



**CITY OF BRADY COUNCIL AGENDA
REGULAR CITY COUNCIL MEETING
MAY 2, 2023 AT 6:00 PM**

NOTICE is hereby given of a meeting of the City Council of City of Brady, McCulloch County, State of Texas, to be held at **6:00 p.m. May 2, 2023**, at the City of Brady Municipal Court Building located 207 S. Elm St., Brady, Texas, for the purpose of considering the following items. The City Council of the City of Brady, Texas, reserves the right to meet in closed session on any of the items listed below should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551. of the Texas Government Code.

Vacant
Mayor

Larry Land
Council Member Place 1

Missi Elliston
Council Member Place 2

Jeffrey Sutton
Council Member Place 3

Jane Huffman
Mayor Pro Tem
Council Member Place 4

Jay May
Council Member Place 5

Erin Corbell
City Manager

Tina Keys
City Secretary

Sharon Hicks
City Attorney

MISSION

The City of Brady strives to share its history and encourage the development of diverse housing, employment, infrastructure, and opportunity through transparent management and financing for all residents and employees.

1. CALL TO ORDER, ROLL CALL & CERTIFICATION OF A QUORUM

2. INVOCATION & PLEDGE OF ALLEGIANCE

3. PUBLIC COMMENTS: Reserved for items NOT listed on the agenda

Please limit individual public comments to three (3) minutes. In accordance with TX AG opinion, any public comment addressing items not on the agenda, will only be heard by the City Council. No formal action, deliberation, discussion, or comment will be made by City Council. State Law prohibits any deliberation or decisions regarding items presented in public comments. City Council may only make a statement of specific factual information given in response to the inquiry; recite an existing policy; or request staff to place the item on an agenda for a subsequent meeting.

4. CONSENT AGENDA: Reserved for routine items to save time

Any item may be removed from the Consent Agenda at the request of a Council Member and considered separately following the Consent Agenda approval. All items listed on the Consent Agenda are to be with one motion "Move to approve Consent Agenda."

A. Approval of Minutes for Regular Meeting on April 18, 2023

5. PRESENTATIONS

➤ US – EPA Lead Copper Rule Revision (LCRR)

6. PUBLIC HEARING:

7. INDIVIDUAL CONCERNS

City Council Members are to deliberate the following items. Staff will present the item and are prepared to answer City Council Member questions. The Mayor will recognize Council Members as the council discuss the item so everyone is heard. Once the City Council Members finish discussion, the Mayor will recognize attendees who have comments. Attendees and council members need to direct comments to the Mayor as they are recognized. When all comments are complete, the Mayor will call for a motion.

- A. Discussion, consideration and possible action regarding the **second and final reading of Ordinance 1355** of the City of Brady, Texas approving the request for a Bed and Breakfast/Venue as a Specific Use Provision, in a Single-Family Residential District for property located at 900 S. Blackburn Street, in the Luhr Subdivision, Block No. 169, Lot No. 2
- B. Discussion, consideration and possible action regarding the **second and final reading of Ordinance 1356** of the City of Brady, Texas approving the request for a Bed and Breakfast Inn or Facility as a Specific Use Provision, in a Single-Family Residential District for property located at 901 S. Blackburn Street, in the Luhr Subdivision, Block No. 170, Lot No. 1.
- C. Discussion, consideration and possible action to approve the **first reading of Ordinance 1357** of the City of Brady, Texas to establish Council Rules of Conduct and Procedures and Code of Conduct and Ethics.

8. STAFF REPORTS

A. Upcoming Special Events/Meetings:

| | |
|---------|---|
| May 6 | Election Day |
| May 16 | Regular City Council meeting, 6:00 |
| May 25 | Last day of school, early release |
| May 29 | Memorial Day Holiday, City offices closed, altered trash schedule |
| June 6 | Regular City Council meeting, 6:00 |
| June 20 | Regular City Council meeting, 6:00 |

9. ANNOUNCEMENTS

Pursuant to the Texas Government Code § 551.0415, City Council Members and City staff may make reports about items of community interest during a meeting of the governing body without having given notice of the report. Items of community interest include: Expressions of thanks, congratulations, or condolence; an honorary or salutary recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in the status of a person's public office or public employment is not an honorary or salutary recognition for purposes of this subdivision; Information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; and announcements involving an imminent threat to public health and safety of people in the municipality that has arisen after the posting of the agenda.

10. EXECUTIVE SESSION

The City Council of the City of Brady will adjourn into Executive Session for the following:

- Pursuant to Section 551.071 (Consultation with Attorney), the City Council will consult with the City Attorney about pending or contemplated litigation or on a matter in which the duty of the attorney to the City under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act: EMS agreement with County
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11. OPEN SESSION ACTION ON ANY ITEMS COMING OUT OF EXECUTIVE SESSION

Discussion, consideration or possible action as a result of Executive Session, if any.

12. ADJOURNMENT

I certify that this is a true and correct copy of the City of Brady City Council Meeting Agenda and that this notice as posted on the designated bulletin board at Brady City Hall, 201 E. Main St., Brady, Texas 76825; a place convenient and readily accessible to the public at all times, and said notice was posted on _____ by 6:00 p.m. and will remain posted continuously for 72 hours prior to the scheduled meeting pursuant to Chapter 551 of the Texas Government Code.

Tina Keys, City Secretary

In compliance with the American with Disabilities Act, the City of Brady will provide for reasonable accommodations for persons attending public meetings at City facilities. Requests for accommodations or interpretive services must be received at least 48 hours prior to the meeting. Please contact the City Secretary at 325-597-2152 or tkeys@bradytx.us

Attendance by Other Elected or Appointed Officials: It is anticipated that members of other governmental bodies, and/or city boards, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the body, board, commission and/or committee. The members of the boards, commissions and/or committees may be permitted to participate in discussion on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless item and action is specifically provided for on an agenda for that body, board, commission or committee subject to the Texas Open Meetings Act.

The City Council of the City of Brady reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed on this agenda as authorized by the Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations regarding Real Property), 551.073 (Deliberations regarding prospective Gifts or Donations), 551.074 (Personnel Matters), 551.076 (Deliberations regarding Security Devices), 551.086 (Deliberate, vote or take final action on competitive matters of the public power utility), and 551.087 (Deliberation regarding Economic Development).

This agenda has been reviewed and approved by the City's legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes written interpretation of the Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.104(c) and the meeting is conducted by all participants in reliance on this opinion.

STATE OF TEXAS

COUNTY OF McCULLOCH

CITY OF BRADY

The City Council of the City of Brady, Texas met in a Regular Meeting on Tuesday April 18, 2023 at 6:00 p.m. with Mayor Pro Tem Huffman presiding. Council Members present were Missi Elliston, Larry Land, Jay May, Jeffrey Sutton and Jane Huffman. City staff present were City Manager Erin Corbell, Public Works Director Steven Miller, Finance Director Lisa McElrath, Police Chief Randy Batten, and City Attorney Sharon Hicks. Also in attendance were Nicholas Tuccio, JT Owens, Tony Bucholz, Marisol Bucholz, Kendra Oldham, Anthony Groves, Joe Evridge, DeAnn Evridge, Felix Gomez, Gary Jacobson, Drew Barker, Lynn Farris, James Stewart, Russ McElrath and James Griffin.

