

THE CITY OF **Anna**

Boards and Commissions Orientation

Saturday, December 14,
2024



Welcome and thank
you, Board Members
and Commissioners!

We value your commitment
and contributions.

THE CITY OF
Anna



Today's Agenda

- City information, priorities, and updates (City Manager Ryan Henderson)
- Commissions 101 (City Secretary Carrie Land)
- CivicClerk Overview (City Secretary Carrie Land)
- Legal Information (City Attorney Clark McCoy)
- Wrap Up and Commission Conversations



City Information, Priorities, and Updates

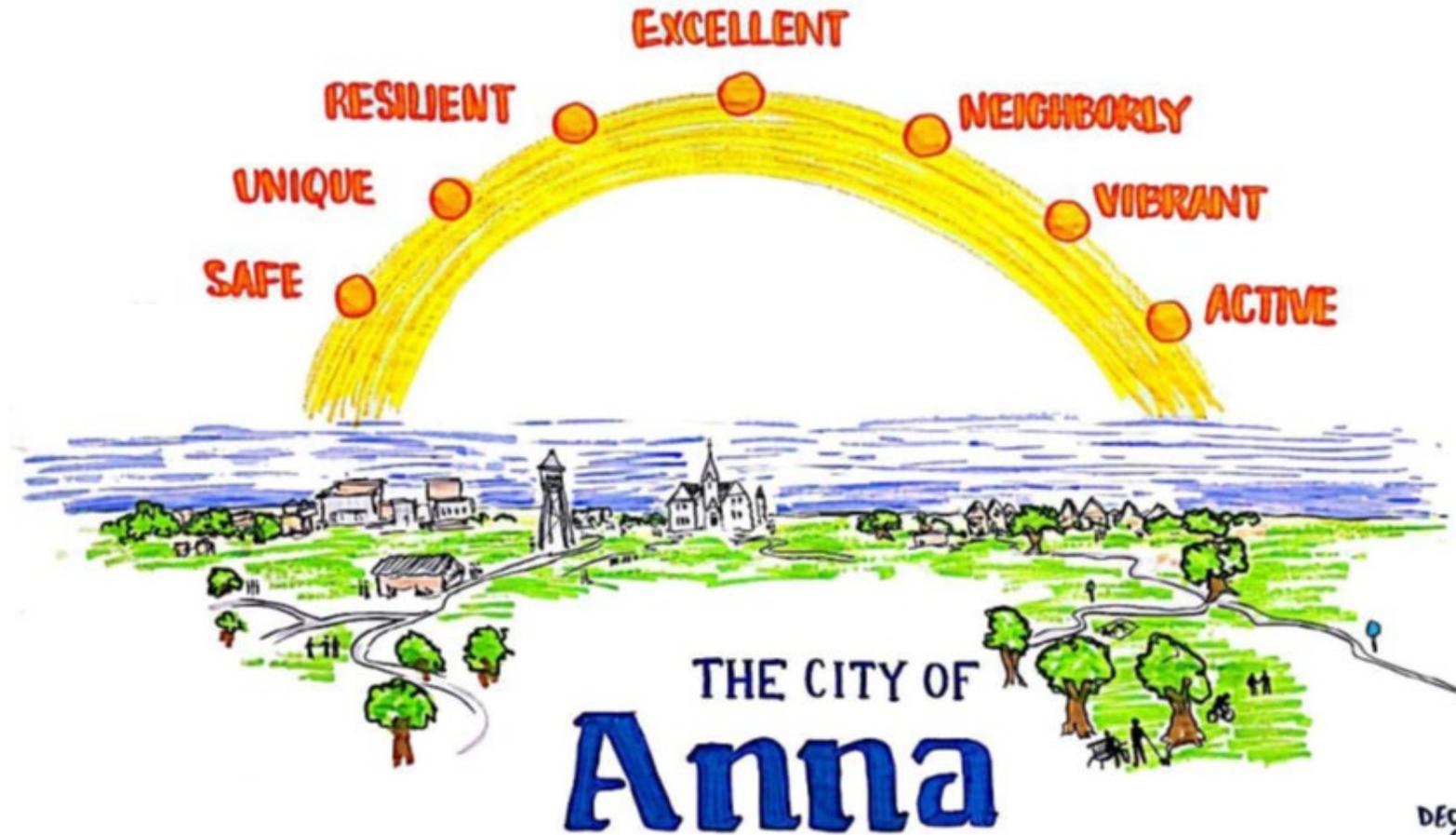


A Vision for Anna

The vision for the City of Anna is to be a vibrant, economically thriving community with a diversity of quality transportation options, housing inventory, and destination attractions. Our world-class facilities, services, and infrastructure will attract residents, businesses, and visitors and drive our financial stability and sustainability.

