



Memorandum

Memorandum No: 23-112

Date: February 27, 2023
To: Honorable Mayor and City Council
From: Ryan Henderson, Interim City Manager
Re: Process for Requesting Items on City Council Agendas

I want to take this opportunity to provide the governing documents that outline the process for requesting that an item be placed on an agenda by members of the City Council.

Attached is Ordinance 930-2021 Amending Regulations Relating to Governance and Personnel Procedures. Section 4 of the Ordinance references Resolution No. 2021-04-902 (inclusive of edits to the Governance Guide). I have also attached Resolution No. 2008-01-04 which is referenced in Resolution No. 2021-04-902, and further outlines the process that City Council members may take to place an item on the agenda for future consideration.

Please let me know if you have any questions.

Attachments:

Exhibit 1– Ord. 930-2021 Amending Regulations Relating to Governance and Personnel Procedures

Exhibit 2 – Resolution No. 2021-04-902 (Governance Guide)

Exhibit 3 – Resolution No. 2008-01-04

c: Taylor Lough, Assistant City Manager
Greg Peters, Interim Assistant City Manager
Clark McCoy, City Attorney
Carrie Land, City Secretary

CITY OF ANNA, TEXAS

ORDINANCE NO. 930-2021

AN ORDINANCE OF THE CITY OF ANNA, TEXAS, AMENDING REGULATIONS RELATING TO GOVERNANCE AND PERSONNEL PROCEDURES; PROVIDING FOR PENALTIES; PROVIDING A SAVINGS, SEVERABILITY, AND REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Anna City Code of Ordinances Article 2.07 and the City of Anna Governance Guide 2021 regulate certain Council procedures and protocols and such regulations are intended to be reviewed and periodically updated; and

WHEREAS, the Council finds that the following amendments to the above-described regulations are in the furtherance of good governance and contribute to the health, safety and welfare of the public;

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

Section 1. Recitals Incorporated.

The above recitals are incorporated herein as if set forth in full for all purposes.

Section 2. Amendment to Anna Code Section 2.07.004.

In accordance with Article 1.01 of the Anna City Code of Ordinances, ("Anna Code"), the following amendments are made to Section 2.07.004 (Interaction with city staff) of Article 2.07 (CODE OF ETHICS):

Sec. 2.07.004 Interaction with city staff and others

(a) City council members' and Board members' interaction with the City Manager, ~~or staff, and others~~ must recognize the lack of authority in any individual City Council member, Board member or group of City Council members or Board members except when explicitly authorized by the City Council or Board.

(b) City council members and Board members will not make public individual judgments of the performance of the City Manager, his staff, the city attorney, the

city secretary, or the municipal judge except as authorized by city policy, ordinance, or the city charter.

(c) City council members and Board members may not attempt to coerce or intimidate city employees, interfere with city employees' duties, or otherwise circumvent the authority of the City Manager.

(d) City council members and Board members shall not communicate in any manner with any city employee, appointive administrative officer, city volunteer in active service to a city department, or other person that the City Manager may directly or indirectly appoint, remove, suspend, discipline, supervise or otherwise control under the City of Anna Home Rule Charter section 4.01.(f) and/or the City of Anna Personnel Policy Manual (collectively, "City Personnel") if such communication is in violation of this subsection. Communications in violation of this subsection include communications that relate in any manner, directly or indirectly, to city business, city operations, city departments, city management, city services, city finances or investments, city policies, city ordinances, city regulations, city communications or media, citizen complaints or communications, public relations, marketing, economic or community development, grants or incentives, parks, issues involving safety or security, planning matters, personnel matters, work conditions, staffing, personal/private affairs or circumstances, facilities, utilities, real or personal property, land use, annexation, zoning, development, easements, or any other topic not listed here that involves or could involve city-related matters (collectively, "staff communications"). In addition, City Council members and Board members shall not engage in any conduct that could potentially result in a violation of City of Anna Personnel Policy Manual section 104.03.3. Notwithstanding the foregoing, it is not a violation of this subsection if:

(1) a City Council member or a Board member is given advance permission to engage in certain staff communications to the extent provided by a majority vote of the City Council or to the extent provided in writing by the City Manager;