1. CALL TO ORDER, ROLL CALL & CERTIFICATION OF A QUORUM

Mayor Pro Tem Huffman called the meeting to order at 6:00 p.m. Council quorum was certified.

2. INVOCATION AND PLEDGE OF ALLEGIANCE

Drew Barker gave the invocation, and Council Member May recited the Pledge of Allegiance.

3. PUBLIC COMMENTS

Nicholas Tuccio with NextLink spoke to the council requesting support while the company is applying for grants through the state for funding to bring broadband into underserved rural areas.

4. CONSENT AGENDA

- A. Approval of Minutes for Regular Meeting on April 4, 2023.
- B. Discussion, consideration and possible action regarding Resolution 2023-008 to request TxDOT / City street closures for the 96th Annual July Jubilee Parade to be held on Saturday, July 1, 2023

Council Member Elliston moved to approve the Consent Agenda. Seconded by Council Member May. All Council Members voted “aye” and none “nay”. Motion passed with a 5 – 0 vote.

5. PRESENTATIONS:

- Second Quarter Financial Report – FY23 – Lisa McElrath presented to Council.
- Pinning / Swearing in of Police Chief Randy Batten. Municipal Court Judge J. T. Owens swore in Police Chief Batten

6. PUBLIC HEARINGS AND INDIVIDUAL CONCERNS ON PUBLIC HEARING

- A. Public Hearing to receive comments for or against the request for a Bed and Breakfast/Venue as a Specific Use Provision, in a Single-Family Residential District for property located at 900 S. Blackburn Street, in the Luhr Subdivision, Block No. 169, Lot No. 2.

Public Hearing was opened at 6:09 p.m. James Stewart spoke in support of the project. Public Hearing was closed at 6:10 p.m.

- B. Public Hearing to receive comments for or against the request for a Bed and Breakfast Inn or Facility in a Single-Family Residential District for property located at 901 S. Blackburn Street, in the Luhr Subdivision, Block No. 170, Lot No. 1.

Public Hearing was opened at 6:10 p.m. There were no public comments. Public Hearing was closed at 6:11 p.m.

7. INDIVIDUAL CONCERNS

- A. Discussion, consideration and possible action to approve the second and final reading of Ordinance 1354 to amend the Brady Economic Development Corporation FY23 budget. Erin Corbell presented. Council Member Sutton moved to approve the second and final reading of Ordinance 1354. Seconded by Council Member Elliston. All Council Members voted “aye” and none “nay”. Motion passed with a 5 – 0 vote.
- B. Discussion, consideration and possible action regarding the **first reading of Ordinance 1355** of the City of Brady, Texas approving the request for a Bed and Breakfast/Venue as a Specific Use Provision, in a Single-Family Residential District for property located at 900 S. Blackburn Street, in the Luhr Subdivision, Block No. 169, Lot No. 2. Erin Corbell presented. Council Member Land invited the Evridges to speak to the council about the scope of their project. Felix Gomez told the council he had DJ’d the first wedding that was held at the venue last weekend and it exceeds other venues that he’s been able to DJ. Council Member May moved to approve the first reading of Ordinance 1355. Seconded by Council Member Sutton. All Council Members voted “aye” and none “nay”. Motion passed with a 5 – 0 vote..
- C. Discussion, consideration and possible action regarding the **first reading of Ordinance 1356** of the City of Brady, Texas approving the request for a Bed and Breakfast Inn or Facility as a Specific Use Provision, in a Single-Family Residential District for property located at 901 S. Blackburn Street, in the Luhr Subdivision, Block No. 170, Lot No. 1. Erin Corbell presented. Council Member May moved to approve the first reading of Ordinance 1356. Seconded by Council Member Elliston. All Council Members voted “aye” and none “nay”. Motion passed with a 5 – 0 vote.
- D. Discussion, consideration and possible action on awarding lowest responsive bid to Bo Simon, Inc., Canyon, Texas the 2023-Small Diameter Water Main Replacement – 8 in. China St. Water Main Improvements from near Commerce St. south to 11th St. and including 10-in. Water Main Relocation from near Burns St. south to West China St. Steven Miller presented. Council Member Elliston asked why there was such a big difference in the bids received. Chris Hay informed council that the biggest issue is cost of supplies and availability of crews. Council Member Land asked for a timeline for start of work. He acknowledge the time to execute contracts and other contributing factors, that it will be at minimum 200 days. Council Member Land moved to award lowest responsive bid as described herein, to Bo Simon, Inc., Canyon, TX in the amount of \$1,290,793.00. Seconded by Council Member May. All Council Members voted “aye” and none “nay”. Motion passed with a 5 – 0 vote.
- E. Discussion, consideration possible action on awarding Engineering Agreement Amendment No. 2 to Enprotech/Hibbs & Todd (eHT), Abilene, Texas for construction phase services during and through construction of the 2023-Small Diameter Water Main Replacement – 8-in. China St. Water Main Improvements from near Commerce St. south to 11th St. and including 10-in. Water Main Relocation from near Burns St. south to West China St. Steven Miller presented. Council Member Elliston moved to authorize the City Manager to execute Engineering Agreement Amendment No. 2 with Enprotech/Hibbs & Todd, Abilene, Texas, in the amount of \$106,000.00. Seconded by Council Member Huffman. Motion passed with a 5-0 vote.

8. STAFF REPORTS

- A. **Monthly Financial / Utility Reports**
- B. **Monthly Activity Reports:** Seniors, Golf, BPD, Fire-EMS Calls, BVFD Expense Report, Animal Control, Airport, Code Enforcement, Municipal Court
- C. **Upcoming Special Events/Meetings:**
 - April 23 Happy Birthday Missi Elliston!!
 - May 2 Regular City Council Meeting, 6:00

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|--------|---|
| May 16 | Regular City Council Meeting, 6:00 |
| May 25 | Last day of school, early release |
| May 29 | Memorial Day Holiday, City offices closed, altered trash schedule |

9. ANNOUNCEMENTS

There were no announcements.

10. EXECUTIVE SESSION

The City Council of the City of Brady adjourned into Executive Session for the following:

- Pursuant to Section 551.071 (Consultation with Attorney), the City Council will consult with the City Attorney about pending or contemplated litigation or on a matter in which the duty of the attorney to the City under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act: EMS agreement with McCulloch County
- Pursuant to Section 551.072 (Deliberations about Real Property), the City Council will deliberate the purchase, exchange, lease or value of real properties of the City as the deliberation in an open meeting will have detrimental effect on the position of the City in negotiations with a third person: Animal Control Shelter

There was no Executive Session.

11. OPEN SESSION ACTION ON ANY ITEMS COMING OUT OF EXECUTIVE SESSION

12. ADJOURNMENT

There being no further business, Mayor Pro Tem Huffman adjourned the meeting at 6:30 p.m.