City of Anna Strategic Plan

A Vision for Anna



DECEMBER
2022

THE CITY OF
Anna



Anna City Councilmembers



Mayor Pete Cain



Councilmember Kevin Toten



Mayor Pro Tem Stan Carver



Councilmember Jody Bills



Councilmember Kelly Patterson-Herndon

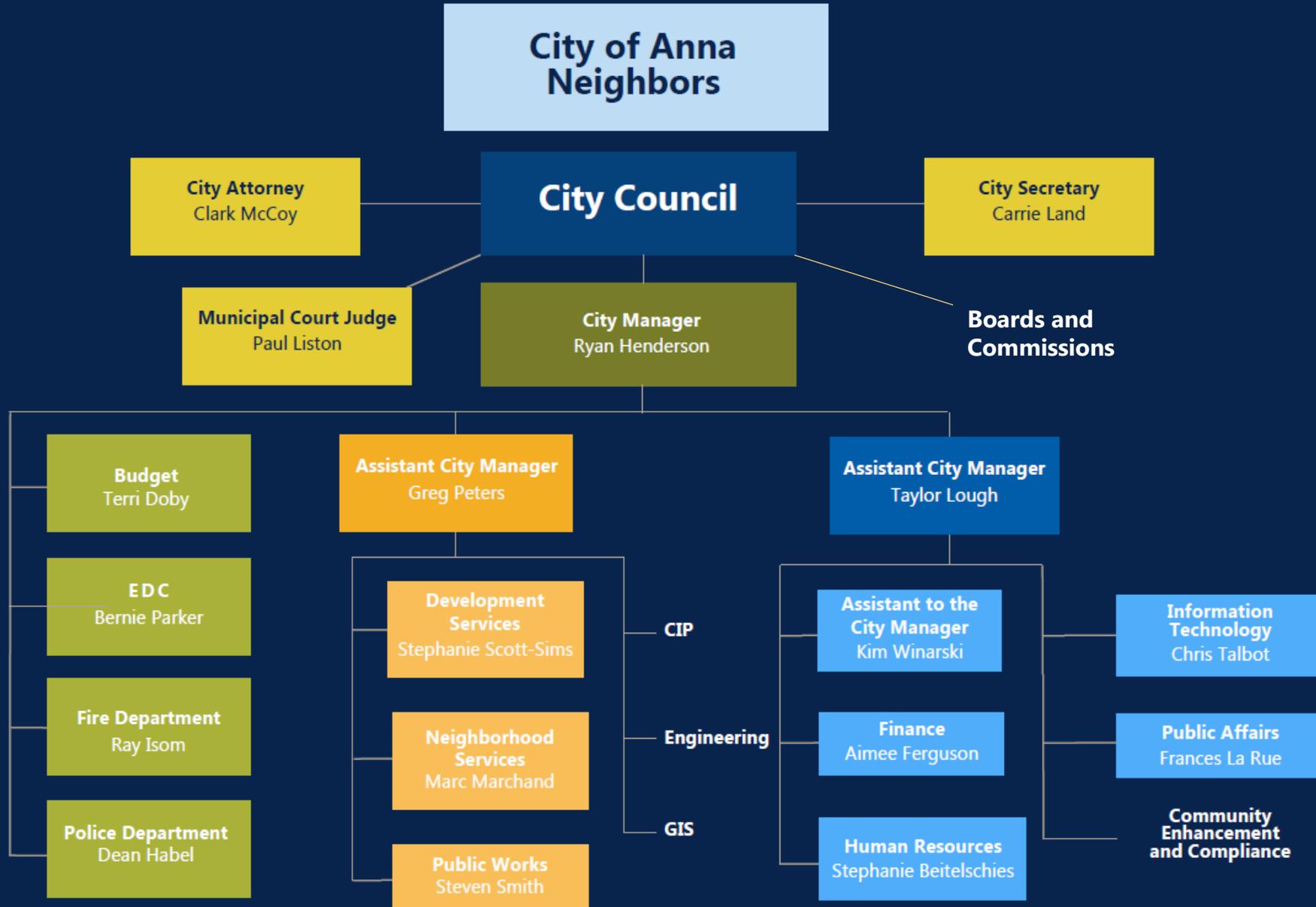


Deputy Mayor Pro Tem Elden Baker



Councilmember Lee Miller

ORGANIZATIONAL CHART



Staff Commission Liaisons

Planning and Zoning Commission



Stephanie Scott-Sims
Development Services
Director



Lauren Mecke
Planning Manager

Board of Adjustment



Nader Jeri
Development Services
Assistant Director



Staff Commission Liaisons (Cont.)

Economic Development Corporation/Community
Development Corporation Boards (EDC/CDC)



Bernie Parker
Economic Development
Director



Natasha Roach
Economic Development
Assistant Director



Salena Tittle
Economic Development
Manager



Staff Commission Liaisons (Cont.)

Neighbor Engagement and
Inclusion Advisory Commission



Taylor Lough
Assistant City Manager

Parks and Recreation Advisory Board



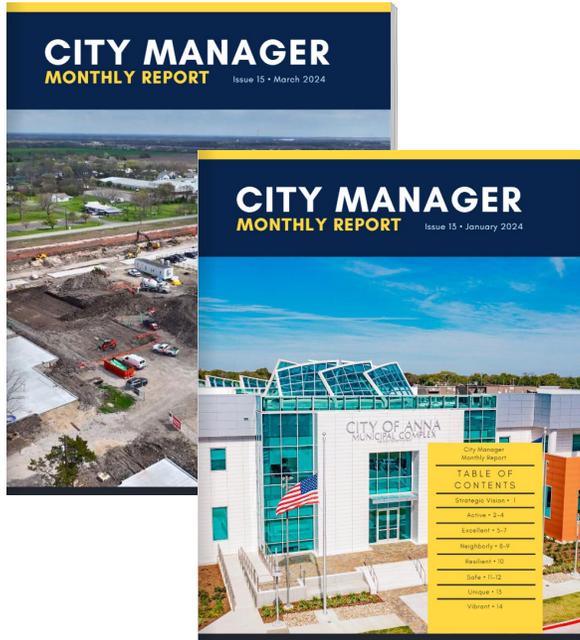
Marc Marchand
Neighborhood Services
Director



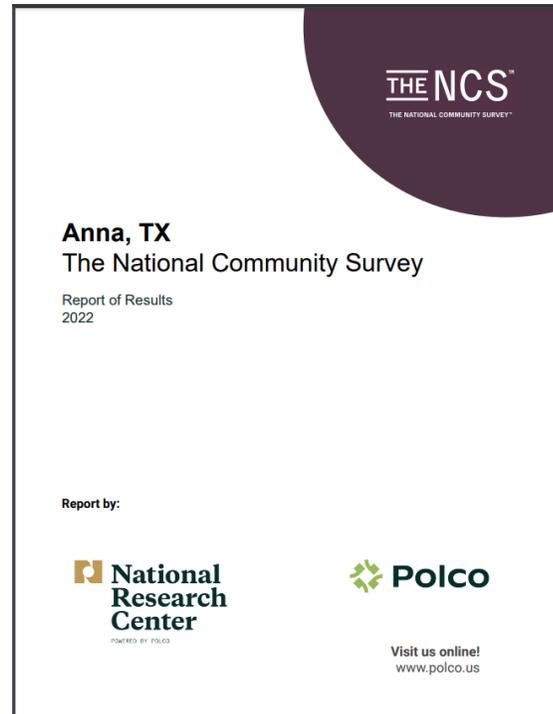
Jeff Freeth
Neighborhood Services
Assistant Director

Helpful Sources of Information

Monthly Reports



Previous Community Survey Results



Plans Governing Us as We Move Forward



City and Commission Guiding Documents

- City Charter
- Code of Ordinances
- Resolutions
- Board bylaws
- Governance Guide



Boards and Commissions

- Board of Adjustment
- Planning and Zoning Commission
- Economic Development Corporation Board
- Community Development Corporation Board
- Neighbor Engagement and Inclusion Advisory Board
- Parks and Recreation Advisory Board



Other Advisory Groups/Major Avenues of Community Input

City Task Forces

Created on an as-needed basis for large projects seeking major community feedback.

