

RESOLUTION NO. 956-A-2023

A RESOLUTION ESTABLISHING THE CODE OF CONDUCT POLICY FOR ELECTED AND APPOINTED OFFICIALS.

WHEREAS, the Universal City City Council desires to establish a Code of Conduct for members of the City Council and the members of City Council-appointed boards and commissions; and,

WHEREAS, the Universal City City Council desires to authorize the implementation of such policy in connection with the City Council and City Council-appointed Boards and Commissions of the City of Universal City.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF UNIVERSAL CITY, TEXAS:

Section 1. The City Council of the City of Universal City, Texas hereby adopts the Code of Conduct of Elected and Appointed Officials in the attached **Exhibit A**.

CODE OF CONDUCT OF ELECTED AND APPOINTED OFFICIALS

POLICY PURPOSE

This Code of Conduct is to assure public confidence in the integrity of local government and its effective and fair operation.

POLICY STATEMENT

Preamble

The citizens and businesses of Universal City are entitled to have fair, ethical and accountable local government, which has earned the public's full confidence. In keeping with the City of Universal City's commitment to public trust, 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, as its members¹ are stewards of the public trust, the Universal City Council has adopted a Code of Conduct for members of the City Council and the members of City Council-appointed boards and commissions to enhance public confidence in city government.

¹ **For ease of reference in the Code of Conduct, the term "member" refers to any member of the Universal City Council or any member of City Council-appointed boards and commissions.**

ARTICLES

1. Act in the Public Interest. Recognizing that stewardship of the public interest must be their primary concern, members will work for the greater common good of the people of Universal City and not for any private or personal interest. Additionally, they will assure fair and equal treatment of all persons, claims and transactions coming before the Universal City Council, boards and commissions., and will commit to representing all voices rather than just a select few.

2. Comply with the Law. Members shall comply with the laws of the nation, the State of Texas and the City of Universal City in the performance of their public duties. These laws include but are not limited to: the United States and Texas constitutions; the Universal City Charter; laws pertaining to conflicts of interest, election campaigns, financial disclosures, open processes of government; and City ordinances and policies.

3. Conduct of Members. The professional and personal conduct of members must be above reproach and avoid acts of impropriety. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of Council, boards and commissions, City staff and citizens, both publicly and in private. Members should dedicate themselves to the highest ideals of honor and integrity in all relationships.

4. Respect for Process. Members shall communicate to staff through the City Manager or appropriate designee unless directed otherwise by City Manager. Members shall also perform their duties in accordance with the processes and rules of order established by the City Council and boards 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, even when the member has voted in the minority.

5. Use of Electronic Devices. Members will not use electronic devices other than what is necessary for conducting business during a public meeting. Members will not text, email, make phone calls, use social media, or play games during the course of a meeting. Members shall not communicate or participate in a discussion with a quorum of the City Council relative to City business via electronic mail, text or other social media platforms and tools.

6. Conduct Business in Open. Members shall refrain from discussing City business matters with other members outside of an open meeting, even if it is in numbers of less than a quorum, unless Members have agreed with each other to follow the Open Meetings Act. Members shall conduct business in open and publicized meetings in order to be transparent to the citizens of Universal City. It is recognized that certain exceptions are made by the State for closed sessions and any action as a result of that type of meeting will be addressed in the open session as noted on the agenda. Communications made during a public meeting, public hearing or closed session are subject to the Texas Public Information Act. Members will not use “electronic communication devices” to communicate either internally or externally during meetings.

7. Decisions Based on Merit. Members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.

8. Communication. Members shall publicly share 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. Members will not withhold information that is pertinent to the public decision-making process.

9. Smoking or Use of Tobacco Products. Members will not smoke or use tobacco products, electronic cigarettes and/or smokeless tobacco during the course of a public meeting.

10. Use of Alcohol. Members shall not be impaired due to the use of alcohol or recreational drugs prior to or while conducting City business in a meeting. Members shall exhibit professional behavior at all times when representing the City, to include social settings. Members shall not be impaired due to the use of alcohol or recreational drugs while representing the City in any capacity.

11. Conduct of Public Meetings. Members should prepare themselves for public issues, arrive to meetings on time, listen courteously and attentively to all public discussions before the body, and focus on the business at hand. Members shall refrain from interrupting other speakers, making personal comments not germane to the business of the body, having side conversations, or otherwise interfering with the orderly conduct of meetings. Except in the case of an emergency, members shall not exit or walk around on the dais during the meeting. Standing is permitted. If a break is required, the member shall request a recess from the mayor or presiding officer. If it is necessary for a member to recuse himself or herself from the discussion and action on an item due to a conflict of interest, the member shall announce that he/she is stepping away due to a conflict of interest and shall state the nature and extent of the conflict of interest for the public record and file a Conflict-of-Interest Affidavit with the City Clerk prior to the item being addressed.

12. Conflict of Interest. In order to assure their independence and impartiality on behalf of the common good, members shall not use their official positions to influence

government decisions in which they have a material financial interest or where they have an organizational responsibility or personal relationship which may give the appearance of a conflict of interest. Members shall avoid conflicts of interest in their personal relationships with vendors, developers and City partners by refraining from discussing City business. In accordance with the law, members shall disclose investments, interests in real property, sources of income, and gifts, and they shall abstain from participating in deliberations and decision-making where conflicts exist according to State law. In the event of a conflict of interest, a member of the Council or board or commission shall, prior to the vote or decision on the matter, file a Conflict-of-Interest Affidavit with the City Clerk stating the nature and extent of the conflict of interest and shall abstain from participation in discussions and voting on the matter.