Jane Huffman, Mayor Pro Tem

Attest: _____
Tina Keys, City Secretary

LCRR First Steps: Material Survey & Lead Service Line Inventory



Lead and Copper Monitoring Program

Lillian Johnson
TCEQ DWAWG
January 11, 2022

Overview



- Lead and Copper Rule Revisions (LCRR)
- Material Survey & Certification Form
- Lead Service Line Inventory
- Next Steps – What to do NOW to prepare

LCRR Timeline



- LCRR Effective Date: December 16, 2021
- Compliance Date: October 16, 2024
 - Material Survey and Certification Form
 - Lead Service Line Inventory

LCRR Key Changes



- Lead Service Line Inventory and Replacement
- Tiering Structure
- Sampling Changes
- Trigger Level
- Public Notice and Education
- Find and Fix
- Schools and Childcare Facility Testing

Important Definitions



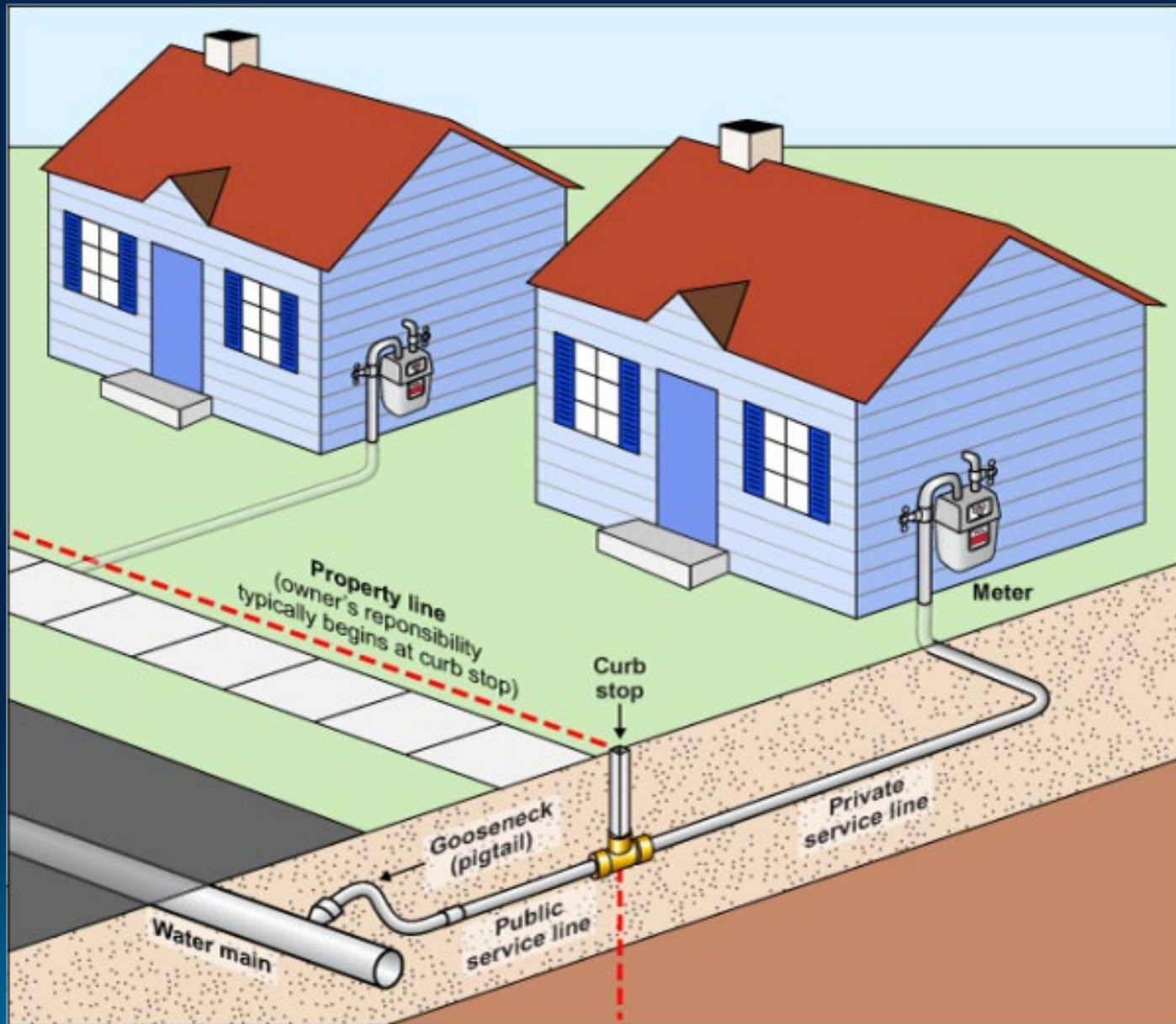
- ***Lead service line*** - Portion of pipe that is made of lead, which connects the water main to the building inlet.
- ***Galvanized service line*** - Iron or steel piping that has been dipped in zinc to prevent corrosion and rusting.
- ***Galvanized requiring replacement*** - Galvanized service line that is or was ever downstream of a lead service line or is currently downstream of lead status unknown.

More Important Definitions



- ***Gooseneck, pigtail or connector*** - Short section of piping used for connections between rigid service piping.
- ***Lead status unknown service line*** - Service line that has not been demonstrated to meet or not meet the definition of lead free.





Material Survey and Certification Form



- CFR 40 §141.84 - Water systems must identify the materials of service lines connected to their distribution system. Service lines must be categorized in the following manner:
 - Lead
 - Galvanized Requiring Replacement
 - Lead Status Unknown
 - Non-Lead

Material Survey Continued



- WHO: Required for all community and non transient, non community water systems
- WHEN: Submitted to TCEQ by October 16, 2024
 - Required once for non-lead systems
 - Required annually or triennially for all others
 - With system's CCR (First due July 1, 2025)

Material Survey: WHAT



- Record review checklist
- Service line material category table
 - Number of service lines categorized by material
 - Public and private side delineation
- Certification of completion

Lead Service Line Inventory: WHO



- Required for systems that identify:
 - Lead
 - Galvanized Requiring Replacement
 - Lead Status Unknown



Lead Service Line Inventory: WHEN



- As soon as practical but no later than October 16, 2024
- Inventory must be included in community system's consumer confidence report.
- Required annually or triennially based on the system's tap sampling schedule.

Lead Service Line Inventory



- CFR 40 §141.84 - Lead service line inventory and replacement requirements
- Must include all service lines connected to the public water distribution system.
- PWS must review all available sources of information to identify service line materials for the initial inventory.
- Each service line, or portion of the service line where ownership is split, must be categorized and delineated.

Lead Service Line Inventory Continued



- Water systems shall identify and track service line materials as they are encountered and update the inventory based on all applicable sources.
- System must submit updated inventory in accordance with its tap sampling monitoring period schedule



Potholing



Reporting Lead Service Line Inventory to the Public



- Inventory must be made publicly accessible.
- Water systems serving more than 50,000 persons must provide the inventory online.
- Instructions to access the service line inventory must be included in Consumer Confidence Report.