Ex. Library Taskforce, Wayfinding Taskforce

Community Survey

Community-wide survey distributed by mail every three years focused on 10 facets of livability within the Anna community. The next survey will be in 2025.

Public Surveys

Seeking public feedback on one facet of a program or project.

Public Workshops

Hosted on an as-needed basis seeking community feedback on specific projects from a wide range of community members.

Ex. Skatepark Workshop, Splashpad Workshop

Strategic Projects and Initiatives

Questions

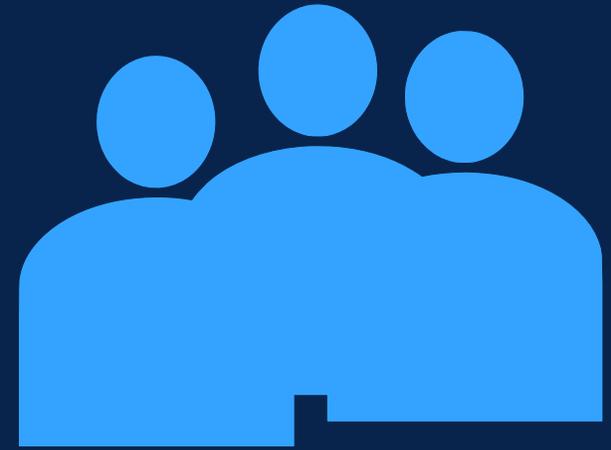
Contact me via email:

rhenderson@annatexas.gov

Boards and Commissions 101

Boards and Commissions 101

- Boards and Commissions Defined
- Roles and Responsibilities
- Parliamentary Procedures
- Training Resources
- Code of Conduct and Ethics



Boards and Commissions Defined

A group of individuals appointed by Mayor and Council to help them make sound decisions and shape or influence City policy:

- Offers members of the public an opportunity to participate in the City's governmental process
- Balances public interest in order to make informed recommendations to Mayor and Council
- Helps Mayor and Council gain a comprehensive understanding of community stakes and impacts

Boards and Commissions Defined

Advisory Boards

- Make recommendations to Council
- Tasked with issues and concerns of the public, exploring possible options, providing feedback and recommendations to Council

Planning and Zoning Commission (*Certain plats get final approval by P&Z without Council approval*)

Parks Advisory Board

Neighbor Engagement and Inclusion

Sovereign Boards

- Exercise independent authority and make decisions
- Established by federal law, state law or City Charter

Board of Adjustment

EDC/CDC Boards (*Most projects require City Council approval*)



Board and Commission
Members are considered
City Officials!

Obtaining Eligibility to Serve

- Complete the Oath of Office
- Receive a copy of and agree to comply with the City's Ethics Ordinance
- Agree to complete all online training within 90 days



Documents must be signed prior to beginning service!

Maintaining Eligibility to Serve

- Complete required training within 90 days
- Comply with attendance requirements – Attend 75% of regularly scheduled meeting during a 12-month period
- Comply with residency requirements
- Comply with the City's Code of Ethics

Texas Open Meetings Act (TOMA)

- Meetings of governmental bodies must be open to the public
- Agendas posted at least 72 hours prior to meeting
- Agendas include date, time, place and subject of each item
- Quorum must be present to convene (four members are required for a seven member board)



**All boards
must comply
with the
Texas Open
Meetings Act**



Public Information Act (PIA)

- The PIA provides for citizens to inspect or copy government records.
- City records include paper, texts and e-mails.
- As a city official you may be a temporary custodian of public records and responsible to maintain the records.
- This applies to emails, texts and other information on your personal devices and in any other form whatsoever. SOLUTION: send any City-related items from your personal account to the City Secretary.

Board Member Duties



- ✓ Display a level of decorum as expected from a City official

The board's performance depends on teamwork and communication between the board members. Effective, professional, confident, and calm communication, constructive discussions with other board members are key to effective decision-making.

Board members are expected to:

- ✓ Be a part of the team
- ✓ Be prepared - *Review agenda and business packet before the meeting*
- ✓ Attend and be on time
- ✓ Participate in the meeting

Liaison Duties

Staff Liaison

- Post agendas and all supporting documents in compliance with TOMA
- Monitor and submit monthly attendance reports and report any violations of the attendance policy to the City Secretary
- Report changes of officers, meeting schedules, resignations, and if the board fails to meet
- Schedule Meetings including making room arrangements and release rooms if cancelled

Council Liaison

- Ensure Board complies with deadlines & code provisions
- Encourage the board to remain within the City mission statement
- Ensure compliance with TOMA:
 - Only discuss items on the agenda
- Ensure compliance with attendance
- Report quarterly to the City Council the actions of board
- Share Communications from the Council to the board concerning policy direction and strategic goal aims

Relationship with Staff

Board and staff do not supervise each other

- Members and staff should work together collaboratively
- Staff may not be directed to perform work that has not been codified by Council
- Everyone should be professional, courteous and listen to each other

