

# City of Jamaica Beach

## Code of Ethics and Conduct for Elected and Appointed Officials



## Table of Contents

Title	Page
A. Ethics	3
B. Conduct	6
1. Overview of Council Members Responsibilities	6
2. General Policies and Protocol	7
3. EAO Conduct with One Another	8
4. Conduct with Staff	9
5. Conduct with Public	11
6. Conduct with Other Public Agencies	12
7. Council Conduct with Boards, committees, and commissions	13
8. Conduct with the Media	14
9. Social Media Use	14
C. Sanctions	18
D. Glossary of Terms	21
E. Implementation	22
F. Resources	22

## Policy Purpose

The Jamaica Beach City Council has adopted this Code of Ethics and Conduct for Elected and Appointed Officials for members of the City Council and the City's boards, committees, and commissions to assure public confidence in the integrity of local government and its effective and fair operation.

### A. ETHICS

The citizens and businesses of Jamaica Beach are entitled to have a fair, ethical and accountable local government that has earned the public's full confidence for integrity. Achieving this requires that:

- public officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the operations of government;
- public officials be independent, impartial and fair in their judgment and actions;
- public office be used for the public good, not for personal gain; and
- public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, the Jamaica Beach City Council has adopted this Code of Ethics and Conduct for Elected and Appointed Officials ("Code of Ethics and Conduct") for members of the City Council and of the City's boards, committees and commissions to assure public confidence in the integrity of local government and its effective and fair operation.

1. **Act in the Public Interest.** Recognizing that stewardship of the public interest must be their primary concern, Elected and Appointed Officials (EAO) will work for the common good of the people of Jamaica Beach and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims and transactions coming before the Jamaica Beach City Council, boards, committees, and commissions.
2. **Comply with both the spirit and the letter of the Law and City Policy.** Members of the City Council and the City's boards, committees, and commissions shall comply with the laws of the nation, the State of Texas and the City of Jamaica Beach in the performance of their public duties. These laws include but are not limited to: the United States and Texas Constitutions; State laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, and open processes of government; and City ordinances and policies.
3. **Conduct of Elected and Appointed Officials ("EAO").** EAO shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of Council, boards, committees, and commissions, the staff, or public. Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of debate by a free democracy in action. Free debate does not require nor justify, however, public officials to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments.
4. **Respect for Process.** EAO shall perform their duties in accordance with the processes and rules of order established by the City Council and boards, committees, and commissions governing the deliberation of public policy issues, meaningful involvement of the public, and

implementation of policy decisions of the City Council by City staff.

5. **Conduct of Public Meetings.** EAO shall prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand. They shall refrain from interrupting other speakers; making personal comments not germane to the business of the body; attempting to monopolize the discussion at public meetings; or otherwise interfering with the orderly conduct of meetings.
6. **Decisions Based on Merit.** EAO shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.
7. **Communication.** EAO shall publicly disclose substantive information that is relevant to a matter under consideration by the City Council or boards, committees, and commissions, which they may have received from sources outside of the public decision-making process.
8. **Conflict of Interest.** No EAO or officer of the City or a relative thereof shall:
  - (a) Have a financial interest in any contract, job, work, or service of or to the City, or the sale to the City of any supplies, equipment, material, or real or personal property.
  - (b) Participate in a vote or decision on any matter in which the officer has a substantial personal or financial interest.
  - (c) Accept any gift from any person that might reasonably tend to influence such EAO or officer in the discharge of such person's official duties. The prohibition against gifts shall not apply to:
    - (i) A lawful campaign contribution;
    - (ii) An honorarium in consideration for services unless the officer would not have been asked to provide the services but for the officer's position;
    - (iii) Meals, lodging, transportation in connection with services rendered by the officer at a conference, seminar or similar event that is more than merely perfunctory;
    - (iv) Complimentary copies of trade publications and other related materials;
    - (v) Attendance at hospitality functions at local, regional, state or national association meetings and/or conferences;
    - (vi) Any gift, which would have been offered or given to the person if such person was not an officer or employee of the City;
    - (vii) An occasional item with a value less than fifty dollars (\$50.00);
    - (viii) Tee shirts, caps and other similar promotional material;
    - (ix) Meals, transportation and lodging in connection with a seminar or conference at which the officer is providing services;