Identifying Lead Service Lines



- Identify service lines that were installed before 2014.
- Identify any goosenecks or pigtails used to connect water mains and service lines.
- Identify service lines that are 2-inches or less in diameter.
- Physically inspect the piping. Lead is a dull gray color and very soft. If scraped with a key or coin, it will turn a bright silver color.

Lead and Copper Rule Improvements



EPA will develop Lead and Copper Rule Improvements (LCRI) to strengthen key elements of the rule.

The agency anticipates finalizing the LCRI prior to October 16, 2024, the initial compliance date in the LCRR.

Questions?



Lillian Johnson
Lead and Copper Monitoring

Lillian.Johnson@tceq.texas.gov
(512) 239-5283

CITY COUNCIL
CITY OF BRADY, TEXAS
AGENDA ACTION FORM for ORDINANCE

| | | | |
|-------------------------------|---|------------------------|------------|
| AGENDA DATE: | 05/02/2023 | AGENDA ITEM | 7.A. |
| AGENDA SUBJECT: | Discussion, consideration, and possible action regarding the second and final reading of Ordinance 1355 of the City of Brady, Texas approving request for a Bed and Breakfast/Venue as a Specific Use Provision, in a Single-Family Residential District for property located at 900 S. Blackburn Street, in the Luhr Subdivision, Block No. 169, Lot No. 2. (P&Z action 04/11/2023) | | |
| PREPARED BY: | Tina Keys | Date Submitted: | 04/12/2023 |
| EXHIBITS: | Ordinance 1355 | | |
| BUDGETARY IMPACT: | Required Expenditure: | \$00.00 | |
| | Amount Budgeted: | \$00.00 | |
| | Appropriation Required: | \$00.00 | |
| CITY MANAGER APPROVAL: | | | |

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| SUMMARY: |
| <p>Joe and DeAnn Evridge contacted the Code Office requesting a Specific Use Provision, for property located at 900 S. Blackburn Street. This property is currently zoned as Single Family Residential.</p> <p>The property to the East, South and North are Single Family District, and West is Commercial property.</p> <p>The zoning application was filed on March 14, 2023.</p> <p>The City published the proper notice for property located at 900 S. Blackburn Street, Luhr Subdivision, Block No. 169, Lot No. 2, Brady, Texas, for the purpose to request a Specific Use Provision and gave proper notice to all property owners within 200 feet.</p> <p>On April 11, 2023, Planning and Zoning held a public hearing and made a motion to recommend approval to the City Council.</p> |

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| RECOMMENDED ACTION: |
| <p>Mayor will ask: <u>“Madam City Secretary please read the Ordinance Preamble for the record in accordance with the City Charter.”</u> “Secretary reads preamble”</p> <p>Mayor calls for a motion: Move to approve the second and final reading of Ordinance 1355</p> |

ORDINANCE NO. 1355

AN ORDINANCE OF THE CITY OF BRADY, TEXAS, APPROVING THE REQUEST FOR A BED AND BREAKFAST/VENUE AS A SPECIFIC USE PROVISION, IN A SINGLE-FAMILY RESIDENTIAL DISTRICT FOR PROPERTY LOCATED AT 900 S. BLACKBURN STREET IN THE LUHR SUBDIVISION, BLOCK NO. 169, LOT NO. 2

WHEREAS, Chapter 211 of the Texas Local Government Code empowers the City of Brady, Texas to enact zoning regulations and provide for their administration, enforcement and amendment; and

WHEREAS, the City has previously deemed it necessary and desirable to adopt zoning regulations to provide for the orderly development of property within the City in order to promote the public health, safety, morals and general welfare of the residents of the City, and

WHEREAS, Chapter 14 of the Brady Code of Ordinances constitutes the City's Zoning Regulations and requires property to be zoned in accordance with proper designations as defined by the City; and

WHEREAS, Joe and DeAnn Evridge have requested a Specific Use Provision, and

WHEREAS, the Planning and Zoning Commission of the City provided adequate notice and held a public hearing on April 11, 2023 in accordance with the Brady Code of Ordinances and Chapter 211 of the Texas Local Government Code; and

WHEREAS, the Planning and Zoning Commission of the City recommended approval of the Specific Use Provision of the designated property and confirmed that the Specific Use Provision is uniform and conforms to the plan design of the City's Zoning regulations; and

WHEREAS, the City Council believes the Specific Use Provision will not adversely affect the character of the area in which it is proposed; will not substantially depreciate the value of adjacent or nearby properties; will be in keeping with the spirit and intent of the City's Zoning Ordinance; will comply with applicable standards of the district in which located; and will not adversely affect traffic, public health, public utilities, public safety and the general welfare of the residents of the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRADY, TEXAS, THAT:

A Specific Use Provision is granted for a Single-Family Residential District for property for a Bed and Breakfast/Venue for property located at 900 S. Blackburn Street in the Luhr Subdivision, Block No. 169, Lot No. 2

PASSED AND APPROVED on its First Reading on this the _____ day of _____ 2023.

PASSED AND APPROVED on its Second reading this the _____ day of _____ 2023.

Jane Huffman, Mayor Pro Tem

ATTEST:

Tina Keys, City Secretary

CITY COUNCIL
CITY OF BRADY, TEXAS
AGENDA ACTION FORM for ORDINANCE

| | | | |
|-------------------------------|---|------------------------|------------|
| AGENDA DATE: | 05/02/2023 | AGENDA ITEM | 7.B. |
| AGENDA SUBJECT: | Discussion, consideration, and possible action regarding the second and final reading of Ordinance 1356 of the City of Brady, Texas approving request for a Bed and Breakfast Inn or Facility as a Specific Use Provision, in a Single-Family Residential District for property located at 901 S. Blackburn Street, in the Luhr Subdivision, Block No. 170, Lot No. 1. (P&Z action 04/11/2023) | | |
| PREPARED BY: | Tina Keys | Date Submitted: | 04/12/2023 |
| EXHIBITS: | Ordinance 1356 | | |
| BUDGETARY IMPACT: | Required Expenditure: | \$00.00 | |
| | Amount Budgeted: | \$00.00 | |
| | Appropriation Required: | \$00.00 | |
| CITY MANAGER APPROVAL: | | | |

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| SUMMARY: |
| <p>Joe and DeAnn Evridge contacted the Code Office requesting a Specific Use Provision, for property located at 901 S. Blackburn Street. This property is currently zoned as Single Family Residential.</p> <p>The property to the West, East, South and North are Single Family District property.</p> <p>The zoning application was filed on March 14, 2023.</p> <p>The City published the proper notice for property located at 901 S. Blackburn Street, Luhr Subdivision, Block No. 170, Lot No. 1, Brady, Texas, for the purpose to request a Specific Use Provision and gave proper notice to all property owners within 200 feet.</p> <p>On April 11, 2023, Planning and Zoning held a public hearing and made a motion to recommend approval to the City Council.</p> |

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| RECOMMENDED ACTION: |
| <p>Mayor will ask: <u>“Madam City Secretary please read the Ordinance Preamble for the record in accordance with the City Charter.”</u> “Secretary reads preamble”</p> <p>Mayor calls for a motion: Move to approve the second and final reading of Ordinance 1356</p> |