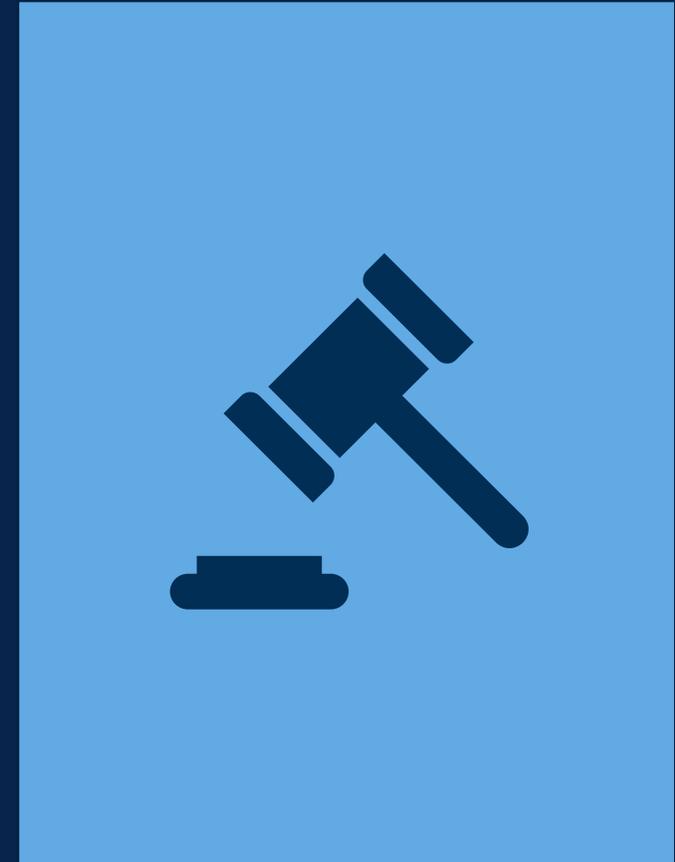


**Remember: you are a representative
of the City Council**

Parliamentary Procedures

Parliamentary procedure is the accepted rules, ethics, and customs governing meetings of an assembly or organization. Its object is to allow orderly deliberation upon questions of interest to the organization and thus to arrive at the will of the majority of the assembly upon these questions.

Review Parliamentary Procedures for detailed guide.



Decorum

- The Chairperson keeps discussions focused on the matter at hand.
- Only one member may speak at a time and must do so at a volume that is audible to the other members and attendees of the meeting.
- There shall be no side discussion or debate during a meeting.
- All members shall observe a business casual dress code.

Making Motions

- **Main Motions** – The purpose of the main motion is to clearly state the desired action of the maker of the motion.
Example: Maker states, "I move to (approve, deny, table or take no action)..." A second to the motion is required.
- **Motion to Table** – A motion to table must set a definite date for reconsideration.
- **Motion to Take no Action** – Majority vote is required.

Electing Board Officers

All Boards elect a Chair, Vice Chair and Secretary annually

- All votes are public
- No ballot system for any action
- No requirement to re-elect officers
- Officer terms are one-year

Meeting Minutes

TOMA and City Charter require written minutes of all meetings

- This should not be a transcript of every word
- Minutes must give subject of each deliberation, each vote, decision or other action taken

Minutes are approved by the board and posted to webpage

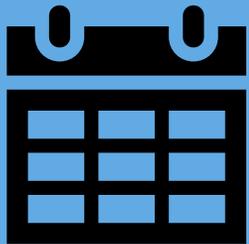
- Members may vote to approve minutes from meeting they did not attend

Approved and signed minutes are sent to City Council for review within one month of approval

Notice of Quorum Announcements

A Notice of Quorum Announcement is used for celebratory events and ribbon cutting where a quorum of the board may be present

- Remember events must be open to the public – if this is not possible a quorum must not be present



Send events that may be of interest to the board to the staff liaison to post or distribute at least 72 hours prior to event



A Few Other Things to Know

- An individual member may not act in an official capacity except through action of a board majority
- A board may not create a joint committee with another board unless directed by City Council in a formal action
- Boards may adopt special rules of procedure as needed
 - Special rules of procedure may not conflict with state or federal law, the bylaws, or City Code
 - Boards may not have secret rules unavailable to the public

Different Perspectives

- Board/Commission members are passionate and typically considered experts in their fields
- Different perspectives often provide additional and helpful insights
- Remember to consider other points of view and don't immediately dismiss suggestions
- Never confuse personal agendas with that that is best for the City of Anna

Additional Resources and Training Materials

You will find on the City website additional training materials to be reviewed prior to your first meeting. [Board and Commissions Resources | Anna, TX - Official Website \(annatexas.gov\)](#)

- Guide for Members of Anna Boards and Commissions
- Strategic Plan
- City Success Statements
- Parliamentary Procedures
- Conflicts Resolution for Board and Commission Members
- Ethics
- City Code of Ordinances

City Website General Resources

www.annatexas.gov

- Agendas and Minutes – Government/City Ordinances
- Budget – Department/Finance
- City Charter and Code of Ordinances- Government/City Ordinances
- City Land Use Maps –Department/Planning and Development Department
 - Anna 2050 Comprehensive Plan
 - Annexation Plan
 - Current Projects
 - Development Regulations
- Capital Improvement Program - Department/Public Works/Engineering
- City Strategic Plan – Government/City Manager
- Economic Development – Departments/Economic Development
- Parks Capital Improvement Plan – Parks and Recreation

THE CITY OF
Anna

Contact Information

General Questions/City Secretary's Office

Carrie Land – cland@annatexas.gov

Planning and Zoning Commission

Stephanie Scott-Sims – sscottsims@annatexas.gov

Board of Adjustment

Nader Jeri – njeri@annatexas.gov

Parks and Recreation Advisory Board

Jeff Freeth – jfreeth@annatexas.gov

Neighbor Engagement and Inclusion Commission

Taylor Lough — tlough@annatexas.gov

EDC/CDC Boards

Bernie Parker— bparker@annatexas.gov

Code of Conduct & Ethical Standards

- **Transparent and Impartial Government** - the public has the right to know what its government is doing. Decision-Making Free from Personal Interests - duty is to the people, not one's own interests.
- **Decision-Making Free from Gifts, Bribes, or Intimidation** – the public expect decisions to be made fairly with the best interest of the community and not swayed by bribes or intimidation.
- **Public Confidence in the Use of Government Resources** - resources are used wisely and in the best interest of the city.
- **Public Faith in the Fair Administration of their City** - an open, transparent government that uses its resources wisely and centers all decisions in the best interest of the public inspires the public's faith that its government is administered fairly.

