, section 14.08); and compliance with this Code of Ethics and Conduct (article XIV, section 14.09). Specific examples of violations of the Charter that shall be avoided are as follows:

- (1) Do not get involved with administrative functions. Members shall not attempt to unethically influence or coerce the city manager or department heads concerning either their actions or recommendations to the city council, boards, committees, commissions or corporations about personnel, purchasing, awarding contracts, selection of consultants, processing development applications, or the granting of city licenses or permits.

- 
- (2) Do not attend city staff meetings unless requested by staff. Even if the member does not say anything, the member's presence may imply support, show partiality, intimidate staff, and hamper the ability of staff to do their jobs objectively.
  - (3) Make no promises on behalf of city council, boards, committees, commissions, corporations or staff. Members shall not overtly or implicitly promise action on the part of the city council, a particular board, committee, commission, corporation or city staff on any matter specifically delegated by the City Charter to be handled by the city manager. For any matters not specifically delegated to the city manager by the Charter, the member should still refer the matter to the city manager and, if the member feels necessary to do so, may then bring the matter before the city council for consideration and action. When approached by the public to address or correct a situation for which the city manager is responsible for managing under the Charter or any ordinance, rule or regulation of the city, members shall refer the public to the city manager or advise the public that the member will refer the matter to the city manager.
- (b) *Additional standards of ethical conduct.*
- (1) *Confidential information.* Members shall respect the confidentiality of information concerning the property, personnel, or affairs of the city. They shall neither disclose confidential information without proper legal authorization, disclose information protected by attorney-client privilege, nor use such information to advance their personal interests, financial or otherwise, nor advance the interests of third parties.
  - (2) *Public resources.* Members shall not use public resources not available to the public in general, such as city staff time, equipment, supplies, or facilities, for private gain or personal purposes.
  - (3) *Special advantage.* Members shall not take any special advantage of services or opportunities for personal gain by virtue of their public office that is not available to the public in general. They shall refrain from accepting any gifts, favors, or promises of future benefits which might compromise their independence of judgment or action or give the appearance of being compromised; and, even when the acceptance of a gift would technically be permissible under section 14.08, Members shall not accept any gifts, favors, or promises of future benefits which might compromise their independence of judgment or action or give the appearance of being compromised.
  - (4) *Open meetings.* Members shall comply with the Texas Open Meeting Act (Tex. Government Code Chapter 551) and shall report any attempt by other members to circumvent the requirements of the Texas Open Meeting Act. Members shall not post communications or information on social media relating to city business when such posting may be viewed and commented on by a quorum of the membership in violation of the Texas Open Meetings Act.
  - (5) In accordance with the law, members shall disclose investments, interest in real property, sources of income and gifts, and any other interests in direct business transactions that involve their capacity as an official of the city and where official actions by the city council, committee, commission, board or corporation members are required. Members shall abstain from participating in deliberations and decision-making where such conflicts may exist.
  - (6) Issues that may require the involvement of outside agencies. "Outside agencies" mean state administrative agencies, boards, committees' commissions or other type of enforcement bodies and county, state or federal law enforcement agencies. If a member or city employee has reason to believe that an issue has arisen that requires the consultation with, referral to or involvement of an outside agency to assist the city with resolving the issue and that involves possible criminal activity by another member, or officer or employee of the city, the individual shall first consult with the city manager and, if the individual or city manager still finds it is necessary to do so, may bring the matter before the full city council to ascertain whether action against the member, officer or employee is appropriate.

- 
- (7) *Oath of appointment.* An appointee to a board, commission, committee and corporation shall abide by the terms of their oath of appointment.
  - (8) *Failure to adhere to Code.* Members will only be investigated for allegations of violations of the Code of Ethics if a sworn complaint is filed with the city secretary. Complaints will be processed in accordance with procedures provided in section 2-523. City council may impose a fine in accordance with section 2-523(8).

(Ord. No. 1149 , § I(Exh. A), 2-9-2016; Ord. No. 1222 , § II, 11-14-2017; Ord. No. 1317 , § 1, 10-13-20)

**Secs. 2-504—2-520. Reserved.**

## ***DIVISION 2. INVESTIGATIONS AND HEARINGS***

**Sec. 2-521. Applicability and scope.**

This section shall address the process by which city council shall conduct investigations and hearings authorized by City Charter sections 14.10 (2) and to conduct hearings for violations of the Code of Ethics contained in this chapter.