(2) to the extent permission is provided in writing by the City Manager, a member of the Planning & Zoning Commission communicates with the City Planning Director as necessary for the member and Planning Director to discharge their governmental functions and otherwise transact city business;

(3) to the extent permission is provided in writing by the City Manager, a member of the Board of Adjustment communicates with the City Planning Director as necessary for the member and Planning Director to discharge their governmental functions and otherwise transact city business;

(4) to the extent permission is provided in writing by the City Manager, a member of the Anna Economic Development Corporation, the Anna Community Development Corporation, the Anna Housing Finance Corporation, or the Anna Public Facility Corporation communicates with the City Economic Development Director and/or Economic Development Manager as necessary for the member and

Economic Development Director and/or Economic Development Manager to discharge their governmental functions and otherwise transact city business;

(5) a City Council member communicates with City Personnel during a publicly noticed City Council meeting in open or closed session in the presence of the City Manager or the City Manager's designee attending the meeting in the absence of the City Manager;

(6) a Board member communicates with City Personnel during a publicly noticed meeting of that Board in open or closed session in the presence of City Personnel who have been designated to interact with Board members during such meeting;

(7) a City Council member or a Board member communicates with City Personnel during an event or function that is open to the public provided that any such communication relates solely to the purpose or activities of such event or function;

(8) a City Council member or a Board member communicates with City Personnel as part of any application or proceeding that any other member of the public may apply for or participate in including but not limited to applications for utility service, development/building permits, payment of bills, proceedings in municipal court, proceedings before the City Council or a Board; provided, however, that a City Council member or a Board member must comply with the restrictions under Section 2.07.001 and all communications permitted under this subsection must be limited to those related and incident to such an application or proceeding;

(9) a City Council member or a Board member exchanges greetings, pleasantries, "small talk" or other conversation that is unrelated to any City-related issue; or

(10) a City Council member or a Board member requests and receives a written opinion from the City Attorney that the proposed communication does not violate this subsection provided that the written opinion is obtained in advance of the communication.

(e) City council members and Board members are subject to the following listed provisions of the City of Anna Personnel Policy Manual to the same extent such policies are applicable to city employees and any violation of any such provision by a City Council member or a Board member is deemed to be a violation of this section: section 104.11; section 104.13; and 104.14.

(Ordinance 777-2018, sec. 1.04, adopted 7/24/18; Ordinance _____, adopted _____)

Section 3. Amendment to Anna Code Section 2.07.011.

In accordance with Article 1.01 of the Anna City Code of Ordinances, ("Anna Code"), the following amendments are made to Section 2.07.011 (Civil fine) of Article 2.07 (CODE OF

ETHICS):

Sec. 2.07.011 Penalty; Enforcement-Civil fine

Any person, whether or not a city official, who knowingly and willfully violates any portion of this ~~article 2.07-code of ethics~~ is subject to a fine in accordance with the general penalty provided in section 1.01.009 of this code. ~~The civil fine under this section may be imposed by a majority of the City Council after holding a public hearing and finding a knowing and willful violation of one or more provisions of this article.~~ In addition, if the City Council finds that a person has violated any portion of this article 2.07, the City Council may by a vote of at least five (5) City Council members: (1) publicly censure the violator; (2) require that the violator pay a civil fine in an amount up to \$500 per violation; and/or (3) require the violator to forfeit their office or membership by any necessary means and if a violator is required to forfeit their office or membership under this section, the violator is not eligible to run for City Council or any Board until the expiration of five (5) years after such forfeiture. Upon any such forfeiture, the violator's office or membership shall be deemed vacant and shall be filled by applicable law. (Ordinance 777-2018, sec. 4, adopted 7/24/18; Ordinance adopting 2019 Code; Ordinance _____, adopted _____)

Section 4. Amendment to Governance Guide.

The City of Anna, Texas Governance Guide 2021 ("Governance Guide"), adopted under City of Anna Resolution No. 2021-04-902, is hereby amended as follows:

1. Mayor and City Council Protocol Operating Guidelines. Under **Protocol 4**, all references to "Ordinance 2008-01-04" are amended to read: "Resolution No. 2008-01-04."
2. Mayor and City Council Protocol Operating Guidelines. Under **Protocol 7**, a new Section C is added to read: "C. Any contact between Council/Board Members with employees, staff or volunteers must be in full compliance with Anna City Code of Ordinances Section 2.07.004."