CivicClerk Overview

Logging In / Password Set Up

From: CivicPlus Platform <noreply@civicplus.com>
Sent: Wednesday, December 4, 2024 10:02 AM
To: City Secretary
Subject: Confirm your email

[Validate](#)

Link



<https://annatx.boardportal.civicclerk.com>



Agenda Review

The screenshot displays the 'Agendas' page on the Annatax Board Portal. The browser address bar shows the URL: <https://annatx.boardportal.civiccl...>. The page title is 'Agendas'. A search bar contains the text 'Parks Advisory Board'. Below the search bar, there are 15 agenda items arranged in a 3x5 grid. Each item includes a date and a time of 6:00 PM. The items are as follows:

11/18/2024 6:00 PM Parks Advisory Board 11/18/2024	10/21/2024 6:00 PM Parks Advisory Board 10/21/2024 - Cancelled	09/16/2024 6:00 PM Cancelled Parks Advisory Board 9/16/2024	08/19/2024 6:00 PM Parks Advisory Board 8/19/2024	07/15/2024 6:00 PM Parks Advisory Board 7/15/2024
06/17/2024 6:00 PM Parks Advisory Board 6/17/2024	05/20/2024 6:00 PM Parks Advisory Board 5/20/2024	02/29/2024 6:00 PM Parks Advisory Board 2/29/2024	01/29/2024 6:00 PM Parks Advisory Board Meeting January 29, 2024	12/11/2023 6:00 PM Parks Advisory Board Meeting December 11, 2023
11/13/2023 6:00 PM Parks Advisory Board November 13, 2023	08/21/2023 6:00 PM Parks Advisory Board August 21, 2023	07/17/2023 6:00 PM Parks Advisory Board July 17, 2023	06/20/2023 6:00 PM Parks Advisory Board June 20, 2023	05/15/2023 6:00 PM Parks Advisory Board 5/15/23

At the bottom of the page, there are navigation tabs: 'AGENDAS' (selected), 'MINUTES', 'CIVICPLUS Agenda and Meeting Management', 'NOTES', and 'MEDIA'.

Training Resources

The screenshot displays a web application interface with a table of agendas and a user profile dropdown menu. The table has three columns, each representing an agenda item. The first column shows a date '24' and a time '6:00 PM' with the text 'dvisory Board 2/29/2024'. The second column shows a date '01/29/2024' and a time '6:00 PM' with the text 'Parks Advisory Board Meeting January 29, 2024'. The third column shows a date '12/11/2023' and the text 'Parks Advisory Decembe'. To the right of the table is a user profile dropdown menu for 'City Secretary'. The menu includes options for 'Account Settings', 'Email Preferences', 'Help Center' (which is circled in red), and 'Logout'.

Agendas		
24	01/29/2024	12/11/2023
6:00 PM	6:00 PM	
dvisory Board 2/29/2024	Parks Advisory Board Meeting January 29, 2024	Parks Advisory Decembe