(Ord. No. 1149 , § I(Exh. A), 2-9-2016)

**Sec. 2-522. Purpose.**

This section is adopted in compliance with the directive stated in City Charter section 14.10 (2), (E). If in doubt about any part of division contact the office of the city manager.

(Ord. No. 1149 , § I(Exh. A), 2-9-2016)

**Sec. 2-523. Rules for conduct of hearing.**

At any hearing held under this section during the investigation or disposition of a sworn complaint, the following rules apply:

- (1) *Prehearing review.* All complaints shall be sworn per section 2-503(b)(8) and subject to pre-hearing review as follows:
  - a. *Review by city attorney.* If a complaint is made against a member of a board, committee or commission the complaint shall be reviewed by the city attorney, who shall provide a legal opinion to city council stating whether or not the allegations in the complaint, if taken as true, constitute a violation of the City Charter or the Code of Ethics.
    - 1. If the city attorney determines that the allegations, if taken as true, constitute a violation of the City Charter or the Code of Ethics the city council shall proceed with a fact finding hearing as provided herein.
    - 2. If the city attorney determines that the allegations, if taken as true, do not constitute a violation of the City Charter or the Code of Ethics the city council shall dismiss the charge without further proceedings unless a majority of city council vote to overrule the city attorney's opinion, in which case the city council shall proceed with a fact finding hearing as provided herein.

- 
- (2) *Fact finding hearing.* For complaints filed by the mayor, or a member of city council, or for all other complaints city council has accepted after pre-hearing review, the following rules shall apply:

a. *General rules.*

1. *Open session.* All hearings shall be conducted in open session of city council, except that city council may conduct a closed session to receive advice from its attorney pursuant to the Texas Open Meetings Act.
2. *Special called meeting.* A special meeting of city council shall be called to hold the hearing.
3. *Public comment.* No public comment shall be allowed unless agreed to by a majority vote of city council. In the event that city council determines to allow public comment it shall set rules for public comments prior to the opening of the hearing.
4. *Council participation.* A member of city council who is either the complainant or respondent shall not sit at the dais during the hearing and shall not participate in any deliberation or vote during the hearing. For the purposes of this section, the term city council shall refer to members of city council participating in the hearing; and, action shall be taken on majority vote, unless a super majority is prescribed by the City Charter.
5. *Presiding officer.* The mayor, or, in the event of the mayor's unavailability, the mayor pro-tem; or in the event of the mayor pro-tem's unavailability, a member of city council selected by a majority of city council shall preside over the hearing.
6. *Respondent's right of appearance.* The person charged (respondent) in the complaint has the right to attend the hearing, the right to make a statement, the right to present witnesses, and the right to be accompanied by legal counsel or another advisor. Only legal counsel to the person charged in the complaint may advise that person during the course of the hearing, but may not speak on his or her behalf, except with the permission of city council or as prescribed in this section. Notice of the date and time of the hearing, and a copy of the complaint, shall be furnished to the respondent no later than the tenth day before the date of fact finding hearing.
7. *Complainant's right of appearance.* The person making a charge (complainant) has the right to attend the hearing, the right to make a statement, and the right to be accompanied by legal counsel or another advisor. Only legal counsel to the complainant may advise the complainant during the course of the hearing, but may not speak on behalf of the complainant, except with the permission of city council or as prescribed by this section. Witnesses may not be presented by the complainant, except with the permission of city council.

b. *Procedures.*

1. *Opening hearing.* The presiding officer shall open the hearing with an announcement of the nature of the hearing and the reading of the complaint, or a summary of the complaint, which shall include the allegations to be considered.
2. *Investigation results.* After opening the hearing, the presiding officer shall call for the presentation of the results of any investigation.
3. *Complainant and respondent statements.* After presentation of investigation results the presiding officer shall call for statements. The complainant and the respondent shall have ten minutes each to make a statement and statements may be made by the complainant's or respondent's legal counsel. The complainant shall precede the respondent when making statements.