- (x) Gifts on account of kinship or a personal, or professional, or business relationship independent of the officer's status; and,
  - (xi) Complimentary attendance at political or charitable fund-raising events.
9. **Confidential Information.** EAO 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, nor use such information to advance their personal, financial, political or other private interests.
  10. **Use of Public Resources.** EAO shall not use public resources not available to the public in general, such as staff time, equipment, supplies or facilities, for private gain or personal, political purposes. Council members desiring the use of such City resources for public meetings shall first obtain permission from a majority of the Council at a duly called, posted Council meeting.
  11. **Representation of Private Interests.** In keeping with their role as stewards of the public interest, members of Council shall not appear on behalf of the private interests of third parties before the Council or any board, commission or proceeding of the City, nor shall members of boards, committees, and commissions appear before their own bodies or before the Council on behalf of the private interests of third parties on matters related to the areas of service of their bodies, nor voluntarily participate on behalf of others in any litigation to which the City is, or might be, an adverse party.
  12. **Advocacy.** EAO shall represent the official policies or positions of the City Council, board, or commission to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, EAO shall explicitly state they do not represent their body or the City of Jamaica Beach, nor will they allow the inference that they do.
  13. **Policy Role of EAO.** EAO shall respect and adhere to the Council-Administrator structure of Jamaica Beach City government as outlined by the Jamaica Beach city ordinances. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by the public, boards, committees, and commissions, and City staff. Except as provided by the city ordinance, EAO shall not interfere with the administrative functions of the City or the professional duties of City staff; nor shall they impair the ability of staff to implement Council policy decisions.
  14. **Independence of boards, committees, and commissions.** Because of the value of the independent advice of boards, committees, and commissions to the public decision-making process, members of Council shall refrain from using their position to unduly influence the deliberations or outcomes of board and commission proceedings.
  15. EAO shall not intervene in Civil Service or Municipal Court matters.
  16. EAO shall not direct City staff to take actions that are not in keeping with advice and guidance from the City Attorney's Office.
  17. Councilmembers shall adhere to the same City procurement policy as utilized by City staff.

18. **Positive Workplace Environment.** EAO shall support the maintenance of a positive and constructive workplace environment for City employees and for citizens and businesses dealing with the City. EAO shall recognize their special role in dealings with City employees so in no way do they create the perception of inappropriate direction to staff.

## **B. CONDUCT**

City ordinances provide detailed information on the roles and responsibilities of members of the Jamaica Beach City Council, the Mayor Pro Tem, and the Mayor. The City's Code of Ethics and Conduct provides guidance on ethical issues and questions of right and wrong.

This Code of Ethics and Conduct is designed to describe the manner in which Councilmembers and board and commission members should treat one another, City staff, citizens, and others they come into contact with in representing the City of Jamaica Beach.

The constant and consistent theme through all the conduct guidelines is "respect." Councilmembers experience huge workloads and tremendous stress in making decisions that could impact hundreds of lives. Despite these pressures, elected and appointed officials are called upon to exhibit appropriate behavior at all times. Demonstrating respect for each individual through words and actions is the touchstone that can help guide Councilmembers and board and commission members to do the right thing in even the most difficult situations.

### **A. Overview of Councilmember Roles and Responsibilities**

#### **Mayor**

- Acts as the official head of the City for all ceremonial purposes.
- Chairs Council meetings.
- Calls for special meetings.
- Selects substitute for City representation when Mayor cannot attend.
- Makes judgment calls on proclamations, Special Orders of the Day, etc.
- Recommends subcommittees as appropriate for Council approval.
- Leads the Council into an effective, cohesive working team.
- Signs documents on behalf of the City.
- Reviews mail addressed to Mayor.
- Other duties as set forth in other laws, ordinances, or the City Charter.

#### **Mayor Pro Tem**

- Performs the duties of the Mayor if the Mayor is absent or disabled.
- Chairs Council meetings at the request of the Mayor.
- Represents the City at ceremonial functions at the request of the Mayor.
- Signs documents on behalf of the City, in absence of Mayor.
- All duties as assigned by Mayor.

## **All Councilmembers**

All City Councilmembers have an equal vote. No Councilmember has more power than any other Councilmember, and all should be treated with equal respect. Therefore, no ranking or pecking order shall be established for predetermining the order of roll call votes or public introductions, except that the Mayor and Mayor Pro-Tem shall be introduced first at public meetings and events. All Councilmembers should:

- Fully participate in City Council meetings and other public forums while demonstrating respect, kindness, consideration, and courtesy to others;
- Prepare in advance of Council meetings and be familiar with issues on the agenda;
- Represent the City at ceremonial functions at the request of the Mayor;
- Be respectful of other people's time. Stay focused and act efficiently during public meetings.
- Serve as a model of leadership and civility to the community;
- Provide contact information with the City Secretary in case an emergency or urgent situation arises while the Councilmember is out of City;
- Demonstrate honesty and integrity in every action and statement; and,
- Participate in scheduled activities to increase team effectiveness and review Council procedures, such as this Code of Ethics and Conduct for Elected and Appointed Officials.

## **Meeting Chair**

The Mayor will chair official meetings of the City Council, unless the Mayor Pro Tem or another Councilmember is designated as chair of a specific meeting.

The Meeting Chair shall:

- Maintain order, decorum, and the fair and equitable treatment of all speakers.
- Keep discussion and questions focused on the specific agenda item under consideration.
- Make parliamentary rulings with advice, if requested, from the City Secretary who acts as advisory parliamentarian, and in his or her absence, the City Administrator shall act as advisory parliamentarian.

## **B. General Policies and Protocol**

**Ceremonial Events.** Requests for a City representative at ceremonial events will be handled by the City Secretary's Office. The Mayor will serve as the designated City representative. If the Mayor is unavailable, then City staff will determine if event organizers would like another representative from the Council. If so, then the Mayor may ask a Councilmember to serve as a substitute. Invitations received at City Hall are presumed to be for official City representation. Invitations addressed to Councilmembers shall be shared with the City Secretary's Office in order to assure posting for compliance with the Texas Open Meetings Act, if applicable.

**Travel Expenses.** All Council travel in which the Councilmember expects to officially represent the City and be reimbursed by the City for travel costs, should be disclosed to the Mayor, City Council, and City Administrator in advance. The travel budget for Council shall be reviewed at each annual budget cycle.

