

ORDINANCE NO. 2025-02

AN ORDINANCE ADOPTING A CODE OF ETHICS AND CONDUCT FOR ELECTED AND APPOINTED OFFICIALS AND EMPLOYEES; AFFIRMING CITY COUNCIL AUTHORITY AND DEFINING DUTIES OF THE MAYOR, COUNCIL MEMBERS, AND CITY SECRETARY; ADOPTING RULES OF DECORUM FOR COUNCIL MEETINGS; PROVIDING ENFORCEMENT AND PENALTIES; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Caney City, Texas, operates as a Type B general-law municipality under Chapters 5, 23, and 51 of the Texas Local Government Code, dedicated to serving its residents with integrity, transparency, and collaboration, governed by a City Council comprised of a Mayor and five Council Members, requiring a quorum of the Mayor and three Council Members, or four Council Members if the Mayor is absent, for official business; and

WHEREAS, Texas Penal Code §§ 36.01 et seq. and § 39.03 promote ethical conduct by prohibiting bribery, improper influences, and misuse of authority; and

WHEREAS, the Texas Open Meetings Act (Texas Government Code Chapter 551) and adapted Robert's Rules of Order guide City Council meetings to foster openness, order, and public participation; and

WHEREAS, the City Council, as the primary governing body under Texas Local Government Code § 23.021, holds authority to prescribe officer duties, approve contracts, adopt budgets, and set policies, ensuring all actions align with community needs; and

WHEREAS, the Mayor's role is to preside over meetings and support City Council directives, with administrative duties authorized by the City Council to meet operational needs when staff is insufficient; and

WHEREAS, establishing a robust Code of Ethics, clearly defined duties, and meeting decorum rules strengthens governance, promotes accountability, and builds public trust in Caney City; and

WHEREAS, the City Council believes these provisions support the well-being of the City and its residents, as authorized by Texas Local Government Code § 51.032; and

WHEREAS, this ordinance supplements all other ordinances for integrated enforcement; and

WHEREAS, public notice and hearing requirements have been met;

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

## SECTION 1. CODE OF ETHICS AND CONDUCT

### A. General Policy Statement.

City Officials and Employees (elected officials, including the Mayor and Council Members, appointed officials, employees, and volunteers) shall act with integrity, impartiality, and respect for the law, guided by the City Council's leadership. They shall avoid conflicts of interest, prioritize public interests, and ensure transparency. This Code supplements Texas Penal Code §§ 36.01 et seq. and is enforceable under Texas Local Government Code § 54.002.

### B. Conflicts of Interest.

1. No City Official or Employee shall have a financial interest in any City contract, purchase, or sale unless disclosed in writing to the City Council and approved by a Council vote excluding the interested party.
2. Officials and Employees shall recuse themselves from discussions, votes, or decisions involving a substantial interest and file a disclosure affidavit.
3. No use of position to influence contractors, vendors, or employees for private gain or to secure unwarranted privileges for themselves or relatives.
4. Nepotism is prohibited (Texas Government Code Chapter 573).

### C. Gifts and Benefits.

1. No City Official or Employee shall solicit or accept gifts, favors, or other benefits (Texas Penal Code § 36.08).
2. Nominal items exchanged in ordinary business or City events, unsolicited and less than \$50, may be allowed but are subject to state reporting requirements and public information. As a result, all such situations should be avoided.

### D. Standards of Conduct.

City Officials and Employees shall uphold the highest standards of ethical behavior to foster public trust and effective governance by:

1. Treating all persons with courtesy, respect, and impartiality, avoiding abusive conduct, personal attacks, or verbal abuse.
2. Engaging proactively with residents through open communication, public forums, and responsiveness to community concerns to promote inclusivity and trust.
3. Making decisions fairly and equitably, considering the needs of all residents and prioritizing the public good over personal or special interests.
4. Exercising diligent stewardship of public resources, ensuring funds, property, and time are used efficiently and solely for City purposes.
5. Taking accountability for actions by promptly acknowledging and correcting errors, reporting potential ethics violations to the City Secretary, and cooperating fully with City Council reviews.
6. Representing the City professionally in all interactions, both within and outside official duties, to uphold the City's reputation.
7. Not representing private interests before the City or in City litigation, except for disclosed personal or immediate family matters.
8. Ensuring outside employment or activities do not conflict with City duties or create an appearance of impropriety.
9. Protecting confidential information acquired in official duties, disclosing only as required by law.
10. Completing annual training (minimum 4 hours) on this Code and the Texas Open Meetings Act, facilitated by the City Secretary using resources such as the Texas Municipal League.