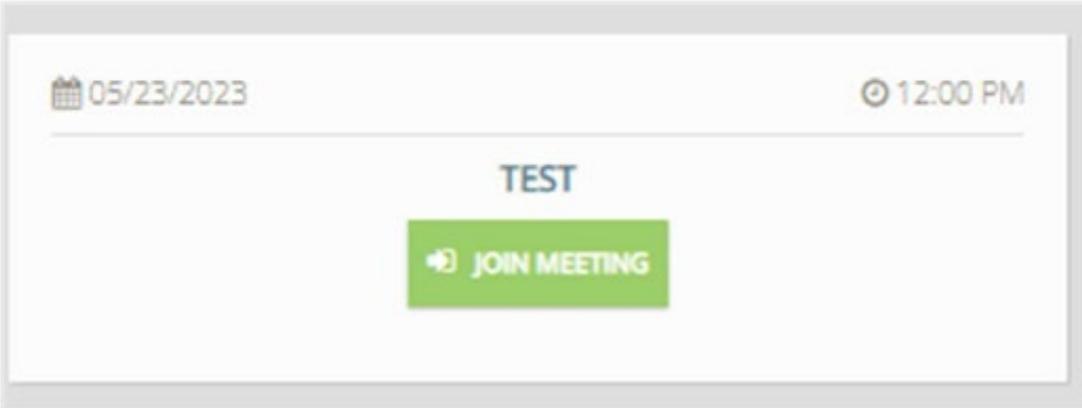
City Secretary

- Account Settings
- Email Preferences
- Help Center
- Logout

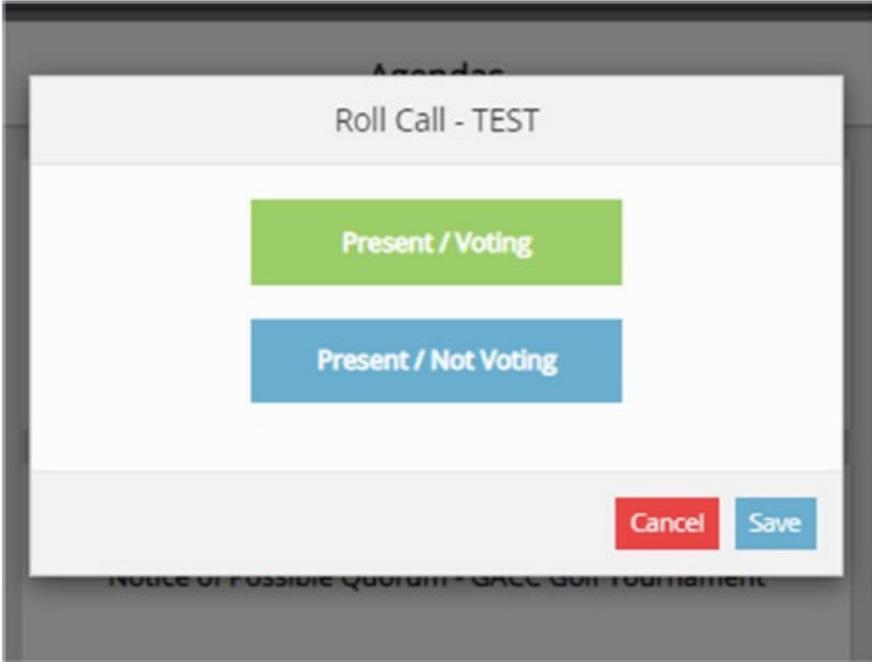


Joining the Meeting and Roll Call

Select Join Meeting



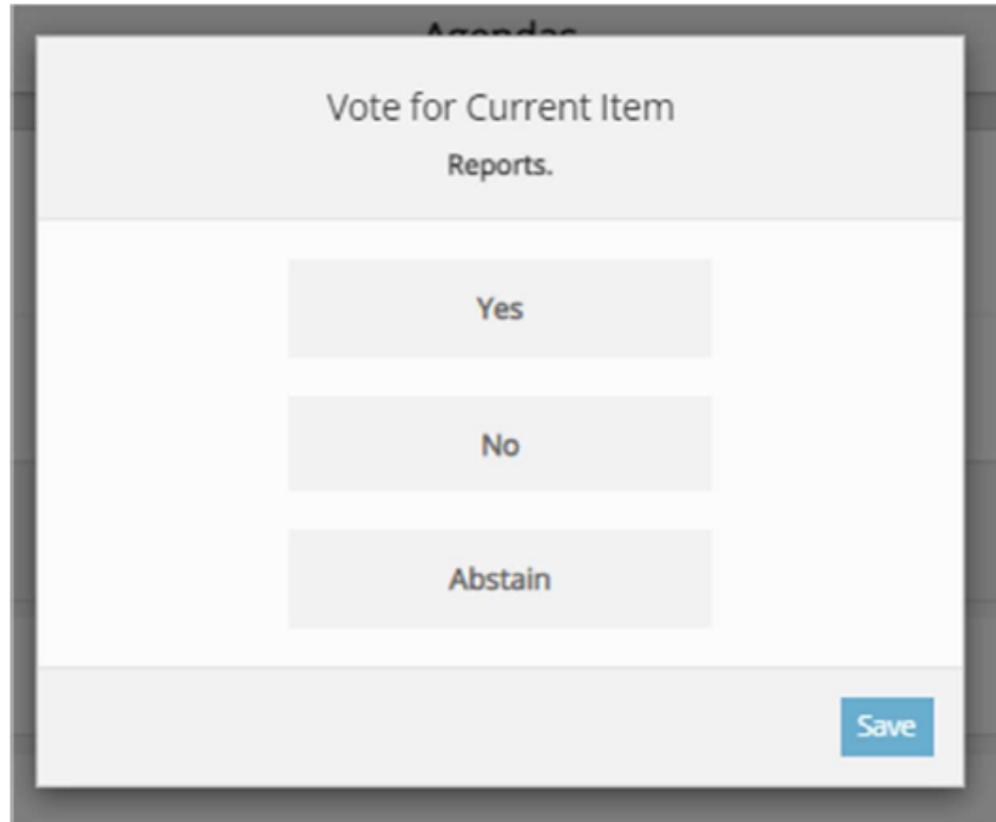
Select Present/Voting, Select Save



Voting

When Voting is Initiated the following will show on your screen:

Select Vote and Save



The screenshot shows a voting interface with the following elements:

- Header: "Vote for Current Item Reports."
- Three large, light gray buttons stacked vertically: "Yes", "No", and "Abstain".
- A blue "Save" button in the bottom right corner.



Questions

Contact me via email:

cland@annatexas.gov

Boards & Commissions
Legal Advisory



HOME-RULE CHARTER



The Charter is the City's "**Constitution**" and governs all City operations.



The Charter was adopted by the citizens of Anna and **may only be amended** by the citizens of Anna voting **at an election**.



The Charter has the **full effect of law** and must be followed except when state or federal law conflicts with the Charter.

HOME-RULE CHARTER

“Council-Manager” Form of Government

POLICY (City Council) The **policy-making** powers of the City are vested in the City Council. The City Council may enact local legislation, adopt budgets, determine policies, and appoint the City Manager.

EXECUTION (City Manager) The City Manager executes the policies of the Council and the **operations** and administration of the City government.

The City's
Ethics Code
(Anna Code
Art. 2.07)

ETHICS CODE

ETHICS CODE

Representation of Private Interests

- City Official cannot represent a third party or group before the City. “Before the City” means before the City Council, or a Board, commission, or other body appointed by the City Council.

ETHICS CODE

Confidential Information

(a) **Improper Access**. A City Official shall not use his position to secure Official Information about any person or entity for any purpose other than the performance of the Official's duly authorized responsibilities.

(b) **Improper Disclosure or Use**. A City Official shall not publicly disclose Confidential Government Information or use such information to further or impede anyone's personal interests.

CONFIDENTIAL INFORMATION is any information from an executive session **or** any information held by the City that is not available to the general public.

ETHICS CODE

Public Property and Resources

Do not use, request, or permit the use of City facilities, personnel, equipment, or supplies for private purposes (including political purposes), except:

- (a) pursuant to duly adopted City policies, or
- (b) to the extent and according to the terms that those resources are lawfully available to the public.

ETHICS CODE

Interaction with City Staff

Board members **generally shall not communicate with a city employee** or other person that that the city manager may supervise or otherwise control. **Prohibited communications** include communications **that relate in any manner to city business or operations.**

HOWEVER, it is **not** a violation of this subsection IF one or more of the following exceptions apply:

ETHICS CODE

Interaction with City Staff

EXCEPTIONS:

- 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**
- To the extent **permission is provided in writing by the city manager**, a member of the planning and zoning commission communicates with city planning director as necessary for the member and planning director to discharge their governmental functions and otherwise transact city business
- 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

ETHICS CODE

Interaction with City Staff

MORE EXCEPTIONS:

- 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
- A city council member or 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
- 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 all such communications must be limited to those related and incident to such an application or proceeding
- A city council member or a board member exchanges greetings, pleasantries, “small talk” or other conversation that is unrelated to any city-related issue.

ETHICS CODE

Interaction with City Staff, Personnel Policies

Board members are subject to the following listed provisions of the **city 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 the Ethics Code

section 104.11 (Harassment/Sexual Harassment

section 104.13 (Violence in the Workplace)

104.14 (Bullying).