ORDINANCE NO. 1356

AN ORDINANCE OF THE CITY OF BRADY, TEXAS, APPROVING THE REQUEST FOR A BED AND BREAKFAST INN OR FACILITY AS A SPECIFIC USE PROVISION, IN A SINGLE-FAMILY RESIDENTIAL DISTRICT FOR PROPERTY LOCATED AT 901 S. BLACKBURN STREET IN THE LUHR SUBDIVISION, BLOCK NO. 170, LOT NO. 1

WHEREAS, Chapter 211 of the Texas Local Government Code empowers the City of Brady, Texas to enact zoning regulations and provide for their administration, enforcement and amendment; and

WHEREAS, the City has previously deemed it necessary and desirable to adopt zoning regulations to provide for the orderly development of property within the City in order to promote the public health, safety, morals and general welfare of the residents of the City, and

WHEREAS, Chapter 14 of the Brady Code of Ordinances constitutes the City's Zoning Regulations and requires property to be zoned in accordance with proper designations as defined by the City; and

WHEREAS, Joe and DeAnn Evridge have requested a Specific Use Provision, and

WHEREAS, the Planning and Zoning Commission of the City provided adequate notice and held a public hearing on April 11, 2023 in accordance with the Brady Code of Ordinances and Chapter 211 of the Texas Local Government Code; and

WHEREAS, the Planning and Zoning Commission of the City recommended approval of the Specific Use Provision of the designated property and confirmed that the Specific Use Provision is uniform and conforms to the plan design of the City's Zoning regulations; and

WHEREAS, the City Council believes the Specific Use Provision will not adversely affect the character of the area in which it is proposed; will not substantially depreciate the value of adjacent or nearby properties; will be in keeping with the spirit and intent of the City's Zoning Ordinance; will comply with applicable standards of the district in which located; and will not adversely affect traffic, public health, public utilities, public safety and the general welfare of the residents of the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRADY, TEXAS, THAT:

A Specific Use Provision is granted for a Single-Family Residential District for property for a Bed and Breakfast/Venue for property located at 901 S. Blackburn Street in the Luhr Subdivision, Block No. 170, Lot No. 1.

PASSED AND APPROVED on its First Reading on this the _____ day of _____ 2023.

PASSED AND APPROVED on its Second reading this the _____ day of _____ 2023.

Jane Huffman, Mayor Pro Tem

ATTEST:

Tina Keys, City Secretary

City Council
City of Brady, Texas
Agenda Action Form for Ordinance

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|-------------------------------|--|------------------------|------------|
| AGENDA DATE: | 5/2/2023 | AGENDA ITEM | 7.C. |
| AGENDA SUBJECT: | Discussion, consideration, and possible action regarding the first reading of Ordinance 1357 of the City of Brady, Texas to establish Council Rules Of Conduct And Procedure and Code of Conduct and Ethics | | |
| PREPARED BY: | S. Hicks / E. Corbell | Date Submitted: | 04/28/2023 |
| EXHIBITS: | Ordinance 1357 | | |
| BUDGETARY IMPACT: | Required Expenditure: | 0.00 | |
| | Amount Budgeted: | 0.00 | |
| | Appropriation Required: | 0.00 | |
| CITY MANAGER APPROVAL: | | | |

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| SUMMARY: |
| As elected members of council change, it is beneficial to provide council members with an adopted Rules of Conduct and Procedure and Code of Conduct and Ethics, which clearly communicates procedural governance for meetings, guidelines for council communications, rules of decorum, guidelines for council/commission relations, guidelines for council/staff relations and expectations of staff during and for council meetings. This transparency in governing body, commissions, board and staff relations makes for a more cohesive working relationship. |

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| RECOMMENDED ACTION: |
| Mayor Pro Tem will ask: “Madam City Secretary please read the Ordinance Preamble for the record in accordance with the City Charter.” (City Secretary reads preamble) |
| Mayor Pro Tem calls for a Motion: Do I have a Motion to approve the first reading of Ordinance 1357? |

ORDINANCE NO. 1357

AN ORDINANCE BY THE CITY OF BRADY, TEXAS ADOPTING CITY COUNCIL RULES OF CONDUCT AND PROCEDURE AND CODE OF ETHICS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Brady desires to adopt Rules of Conduct and Procedure and a Code of Ethics; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRADY, TEXAS:

Section 1. That the City Council Rules of Conduct and Procedure and Code of Ethics are adopted as set forth in Exhibits A and B.

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

Section 3. All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section 4. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

Section 7. This Ordinance shall be effective upon the date of final adoption hereof and any publication required by law.

PASSED ON FIRST READING, the 2nd day of May 2023.

PASSED, APPROVED and ADOPTED ON SECOND READING, the 16th day of May 2023 .

Mayor Pro Tem

ATTEST:

City Secretary, Tina Keys

EXHIBIT A

CITY OF BRADY CITY COUNCIL RULES OF CONDUCT AND PROCEDURE

These Rules of Conduct and Procedure (these "Rules") are intended to provide an understandable and workable structure for City Council meetings.

These Rules shall serve to aid the conduct of public business at Council meetings, to facilitate communication at Council meetings among Councilmembers and between Councilmembers and City staff and members of the public, and to promote confidence in the citizens that their government is performing its duties with the highest of ethical standards and with a genuine interest in the well-being of the community.

These Rules are in all events subject to the City Charter and applicable provisions of State law, including the Texas Open Meetings Act.

As a part of these Rules, the Council has established the following Code of Conduct for the Mayor and all Councilmembers:

1. Address the merits of the issues -no personal attacks.
2. Focus on representing the interests of all citizens.
3. Attempt to resolve personal conflicts among Councilmembers internally before speaking publicly.
4. Assume positive intentions - do not look for hidden agendas.
5. Observe the City's written Rules of Conduct and Procedure.
6. When others are speaking, listen with an open mind.
7. Recognize that inappropriate public disclosure of confidential information can be detrimental to the City and its citizens.
8. Understand that "majority rules". Once a vote is taken, if you were in the minority agree to disagree and move on. Recognize that a majority view, when expressed in a vote, becomes an expression of City policy.
9. Coordinate all requests of the City staff through the City Manager.

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ARTICLE 1. AUTHORITY

- 1.1 City Charter. Section 3.12 of the City Charter provides that the Council shall, by ordinance, determine its own rules and order of business.
- 1.2 Effective Date; Amendment. These Rules shall be in effect upon their adoption by the Council and until such time as they are amended, or new rules are adopted. In the event of a conflict between these Rules and the Charter, the Charter shall govern over these Rules. In the event of a conflict between these Rules and State law, State law shall take precedence.

ARTICLE 2. GENERAL RULES

- 2.1 Right to the Floor. Subject to Section 4.5, any Councilmember or member of City staff desiring to speak shall be recognized by the Mayor (or the presiding officer in the Mayor's absence) at an appropriate time and shall confine his/her remarks to the subject under consideration or to be considered.
- 2.2 The Mayor or Councilmember wishing to speak on a matter shall confine their remarks to not more than five (5) minutes.
- 2.3 Officers and Employees. Any officer or employee of the City, when requested by the City Manager, shall attend meetings of the Council. If requested to do so by the City Manager, they shall present information relating to matters before the Council.
- 2.4 Rules of Order. Part 4 of these Rules shall govern the proceedings of the Council.
- 2.5 Amendment to Rules. These Rules may be amended, or new rules adopted, by a duly adopted ordinance.