13. Gifts and Favors. Members shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office that are not available to the public in general. They shall refrain from accepting any gifts, favors or promises of future benefits which might compromise their independence of judgment or action or give the appearance of being compromised. Councilmembers should not receive gifts valued over \$50.00 Individually and shall maintain compliance and reporting as required by current State law.

14. Confidential Information. “Confidential Information” shall mean any disclosure, distribution, or discussion of documents, presentations or deliberations that were conducted or received under the exceptions to the Texas Open Meetings Act for closed meetings, or any information or documentation provided by City Staff to a Councilmember and the Councilmember was notified verbally or in writing that the information should be kept confidential. Members shall respect the confidentiality of information concerning the property, personnel, or affairs of the City. They shall neither disclose confidential information without proper legal authorization nor use such information to advance their personal, financial, or other private interests. A member shall not intentionally or knowingly disclose any confidential information gained by reason of said official position concerning the property, operations, policies, or affairs of the City. Members shall not post or release proprietary or confidential information on social media platforms or websites.

15. Use of Public Resources. Members shall not use public resources not available to the public in general, such as City staff time, equipment, supplies, or facilities, for private gain or personal purposes. Members shall not use City employees or borrow equipment, supplies, or facilities for personal use.

16. Representation of Private Interests. In keeping with their role as stewards of the public interest, members of Council shall not appear or speak specifically on behalf of the private interests, including both private and nonprofit entities, of third parties before the Council or any board, commission or proceeding of the City, nor shall members of boards or 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.

17. Advocacy. Members 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 verbally in person, in writing, or online in any format, members shall explicitly state that they do not represent their body or the City of Universal City.

18. Policy Role of Members. Members shall respect and adhere to the Council-Manager structure of City government as outlined by the Universal 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, members therefore 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. Requests for information, projects or other actions of City staff shall be directed to the City Manager. During police incidents, members shall not knowingly interfere or make themselves present in the area. All inquiries should be directed to the City Manager.

19. 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. When a member of

Council serves on a board or commission, the member may provide input as a board member, but shall not represent the Council as a whole unless the matter has been voted upon at a Council meeting.

20. Positive Workplace Environment. Members shall support the maintenance of a positive and constructive workplace environment for City employees and for citizens and businesses dealing with the City. Members shall recognize their special role in dealings with City employees to in no way create the perception of inappropriate direction or comments to staff.

21. Personal Political Advocacy. When endorsing or opposing a City of Universal City ballot initiative or a City of Universal City candidate, members will neither use their titles nor a City meeting or City event as a forum to endorse or oppose a City of Universal City ballot initiative, or a City of Universal City candidate, except for oneself.

22. Social Media – With maintenance and use of personal web pages, blogs and social networking platforms and sites, member status as an elected/appointed official requires that content of any postings on these sites not be in violation of existing City by-laws, policies, directives, rules or regulations. If communicating and recognizing yourself as a public official on a personal social media account, then assume that it is a public record and may be subject to Open Meetings Act and Public Information Act Laws. Officials should be mindful when posting content on City- related matters that could inadvertently result in violation of Open Meetings Act Law if other public officials engage in the post. If a quorum occurs, the City Manager should be notified immediately.

23. News media inquiries – Typically, news media inquiries should be directed to the Mayor or City Manager. In the event that the news media inquiry is related to an official Police matter or investigation, the inquiry should be directed to the City Manager who will in turn direct the inquiry to the Public Information Officer of the Police Department. When contacted by or speaking with a news media outlet, members shall only speak for themselves, clearly stating that it is only their opinion when speaking to the media and shall notify the City Manager.

24. Implementation. As an expression of the standards of conduct for members expected by the City, the Universal City Code of Conduct is intended to be self-enforcing. It therefore is most effective when members are thoroughly familiar with it and embrace its provisions. For this reason, code of conduct standards shall be included in the regular orientations for candidates for City Council, applicants to boards and commissions, and newly elected and appointed officials. Members entering the office shall sign a statement affirming they read and understood the City of Universal City Code of Conduct. The City Council shall consider recommendations from boards and commissions and Council Members and update it as necessary.

25. Compliance and Enforcement. The Universal City Code of Conduct expresses standards of ethical conduct expected for members of the Universal City Council, boards and commissions. Members themselves have the primary responsibility to ensure 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 have the additional responsibility to intervene when actions of members that appear to be in violation of the Code of Conduct are brought to their attention. The second in line, when the Mayor's or chair's actions come into question, would assume the duty of intervening. The City Council may impose sanctions on members whose conduct does not comply with the City's Code of Conduct, such as reprimand, formal censure, or loss of committee assignment.

END OF 'CODE OF CONDUCT OF ELECTED AND APPOINTED OFFICIALS'

Section 2. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 3. Open Meetings. It is hereby officially found and determined that the meeting at which this resolution was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapt. 551, Tex. Gov't Code.

Section 4. Effective Date. This Policy shall take effect upon the passage of this Resolution.

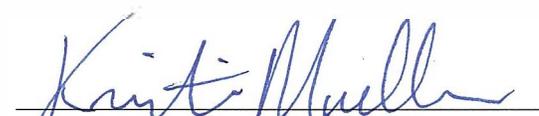
PASSED AND APPROVED on this the 21st day of November 2023.



CITY OF UNIVERSAL CITY
APPROVED:


John Williams, Mayor

ATTEST:


Kristin Mueller, City Clerk