**Rules of Order for Meetings.** The latest edition of Robert's Rules of Order Newly Revised shall serve as the parliamentary authority for Council and boards, committees and commissions. Standing rules that vary from Robert's Rules may be adopted by the Council by ordinance.

**Non-agenda Items (Public Comment).** During a designated period of the agenda, referred to as "Public Comment," citizens may bring forth issues or questions, within the jurisdiction of the city council, that are not on the meeting's agenda. Each citizen may be limited to three minutes unless otherwise directed by the Mayor (Council meetings) or Chair (board/commission meetings).

Public Comment is designed as an opportunity for individuals to express their opinions, and it is not a dialogue or Q & A session with the council members. Council members are to listen, but any response or further action will be provided by the City Administrator at a later date.

Public Comment may not be used as a forum to make personal attacks against individual citizens, City employees or Councilmembers. Such remarks will result in the speaker being asked to step back from the podium and a forfeiture of the remaining time to speak.

**Public hearings.** EAO will not express opinions during the public hearing portion of the meeting except to ask pertinent questions of the speaker or staff. "I think" and "I feel" comments by EAO are not appropriate until after the close of the public hearing. EAO should refrain from arguing or debating with the public during a public hearing and shall always show respect for different points of view.

### **C. EAO Conduct with One Another**

EAO is composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. All have chosen to serve in public office in order to preserve and protect the present and the future of the community. In all cases, this common goal should be acknowledged even though individuals may "agree to disagree" on contentious issues.

#### **(a) In Public Meetings**

- a. **Use formal titles.** EAO should refer to one another formally during public meetings, such as Mayor, Mayor Pro Tem, Chair, Alderman or Councilmember followed by the individual's last name.
- b. **Practice civility and decorum in discussions and debate.** Difficult questions, challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. This does not allow, however, EAO to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. No shouting or physical actions that could be construed as threatening will be tolerated.

- c. **Honor the role of the Chair in maintaining order.** It is the responsibility of the Chair to keep the comments of EAO on track during public meetings. EAO should honor efforts by the Chair to focus discussion on current agenda items. If there is disagreement about the agenda or the Chair's actions, those objections should be voiced politely and with reason, following procedures outlined in parliamentary procedure.
- d. **Avoid personal comments that could offend other EAO.** If a member is personally offended by the remarks of another member, the offended member should make notes of the actual words used and call for a "point of personal privilege" that challenges the other member to justify or apologize for the language used. The Chair will maintain control of this discussion.
- e. **Demonstrate effective problem-solving approaches.** EAO have a public stage to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole. Although a board or commission may disagree with the final decision the Council makes, the board or commission shall not act in any manner contrary to the established policy adopted by the Council.

**(b) In Private Encounters**

- a. **Continue respectful behavior in private.** The same level of respect and consideration of differing points of view that is deemed appropriate for public discussions should be maintained in private conversations.
- b. **Be aware of the insecurity of written notes, voicemail messages, and E-mail.** Technology allows words written or said without much forethought to be distributed wide and far. Written notes, voicemail messages and e-mail should be treated as potentially "public" communication.
- c. **Even private conversations can have a public presence.** Elected and appointed officials are always on display – their actions, mannerisms, and language are monitored by people around them that they may not know. Lunch table conversations will be eaves- dropped upon, parking lot debates will be watched, and casual comments between individuals before and after public meetings noted and may be subject to the Open Meetings Act.

**D. Conduct with City Staff**

Governance of a City relies on the cooperative efforts of elected officials, who set policy; appointed officials who advise the elected, and City staff, who implements and administers the Council's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

- 1. **Treat all staff as professionals.** Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior towards staff is not acceptable.

2. **EAO questions/inquiries to City staff.**

- a. **General.** EAO may ask operational questions of staff. (e.g., “Why do we mow the grass on Monday and Wednesday?”). However, at no time are they allowed to direct staff actions. (e.g., “Mow the grass on Tuesday and Thursday.”)
- b. **Routine Requests for Information and Inquiries.** EAO may contact staff directly for information made readily available to the general public on a regular basis (e.g., “How does one reserve the pavilion at the park?”). Under these circumstances staff shall treat the EAO no differently than they would the general public, and the EAO shall not use their elected or appointed status to secure preferential treatment. The City Administrator does not need to be advised of such contacts.
- c. **Non-Routine Requests for Readily Available Information.** EAO may also contact staff directly for easily retrievable information not routinely requested by the general public so long as it does not require staff to discuss the issue or express an opinion (e.g., “How many traffic lights are there in the City?” or “Under what circumstances does the City lower its flags to half-mast?”).
- d. **Non-Routine Requests Requiring Special Effort.** Any EAO request or inquiry that requires staff to compile information that is not readily available or easily retrievable and/or that requests staff to express an opinion (legal or otherwise) shall be directed to the City Administrator. The City Administrator shall be responsible for distributing such requests to his/her staff for follow-up. Responses to such requests shall be copied to all Councilmembers (if originating from a Councilmember), relevant board or commission members (if originating from a board or commission member), the City Administrator, the City Attorney as appropriate and affected department directors. The City Administrator, at his or her option, may choose to seek clarification from the City Council regarding non-routine requests that might be considered extraordinary.
- e. **Meeting Requests.** Any EAO request for a meeting with staff shall be directed to the City Administrator. EAO’s shall promptly notify the City Administrator of any requests they receive by City employees or volunteers for meetings to discuss policy issues, budget issues, management issues, or administrative issues.