ARTICLE 3. ORDER OF BUSINESS

- 3.1 Agenda. The City Manager and the City Secretary shall prepare an agenda for each meeting of the Council. Items may be placed on the agenda by the City Manager (or in his absence any Assistant City Manager), the Mayor, or any two (2) Councilmembers. Items placed on the agenda by the City Manager (or in his

absence any Assistant City Manager) may be removed only by the City Manager (or any Assistant City Manager) and he/she may do so at any time that permits the agenda for the Council meeting to be properly posted by the City Secretary's Office under the Texas Open Meetings Act. Items placed on an agenda by the Mayor may be removed only by the Mayor, and he/she may do so at any time that permits the agenda for the Council meeting to be properly posted by the City Secretary's Office under the Texas Open Meetings Act. Items placed on the agenda by two (2) Councilmembers may be removed only by those specific Councilmembers, and they may do so at any time that permits the agenda for the Council meeting to be properly posted by the City Secretary's Office under the Texas Open Meetings Act.

- (a) Information Required. Any item to be on the agenda must be provided to the City Manager pursuant to a procedure established and modified by the City Manager from time to time. Each item on the agenda must contain sufficient information so that full disclosure of the item to be addressed is present so as to alert the Council and the public of the topic to be considered.
- (b) Order of Listing Items; Sponsor and Responsible Staff. The agenda shall list all items for consideration in a format recommended by the City Manager. The name of the person or persons placing an item on the agenda and the name of any expected staff presenter shall be stated on the agenda.
- (c) Chair Shall Not Entertain Objections. An agenda item properly placed on a future agenda by a member of Council during open session shall not be subject to objection by another member.

- 3.2 Communication to Mayor and Council. Staff members, in making presentations to Council at a meeting of the Council, should endeavor to restrict their presentations to five (5) minutes, excluding responses to questions by the Mayor and/or Councilmembers.

ARTICLE 4. RULES OF DECORUM

- 4.1 Recognition by presiding officer. Subject to Section 4.5, No person shall address the Council without first being recognized by the presiding officer.

- 4.2 Order. While the Council is in session, the Mayor and Councilmembers must preserve the order and decorum of the meeting, and the Mayor or a Councilmember shall neither, by statement or otherwise, delay or interrupt the proceedings or the peace of the Council or disturb any other Councilmember while speaking or refuse to obey the orders of the presiding officer. Mayor and Councilmembers are expected to remain on the dais during a Council meeting unless they have good cause to vacate.
- 4.3 Presiding Officer. The Mayor or the Mayor Pro-Tem or such other member of the Council who is serving as the presiding officer may participate in debate, subject only to such limitations of debate as are the rights and privileges of a Councilmember by reason of such Councilmember acting as the presiding officer. If the presiding officer is engaged in debate and is, at the insistence of three (3) Councilmembers, abusing the position of the presiding officer, the presiding officer must relinquish the chair to the Mayor Pro Tem, or in his/her absence, to the next most senior Councilmember (by time of service on the Council) present. The Mayor Pro-Tem or such other member, other than the Mayor, who is serving as presiding officer may move, second, and debate from the chair, subject only to such limitations of debate as are the rights and privileges of a Councilmember by reason of the member acting as the presiding officer.
- 4.4 Improper References to be Avoided. When a Councilmember has the floor pursuant to Section 2.1, he/she shall avoid all references to personalities and inappropriate language.
- 4.5 Interruptions. A Councilmember, once recognized, shall not be interrupted by the Mayor or another Councilmember when speaking unless it is to raise a point of privilege (Section 9.4) or a point of procedure or order (Section 9.5), or to enter a motion to withdraw a previously stated motion (Section 9.8), or as otherwise provided in these Rules. If a Councilmember, while speaking, is interrupted as set forth herein, the Councilmember so interrupted should cease speaking until the question is determined.

ARTICLE 5. MOTIONS AND MEETING PROCEDURES

- 5.1 Motions. A Councilmember, after he/she obtains the floor, may make a motion on the particular subject of discussion or a procedural point as permitted. A "Second" to the motion, if required, must be made by a Councilmember who

did not make the motion within a reasonable but brief time period. The Mayor may not "Make" or "Second" a motion. A motion or a "Second" merely implies that the maker of the motion and the person who "Seconds" agree that the motion should come before the meeting and not that he/she necessarily favors the motion. Without a "Second", if required, the motion dies.

- 5.2 Effect of Abstentions; action on required Abstentions: Effect of non-required Abstentions. The following rules shall apply when a Councilmember abstains from voting on an item:

When the Councilmember is Legally Obligated to Abstain.

When a Councilmember is legally obligated to abstain from voting pursuant to Texas Local Government Code Chapter 171, a local ordinance or the City Charter then the Councilmember shall leave the dais and exit City Council Chambers until such time as the debate and vote on the item has been concluded. The City Secretary shall record that the Councilmember left the room and abstained from the vote in the official minutes and there shall be no other effect.

When the Councilmember has no Legal Obligation to Abstain from Voting.

When a Councilmember has no legal obligation to abstain from voting then an abstention shall be recorded in the minutes as an abstention and shall procedurally be treated as a "no" vote.

ARTICLE 6. ENFORCEMENT OF DECORUM

- 6.1 Warning. All persons other than a recognized speaker shall, at the request of the presiding officer, be silent. If, after receiving a warning from the presiding officer, a person persists in disturbing the meeting, the presiding officer may order the person to leave the meeting. The Chief of Police, or such member or members of the Police Department or other persons as the presiding officer may designate, shall be sergeant-at-arms of the Council meetings. If the person so requested does not leave the meeting, the presiding officer may order the sergeant-at-arms to remove such person.
- 6.2 Removal. Any designated sergeant-at-arms shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at the Council meeting. Upon instruction of the presiding officer,

it shall be the duty of the sergeant-at-arms to remove from the meeting any person who intentionally disturbs the proceedings of the Council (or successor provision of law).

- 6.3 Resisting Removal. Any person who resists removal by the sergeant-at-arms shall be charged with violating Section 42.05 (a) of the Texas Penal Code.
- 6.4 Motions to Enforce. Any Councilmember may move to require the presiding officer to enforce these Rules and the affirmative vote of a majority of the Councilmembers present and eligible to vote shall require the presiding officer to do so.
- 6.5 Adjournment. In the event that any meeting is willfully disturbed by a person or groups of persons so as to render the orderly conduct of such meeting unfeasible and when order cannot be restored by the removal of the individuals who are creating the disturbance, the meeting may be adjourned and the remaining business considered at the next regular or a special meeting or, subject to State law, may be recessed to a set time and date.

