

**CITY OF LAGO VISTA, TEXAS**

**ORDINANCE NO. 24-09-19-03**

**AN ORDINANCE OF THE OF THE CITY OF LAGO VISTA, AMENDING CODE OF ORDINANCES ARTICLE 1.300 "CITY COUNCIL" ADDING SECTION 1.310 "PROCEDURES FOR PERSONNEL INTERACTION"; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT, SEVERABILITY, REPEALER, EFFECTIVE DATE, AND PROPER NOTICE AND MEETING CLAUSES.**

**WHEREAS,** the City Charter generally states the roles and expectations of City Council and key members of City Staff; and

**WHEREAS,** the City Council on March 21, 2024 appointed an ad hoc subcommittee of the Council to consider adopting specific procedures consistent with the city charter's general statements in order to more clearly define those roles and expectations; and

**WHEREAS,** the subcommittee reported back to the Council with a draft document setting forth Procedures for Personnel Interaction at the June 20, 2024 meeting; and

**WHEREAS,** the Council considered the draft procedures at that meeting, at its July 18, 2024 meeting, at its August 1, 2024 meeting, and again at its September 5, 2024 meeting; and

**WHEREAS,** various revisions were discussed and considered and a revised draft was developed by the City Secretary and the City Attorney consistent with the Council's discussions; and

**WHEREAS,** the Procedures for Personnel Interaction provide additional details of the appropriate methods of interaction between elected members of Council and appointed members of City Commissions, Committees, and Boards, with the City Manager, City Attorney, and City Staff; and

**WHEREAS,** the objective of the Procedures for Personnel Interaction are intended to maintain an appropriate balance between the needs of elected and appointed officials with the need to not unduly burden City Staff; and

**WHEREAS,** adopting the Procedures for Personnel Interaction is in the best interests of the of the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS:**

## **1. FINDINGS OF FACT**

All of the above recitals are hereby found to be true and correct legislative and factual findings of the City Council of the Lago Vista, Texas, and are hereby approved and incorporated into the body of this Ordinance as if copied herein in their entirety.

## **2. AMENDMENT TO CODE OF ORDINANCES**

Article 1.300 of the Lago Vista Code of Ordinances is hereby amended by adopting Section 1.310 adding Subsections 1.310.1-1.310.12 as shown in Exhibit "A" attached hereto and incorporated herein for all purposes.

## **3. EFFECTIVE DATE**

This ordinance is effective upon adoption and publication as required by law.

## **4. SEVERABILITY**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, and the remainder of this Ordinance shall be enforced as written.

## **5. REPEALER**

The provisions of this Ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this Ordinance are hereby expressly repealed to the extent that such inconsistency is apparent. This Ordinance shall not be construed to require or allow any act that is prohibited by any other ordinance.

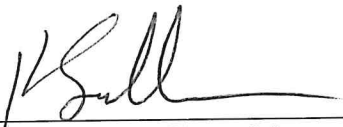
## **6. PROPER NOTICE AND MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance 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, Chapter 551 of the Texas Government Code.

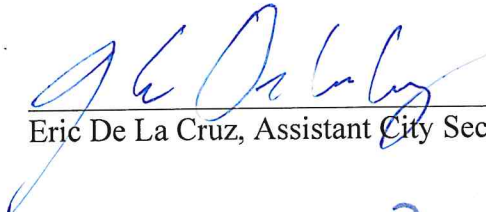
**PASSED AND APPROVED** this the 19th day of September 2024, by a vote of 4 (ayes) to 2 (nays) with 0 (abstentions) of the City Council of the City of Lago Vista, Texas.

THE CITY OF LAGO VISTA:



  
Kevin Sullivan, Mayor

ATTEST:

  
Eric De La Cruz, Assistant City Secretary

On a motion by Councilor Prince, seconded by Councilor Durbin,  
the above and foregoing ordinance was passed and approved.