3. **Do not disrupt City staff from their jobs.** EAO’s should not disrupt City staff while they are in meetings, on the phone, or otherwise engaged in performing their job functions in order to have their individual needs met. Do not attend City staff meetings unless requested by staff – even if the elected or appointed official does not say anything, his or her presence implies support, shows partiality, intimidates staff, and hampers staff’s ability to do their job objectively.

4. **Never publicly criticize an individual employee.** EAO’s should never express 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 Administrator through private correspondence or conversation.

5. **Do not get involved in administrative functions.** EAO’s must not attempt to influence City staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, the payment of claims against the City or granting of City licenses and permits.

6. **Check with City staff on correspondence before acting.** Before sending correspondence, Councilmembers should check with the City Administrator to see if an official City response has already been sent or is in progress. Board and commission members shall not send correspondence except as authorized by the City Council.
7. **Limit requests for staff support.** Routine secretarial support will be provided to all Councilmembers. The City Secretary (or designee) opens mail addressed to Mayor and forwards information as appropriate. The City Secretary also opens mail for other Councilmembers, unless a Councilmember requests other arrangements.
8. **Do not solicit political support from staff.** EAO's shall not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from City staff. City staff may, as private citizens with constitutional rights, support political candidates, but all such activities must be done away from the workplace. The use of the City's email system for political purposes or communications is not allowed.

## **E. Conduct with the Public**

- (a) **In Public Meetings.** Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice or disrespect should be evident on the part of individual EAO toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.
  - a. **Be welcoming to speakers and treat them with care and gentleness.**
  - b. **Be fair and equitable in allocating public hearing time to individual speakers.**

The Mayor or Chair will determine and announce limits on speakers at the start of the public hearing process. Generally, each speaker will be allocated three minutes with applicants and appellants, or their designated representatives allowed time as allocated by the Mayor. If many speakers are anticipated, the Mayor or Chair may shorten the time limit and/or ask speakers to limit themselves to new information and points of view not already covered by previous speakers.

No speaker will be turned away unless he or she exhibits inappropriate behavior. speaker may only speak once during the public hearing unless the Mayor or Chair requests additional clarification later in the process.
  - c. **Give the appearance of active listening.** It is disconcerting to speakers to have EAO not look at them when they are speaking. Be aware of facial expressions, especially those that could be interpreted as "smirking," disbelief, anger or boredom. EAO's shall refrain from texting or other cellular phone functions during public hearings.
  - d. **Ask for clarification, but avoid debate and argument with the public.** Only the Mayor (Chair) – not individual EAO – can interrupt a speaker during a presentation. However, a member can ask the Mayor (Chair) for a point of order if the speaker is off the topic or exhibiting behavior or language that is disturbing.

If speakers become flustered or defensive by questions, it is the responsibility of the Mayor (Chair) to calm and focus the speaker and to maintain the order and decorum of the meeting. Questions by EAO to the public testifying should seek to clarify or expand information. It is never appropriate to belligerently challenge or belittle the speaker. Personal opinions or inclinations of EAO about upcoming votes should not be revealed until after the public hearing is closed.

- e. **No personal attacks of any kind, under any circumstance.** EAO should be aware that their body language and tone of voice, as well as the words they use, can appear to be intimidating or aggressive.
- f. **Follow parliamentary procedure in conducting public meetings.** The City Secretary serves as advisory parliamentarian for the City Council and is available to answer questions or interpret situations according to parliamentary procedures. In his/her absence, the City Administrator serves as advisory parliamentarian. The Mayor (Chair), subject to the appeal of the full Council or board/commission, makes final rulings on parliamentary procedure per the procedure outlined in Robert's Rules of Order Newly Revised.

#### (b) **In Unofficial Settings**

- a. **Make no promises on behalf of the Council, board/commission, or City.** EAO will frequently be asked to explain a Council or board/commission 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 City policy and to refer to City staff for further information. It is inappropriate to overtly or implicitly promise Council or board/commission action, or to promise City staff will do something specific (ex. fix a pothole etc.).
- b. **Make no personal comments about other EAO.** It is acceptable to publicly disagree about an issue, but it is unacceptable to make derogatory comments about other EAO, and their opinions and actions.
- c. **Remember that Jamaica Beach is a small City at heart.** EAO are constantly being observed by the community every day that they serve in office. Their behaviors and comments serve as models for proper deportment in the City of Jamaica Beach. Honesty and respect for the dignity of each individual should be reflected in every word and action taken by EAO, 24 hours a day, seven days a week. It is a serious and continuous responsibility.

#### **F. Conduct with Other Public Agencies**

- (a) **Be clear about representing the City or personal interests.** When representing the City, the Councilmember must support and advocate the official City position on an issue, not a personal viewpoint. Outside of official board or commission meetings, board and commission members are not authorized to represent the City or their board or commission unless specifically designated by the Council or the board or commission to do so for a particular purpose and with the City Administrator's knowledge.