ARTICLE 7. COUNCIL AND STAFF RELATIONS

- 7.1 City Manager to Provide Information. The City Manager is directly responsible for providing information to all the Councilmembers concerning any inquiries by a specific Councilmember. If the City Manager or his/her staff's time is being dominated or misdirected by a Councilmember, it is the City Manager's responsibility to inform the Mayor or the Council as a whole.
- 7.2 City Manager's Responses to Requests. The City Manager is expected to respond in a timely manner to the Council and Councilmember's requests. When information is requested, the City Manager will estimate a reasonable time frame for collecting the requested information.
 - 7.2.01 If the City Manager disagrees with the request, he should say so and explain his position.
 - 7.2.02 If the City Manager disagrees with individual directives, he should initiate clarification of the Council's will with regard to the individual Councilmember's request.

- 7.2.03 The City Manager may delegate responsibility for the response as necessary and appropriate, but the City Manager will be responsible for its receipt by the Council in a timely manner.
- 7.2.04 The City Manager should maintain a checklist and timetable for requests and other directives of the Council.
- 7.2.05 All Councilmembers will be provided the same written information when any matter under consideration may be of general concern to the Council. There will be no preferential dissemination of information by the City Manager or his staff.
- 7.3 Directions to City Manager. During meetings of the Council, unless a vote is taken, a consensus of the Councilmembers present will be required to direct the City Manager to take any action.
- 7.4 City Manager's Duty to Inform. The City Manager is responsible for keeping the Council informed. The Council should be provided with reports outlining progress on outstanding issues as well as information on new issues and opportunities. Additionally, the Council should be informed of City news prior to release of such information to the community, newspaper(s), or other governmental entities, etc.
- 7.5 Customer Concerns. It is the responsibility of the City Manager to establish procedures for handling customer concerns in all departments with prompt feedback to citizens and Councilmembers.
- 7.6 City Manager/Council Relations. The City Manager should strive to maintain positive relations with the Council by following these guidelines:
- 7.6.01 Work to establish mutual trust with the Council. Maintain open lines of communication with the Council and keep Council informed.
- 7.6.02 Inform all Councilmembers of educational opportunities, recognizing that an educated Council is in the City's best interest.
- 7.6.03 Include the Council in City-sponsored employee social events.

7.6.04 Conduct orientation sessions for new Councilmembers, including a tour of City buildings and introductions to staff.

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EXHIBIT A

CITY COUNCIL CODE OF ETHICS

Introduction

The City Council Code of Ethics (the "Codes") applies only to the members of the City Council: the Mayor, the Mayor Pro-Tem and the other City Council members. Furthermore, all provisions of the Codes apply equally to the Mayor, Mayor Pro-Tem and City Council members, who must follow the content of the Codes as well as the spirit.

It is the policy of the City Council that all of its members shall abide by federal and state law. It is also the policy of the City Council that all of its members shall abide by the provisions set forth in the City Charter and all City ordinances and policies, including the Codes.

Purpose

By adopting these Codes, Council members commit to:

- transparent and accountable governance;
- honest, fair and respectful dealings with fellow Council members, City staff, and the wider community; and
- working together to deliver the best outcomes for the long-term interests of the City.

These standards, together with the ongoing requirement for Council members to abide by Council policies, as they change from time to time, will ensure that public trust and confidence in the City Council is enhanced.

Limitations

The Codes are intended to support, explain or otherwise clarify the articles set forth in the City Charter or to exercise the specific right given to the City Council in the City Charter in Article III, to exercise its governmental powers. Nothing in the Codes is intended to contradict or supersede the City Charter or state law.

1. ETHICAL CONDUCT RULES FOR ALL CITY COUNCIL MEMBERS

a. During City Council meetings, City Council members shall assist in preserving order and decorum and shall neither by conversation or otherwise delay or interrupt the proceedings nor refuse to obey the orders of the presiding officer or the rules of the City Council.

b. During City Council meetings, a City Council member desiring to speak shall address the presiding officer and, upon recognition by the presiding officer, shall confine discussion to the question under debate, avoid discussion of personalities and indecorous language, and refrain from personal attacks and verbal abuse.

c. During City Council meetings, a City Council member desiring to question the administrative staff shall address questions to the City Manager, who shall be entitled either to answer the question(s) or designate a member of City staff. Such designation may occur at any time, including prior to a City Council meeting. City Council members shall not berate nor admonish staff members.

d. During City Council meetings, a City Council member, once recognized, shall not be interrupted while speaking unless called to order by the presiding officer, to raise a point of order, procedure or privilege, or unless the speaker chooses to yield to questions from another member. If a City Council member is called to order while speaking, that member shall cease speaking immediately until the question of order is determined. If ruled to be in order, the member shall be permitted to proceed. If ruled to be not in order, the member shall remain silent or make additional remarks so as to comply with rules of the City Council.

e. During City Council meetings, City Council members shall confine their questions to the particular matters before the assembly, and in debate, shall confine their remarks to the issues before the City Council.

f. During City Council meetings, when there is more than one speaker on the same subject, City Council members will delay their comments until after all speakers on the subject have been heard.

g. Council members shall clearly state when he/she has been directed by Council to speak on behalf of the City Council at the meeting of any board, committee or

commission. All other commentary offered before a board, committee or commission is deemed to be the personal opinion of the Council member.

h. Council members shall not speak on behalf of the Council at any place or time unless they have been so directed by the body of the City Council. Any commentary offered at any time, in public or otherwise, is deemed to be the personal opinion of the City Council member speaking.

1. Council members shall not speak to any board, committee or commission member on any matter that may come before the Council in a manner designed to influence the member.

j. No Council member shall privately lobby any member outside of the meetings in an attempt to influence his or her individual vote.

k. Any Council member who has testified on his or her own behalf or as a witness before a board, committee or commission on any administrative action which then comes to Council is disqualified from participating as a Council member on the matter *only if there is a legal conflict of interest.*

2. CONFIDENTIALITY OF INFORMATION SHARED IN CLOSED SESSION

a. Council members should keep all matters discussed in closed session confidential.

b. Any Council member who is found to have violated State Law with regards to the conduct of closed sessions shall be deemed to have violated the Codes.

3. INDIVIDUAL MEMBERS OF COUNCIL PROVIDING DIRECTION OR INSTRUCTION TO THE CITY MANAGER OR STAFF

a. Only the City Council, acting as a body, is permitted to provide direction and instruction to the City Manager, City Secretary, City Attorney or the City Judge regarding any matter confronting the City, whether policy-related or otherwise.

b. No member of Council (specifically including the Mayor, the Mayor Pro-Tem and the individual Council members) shall, at any time, give individual instruction to, attempt to define policy for, or make any demand of the City Manager, City Secretary, City Attorney or the City Judge or any member of staff.

c. No member of Council shall attempt to influence the City Manager, City Secretary, City Attorney, City Judge or any member of staff to circumvent City rules, policies or ordinances.

d. Any member of Council may, of course, at any time, make requests of the City Manager, City Secretary, City Attorney or the City Judge or any member of staff for information, assistance, or other help as may be necessary, so long as no orders, threats, promises, intimidations, or ultimatums, explicit or implicit, are issued.

e. The single exception to this rule is that in times of emergency lawfully declared by the Mayor, the Mayor may act independently as to matters of urgent need until a meeting of the Council, in quorum, can be called.

f. Any member of Council giving individual instruction or making a demand of the City Manager, City Secretary, City Attorney or the City Judge (or Judges) or any member of staff, with the exception of times of emergency lawfully declared by the Mayor, during which time the Mayor may act independently until a meeting of the Council, in quorum, can be called, shall be deemed to have violated the Codes.