## SECTION 2. DUTIES OF CITY OFFICIALS

### A. Specific Powers of the Mayor.

The Mayor, in accordance with statutory mandate, has the following powers, under the direction of the City Council:

1. Preside over City Council meetings, voting only in case of a tie (Texas Local Government Code § 23.027(a));

2. Support the equal and impartial execution of applicable state and federal laws, City ordinances, and policies as directed by the City Council (§ 51.032);
3. Proactively inform and report to the City Council on subordinate officers' and employees' performance and/or other issues; taking action addressing issues only in coordination with City Council knowledge and ratification approval;
4. Offer recommendations to the City Council on City finances, health, safety, and welfare, and seek City Council knowledge and approval prior to taking action;
5. Propose appointments to municipal office vacancies (except Council Members), subject to City Council confirmation (§ 23.051);
6. Call special meetings upon the request of the Mayor or two Council Members;
7. Serve as emergency management director, with authority to declare disasters, order evacuations, and coordinate responses (Texas Government Code § 418.1015), reporting all actions to the City Council within 24 hours for review;
8. Approve bonds for appointed officers, where applicable, as directed by the City Council (§ 23.024(b), § 23.052(b));
9. Perform only those additional duties explicitly prescribed by the City Council under § 23.027, in strict compliance with Texas Penal Code § 39.03 to prevent conflicts of interest or overreach.

**B. Additional Duties of the Mayor by Designation of the City Council.**

By designation of the City Council, the Mayor is responsible for the following administrative duties of the City:

1. Prepare each City Council meeting agenda and packets, in coordination with the City Secretary;
2. Maintain the City Council-approved bank signatory designations;
3. Coordinate with the City Council and property owners through a public forum, to develop a ten-year City vision and 1–5-year goals and objectives for the City; annually review/update progress toward goals and objectives with the City Council and make changes as approved by the City Council;
4. Serve as authorizing official for grants, upon City Council approval of the grant;

5. Seek formal input from the City Council regarding annual budget priorities prior to presentation of a first draft budget; prepare the final annual budget for approval by the City Council;
6. Prepare the annual tax rate calculation in coordination with the City Council and City Secretary;
7. Be designated as the City Investment Officer, subject to annual City Council resolution; complete required investment officer training as required;
8. Function as the City's main point of contact for other governmental entities; however, this does not prevent other Council Members from contacting other agencies in their official capacity;
9. Perform recruitment of City staff positions; participate in all interviews in coordination with designated Council Members; collaborate with the City Council to develop final hiring recommendations; perform all new hire processing, paperwork, and orientation;
10. Conduct periodic employee evaluations in accordance with Ordinance 2025-04, after seeking input regarding performance from all members of the City Council; share the final evaluations with the full Council before final actions are taken;
11. Ensure that City staff receive the training, education, or information necessary to understand their role and responsibilities in municipal government;
12. Ensure that all complaints received are forwarded to the appropriate committee, staff, or City Council according to policies and procedures;
13. Perform routine day-to-day oversight of operations at City Hall;
14. In coordination with the City Secretary, ensure routine and special procurement activities and proper documentation for all expenditures;
15. Ensure that all expenditures do not exceed the preapproved limits set by the City Council; ensure that the City Council approves all expenditures in excess of the limits set for the Mayor;
16. In coordination with the City Secretary, ensure proper entries in the accounting system for all day-to-day bookkeeping;
17. Perform all month-end bookkeeping duties and prepare hard copy "official" financial reports from the accounting system for the City Council packet; monthly financial reporting (e.g., report formats, information to be provided, timeframes, explanatory information) shall be developed in coordination with the City Council;

18. Ensure the annual audit report is completed timely and according to state law;
19. Ensure the development and/or renewal of all contracts (e.g., outsourced services, procurements); preliminary drafts of contracts or contract renewals, in amounts exceeding the Mayor's purchasing authority and/or for terms greater than one year, will be shared and fully vetted with the full City Council before being released to the contracting party for review; final contracts for signature require approval by the City Council;
20. Keep the City Council informed on a weekly basis through a method prescribed by the City Council.

#### C. Express Limitations of the Powers of the Mayor.

1. The Mayor may not direct any officers, employees, or hired service providers to act contrary to local, state, or federal laws or City ordinances.
2. The Mayor may not prevent an item from appearing on an agenda proposed by a Council Member.
3. The Mayor may not refuse to enforce City ordinances.
4. The Mayor shall not use their position to negotiate for personal gain or favorable outcomes with staff, Council Members, other City officials, vendors, or residents and property owners.

#### D. Duties of the City Council.

The City Council, in accordance with its statutory mandates, shall:

1. Hold full legislative and administrative authority over all City affairs, including adopting ordinances, resolutions, budgets, and policies (§ 23.021);
2. Approve or reject all contracts, expenditures, and appointments, with no unilateral action by any officer (§ 252.021, § 102.009);
3. Assign and oversee all committees (e.g., public works, community planning, ordinance compliance); seek timely updates and act as necessary;
4. Fill vacancies in City offices, including the Mayor, by appointment for unexpired terms, unless an election is required (§ 23.002(a));
5. Elect a president pro tempore annually to act in the Mayor's absence (§ 23.027(b));
6. Constitute a quorum with the Mayor and three Council Members or four Council Members if the Mayor is absent (§ 23.021);