When representing another organization whose position is different from the City, the Councilmember should withdraw from voting on the issue if it significantly impacts or is detrimental to the City's interest. Councilmembers should be clear about which organizations they represent and inform the Mayor, the City Council, and the City Administrator of their involvement.

- (b) **Be equally clear in correspondence about representation.** City letterhead may be used when the Councilmember is representing the City and the City's official position. A copy of official correspondence should be given to the City Secretary to be filed with the City as part of the permanent public record.
- (c) **City letterhead should not be used for non-City business or for correspondence representing a dissenting point of view from an official Council position.**

#### **G. Council Conduct with Boards, committees, and commissions.**

The City has established several boards, committees, and commissions as a means of gathering more community input. Citizens who serve on boards, committees, and commissions become more involved in government and serve as advisors to the City Council. They are a valuable resource to the City's leadership and should be treated with appreciation and respect.

- (a) **If attending a board or commission meeting, be careful of personal opinions.** Councilmembers may attend any board or commission meeting, which are always open to any member of the public. However, they should be sensitive to the way their participation, especially if it is on behalf of an individual, business or developer, could be viewed as unfairly affecting the process. Any public comments by a Councilmember at a board or commission meeting should be clearly made as individual opinion and not as a representation of the feelings of the entire City Council.
- (b) **Limit contact with board and commission members to questions of clarification.** It is inappropriate for a Councilmember to contact a board or commission member to lobby on behalf of an individual, business, or developer, and vice versa. It is acceptable for Councilmembers to contact board or commission members in order to clarify a position taken by the board or commission.
- (c) **Remember that boards, committees, and commissions serve the community, not individual Councilmembers.** The City Council appoints individuals to serve on boards, committees, and commissions, and it is the responsibility of boards, committees, and commissions to follow policy established by the Council; but board and commission members do not report to individual Councilmembers, nor should Councilmembers feel they have the power or right to threaten board and commission members with removal if they disagree about an issue. Appointment and re-appointment to a board or commission should be based on such criteria as expertise, ability to work with staff and the public, and commitment to fulfilling official duties. A board or commission appointment should not be used as a political "reward."

- (d) **Be respectful of diverse opinions.** A primary role of boards, committees, and commissions is to represent many points of view in the community and to provide the Council with advice based on a full spectrum of concerns and perspectives. Councilmembers may have a closer working relationship with some individuals serving on boards, committees, and commissions but must be fair and respectful of all citizens serving on boards, committees, and commissions.
- (e) **Keep political support away from public forums.** Board and commission members may offer political support to a Councilmember, but not in a public forum while conducting official duties. Conversely, Councilmembers may support board and commission members who are running for office but not in an official forum in their capacity as a Councilmember.

## H. Conduct with the Media

Board and commission members are not authorized to represent the City outside of official board/commission meetings unless specifically authorized to do so by the City Council.

- (a) **Councilmembers are frequently contacted by the media for background and quotes. The best advice for dealing with the media is to never go "off the record".** Most members of the media represent the highest levels of journalistic integrity and ethics and can be trusted to keep their word. But one bad experience can be catastrophic. Words that are not said cannot be quoted.
- (b) **The City Administrator is the official spokesperson for the City on City positions.** The City Administrator by ordinance is the Public Information Officer designated to present and speak on the official City position. If an individual Councilmember is contacted by the media, the Councilmember should be clear about whether their comments represent the official City position or a personal viewpoint.
- (c) **Choose words carefully and cautiously.** Comments taken out of context can cause problems. Be especially cautious about humor, sardonic asides, sarcasm, or word play. It is never appropriate to use personal slurs or swear words when talking with the media.

## I. Social Media Use

Social media has revolutionized the ability of its users to share and exchange information, ideas, and views amongst virtual communities and networks; and

Governmental bodies and agencies use social media to educate and provide general information to the public and, in doing so, often foster citizen participation and engagement in discussions concerning matters affecting the general population and current events; and

Elected city officials routinely utilize social media to communicate with their constituents concerning matters affecting citizens; and

The use of social media has become an important tool of governance and outreach for elected city officials; and

As community leaders, elected city officials must be mindful of the public trust each holds when

using social media to communicate ideas and views amongst their respective social media networks; and

It is extremely important that the City of Jamacia Beach take a measured, strategic approach to the implementation of social media to avoid potentially damaging consequences such as the presence of out-of-date information, the failure to provide appropriate information to citizens who have requested it, or the misrepresentation of the City of Jamacia Beach's policies, services, or values.

**Purpose:** To provide elected city officials with:

- (a) Recommended guidelines constituting best practices concerning elected city officials' accuracy, accountability, and sensitivity on social media consistent with elected city officials' commitment to the best interest of the City; and
- (b) Reminders of the laws potentially implicated when elected city official use social media to communicate with constituents concerning matters related to City business.