4. CITY COUNCIL MEDIA COMMUNICATION GUIDELINES

a. Effective media relations best serves the City by providing accountability to the public and transparency of government, ensuring accurate information is conveyed to the public, establishing and maintaining an accurate public perception of the City; informing residents of City programs and services, and promoting the City's achievements, activities and significant events.

b. Council Members and the Mayor have been elected to represent our community and are free to speak to the media on any subject. This policy and its included guidelines are intended to ensure that accurate consistent information is provided to the media and that City Council's integrity and professional image is preserved.

c. Guidelines:

- 1) Council Members and the Mayor have the right to express personal opinions on any issue, **but must make it clear that they are speaking for themselves, are not speaking in an official capacity for the City, and are not speaking on behalf of City Council,** unless the position has been adopted by the City Council;
- 2) All conversations with a member of the media should be treated as on the record.
- 3) Where time permits City Council members and the Mayor should communicate with the City Manager prior to interviews with the media; otherwise all interviews with a member of the media should be reported to the City Manager as soon as reasonably possible after the interview.
- 4) There are certain highly sensitive issues that may require greater discretion when speaking to media. These issues include:
 - i. Legal issues, including liability issues and pending litigation;
 - ii. Personnel issues, including those surrounding existing and former employees;
 - iii. Questions that involve police or fire investigations; or
 - iv. A community-wide situation or emergency.

It is highly encouraged that City Council members and the Mayor contact the City Manager for any relevant information prior to commenting on such matters.

5. Violations

a. Violation of the Code of Ethics

- 1) Council members are expected to abide by the Codes at all times.
- 2) Any Council member not adhering to the Codes shall be in violation of said Codes.

b. Violations of Provisions of the City Charter

- 1) Council members are expected to abide by the articles set forth in the City Charter.

- 2) Any Council member who acts in violation of or in a manner inconsistent with the provisions of the City Charter shall be deemed to have violated the Codes.

c. Violations of Law or Policy by Council Members

Depending on the circumstances of alleged violations of law or policy, the Council may initiate an investigation of the allegations prior to the filing of a request for any of the actions described in this policy.

Nothing in this policy shall preclude individual Council members from making public statements regarding such alleged conduct.

In deciding whether or not to open an investigation (whether pursuant to these rules or pursuant to City Charter), City Council should consider:

- 1) whether a Council investigation may compromise other investigations regarding the same alleged actions, and, if the actions may result in criminal charges, whether the right of the accused Council member to a fair jury trial may be compromised by proceeding with an investigation;
- 2) if persons involved in the allegations may choose to exercise their constitutional right against self-incrimination, which may limit the investigation's ability to present a full picture of alleged events; and
- 3) how to ensure the protection of rights of those accused of violations of law or policy, those making such accusations, and those who have information regarding the accusations.

At any point during any of the processes described in this policy, the Council may refer the matter, as appropriate, to the McCulloch County District Attorney, the Texas Elections Commission, or to another law enforcement agency, for investigation. Following such a referral, the Council may proceed with any actions it chooses to take under the provisions of the City Charter.

6. Reporting Violations

Any suspected violation or alleged violation by a Council member must be reported to the Mayor. Any suspected violation or alleged violation by the Mayor shall be reported to the Mayor Pro-Tem and the City Attorney. In the case of a City staff member making the report regarding a Council member, the report shall be made to the City Manager, who will then report it to the Mayor. Upon report, the City Manager and City Attorney will assist the Mayor (or the Mayor Pro-Tem regarding a report concerning the Mayor) in following the procedures addressing violations or alleged violations.

7. Procedure for Conducting Inquiries

The role of leading an inquiry of any Council member for any violation or alleged violation of this policy lies with the Mayor, Mayor Pro-Tem, and, if approved by Council, an independent attorney or investigator. If the Mayor is the subject of an inquiry, the Mayor Pro-Tem, or the next ranking official by seniority and, if approved by Council, an independent attorney or investigator will lead the inquiry. The City Attorney shall not conduct the investigation of any Council member.

All Council members who are not the subject of an inquiry have a right to participate in the inquiry process regarding violations or alleged violations and their subsequent enforcement.

Any member of the Council who is the subject of an inquiry shall have the ability to provide a written statement responding to the findings of the inquiry.

8. Enforcement of Violations

The members of City Council have the obligation to govern themselves responsibly in the enforcement of any violation of this policy. The objective for establishing rules of enforcement pertaining to this policy is to provide fair, consistent, concise, and efficient guidelines for the use of enforcement against violations of this policy. As a general matter, enforcement of this policy may be progressive, but circumstances may indicate that strong actions be taken immediately. Furthermore, Council is not bound to the enforcement guidelines of this policy, and should make decisions on a case-by-case basis. City Council, as a collective body, may change the order of the disciplinary steps listed below, or may choose not to use any step, depending on the circumstances under review.

City Council members may take any appropriate disciplinary action including, but not limited to:

- Cautioning

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- 1) Cautioning is identified as a verbal reprimand due to a violation of the policy. The cautioning is only a verbal reprimand and shall not be recorded.

- 2) A cautioning shall only be administered in private by the Mayor with only one.

- (1) member of Council present. If the Mayor is receiving the cautioning, it shall be administered in private by the Mayor Pro-Tem with only one (1) member of Council present.

- Correction

Correction is identified as a verbal reprimand due to multiple policy violations. The correction of any Council member, including the Mayor, will not be administered in writing and shall be conducted in accordance with the Open Meetings Act.

- 1) A quorum of Council plus one (1), including the corrected Council member, shall be present during the correction of another Council member.

- 2) The City Attorney shall be notified of the correction before the correction is administered and the City Attorney shall be present during the administration of the correction.

- Censure

- 1) The act of placing a Council member under censure is an official and public reprimand of a City Council member by the body of the City Council for multiple and/or serious infractions against the City Council Code of Ethics. Therefore, City Council Members who are placed under censure are considered to be 'not in good standing' with the body of the Council.

- 2) The censure of any Council member, including the Mayor, shall be administered in writing.

- 3) Censure may last up to sixty (60) days or as appropriately defined by City Council on a case by case basis.

4) At the end of the censure period, the censure has expired and shall not be extended.

5) A Council member placed under censure may return to a good standing status once their censure period has ended.

6) The body of the City Council may determine to end the censure period of a Council member prior to the conclusion of said period at their discretion.

7) All censure hearings shall be conducted in accordance with the Open Meetings Act.

8) Because censures are administered in writing, a censure must be publicly voted on in open session of City Council. The censure of any Council member must be passed by a 2/3 supermajority vote.

The following Members of Council have received and agreed to place their signatures on this adopted document this ____ Day of May 2023.

Mayor

Council Place 1

Council Place 2

Council Place 3

Council Place 4

Council Place 5