STATE LAW CONFLICTS OF INTEREST

Disclosure of Certain Conflicts of Interest (State Law – LGC Ch. 176)

You must file an affidavit with the City Secretary within seven business days after becoming aware of the conflict. You have a conflict if:

- (1) You or a family member has an employment or other **business relationship** with a vendor (vendor = someone contracting or seeking to contract with the City) that results in you or your family member receiving **taxable income of more than \$2,500** in the preceding twelve months;
- (2) You or a family member accepts one or more **gifts** from a vendor that has an aggregate value of more than \$100 in the preceding twelve months; or
- (3) You have a **family relationship** with the vendor.

STATE LAW CONFLICTS OF INTEREST

Disclosure of Certain Conflicts of Interest (State Law – LGC Chapter 176), (continued)

“**Business relationship**” means a connection between two or more parties based on commercial activity of one of the parties.

“**Family member**” means a person related to another person within the first degree by consanguinity or affinity, as described by Subchapter B, Chapter 573, Government Code, which includes: father, mother, son, daughter, spouse, father-in-law, mother-in-law, son-in-law, daughter-in-law, or step child.

“**Family relationship**” means a relationship between a person and another person within the third degree by consanguinity or the second degree by affinity. Family relationships within the third degree by blood include a person’s: mother, father, son, daughter, brother, sister, grandmother, grandfather, grandson, granddaughter, great-grandfather, great-grandmother, aunt, uncle, nephew, niece, great-grandson and great-granddaughter. A person’s family relationships within the second degree by marriage include a person’s spouse, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepchild, sister-in-law (brother’s spouse or spouse’s sister), brother-in-law (sister’s spouse or spouse’s brother), spouse’s grandmother, spouse’s grandfather, spouse’s granddaughter, and spouse’s grandson.

STATE LAW CONFLICTS OF INTEREST

Disclosure of Certain Conflicts of Interest (State Law – LGC Ch. 176),
(continued)

CRIMINAL PENALTIES: An officer or vendor who knowingly fails to file a statement or a questionnaire when required to do so commits either a Class A, B, or C misdemeanor, depending on the amount of the contract. Id. § 176.013. A Class C misdemeanor is punishable by a fine of up to \$500. A Class B misdemeanor is punishable by a fine up to \$2,000, confinement in jail for a term not to exceed 180 days, or both. A Class A Misdemeanor is punishable by a fine up to \$4,000, confinement in jail for a term not to exceed one year, or both.

REMOVAL FROM OFFICE: A City officer convicted of a felony or of a misdemeanor involving moral turpitude or is convicted of violating any state laws regulating conflicts of interest of municipal officers must forfeit his or her office. Every forfeiture must be declared and enforced by the City Council. See Charter Sec. 3.05(c).

Conflict of Interest (State Law – LGC Chapter 171)

Substantial Interest in **Business Entity**

- (1) the person owns 10 percent or more of the voting stock or shares of the business entity or owns either 10 percent or more or \$15,000 or more of the fair market value of the business entity; or
- (2) funds received by the person from the business entity exceed 10 percent of the person's gross income for the previous year.

Substantial Interest in **Real Property**: A person has a substantial interest in real property if the interest is an equitable or legal ownership with a fair market value of \$2,500 or more.

STATE LAW CONFLICTS OF INTEREST

Conflict of Interest (State Law – LGC Chapter 171) (continued)

You have a Chapter 171 conflict IF...

1) in the case of a substantial interest in a business entity the action on the matter will have **a special economic effect on the business entity** that is distinguishable from the effect on the public; or

(2) in the case of a substantial interest in real property, it is reasonably foreseeable that an action on the matter will have **a special economic effect on the value of the property**, distinguishable from its effect on the public.

If you have a Chapter 171 conflict of interest **you must file**, before a vote or decision on any matter involving the business entity or the real property, **an affidavit** stating the nature and extent of the interest **and** shall **abstain** from further participation in the matter. (This is a different form of affidavit than the one applicable to Chapter 176 - you can request from the City Secretary).

STATE LAW CONFLICTS OF INTEREST

Conflict of Interest (LGC Chapter 171) (continued)

CRIMINAL PENALTIES: An officer who knowingly violates Chapter 171 is guilty of a Class A Misdemeanor, which is punishable by a fine up to \$4,000, confinement in jail for a term not to exceed one year, or both.

REMOVAL FROM OFFICE: A City officer convicted of a felony or of a misdemeanor involving moral turpitude or is convicted of violating any state laws regulating conflicts of interest of municipal officers must forfeit his or her office. Every forfeiture must be declared and enforced by the City Council. See Charter Sec. 3.05(c).

STATE LAW CONFLICTS OF INTEREST

STATE LAW CONFLICTS OF INTEREST

Conflict of Interest (LGC Chapter 171) (continued)

CRIMINAL PENALTIES: An officer who knowingly violates Chapter 171 is guilty of a Class A Misdemeanor, which is punishable by a fine up to \$4,000, confinement in jail for a term not to exceed one year, or both.

REMOVAL FROM OFFICE: A City officer convicted of a felony or of a misdemeanor involving moral turpitude or is convicted of violating any state laws regulating conflicts of interest of municipal officers must forfeit his or her office. Every forfeiture must be declared and enforced by the City Council. See Charter Sec. 3.05(c).

CITY CHARTER CONFLICTS OF INTEREST

CONFLICT OF INTEREST (City Charter 14.08)

No City officer may have a substantial financial interest, direct or indirect, in any contract, other than employment contracts, with the City; or have a substantial **financial interest**, direct or indirect, **in the sale to the City of any land, materials, supplies or services**, except on behalf of the City as an officer or employee, except as allowed by state law.

(City Charter 3.10)

If you have a **conflict** of interest you must:

- (1) **openly declare** the conflict before discussion proceeds;
- (2) **not participate** in the discussion of that item; and,
- (3) **not vote** on that item.

Do not accept the following:

- (1) any benefit in exchange for your decision, opinion, recommendation, vote, or other exercise of discretion as a City Official
- (2) any benefit as consideration for a violation of a duty imposed by law on a City Official.

