

**RESOLUTION NO. \_\_\_\_\_**

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

**WHEREAS**, the Pflugerville 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 Pflugerville 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 Pflugerville.

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

Section 1. The City Council of the City of Pflugerville, Texas hereby adopts the following Code of Conduct.

**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 Pflugerville are entitled to have fair, ethical and accountable local government, which has earned the public's full confidence in integrity. In keeping with the City of Pflugerville'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, the Pflugerville 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 as its members are stewards of public trust.

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<sup>1</sup> **For ease of reference in the Code of Conduct, the term "member" refers to any member of the Pflugerville City Council or any member of City Council appointed boards and commissions.**

**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 Pflugerville and not for any private or personal interest. Additionally, ~~and~~ they will assure fair and equal treatment of all persons, claims and transactions coming before the Pflugerville City Council, boards and commissions.

**2. Comply with the Law.** Members shall comply with the laws of the nation, the State of Texas and the City of Pflugerville in the performance of their public duties. These laws include, but are not limited to: the United States and Texas constitutions; the Pflugerville 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 ~~even the appearance~~ 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, the staff or ~~public~~ 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 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 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. Members shall conduct business in open and publicized meetings in order to be transparent to the citizens of Pflugerville. 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 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 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 meeting.

**10. Use of Alcohol.** Members shall not be impaired due to the use of alcohol 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 while representing the City

**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. Members shall not exit or walk around on the dais during the meeting. 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 down 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 secretary 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 accordingly 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 an affidavit with the City Secretary 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 \$25

individually and shall maintain compliance and reporting as required of current state law. ~~Gifts include lodging, entertainment, or transportation, but not food or meals received as a guest.~~

**14. Confidential Information.** 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 ~~or sensitive~~ information on social media 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 whether in verbally in person, online or in writing, members shall explicitly state that they do not represent their body or the City of Pflugerville. ~~, nor will they allow the inference that they do.~~

**18. Policy Role of Members.** Members shall respect and adhere to the council-manager structure of Pflugerville city government as outlined by the Pflugerville 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 through the City Manager. Members shall exclude themselves from joint meetings with staff and developers in order to maintain a distinct separation between staff and council, to avoid potential conflict and/or implied, either expressly or not, direction to staff. During police incidents, members shall not knowingly interfere or make themselves present in the area or contact the Police Chief or other Police Officers or City staff with inquiries.

**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 boardmember, but shall not represent the Council as a whole unless the matter has been voted upon at a Council meeting.

**20. Positive Work Place 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 candidate ~~for any elected office or ballot initiative~~, members will not use their title as a councilman, board or commission member nor use a city meeting or city event as a forum to endorse or oppose a candidate or ballot initiative. ~~Members are prohibited from endorsing any candidate for city elections.~~

**22. Social Media** – With maintenance and use of personal web pages, blogs and social networking 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 on the post. If a quorum occurs, the City Manager should be notified immediately. Members shall not post comments or links to any content that endorses or opposes political candidates, ballot propositions or any matter that may be put forth in an election.

**23. News media inquiries** – Members shall direct all media inquiries to the City Manager for consistency of message. Reporters will attempt to reach out to members directly either in person at a meeting or social function, via email or phone. Members shall refrain from answering questions and providing statements and politely direct all media inquiries to the City Manager. Please note that we are never off the record with a reporter. Typically, the mayor will provide a response to the media speaking for the entire City. When appropriate for members to speak with the media, members shall coordinate with the City Manager prior to speaking to the media to ensure consistency in message. Members shall not represent themselves as a city leaders when speaking to the media on topics that are not related to city business.

**24. Implementation.** As an expression of the standards of conduct for members expected by the City, the Pflugerville 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 board and commissions, and newly elected and appointed officials. Members entering office shall sign a statement affirming they read and understood the City of Pflugerville 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 Pflugerville Code of Conduct expresses standards of ethical conduct expected for members of the Pflugerville City Council, boards and commissions. Members themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government.

The chairs of boards and commissions and the Mayor 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.

The City Charter Section 3.08 provides reasons that a member of the Council may be removed from office to include violation of any express prohibition of the Charter or the Code of Ethics adopted under City Charter Section 11.05 Code of Ethics, conviction of a crime involving moral turpitude, violation of Section 3.09(c) Interference of Administration and violation of Section 11.03 Nepotism.

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 \_\_\_\_\_ day of \_\_\_\_\_, 2019.

ATTEST:

CITY OF PFLUGERVILLE, TEXAS

By: \_\_\_\_\_  
Karen Thompson, City Secretary

By: \_\_\_\_\_  
Victor Gonzales, Mayor