

RESOLUTION NO. 3478

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRYAN, TEXAS, ESTABLISHING A CODE OF ETHICS AND CONDUCT FOR ELECTED AND APPOINTED OFFICIALS AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is important that the public have confidence in the integrity of its government;

WHEREAS, the proper operation of government requires that City Officers be independent and impartial and that governmental decisions and policy be made within the proper channels of the governmental structure;

WHEREAS, the City Council of the City of Bryan, Texas, 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 by this Resolution adopts a Code of Ethics and Conduct for Elected and Appointed Officials and hereby memorializes that desire by the adoption of this resolution.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRYAN THAT:

Section 1. The Ethics Policy attached as Exhibit "A" is hereby adopted in its entirety.

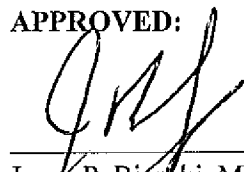
Section 2. This Resolution shall be effective immediately upon its passage.

This resolution is adopted on this the 26th day of March, 2013 by the City Council of the CITY OF BRYAN.

ATTEST:


Mary Lynne Stratta, City Secretary

APPROVED:


Jason P. Bienski, Mayor

APPROVED:


Janis K. Hampton, City Attorney

Exhibit "A"



Code of Ethics and Conduct for Elected and Appointed Officials

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Policy Purpose

The Bryan 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 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 Bryan are entitled to have a fair, ethical and accountable local government that has earned the public's full confidence for integrity. In keeping with the City of Bryan's Commitment to Excellence, the effective functioning of democratic government therefore 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 Bryan 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 and commissions to assure public confidence in the integrity of local government and its effective and fair operation. The City's Code of Ethics and Conduct provides guidance on ethical issues and questions of right and wrong.

1. **Act in the Public Interest.** Recognizing that stewardship of the public interest must be their primary concern, EAO will work for the common good of the people of Bryan 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 Bryan City Council, boards 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 and commissions shall comply with the laws of the nation, the State of Texas and the City of Bryan 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 Charter, ordinances and policies.
3. **Conduct of Elected and Appointed Officials ("EAO").** EOA shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of Council, boards and commissions, the staff, or public.
4. **Respect for Process.** EAO shall perform their duties in accordance with the processes and rules of order established by the City Council and board 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 Council or boards and commissions, which they may have received from sources outside of the public decision-making process.
8. **Conflict of Interest.** No 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 interest.
 - (c) Accept any gift from any person that might reasonably tend to influence such 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;

(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 City staff time, equipment, supplies or facilities, for private gain or personal, political purposes. Councilmembers desiring 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 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 Bryan, nor will they allow the inference that they do.
13. **Policy Role of EAO.** EAO shall respect and adhere to the council-manager structure of Bryan City government as outlined by the Bryan City Charter. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by the public, boards and commissions, and City staff. Except as provided by the City Charter, 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 and commissions.** Because of the value of the independent advice of boards 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 card policy as utilized by city staff.

18. **Positive Work Place Environment.** EAO shall support the maintenance of a positive and constructive work place 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

The City Charter provides detailed information on the roles and responsibilities of members of the Bryan 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 Bryan.

The constant and consistent theme through all of the conduct guidelines is "respect." Councilmembers experience huge workloads and tremendous stress in making decisions that could impact thousands 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.

1. 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.
- Serves as spokesperson for the City Council on City positions.
- 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 members of the City Council, including those serving as Mayor and Mayor Pro Tem, have equal votes. 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
- Inspire public confidence in Bryan government
- Provide contact information with the City Secretary in case an emergency or urgent situation arises while the Councilmember is out of town
- Demonstrate honesty and integrity in every action and statement
- Participate in scheduled activities to increase team effectiveness and review Council procedures, such as this Code of Ethics and Conduct.

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.

- Maintains order, decorum, and the fair and equitable treatment of all speakers
- Keeps discussion and questions focused on specific agenda item under consideration
- Makes parliamentary rulings with advice, if requested, from the city secretary who acts as advisory parliamentarian, and in her absence, the city attorney shall act as advisory parliamentarian.

2. 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 yes, then the Mayor can recommend which Councilmember should be asked 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

The policies and procedures related to the reimbursement of travel expenses for official City business by Councilmembers are outlined in city administrative policy. All Council travel in which the Councilmember expects to officially represent the City and/or be reimbursed by the City for travel costs, must be approved in advance by the Mayor. The travel policy and budget for Council should 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 commission. Standing rules that vary from Robert's Rules may be adopted by the Council by ordinance.