## **Exhibit "A"**

### **SECTION 1.310 PROCEDURES FOR PERSONNEL INTERACTION**

#### **1.310.1 INTRODUCTION**

The city charter states the roles and expectations of City Council and key members of City Staff. These procedures provide additional details of the appropriate methods of interaction between elected members of Council and appointed members of City Commissions, Committees, and Boards, with the City Manager and City Staff. The objective of these rules is to maintain an appropriate balance between the needs of elected and appointed officials to obtain information needed to effectively execute their duty to set policy or provide advice to Council, with the need to not unduly burden City Staff with excessive or unreasonable requests that hinder their ability to execute their duties. The following rules shall apply to the Mayor and all Council Members, Committee Members, and Staff.

#### **1.310.2 DEFINITIONS**

The following definitions shall apply to this Chapter:

"Committee Members" means any individual member(s) of a quasi-judicial or advisory committee established by the City of Lago Vista.

"Council" means the City Council and Mayor of Lago Vista as a whole acting in open session.

"Council Member" means any individual member(s) of the Council excluding the Mayor.

"Mayor" is defined as either the elected Mayor of Lago Vista, the appointed Mayor of Lago Vista or the Mayor Pro-Tem acting in the capacity of Mayor of Lago Vista.

"Staff" is defined as the City Manager and all employees who report directly and indirectly to the City Manager, including department heads, but does not include the City Attorney.

#### **1.310.3 COUNCIL INTERACTIONS WITH STAFF**

- a) Council authority is held collectively, not individually. The Mayor and Council Members have no authority to speak for or act on behalf of the Council without Council action or direction taken during an open meeting. Neither the Mayor nor Council Members shall give direction to any member of Staff, including the City Manager, unless so authorized by the City Charter or by majority vote of Council at a public meeting.
- b) The City Manager is the Mayor's and the Council Members' link to the City's operating organization. The City Manager is authorized to make decisions and take actions, so long as they are consistent with the City Charter, council policies, applicable ordinances and other law.

- c) Items or requests that may entail a change in daily operations or procedures shall go through the City Manager. Items or requests that entail a change in the overall policy or an ordinance or resolution of the City shall require Council approval.
- d) The Council as a whole may ask for information from Staff by making the request to the City Manager during a public meeting.
- e) Written materials or written responses to questions or requests for information shall be provided to the entire Council in a manner that complies with and does not create a violation of the Texas Open Meetings Act, Chapter 551 of the Texas Government Code.

#### **1.310.4 COUNCIL INTERACTIONS WITH CITY MANAGER**

The City Manager is responsible for facilitating communication between Council and Staff. Elected officials shall not give direction or orders to Staff. Communication between Council and Staff shall be through the City Manager. Specifically:

- a) The City Manager shall delegate Council requests and/or direction to Staff and shall coordinate appropriate Staff response to Council action and/or direction.
- b) Requests by a Council Member or the Mayor for Staff attendance at a meeting shall be made through the City Manager. The City Manager must approve the request for Staff attendance at the meeting, with due consideration of appropriate location and expense impact. The City Manager shall either meet the request or defer the matter to full council for discussion and direction.
- c) The City Manager shall determine whether the request can be met without a change in existing City policy, impact to operations, or the schedule for work completion, and shall meet the request if appropriate. The City Manager shall either meet the request or defer the matter to Council for discussion and direction. Written materials or written responses to questions or requests for information shall be provided to the entire Council in a manner that complies with and does not create a violation of the Texas Open Meetings Act, Chapter 551 of the Texas Government Code
- d) Staff shall promptly notify the City Manager of direct contact by an elected or appointed official seeking written materials or written responses to questions or requests for information .

#### **1.310.5 LEGISLATIVE PRIVILEGE TO DOCUMENTS**

The Mayor and Council Members have the right to request and receive any existing documents, reports, data, or other information deemed necessary for researching policy, drafting legislation, or performing oversight. This includes, but is not limited to, financial reports, contracts, public records, zoning documents, meeting minutes, and correspondence between City officials. This right extends to all documents and records that are in the custody or control of the City Manager, City Attorney, or any City Staff. The Mayor and Council Members do not need to justify their requests, and access should not be restricted.

The City Manager, City Attorney, or City Staff are not required to create new documents or reports specifically to fulfill Mayor or Council Member requests unless directed to do so by the City Manager or Council, but they must provide existing information in its current form.

#### **1.310.6 INFORMATION REQUESTS BY COUNCIL MEMBERS**

Upon request from the Mayor or any Council Member, the City Manager must provide the requested information promptly and accurately. Unless otherwise specified, information requests should be fulfilled within two City (2) business days.