### **Definitions**

- (a) **Social Media:** Generally, social media is any site or online process designed to facilitate simple and streamlined communication between users. Social media sites differ from conventional communication media such as online newspapers and magazines in that they tend to be less structured and complex, and more friendly, personal, and intimate in nature, and they tend to offer tools which allow for quick, unfiltered, and often a common form of spontaneous communication opportunities.
- (b) **Social Network:** For the purposes of this policy, the term "social network" or "social networking" refers to any interaction between a participant and any site deemed by the City of Jamacia Beach to be social media, including, but not limited to: Facebook, LinkedIn, Snapchat, Instagram, TikTok, X, and YouTube. Interaction is not limited to accessing the website of such social media sites, but also sending to or receiving from such sites any e-mails, text messages, or any other electronic interaction.
- (c) **Official:** In terms of this policy, "official" refers to any site or process set up by the City of Jamacia Beach, its employees, agents, or contractors, which serves to communicate sanctioned City of Jamacia Beach information or engages citizens in discussion about topics, services, or processes under the auspices of the City of Jamacia Beach.
- (d) **Comments:** Includes without limitation, any content, information, articles, pictures, videos, or any other form of communicative content posted through social media. May also be referred to as "Posts" or "Postings."

### **Policy for Public Relations on City Pages**

- (a) EAO should not use social media in a manner that violates the Texas Public Information Act (Chapter 552, Texas Government Code) and any applicable records retention laws or schedules. It is anticipated that from time to time, elected city officials will have access to information that is considered privileged or confidential under Texas or federal law. Such information may be exempt from public disclosure and there may be penalties or other consequences for inappropriate disclosure. By way of example, such information may include but is not limited to certain personnel information, non-public information from criminal investigations and business trade secrets. Elected city officials must be particularly careful to protect against the inadvertent disclosure of confidential or privileged information

on social media.

- (b) EAO should not use social media in a manner that violates the Texas Public Information Act (Chapter 552, Texas Government Code) and any applicable records retention laws or schedules. It is anticipated that from time to time, elected city officials will have access to information that is considered privileged or confidential under Texas or federal law. Such information may be exempt from public disclosure and there may be penalties or other consequences for inappropriate disclosure. By way of example, such information may include but is not limited to certain personnel information, non-public information from criminal investigations and business trade secrets. Elected city officials must be particularly careful to protect against the inadvertent disclosure of confidential or privileged information on social media.
- (c) Whenever possible, links to more information should direct users back to the City's official website for more information, forms, documents or online services necessary to conduct business with the City.
- (d) EAO's representing the City via social media outlets must conduct themselves at all times as representatives of the City. EAO that fail to conduct themselves in an appropriate manner shall be subject to the disciplinary procedures outlined in the Section 10 of this policy.
- (e) EAO shall have no expectation of privacy when using social media sites. With that, EAO are not to publish, post or release any information that is considered confidential or not public. This includes both city sites and personal sites. EAO should remember that even on personal accounts, they are considered a representative of the City of Jamacia Beach.
- (f) If EAO's encounter a situation while using social media that threatens to become antagonistic, they should disengage from the dialogue in a polite manner and notify the City Administrator.
- (g) Elected city officials should exercise caution with respect to comments they post, particularly those concerning the City and the business of the City. Elected city officials should be mindful that posting and engaging in a discussion of City-related content/matters on social media may violate the Texas Open Meetings Act (Chapter 551, Texas Government Code).

### **Policy for Participating in Social Networking**

- (a) When participating on social media you should follow the same standards of behavior "online" as you would if "in person" and should be mindful of how your online activities reflect upon you and your position with the City and City organization.
- (b) You are solely responsible for what you post online. You should consider the risks and rewards, as more and more court cases are appearing due to slander, misrepresentation and copyright infringement.
- (c) Keep in mind that if any of your conduct adversely affects the performance of employees or otherwise adversely affects members, customers, suppliers, people who work on behalf of the City or those who have legitimate business interests, may result in disciplinary action as outlined in Section 10.
- (d) Do not create a link from your blog, website, or other social networking site to the City website without identifying yourself as an EAO.

### **Basic Beliefs for Social Media Use:**

- (a) **Know and Follow the Rules:** Ensure your postings are consistent with all city policies. Inappropriate postings that may include discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may subject you to disciplinary action up to and including termination.

- (b) **Be Respectful:** always be fair and courteous to fellow employees, customers or the public, members, suppliers or people who work on behalf of the City. Also, keep in mind that you are more likely to resolve work related complaints by speaking directly with your co-workers or by speaking directly with management rather than by posting complaints to a social media outlet. Nevertheless, if you decide to post complaints or criticism, avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, suppliers, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm one's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or company policy.
- (c) **Be Honest and Accurate:** make sure you are always honest and accurate when posting information or news, and if you make a mistake, correct it quickly.
- (d) **Be open** about any previous posts you have altered. Remember that the Internet archives almost everything; therefore, even deleted postings can be searched.
- (e) Never post any information or rumors that you know to be false about the City, employees, the public, customers, suppliers, and/or people working on behalf of the City.