Non-agenda Items (Hear Citizens)

During a designated period of the agenda, referred to as "hear citizens," citizens may bring forth issues or questions that are not on the meeting's agenda. Each citizen will be limited to three minutes unless otherwise directed by the Mayor (Council meetings) or Chair (board/commission meetings). The Mayor or Chair shall use the presentation monitor displaying green, yellow, and red lights to give a 30 second allowance to conclude citizen comments.

State law does not require the City Council to have an agenda item for "hear citizens". Hear citizens 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.

Councilmembers (Council meetings) and board/commission members (board/commission meetings) 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.

Appeal Protocol.

The applicant or appellant shall have the right to speak first. The Mayor or Chair will determine the length of time allowed for this presentation. Speakers representing either pro or con points of view will be allowed to follow. The Mayor or Chair will determine how much time will be allowed for each speaker, with 3 minutes the standard time granted. The applicant or appellant will be allowed to make closing comments. The Mayor or Chair has the responsibility to run an efficient public meeting and has the discretion to modify the public hearing process in order to make the meeting run smoothly.

3. EAO Conduct with One Another

EAO are 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.

3(a). In Public Meetings

Use formal titles

EAO should refer to one another formally during public meetings, such as Mayor, Mayor Pro Tem, Chair, Commissioner or Councilmember followed by the individual's last name.

Practice civility and decorum in discussions and debate.

Difficult questions, tough 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, public officials 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.

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.

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.

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.

Outside of official board or commission meetings, individual 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. In public, however, all EAO shall represent the official policies or positions of their board or commission. Only the chair or his/her designee shall speak during a Council public hearing on any item that has been addressed by the board or commission, and for which detailed minutes have been provided to the Council. The chair shall represent the majority view of the board or commission, but shall report on any minority views as well. When an official board or commission position differs from staff's recommendation on a particular policy issue, then at the Mayor's discretion additional time may be provided to the chair of the board or commission (or his/her designee) to explain the position of the board/commission. If new information is brought to light during a public hearing that was not shared previously with the board or commission, the Mayor may allow the board or commission chair to respond. If the Council deems the new information sufficient to warrant additional study, then by majority vote Council may refer the issue back to the board or commission for further study prior to taking other action itself.

Individual opinions and positions may be expressed by board and commission members regarding items that have not come before the particular board/commission to which they belong. When presenting their individual opinions and positions, Councilmembers and board/committee/commission members shall explicitly state they do not represent their body or the City of Bryan, nor will they allow the inference that they do.

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.

3(b). In Private Encounters

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.

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. Would you feel comfortable to have this note faxed to others? How would you feel if this voicemail message were played on a speaker phone in a full office? What would happen if this E-mail message were forwarded to others? Written notes, voicemail messages and e-mail should be treated as potentially "public" communication.

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 eavesdropped 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.

4. 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.

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.

Member questions/inquiries to City staff

1. **General.** Member communications with City staff should be limited to normal City business hours unless the circumstances warrant otherwise. Responses to Council questions posed outside of normal business hours should be expected no earlier than the next business day.
2. **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., "What are the library's hours of operation?" or "How does one reserve a tee time at the golf course?"). Under these circumstances staff shall treat the member no differently than they would the general public, and the member shall not use their elected status to secure preferential treatment. The city manager does not need to be advised of such contacts.

3. **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?")
4. **Non-Routine Requests Requiring Special Effort.** Any member 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) must be directed to the city manager, or to the city attorney, as appropriate (e.g., "How many Study Issues completed over the past five years have required 500 or more hours of staff time?", or "What is the logic behind the City's sign ordinances affecting businesses along El Camino Real?"). The city manager (or council appointee as appropriate) 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 manager, the city attorney as appropriate and affected department directors.
5. **Meeting Requests.** Any member request for a meeting with staff must be directed to the city manager or council appointee, as appropriate.

Do not disrupt City staff from their jobs

Elected and appointed officials should not disrupt City staff while they are in meetings, on the phone, or engrossed 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.

Never publicly criticize an individual employee

Elected and appointed officials should never express concerns about the performance of a City employee in public, to the employee directly, or to the employee's manager. Comments about staff performance should only be made to the city manager or council appointee through private correspondence or conversation.

Do not get involved in administrative functions

Elected and appointed officials 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.

Check with City staff on correspondence before taking action

Before sending correspondence, Councilmembers should check with City staff 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 under the City's policies governing volunteers.

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.

Requests for additional staff support – even in high priority or emergency situations, should be made to the city manager who is responsible for allocating City resources in order to maintain a professional, well-run City government.

Do not solicit political support from staff

Elected and appointed officials should 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.

5. Conduct with the Public

5(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.

Be welcoming to speakers and treat them with care and gentleness

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. Each speaker may only speak once during the public hearing unless the Mayor or Chair requests additional clarification later in the process.

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.