City staff is directed to: (1) modify the Governance Guide as shown above; (2) note the date as "Current as of August 24, 2021" on the cover page of the Governance Guide; and (3) distribute copies of the updated Governance Guide to the Mayor and City Council noting that it supersedes the version adopted in April 2021.

Section 5. Savings, Severability, and Repealing Clauses.

All ordinances of the City in conflict with the provisions of this ordinance are repealed to the extent of that conflict. If any provision of this ordinance shall be held to be invalid or unconstitutional, the remainder of such ordinance shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part hereof. The City

declares that it would have passed this ordinance, and each section, subsection, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional or invalid.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Anna, Texas on this 24th day of August 2021 to be effective immediately.

APPROVE:



Nate Pike, Mayor



ATTEST:



Carrie L. Land, City Secretary

CITY OF ANNA, TEXAS
RESOLUTION NO. 2021-04-902

A RESOLUTION OF THE CITY OF ANNA, TEXAS ADOPTING THE CITY OF ANNA GOVERNANCE GUIDE 2021

WHEREAS, the City Council of the City of Anna, Texas ("City Council") working together through a collaborative process, has developed a Governance Guide that provides for certain protocols and instructions for how City Council is to work and communicate with City Staff; and

WHEREAS, the City of Anna Governance Guide 2021 will serve as a guide for conduct between City Council and City Staff, allowing both parties to work together cohesively in effectuating the policy of the City Council;

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

Section 1. Recitals Incorporated

The recitals set forth above are incorporated herein for all purposes as if set forth in full.

Section 2. Governance Guide Adopted

The City Council hereby adopts the Governance Guide attached hereto as Exhibit 1.

PASSED AND APPROVED by the City Council of the City of Anna, Texas, on this 27th day of April 2021.

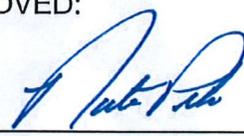
ATTEST:



City Secretary, Carrie Land

APPROVED:





Mayor, Nate Pike

GOVERNANCE GUIDE 2021

Mayor and City Council

THE CITY OF **Anna**

Anna, Texas

Current as of
August 24, 2021



Anna House Rules

Our Code of Conduct and Civility

- 1. Respect others: the individual; their ideas, experiences and opinions**
- 2. Respect and honor the roles and responsibilities under the Council-Manager form of city government and the laws of the State of Texas**
- 3. Act in a professional manner**
- 4. Come prepared and educated on the issue by doing your homework**
- 5. Communicate in an open, truthful, honest and direct manner**
- 6. Represent the City, Mayor-Council and the City staff in a positive manner**
- 7. Respect staff role, responsibilities and time**
- 8. Keep confidential information and Executive Sessions confidential**
- 9. Work together as a team and be an active team member**
- 10. Treat others the way that you would be like to be treated**
- 11. Represent all the Anna community**

Mayor and City Council Protocol Operating Guidelines

Protocol 1

Simple Information

1. Contact City Manager or Assistant City Manager
2. Share expectations, timeframe, method of communications

Protocol 2

Research on a Topic

1. Contact City Manager and Assistant City Manager
2. Discuss topics with City Manager
3. If significant time, the City Manager will take the topic to Mayor and City Council

Protocol 3

Neighbor Service Request

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|---|---|
| <p>A. First Contact</p> <ol style="list-style-type: none">1. Contact City Manager or Assistant City Manager -The City will acknowledge within 24 hours2. City Manager's Office refers request to the appropriate Department Director3. Share expectations on follow-up information and timeframe4. Share how to make request next time | <p>B. Unsatisfied Neighbor</p> <ol style="list-style-type: none">1. "Let me check into it," direct the individual to City Manager2. Contact the City Manager and share your information and expectations |
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Protocol 4	Agenda
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| <p>A. Placing an item</p> <ol style="list-style-type: none"> 1. Contact City Manager before Wednesday 2. If needed, contact two Councilmember to place an item on the agenda 3. If needed, contact Mayor 4. Meeting: Mayor – City Manager Review Agenda | <p>B. Question on item</p> <ol style="list-style-type: none"> 1. Contact City Manager or Assistant City Manager 2. Bring up your questions as soon as possible so City staff can prepare a response 3. Information goes to all 4. City staff may respond before the Council meeting or during their presentations at the Council meeting |
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- C. Revert to **Resolution** 2008-01-04
1. If there is conflict with achieving the aim of Protocol A, than any member of the Council will be able to pursue the process of **Resolution** 2008-01-04 to place an item on the agenda.