If more than two (2) City business days is needed to gather requested information, the City Manager or designee must notify the requesting Council Member in writing, providing a justification for the delay and a revised timeframe for delivery of the information. If that timeframe is not acceptable to the requesting Council Member, the City Manager or Mayor shall put the item on the next Council agenda for discussion; or the Counsel Liaison shall ask that the item be added to the next agenda of a Committee, Board, or Commission.

#### **1.310.7 INFORMATION REQUESTS BY COMMITTEE MEMBERS**

Committee Members, requesting information should follow the same procedures as outlined above but make such requests to their staff liaisons with copy to City Manager and the Council Liaison. Responses from staff liaisons should be sent to all Committee Members in a manner that complies with and does not create a violation of the Texas Open Meetings Act, Chapter 551 of the Texas Government Code. Should the Committees, Boards and Commissions not receive a satisfactory result they should then direct their request to their Council Liaison.

#### **1.310.8 LEGISLATIVE AUTHORITY**

The legislative authority of the Mayor, Council Members or Council as a whole shall not be impeded or infringed upon by the City Manager, Mayor, City Attorney, or any member of Staff.

The Council retains the authority to make, amend, or repeal ordinances, and set policies for the City, and to oversee the operations of the City, and includes the information and research needed to carry out that authority.

#### **1.310.9 OPERATIONAL AUTHORITY OF CITY MANAGER**

The operational authority of the City Manager shall not be impeded or infringed upon by individual Council Members or Committee members.

Operational methods and procedures, not specified by Council direction, ordinance, or resolution shall be at the discretion of the City Manager.

#### **1.310.10 COUNCIL RELATIONS WITH THE CITY ATTORNEY**

The City Attorney is the legal advisor for the Council and all offices and departments of the City

with respect to any legal question(s) pertaining to the affairs of the City, and as such is not considered a member of the Staff. The City Attorney represents the City, Council and Staff as a whole and not the individuals who hold the office of Mayor or Council Member, or who are employed by the City.

The Mayor and Council Members shall not request or direct the City Attorney to initiate an action or prepare any report that is significant in nature, or initiate any significant project or study without the consent of a majority of the Council the City Council and the City Manager shall be made aware of the request. The City Attorney shall determine whether a matter is significant and notify the requestor of their decision. If the matter is deemed significant by the City Attorney, and the requestor does not agree, they may bring it to the Council for final determination. The City Manager shall not prevent the Mayor or Council Members from communication with the City Attorney to obtain legal advice regarding any legislative matter.

### **1.310.11 ENFORCEMENT AND DISCIPLINARY MEASURES**

Violations of this ordinance may be considered ethical violations under the City's Code of Ethics and treated as such, save and except violations of 1.310.12 Rules of order and decorum. The procedures set forth in the Code of Ethics shall apply to complaints alleging violations of this Chapter.

### **1.310.12 PLEDGE OF ORDER AND DECORUM**

Council Members, Committee members, City Attorney, City Manager and Staff shall hereby pledge to communicate and serve with respect, dignity, and courtesy when interacting with other Council Members, Committee members, Staff, and the public by:

- a) acting in the best interest of the City without consideration of personal motive or gain,
- b) not threatening to violate governing City documents;
- c) treating others and their opinions equally and with respect at all times, refraining from behaviors, including but not limited to yelling, using profanity or language otherwise publicly offensive, using language tending to hold a member of Council or Staff up to contempt, or referring to others in a derogatory manner;
- d) not sending emails or other communications that contain profanity, threatening, belittling, or abusive language;
- e) respecting the expertise and perspectives each person brings to discussions;
- f) not accusing (explicitly or implicitly) the Mayor, a Council Member, a Committee member, or Staff of violating ethics or statutory laws publicly during a meeting unless related to a relevant and properly noticed agenda item;
- g) not stating assumptions about others' motive(s);

- h) listening attentively to one another, avoiding interrupting others when they have the floor;
- i) providing honest and accurate information so that the best decisions can be made; and
- j) exercising professionalism when texting, emailing, or participating in any form of electronic communication while attending a meeting.

It is not a violation of any of these rules to speak directly, firmly or to show emotion when expressing your views.