Ask for clarification, but avoid debate and argument with the public

Only the chair – not individual EAO – can interrupt a speaker during a presentation. However, a member can ask the chair for a point of order if the speaker is off the topic or exhibiting behavior or language the member finds disturbing.

If speakers become flustered or defensive by questions, it is the responsibility of the 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. EAO's personal opinions or inclinations about upcoming votes should not be revealed until after the public hearing is closed.

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.

Follow parliamentary procedure in conducting public meetings

The city secretary serves as advisory parliamentarian for the Council and City and is available to answer questions or interpret situations according to parliamentary procedures. In her absence, the city attorney serves as advisory parliamentarian. The 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.

5(b). In Unofficial Settings

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 (fix a pothole, remove a library book, plant new flowers in the median, etc.).

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.

Remember that Bryan is a small town 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 Bryan. 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.

6. Council Conduct with Other Public Agencies

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 staff'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 and Council of their involvement.

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 Council Services Assistant to be filed in the Council Office as part of the permanent public record.

City letterhead should not be used for non-City business or for correspondence representing a dissenting point of view from an official Council position.

7. Council Conduct with Boards and Commissions

The City has established several boards and commissions as a means of gathering more community input. Citizens who serve on boards 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.

If attending a board or commission meeting, be careful 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.

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.

Remember that boards and commissions serve the community, not individual Councilmembers.

The City Council appoints individuals to serve on boards and commissions, and it is the responsibility of boards 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."

Be respectful of diverse opinions

A primary role of boards 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 and commissions but must be fair and respectful of all citizens serving on boards and commissions.

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.

8. 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.

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.

The Mayor is the official spokesperson for the City on City positions

The Mayor is the designated representative of the Council 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.

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.

C. SANCTIONS

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.

Inappropriate Staff Behavior

Councilmembers should refer to the city manager any City staff or to the council appointee any appointee's staff who do not follow proper conduct in their dealings with Councilmembers, other City staff, or the public. These employees may be disciplined in accordance with standard City procedures for such action; if it is determined such action did occur. (Please refer to the section on Council Conduct with City Staff for more details on interaction with Staff.)

Councilmembers Behavior and Conduct

Compliance and Enforcement. The Code of Ethics and Conduct expresses standards of ethical conduct expected for members of the Bryan 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 and commissions and the Mayor and Council have the additional responsibility to intervene when actions of EAO that appears 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 Bryan or with inter-governmental agencies) by the Council.

Councilmembers should point out to 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 or City Internal Auditor a copy of the complaint in writing. At such meeting, the City Attorney or City Internal Auditor shall present in detail to the City Council the nature of the complaint and the City Attorney or City Internal Auditor's findings and conclusions as to a possible violation of this Code of Ethics and Conduct.

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.

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 manager, 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 board and commission members 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 Office of 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 board or commission member conduct. Should the City Manager, City Attorney, or City Internal Auditor 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 Manager, City Attorney and or City Internal Auditor 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 Office of 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 Member may request that the complaint be considered in a public meeting. The Member shall be provided a copy of the complaint in writing. At such meeting, the City Attorney or City Internal Auditor shall present a report to the City Council describing in detail the nature of the complaint and the City Attorney or City Internal Auditor's findings and conclusions as to a possible violation of this Code of Ethics and Conduct. The affected member 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, alone, shall not constitute a basis for challenging the validity of a Council, board or commission decision.

D. GLOSSARY OF TERMS

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.

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.

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.

Substantial 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.

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 Bryan Code of Ethics and Conduct. In addition, the Code of Ethics and Conduct shall be annually reviewed by the City Council, boards and commissions, and the City Council shall consider recommendations from boards and commissions and update it as necessary.

Exhibit A

**OPERATIONAL PROTOCOLS
FOR BRYAN CITY COUNCIL AND COUNCIL APPOINTEES**

It is the overriding objective of the Council and its appointees that the interests of the City be served faithfully and effectively at all times. To that end, the Council, individual Councilmembers, and the Council's appointees will work together to foster a working environment that is characterized by mutual respect and professional courtesy, free of harassment and unnecessary interpersonal conflict, compliant with all applicable laws, guided at all times by the Charter, and consistently focused on a commitment to service. This protocol governs interactions among the Council and its members and the Council's appointees and establishes the standards of behavior that all have agreed are best suited to achieving the appropriate working environment. These rules of engagement are not intended to take the place of any ethical guidelines, Charter directives, or other policies but, rather, supplement those guidelines, directives, and policies by facilitating the type of productive day-to-day interactions that are necessary for accomplishing the duties and responsibilities assigned to each individual or group.

Council's first duties are to:

- 1) create a strategic plan with concise goals;
- 2) implement a system to measure goal achievement on a quarterly basis;
- 3) speak with one voice once a majority decision has been rendered; and
- 4) view responsibilities to the entire City as stakeholders and not to certain sections of the community.