Protocol 5	Urgent Information
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1. City Manager to get to Mayor and City Councilmember
2. If you desire more information, contact the City Manager

Protocol 6	Communications: Council and Staff
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1. The City Manager will send the information to all – Mayor and Councilmembers
2. Avoid sharing information from one Councilmember to another Councilmember

Protocol 7	Employee Contact
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- | | |
|--|--|
| <p>A. Employee initiated</p> <ol style="list-style-type: none"> 1. Contact City Manager 2. If problem with City Manager, contact Mayor | <p>B. Council initiated</p> <ol style="list-style-type: none"> 1. Be social 2. Avoid City issues |
|--|--|
- C. Any contact between Council/Board Members with employees, staff or volunteers must be in full compliance with Anna City Code of Ordinances Section 2.07.004.**

Protocol 8	Email
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1. Use phone
2. Avoid "Reply All"

Protocol 9	Representative/Liaison
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1. Represent the City's position and adopted policy or direction
2. Avoid individual position or speculating about the Mayor and City Council's position

Protocol 10	Social Media
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1. The City is active on social media
2. Share information provided by the City to inform our Anna community and our neighbors
3. Specify that the posting is not the City of Anna
4. Avoid responding or participate in an online social media dialog or discussion
5. Be careful – you represent the City of Anna in your role as Mayor or Councilmember

CITY OF ANNA, TEXAS

RESOLUTION NO. 2008-01-04

A RESOLUTION OF THE CITY OF ANNA, TEXAS, AMENDING RESOLUTION NO. 2006-09-05 AND ESTABLISHING NEW PROCEDURES FOR CONDUCT OF COUNCIL MEETINGS AND FOR PLACING ITEMS ON COUNCIL MEETING AGENDAS

WHEREAS, the City Council has determined that the efficient and effective conduct of council meetings would be enhanced through more clearly defined policies for conduct of meetings; and

WHEREAS, the City Council has determined that the process for consideration of suggestions by council members for future agenda items should be clarified and better defined;

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

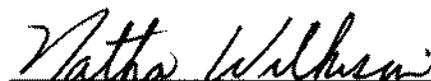
Section 2 of Resolution No. 2006-09-05 is amended and shall henceforth read as follows:

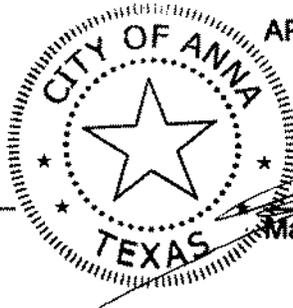
"Section 2. Agendas of Meetings

- a. Under the City Charter of the City of Anna the City Manager sets the agenda for meetings of the City Council [Section 4.01(f)(5)].
- b. An "Agenda Item Request Form" will be made available to Council members requesting that items be placed on the Council agenda. The Agenda Item Request Form must be presented to the City Secretary not less than seven work days prior to the next City Council meeting. Such requests will be placed on the next regular City Council meeting agenda under an item titled "Future Agenda Consideration". A Council member may request that an item listed under Future Agenda Consideration be placed on a future meeting agenda. Such requests must be made in the form of a motion. The item will be placed on a future agenda only if the motion is approved by a minimum of three Council members.
- c. Notwithstanding any provision of this resolution to the contrary, items of an emergency nature shall be permitted to be placed as an agenda item as necessary and in accordance with the Texas Open Meetings Act."

PASSED ON THIS THE 22nd DAY OF January, 2008.

ATTEST:


City Secretary, Natha Wilkison



APPROVED:


Mayor, Kenneth Pelham