7. Prescribe duties and bonds for all officers, including the Mayor, and revoke such duties as needed (§§ 23.051–23.052);
8. Review and approve or rescind all mayoral actions, including administrative duties and emergency declarations, in public meetings;
9. Promote the City’s welfare through ethical decision making, resident engagement, and oversight of all City operations;
10. Conduct quarterly public forums to solicit resident feedback on City services, policies, and priorities, ensuring diverse community representation and documenting outcomes for future agenda consideration;
11. Establish an annual strategic planning session to set short- and long-term goals (1–10 years), review progress, and adjust policies, with input from the Mayor, City Secretary, appointed committees, and property owners;
12. Appoint a standing Ethics Oversight Committee to monitor compliance with the Code of Ethics, review complaints, and recommend training or policy updates to the City Council at least semi-annually.

#### E. Duties of the City Secretary.

The City Secretary, under Mayor/City Council direction, shall:

1. Prepare and distribute City Council meeting agendas per the Texas Open Meetings Act (§ 551.041);
2. Attend City Council meetings, preparing accurate minutes, resolutions, and ordinances, attesting to their adoption;
3. Perform daily, weekly, and monthly bookkeeping and related record keeping;
4. Maintain and preserve official City records, including contracts, bonds, disclosures, and mayoral communication records, ensuring public access per the Texas Public Information Act;
5. Perform all coordination with the County for municipal elections, including notices, canvassing, and certification;
6. Serve as custodian of the City seal, authenticating documents;
7. File and publish ordinances and notices as required by law;
8. Manage complaints and records related to ethics violations;

9. Document or record significant mayoral communications, submitting records to the City Council for review;
10. Obtain additional training annually that is pertinent to job responsibilities/areas for improvement, as determined by the Mayor and Council during the annual evaluation process;
11. Perform additional administrative duties as directed by the Mayor/City Council.

### SECTION 3. RULES OF DECORUM FOR CITY COUNCIL MEETINGS

City Council meetings shall be conducted in an orderly manner, per the Texas Open Meetings Act and adapted Robert's Rules of Order, ensuring transparency and participation:

A. Conduct. All persons attending or participating in a City Council meeting shall conduct themselves respectfully. The following conduct is prohibited:

- Interrupting or disturbing another speaker or the proceedings;
- Shouting, or other noisy/disrespectful demonstrations;
- Using profane, threatening, or obscene language;
- Refusing to comply with the time limit or the direction of the presiding officer;
- Displaying placards or signs or smoking without prior approval by the City Council;
- Photography or recording that disrupts proceedings; the presiding officer determines disruptions.

B. Enforcement and Removal.

- The Mayor, as presiding officer under § 23.027, is responsible for maintaining order.
  - o The presiding officer may issue a verbal warning to any person who violates these rules.
  - o If a person continues disruptive conduct after the warning, the presiding officer may direct that person to leave the meeting room.
- Upon being asked to leave, a peace officer may escort the person out using the minimum force necessary.
- Removal may occur only when conduct actually disrupts or materially interferes with the meeting.
- Mere disagreement or criticism of officials is not grounds for removal.



### C. Public Comments.

- Members of the public may speak on an agenda item during the Public Comment section or before/during the City Council's consideration of an item (§ 551.007).
  - o Speakers shall be given three minutes to speak and must address comments through the presiding officer.
- For non-agenda items, the public may address the City Council under the same time constraints (three minutes, through the presiding officer) during the Public Comment section of the agenda. The City Council may respond with specific factual information, recite existing policy, or place the subject on a future agenda (§ 551.042).
- During public hearings, applicants speak after staff reports, with rebuttal opportunity, not limited to three minutes but avoiding repetition.

## SECTION 4. ENFORCEMENT AND PENALTIES

A. Complaints of violations, including overreach or breaches of ethical conduct by the Mayor or City Council, shall be filed in writing with the City Secretary, who shall immediately provide copies to each Council Member and to the City Attorney within 5 business days.

B. The City Attorney shall review the complaint for legal sufficiency and advise the City Council on jurisdiction and procedure.

C. After review, and on advice of the City Attorney, the City Council may take one or more of the following actions:

1. Refer the complaint to the City Ethics Committee, if established;
2. Determine the complaint is unfounded and dismiss it;
3. Adopt a resolution of censure formally expressing disapproval of the conduct;
4. Refer the matter to the County or District Attorney under § 21.002 for possible removal proceedings;
5. Refer the matter to the Texas Ethics Commission; or
6. Refer the matter to other proper authority if the conduct appears to violate campaign or other state laws.

## SECTION 5. SEVERABILITY

If any provision is held invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

#### SECTION 6. EFFECTIVE DATE

This ordinance takes effect upon passage and publication in the official newspaper within 10 days (§ 52.012).

PASSED AND APPROVED by the City Council of the City of Caney City, Texas, this \_\_\_\_ day of \_\_\_\_\_, 2025.

APPROVED:

Mayor

ATTEST:

City Secretary

APPROVED AS TO FORM:

City Attorney