The Council and individual Councilmembers shall at all times:

- Operate within the scope of authority provided for in the Charter and in accordance with all applicable laws.
- Observe the requirements regarding properly noticed open meetings and refrain from meeting in numbers less than a quorum with the intent of avoiding open meetings requirements.
- Appoint a duly authorized delegate or subcommittee to attend to matters within the Council's scope of authority that the Council does not pursue as a body, requiring that delegate or subcommittee to report back to the Council to allow for an informed decision by the Council as a whole.
- Designate the Mayor as spokesperson on policy decisions collectively reached at properly noticed meetings and, once decisions are made, avoid the appearance that the Council is not in agreement with regard to the direction taken.
- Follow the rules of debate as set forth in the Council's recognized parliamentary authority during Council meetings.
- Respect the delegation of authority and responsibility to appointees as provided for in the Charter.
- Avoid at all times inappropriately providing direction on administrative matters or other matters not within the scope of their authority.
- Direct all requests for information from City personnel to the appropriate appointee or City Manager direct report employee in order to avoid the appearance of any impropriety or undermining of the appointee's position and authority; and, when at all possible, contact the appointee, City Manager or a

direct report of the Manager with questions about upcoming Council agenda items in order to provide the City Manager the opportunity to gather needed information and have appropriate staff present at the meeting to adequately address the questions.

- Seek clarification from the City Attorney, as necessary, regarding the scope of the Council's authority or responsibility, proper process, or other legal issues.
- Treat citizens, appointees, and City employees in a courteous and fair manner at all times and avoid placing appointees in a position that could reasonably be perceived to create undue influence by any individual Councilmembers.

Situations involving a Councilmember who is not following the Council's operational protocols shall be addressed through the following incremental steps: 1) the concerned Councilmember shall have a one-on-one conversation with the non-complying Councilmember; 2) the Mayor shall discuss the situation with said Councilmember; and 3) the Mayor shall appoint an ad hoc committee of the Council to address the situation.

Council appointees shall:

- Report to and take direction from the Council as a whole and not from individual Councilmembers, keeping the entire Council informed of all matters that are appropriately within the Council's scope of authority and ensuring that individual Councilmembers are equally informed.
- Remain free from influence by individual Councilmembers and third parties, ensuring objectivity in their actions and decision-making.
- Respond to requests for information from individual Councilmembers as appropriate, but, when responding, provide the entire Council and the other appointees both the requested information and a brief statement of the request, when made, and by whom.
- Keep other Council appointees informed on a timely basis regarding issues within that other Council appointee's area of responsibilities and avoid the appearance that one Council appointee has ambushed or undermined another.
- Except in extraordinary circumstances or where there is an affirmative duty to report to the Council, escalate matters involving another Council appointee or a matter within another Council appointee's area of responsibility to the Council only after discussing the matter fully with the other Council appointee in question, only after making all reasonable efforts under the circumstances to resolve the matter without Council involvement, and only as necessary to protect the City's interests.
- Respect the authority of and decisions made by other Council appointees, and express disagreement in an appropriate fashion and forum.
- Exercise sound professional judgment untainted by personal animosity or hidden agendas.
- Be open, honest, and forthright in their dealings with one another, with the Council, and with individual Councilmembers.
- Treat one another, citizens, other City employees, the Council, and individual Councilmembers with courtesy and respect at all times.
- Council appointees may accomplish their responsibilities in any manner that is not imprudent, unethical or in violation of applicable codes of professional ethics and conduct.

- Council appointees shall support the Vision Statement, Mission Statement and Values as developed by the Executive Management Team.

The Council will appoint an appropriate party, either a delegate or a subcommittee, to which conflicts between or personnel issues involving Council appointees (other than those for which there is an affirmative duty to report to the full Council) may be addressed. That delegate or subcommittee shall be responsible for informing the Council of any good faith belief that there has been misconduct on the part of an appointee and for conducting any investigation directed by the Council. Only the entire Council may authorize such investigations, and no investigation shall be conducted except as authorized by the entire Council. The Council, observing all required process, shall make a determination as to whether any action should be taken as a result of the findings or report.

The Council considers this protocol to be critical to the success of the organization and, accordingly, failure to adhere to the rules of engagement set forth above will result in appropriate action, which, for appointees, may include removal from his or her position. Councilmembers and appointees shall have an affirmative duty to report to the full Council and to the other appointees any situation which they believe, in good faith, constitutes a violation of this protocol, whether intentional or unintentional.

The Council will revisit this protocol semi-annually to ensure that it is achieving the goals it was intended to achieve and to determine if any amendment or other action is necessary to establish and maintain effective professional relationships among the Council and its appointees.

Adopted: November 23, 2004