---

4. *Witnesses.*

- (i) Witnesses may be offered by the respondent; witnesses may be offered by complainant with the consent of city council and any member of city council may offer witnesses.
  - (ii) Witness lists shall be offered to city council by respondent; complainant and members of city council prior to the questioning of any witness. City council shall then vote as to which of complainant's witnesses, if any, may be called to testify.
  - (iii) The presiding officer shall call witnesses from the witness list tendered by respondent and members of city council and those tendered by complainants who were approved by city council. Additional witnesses, offered by city council members, may not be called unless approved by a majority of city council present.
  - (iv) All witnesses must be sworn and all questioning of witnesses shall be conducted by the members of city council.
  - (v) Each member of city council shall be given an opportunity to offer questions to the witnesses, as called upon by the presiding officer. After each member has such opportunity, the questioning of witnesses shall close unless city council, by majority vote, chose to allow additional rounds of questioning.
  - (vi) Prior to questioning a witness may make a preliminary statement that shall not exceed three minutes.
- (4) *Modification of rules.* City council may establish time limits, which diverge from these rules, and other rules relating to the participation of any person in the hearing as the particulars of each hearing dictate; provided that such rules are imposed in a non-discriminatory manner as to the rights of the complainant and respondent and are agreed upon by a majority of city council prior to the opening of the hearing.
- (5) *Deliberations.* After the conclusion of the examination of witnesses city council shall deliberate the offered evidence.
- a. In its deliberations city council shall rely on evidence of which a reasonably prudent person commonly relies in the conduct of the person's affairs. City council shall further abide by the following:
    - 1. City council shall only consider evidence relevant to the allegations; and
    - 2. City council shall not consider hearsay unless it finds the nature of the information is reliable and useful.
- (6) *Findings of fact and law.* After deliberations city council shall vote on whether each allegation was proven true by a preponderance of the evidence, and if true, the section of the Charter or the Code of Ethics that was violated.
- (7) *Disposition.* The disposition of a matter by city council is final. If city council determines an allegation is not true, the matter shall be dismissed and city council shall take no further action, except to direct the city secretary to prepare an order, to be executed by the mayor, stating the nature of the allegations and the city council's findings. If city council determines an allegation to be true, the city council shall direct the city secretary to prepare an order, to be executed by the mayor, stating the nature of the allegations and the city council's findings and disposition of the matter, which may include any of the following:

- 
- a. *Caution the member.* A caution is educational in nature in that it provides guidance to the member, and others, so that future violations do not occur.
  - b. *Censure.* A censure is penal in nature in that it is a public expression of city council's disapproval of the acts or omissions that led to the violation of the Charter or the Code of Ethics.
  - c. *Removal.* Any member who serves at the pleasure of the city council may be removed upon a finding that the member violated the City Charter or the Code of Ethics.
  - d. *Fine.* For any allegation or allegations, specified in a sworn complaint that is/are substantiated by independent counsel or by city council as a result of a hearing, city council may impose a fine of up to \$250.00, upon any respondent named in the substantiated allegation(s).
  - e. *City Charter.* City council may take further action as may be authorized by the City Charter.

(Ord. No. 1149 , § I(Exh. A), 2-9-2016; Ord. No. 1317 , § 1, 10-13-20)

#### **Sec. 2-524. Power to subpoena witnesses and issue contempt orders.**

- (a) *Purpose and scope.* This section is adopted in compliance with the directive stated in City Charter Sections 3.06 and 14.10 (1) (E) and shall prescribe the punishment city council may impose against any person who violates a subpoena of witnesses or for the compelling of production of books, papers or other evidence.
- (b) *Subpoena power.* For the purpose of investigations and hearings, city council shall have the power to administer oaths, subpoena witnesses, compel the production of books, papers, and other evidence material to the inquiry.
- (c) *Contempt orders.* City council may impose a fine upon any person, whether or not an official or employee of the city, who violates any subpoena, issued pursuant to the City Charter and this section, and such fine shall not exceed \$250.00.

(Ord. No. 1149 , § I(Exh. A), 2-9-2016; Ord. No. 1317 , § 1, 10-13-20)

#### **Secs. 2-525—2-530. Reserved.**

### ***DIVISION 3. CODE OF CONDUCT***

#### **Sec. 2-531. Applicability and scope.**

The Code of Conduct shall be a council policy directive that shall be executed by the mayor, city council and members of all boards, committees, commissions and corporations within 30 days of being sworn into office. A complaint may not be filed for an alleged violation of the Code of Conduct policy.