### **Post Only Appropriate Content**

- (a) Must make it clear that any personal opinions expressed are yours in your individual capacity, not as representatives of the City or otherwise on the City's behalf;
- (b) If you do publish a post online related to the City, it is best to include a disclaimer such as *"The postings on this site are my own and do not necessarily reflect the views of the City."*
- (c) EAO's who are not otherwise authorized by appropriate City Administration, must never report to be speaking on behalf of the City, or represent their opinions or statements as the policy or view of the City, or that of any City employee in his/her capacity as a representative of the City;
- (d) Should never provide references for City employees or former employees on social or professional networking sites, as such references, positive and negative, could be attributed to the City and could create legal liability for both the employee, and the City;
- (e) EAO should not use social media in a manner that violates the Texas Public Information Act (Chapter 552, Texas Government Code) and any applicable records retention laws or schedules. It is anticipated that from time to time, elected city officials will have access to information that is considered privileged or confidential under Texas or federal law. Such information may be exempt from public disclosure and there may be penalties or other consequences for inappropriate disclosure. By way of example, such information may include but is not limited to certain personnel information, non-public information from criminal investigations and business trade secrets. Elected city officials must be particularly careful to protect against the inadvertent disclosure of confidential or privileged information on social media;
- (f) Elected city officials should exercise caution with respect to comments they post, particularly those concerning the City and the business of the City. Elected city officials should be mindful that posting and engaging in a discussion of City-related content/matters on social media may violate the Texas Open Meetings Act (Chapter 551, Texas Government Code).

### **C. SANCTIONS**

- a) **Public Disruption.** Members of the public who do not follow proper conduct after a warning in a public meeting may be barred from further testimony at that meeting or removed from the Council Chambers.

- b) **Inappropriate Staff Behavior.** EAO's shall refer any City staff member or volunteer who does not follow proper conduct or protocol in their dealings with EAO, other City staff, or the public, to the City Administrator. These employees may be disciplined in accordance with standard City procedures for such actions. (Please refer to the section on Council Conduct with City Staff for more details on interaction with Staff.)
- c) **Councilmembers Behavior and Conduct.** Compliance and Enforcement. The Code of Ethics and Conduct expresses standards of ethical conduct expected for members of the Jamaica Beach City Council, boards, and commissions. EAO themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government. The chairs of boards, committees, and commissions and the Mayor and Council have the additional responsibility to intervene when actions of EAO that appear to be in violation of the Code of Ethics and Conduct are brought to their attention.

City Councilmembers who intentionally and repeatedly do not follow proper conduct may be reprimanded or formally censured by the Council, be removed from committee assignments (both within the City of Jamaica Beach or with inter-governmental agencies) by the Council.

Councilmembers should point out the offending Councilmember infractions of the Ethics Policy. If the offenses continue, then the matter should be placed on a council agenda in closed session under the provisions of Section 551.074 of the Texas Government Code.

The affected Councilmember may request that the complaint be considered in a public meeting. The affected Councilmember shall be provided by the City Attorney a copy of the complaint in writing. At such meeting, the City Attorney or City Administrator shall present in detail to the City Council the nature of the complaint and the City Attorney findings and conclusions as to a possible violation of this Code of Ethics and Conduct for Elected and Appointed Officials.

The affected Councilmember shall have the right to a full and complete hearing before the City Council with the opportunity to call witnesses and present evidence in such person's behalf. The non-implicated City Councilmembers in attendance shall conduct a hearing in open session and review the complaint. The City Council may reject the complaint and take no action or take action to formally reprimand or censure the offending Councilmember.

- d) **Board and Commission Members Behavior and Conduct.** Counseling and verbal reprimands may be administered by board and commission chairs (or their designee) to board and commission members failing to comply with City policy. These lower levels of sanctions shall be kept private to the degree allowed by law. Verbal or written reprimands may be administered by the Mayor or Mayor Pro Tem at the direction of the Council. Copies of all written reprimands administered by the Mayor or Mayor Pro Tem shall be distributed in memo format to the respective board or commission member, the board or commission chairperson, the City Secretary, the City Administrator, and the City Council. Written reprimands administered by the Mayor or Mayor Pro Tem shall not be publicized except as required under the Public Information Act.

The City Council may impose sanctions on any EAO whose conduct does not comply with the City's policies, up to and including removal from office. Any form of discipline imposed by Council shall be determined by a majority vote of at least a quorum of the Council at a noticed public meeting and such action shall be preceded by a Report to Council with supporting documentation. The Report to Council shall be distributed in accordance with normal procedures. Any Report to Council addressing alleged misconduct by a board or commission member shall be routed through the City Attorney for review of whether any information is exempt from disclosure (subject to redaction) based on privacy interests authorized under the Public Information Act.

When deemed warranted, the Council may call for an investigation of an EAO's conduct. Should the City Administrator or City Attorney believe an investigation is warranted, they shall confer with the Council. The Council shall ask for an investigation of the allegation and a report of the findings.

The results of any investigation conducted by the City Administrator or City Attorney shall be reported to the full Council in a closed session. It may be reported in a verbal or written report. Any written report to Council addressing the investigation of board and commission members shall be routed through the City Attorney for review of whether any information is exempt from disclosure (subject to redaction) based on privacy interests authorized under the Public Information Act. The affected EAO may request that the complaint be considered in a public meeting. The EAO shall be provided a copy of the complaint in writing. At such meeting, the City Attorney or City Administrator shall present a report to the City Council describing in detail the nature of the complaint and the City Attorney findings and conclusions as to a possible violation of this Code of Ethics and Conduct for Elected and Appointed Officials. The affected EAO shall have the right to a full and complete hearing before the City Council with the opportunity to call witnesses and present evidence in such person's behalf. The non-implicated City Councilmembers in attendance shall conduct a hearing and review the complaint. The City Council may reject the complaint or take action.