STATE LAW - GIFTS

CITY CHARTER - GIFTS

Do not: (1) **accept** or solicit any **gift, favor, or service** that might reasonably tend to influence the officer or employee in the discharge of official duties or that the officer or employee knows or should know is being offered with the intent to influence the officer's or employee's official conduct; (2) **accept** other **employment or engage in a business or professional activity** that the officer or employee might reasonably expect would require or induce the officer or employee to disclose confidential information acquired by reason of the official position; (3) **accept** other **employment or compensation** that could reasonably be expected to impair the officer's or employee's independence of judgment in the performance of the officer's or employee's official duties; (4) **make personal investments** that could reasonably be expected to create a substantial conflict between the officer's or employee's private interest and the public interest; or (5) intentionally or knowingly solicit, **accept, or agree to accept any benefit for exercising** the officer's or employee's official powers or performed the officer's or employee's official duties in favor of another.

CITY CHARTER - GIFTS

You may: (1) attend social functions, ground breakings, or civic events pertinent to the public relations and operations of the City; (2) exchange gifts with family and relatives; (3) receive campaign contributions as provided for in the Texas Election Code; (4) exchange gifts at church functions or City parties or functions where only City officers and employees and their families are invited or attend; or (5) exchange gifts or receive a bonus from your place of full-time employment.

CITY CHARTER - GIFTS

CRIMINAL PENALTIES: An officer who knowingly violates the Charter's gift prohibitions is guilty of a misdemeanor.

REMOVAL FROM OFFICE: A City officer who knowingly violates the Charter's gift prohibitions may be removed from office. See Charter Sec. 14.09(c).

BEYOND THE SCOPE OF THIS PRESENTATION

Texas Penal Code –

Chapter 36. Bribery and Corrupt Influence

**Chapter 37. Perjury and Other
Falsification**

**Chapter 38. Obstructing Governmental
Abuse of Office** **Chapter 39.**

STATE LAW – PENAL CODE

Questions on Ethics,
Conflicts, or Gifts?



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Texas Open Meetings Act
Texas Government Code
Chapter 551

OPEN MEETINGS BASICS

You must undergo the state-mandated video training.
Deadline is 90 days after you take your oath office.
Every regular or special meeting must be open and accessible to the public

Written notice of all meetings is required

Date, hour, place and subject matter

Posted at least 72 hours before the meeting

May only discuss or act on posted items

Quorum requirement – must have a quorum to take action

OPEN MEETINGS

“Deliberation”

- Deliberation by a quorum is considered a “meeting” subject to the Open Meetings Act
- Even a quorum that receives information from a 3rd party may be in violation
- Deliberation using email/text by a majority of the members of the Council or Board will be considered a quorum
- Social media
 - Facebook and twitter and other such platforms may count as deliberation

OPEN MEETINGS

Quorum can attend...

- A “meeting” does not include (so no notice required):
 - Social functions (unrelated to the public business)
 - A regional, state, or national convention or workshop
 - A ceremonial event
 - A press conference
- These exceptions apply *only* if formal action is not taken and any discussion of any public business of the City is incidental to the event
- It is a crime for a quorum or more to attend a closed session unless it occurs as part of a duly noticed public meeting.

OPEN MEETINGS

“Walking Quorum”

Elements of the Crime: (1) knowingly engage in at least one communication among a series of communications that each occur outside of an authorized public meeting and that concern an issue within the jurisdiction of the governmental body in which the members engaging in the individual communications constitute fewer than a quorum of members but the members engaging in the series of communications constitute a quorum of members; and (2) knew at the time the member engaged in the communication that the series of communications:
(A) involved or would involve a quorum; and
(B) would constitute a deliberation once a quorum of members engaged in the series of communications.

OPEN MEETINGS

“Walking Quorum,” (continued)

- Discussing City business without a quorum being present in one place but the discussion is relayed to other Council or Board members and the total number of Council or Board members that become involved in the discussion is at least a quorum. Example: telephone polling; email daisy chain, or a combination of these acts.
- Less than a quorum can deliberate about City public business without being subject to the Texas Open Meetings Act in the form of a committee. This is not prohibited and it is not a “walking” quorum but it poses danger of a violation.

OPEN MEETINGS ACT

“Walking Quorum,” (continued)

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OPEN MEETINGS ACT

CONSEQUENCES FOR OPEN MEETING VIOLATIONS

- An action taken by a governmental body in violation of this chapter is voidable.
- The City could be sued in court for injunctive relief and if the plaintiff “substantially prevails” the City would have to pay the plaintiff’s litigation costs and attorney fees.
- For a “walking quorum” or any illegal closed meeting: a fine of not less than \$100 or more than \$500; (2) confinement in the county jail for not less than one month or more than six months; or (3) both the fine and confinement.

Open Meetings Act

Questions?



www.annatexas.gov

Texas Public Information Act
Texas Government Code
Chapter 552

PUBLIC INFORMATION ACT

Are you a “temporary custodian”?

- If you have possession of public information (information involving anything about the City or City business) and you have not given an exact copy of that to the City Manager or City Secretary, then you are a temporary custodian of that information and you have a duty to preserve that information until you give an exact copy to the City.
- This applies to emails, texts and other information on your personal devices and in any other form whatsoever. SOLUTION: send any City-related items from your personal account to your City email address.

PUBLIC INFORMATION ACT

Temporary Custodian: Violations

- If you **willfully destroy, mutilate, remove** without permission or alter **public information** it is a misdemeanor carrying a fine between \$25 and \$4,000 and not less than 3 days or more than 3 months in jail. This applies to all public information including information you possess as a temporary custodian.
- If you **disclose confidential information** without authorization it is a misdemeanor with a maximum fine of \$1,000 and jail time up to six months. This applies to all public information including information you possess as a temporary custodian.
- If you **fail or refuse to give access to, or to permit or provide copying of, public information (other than confidential information)** it is a misdemeanor with a maximum fine of \$1,000 and jail time up to six months. This applies to all public information including information you possess as a temporary custodian.

PUBLIC INFORMATION ACT

It's much easier and safer not to be a Temporary Custodian

Public Information Act

Questions?



Congratulations!!

THE CITY OF
Anna

ACTION REQUIRED

Complete and return to City Secretary before you leave:

- ✓ Statement of Officer
- ✓ Oath of Office
- ✓ Information Disclosure Statement
- ✓ Volunteer Contact Information
- ✓ Code of Ethics Receipt
- Required Training Certificates due in 90 days!

Important Documents



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