(Ord. No. 1149 , § I(Exh. A), 2-9-2016; Ord. No. 1317 , § 1, 10-13-20)

#### **Sec. 2-532. Purpose.**

Election to the office of city council member reflects the trust the citizens of the City of Cibolo have placed in its councilmembers; and appointment to a board, committee or commission reflects equal trust that the council has placed in its appointees. The purpose of this Code is to describe the manner in which members should treat one another, city staff, constituents, and others as representatives of the City of Cibolo. And while it is understood that members shall not always agree as to adoption of policy and decisions that affect the city, members must

---

always be mindful that citizens expect members to conduct themselves in a respect and civil manner. The subsections below, while not an exhaustive list, are set out as a guide as to manner members should conduct themselves at all times.

- (1) Respect for each other, city staff and the citizens of Cibolo.
  - a. *Honor the principles of representative government.* Members shall recognize that public policy decisions, based on established values, are ultimately the responsibility of the entire city council.
  - b. *Honor the role of the presiding officer in maintaining order.* It is the responsibility of the mayor or the board, committee or commission chair to keep the comments of members on track during their respective meetings. Members should honor efforts by the presiding officer to focus discussion on current agenda items. If there is a disagreement about the agenda or the presiding officer's actions, those objections should be voiced politely and with reason as prescribed by the Charter.
  - c. *Continuance of respectful behavior in private discussions.* Members are expected to carry the same respect deemed appropriate for public discussion into private conversations, whether they be face- to-face, written communications, voicemails, emails, texts, or through social media. Members should refrain from making belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments in public or private conversation.
  - d. *Treat all staff as professionals.* The city staff is composed of professionals who have been hired to execute the policies, ordinances, and laws put into effect by the City of Cibolo, the State of Texas, and the United States of America. As such, clear, honest communication that respects the abilities, experience, and dignity of each individual is expected.
  - e. *Honor the work of boards, committees and commissioners.* Members shall respect the value of the independent advice of city boards, committees and commissions to the public decision-making process and shall refrain from using their position to unduly influence the deliberations or outcomes of board, committees and commission proceedings.
  - f. *Maintain respect for city staff and citizens.* Members shall support the maintenance of a positive and constructive workplace environment for city employees and for citizens and businesses dealing with the city. Members shall recognize their special role in dealing with city employees and in no way create the perception of inappropriate direction to staff.
  - g. *Never publicly criticize an individual employee.* Members should refrain from expressing concerns about the performance of a city employee in public or to the employee directly. Comments about staff performance should only be made to the city manager through private correspondence or conversations.
  - h. *Practice civility and decorum in discussions and debate.* Members should preserve order and decorum during meetings and should not, by conversation or other action, delay or interrupt the proceedings or refuse to obey the orders of the presiding officer of the meeting or of this Code of conduct. Members should, when addressing staff or members of the public, confine themselves to questions or issues then under discussion. Members shall not engage in personal attacks, nor impugn the motives of any speaker, and shall at all times, while in session or otherwise, conduct themselves in a manner appropriate to the dignity of their office.
  - i. *Speak with one voice.* Members will frequently be asked to explain an action or to give their opinion about an issue as they meet and talk with constituents in the community. It is appropriate to give a brief overview of the facts or city policies as they relate to actions taken by the city council, board, committee or commission. Objectively present the city council, board, committee or commissions' collective decision or direction, even when you may not agree. If you

---

feel the need to express your own opinion, state it in a way that does not undermine the collective decision or direction made.

(2) Endeavor towards effective and efficient governance.

- a. *Strive for efficiency.* Members shall be dedicated to public service by being cooperative and constructive, and by making the best and most efficient use of available resources.
- b. *Direct administrative and operational questions to city management.* Questions of city staff and/or requests for additional information that would be of interest to all members should be directed to the city manager. The city manager should be copied on any request. Materials supplied to a member in response to a request will be made available to all members so that all have equal access to information.
- c. When possible, keep communications with city staff short, to the point and at the best possible time. Every effort should be made to limit disruption to the work of city staff. Members should avoid making requests to staff who are in meetings, on the phone, or engrossed in performing their job functions.
- d. *Check with city staff on correspondence before taking action.* Before sending correspondence, members should check with the city manager to see if an official city response has already been sent or is in progress.
- e. *Legal advice.* Before requesting research or other action by the city attorney, members should consult with the city manager or obtain the concurrence of the city council to ascertain whether the request or action is appropriate can be accomplished more cost effectively by alternative means. Requests of the city attorney should be made through the city manager. Exceptions to this are issues related to the performance of the city manager and unique and sensitive personal, yet city business related, requests. The city attorney shall, in any case, provide any written response to the full city council and the city manager.