It shall be the Council's responsibility to determine the next appropriate action. Any such action taken by Council (with the exception of "take no further action") shall be conducted at a noticed meeting. These actions include, but are not limited to discussing and counseling the individual on the violations; placing the matter on a future public hearing agenda to consider sanctions; forming a Council ad hoc subcommittee to review the allegation, the investigation and its findings, as well as to recommend sanction options for Council consideration.

A violation of this Code of Ethics and Conduct for Elected and Appointed Officials, alone, shall not constitute a basis for challenging the validity of a Council, board or commission decision.

## D. GLOSSARY OF TERMS

- (a) **Confidential information** means any information to which an official has access in such person's official capacity, which may not be disclosed to the public except pursuant to state and/or federal law and which is not otherwise a matter of public record or public knowledge. Confidential information includes the following information, however transmitted: (i) any information from a meeting closed to the public pursuant to the Texas Open Meetings Act or other law regardless of whether disclosure violates the Texas Open Meetings Act or Texas Public Information Act; (ii) any information protected by attorney client, attorney work product, or other applicable legal privilege; and (iii) any information deemed confidential by law.
- (b) **Gift** means anything of value, regardless of form, offered or given in the absence of adequate and lawful consideration. It does not include the receipt or acceptance of campaign contributions, which are regulated by federal, state, and/or local laws or ordinance.
- (c) **Relative** means any person related to an officer within the second degree by Consanguinity or affinity. This relationship includes the spouse, parents, children, stepchildren, father and mother-in-law, or son and daughter-in-law, grandparents, grandchildren, sisters and brothers of the officer.
- (d) **Substantial financial interest** means (i) the ownership of ten (10) percent or more of the voting stock or shares of a business entity; (ii) the ownership of ten (10) percent or more, or fifteen thousand dollars (\$15,000.00) or more of the fair market value of a business entity; or (iii) funds received from the business entity exceed ten (10) percent of the person's gross income for the previous year, and action on the matter involving the business entity will have a special economic effect on the business entity that is distinguishable from the effect on the public. It is expressly provided herein that an investment or ownership in a publicly held company, in an amount less than fifteen thousand dollars (\$15,000.00) does not constitute a substantial interest. Substantial interest in real property means the person has an interest in the real property that is equitable or legal ownership with a fair market value of two thousand five hundred dollars (\$2,500.00) or more; and it is reasonably foreseeable that an action on a matter involving the real property will have a special economic effect on the value of the real property distinguishable from its effect on the public. (Ownership includes any partnership, joint or corporate ownership or any equitable or beneficial interest as a beneficiary of a trust.) A Member is considered to have a substantial interest under this Ethics Policy if a person related to the Member in the second degree of consanguinity or affinity has a substantial interest under this Code of Ethics and Conduct for Elected and Appointed Officials.

## **E. IMPLEMENTATION**

As an expression of the standards of conduct for EAO expected by the City, the Code of Ethics and Conduct is intended to be self-enforcing. It therefore becomes most effective when EAO are thoroughly familiar with it and embrace its provisions. For this reason, this document shall be included in the regular orientations for candidates for City Council, applicants to board and commissions, and newly elected and appointed officials. EAO entering office shall sign a statement affirming they read and understood the City of Jamaica Beach Code of Ethics and Conduct for Elected and Appointed Officials. In addition, the Code of Ethics and Conduct shall be annually reviewed by the City Council, boards, committees, and commissions, and the City Council shall consider recommendations from boards, committees, and commissions and update it as necessary.

## **F. ETHICS RESOURCES**

### **(a) Texas Local Government Code**

- a. Ch. 171 Conflict of Interest
- b. Ch. 176 Financial Disclosure in Contracts
- c. Ch. 252 Purchasing and Contracting Authority of Municipalities

### **(b) Texas State Government Code**

- a. Ch. 551 Open Meetings Act
- b. Ch. 552 Public Information Act
- c. Ch. 553 Disclosure of Ownership in Property
- d. Ch. 573 Nepotism

### **(c) Texas Election Code**

- a. Ch. 253 Campaign Finance

### **(d) Texas Penal Code**

#### **a. Ch. 36 Bribery and Corrupt Influence**

- i. 36.02 Bribery
- ii. 36.03 Coercion of Public Servant or Voter
- iii. 36.04 Improper Influence
- iv. 36.05 Tampering with Witness
- v. 36.06 Obstruction or Retaliation
- vi. 36.07 Acceptance of Honorarium
- vii. 36.08 Gift to Public Servant by Person Subject to His Jurisdiction
- viii. 36.09 Offering Gift to Public Servant
- ix. 36.10 Non-Applicable

#### **b. Ch. 37 Perjury and other Falsification**

- i. 37.10 Tampering with a Governmental Record

#### **c. Ch. 39 Abuse of Office**

- i. 39.02 Abuse of Official Capacity
- ii. 39.03 Official Oppression
- iii. 39.06 Misuse of Official Information

CODE OF ETHICS ACKNOWLEDGMENT

I acknowledge that I have received a copy of the City of Jamaica Beach Code of Ethics for Elected and Appointed Officials. I further acknowledge that I have read and understand all my obligations, duties, and responsibilities under each provision of this Code of Ethics.

\_\_\_\_\_

Printed Name

\_\_\_\_\_

Signature

\_\_\_\_\_

Date