(Ord. No. 1149 , § I(Exh. A), 2-9-2016)

**Secs. 2-533—2-540. Reserved.**

***DIVISION 4. ADMINISTRATION.***

**Sec. 2-541. Ethics training required.**

All members of the city council, every officer of the city, every member of all boards, committees, commissions and corporations of the city and every city employee governed by this article shall attend a training session on the requirements of this ethics and conduct ordinance at least once every three years. This training session shall be scheduled by the city manager with the approval of the city council no later than February of each year for any elected or appointed official who has not attended a training session in the last three years.

(Ord. No. 1149 , § I(Exh. A), 2-9-2016; Ord. No. 1317 , § 1, 10-13-20)

**Sec. 2-542. Annual review.**

The city council shall conduct an annual review of the city's ethics and conduct policies to ensure that the provisions thereof remain applicable, necessary and sufficient to govern the conduct and practices of the city

---

council, boards, committees, commissions and the city's employees. The city council may, in its discretion, delegate this annual review process to a commission, board or committee.

(Ord. No. 1149 , § I(Exh. A), 2-9-2016)

**Sec. 2-543. Member ethics statement.**

- (a) Members of the city council, boards, committees, commissions and corporations must read, abide by, and sign a copy of the member ethics statement. The signed copy will be maintained on file in the office of the city secretary throughout the tenure of the member's position on the city council, board, committee, commission or corporation.
- (b) The form for the members' ethics statement shall be as established by council policy and be available for public examination in the office of the city secretary.

(Ord. No. 1149 , § I(Exh. A), 2-9-2016; Ord. No. 1317 , § 1, 10-13-20)

**Secs. 2-544—2-550. Reserved.**

***ARTICLE IX. MUNICIPAL COURT OF RECORD***

<input checked="" type="checkbox"/>	DISCUSSION AND POSSIBLE ACTION ITEMS
<input type="checkbox"/>	SPECIAL CONSIDERATION
<input type="checkbox"/>	CONSIDERATION OF MINUTES
<input type="checkbox"/>	PUBLIC HEARING
<input type="checkbox"/>	PRESENTATION
<input type="checkbox"/>	WORKSHOP

**CITY OF KIRBY  
CITY COUNCIL MEETING  
A G E N D A I T E M S U M M A R Y**

**DATE: August 24, 2023**

**AGENDA ITEM: 7 j.**

Discussion and possible action on Charter Review Board

<input checked="" type="checkbox"/>	DISCUSSION AND POSSIBLE ACTION ITEMS
<input type="checkbox"/>	SPECIAL CONSIDERATION
<input type="checkbox"/>	CONSIDERATION OF MINUTES
<input type="checkbox"/>	PUBLIC HEARING
<input type="checkbox"/>	PRESENTATION
<input type="checkbox"/>	WORKSHOP

**CITY OF KIRBY  
CITY COUNCIL MEETING  
A G E N D A I T E M S U M M A R Y**

**DATE: August 24, 2023**

**AGENDA ITEM: 7 k.**

Discussion And Possible Action On City Of Kirby FY 2021-2022 Audit Report - Armstrong,  
Vaughan & Associates.

<input checked="" type="checkbox"/>	DISCUSSION AND POSSIBLE ACTION ITEMS
<input type="checkbox"/>	SPECIAL CONSIDERATION
<input type="checkbox"/>	CONSIDERATION OF MINUTES
<input type="checkbox"/>	PUBLIC HEARING
<input type="checkbox"/>	PRESENTATION
<input type="checkbox"/>	WORKSHOP

**C I T Y O F K I R B Y**  
**C I T Y C O U N C I L M E E T I N G**  
**A G E N D A I T E M S U M M A R Y**

**DATE: August 24, 2023**

**AGENDA ITEM: 7 I.**

Discussion and Possible Action on proposed maximum Fiscal Year 2023-24 ad valorem tax rate, and setting a proposed Fiscal Year 2023-24 budget public hearing date and a proposed date to adopt said budget and tax rate.