

RESOLUTION NO. 2024-19

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF BRECKENRIDGE, TEXAS, ADOPTING A CODE OF CONDUCT AND CODE OF ETHICS; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Breckenridge (the “City”) is a Home Rule Municipality acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution;

WHEREAS, Section 4.14 of the City’s Charter grants the City Commission of the City (the “City Commission”) “all powers necessary to and incident to the proper discharge of the duties imposed upon it” and Section 4.16 provides that the City Commission may “determine its own rules of procedure”; and

WHEREAS, the City Commission finds that adopting a code of ethics governing the City Commission is advisable to ensure that the Commission works productively and transparently to serve the citizens of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF BRECKENRIDGE, TEXAS THAT:

SECTION 1. Incorporation of Premises. All of the above premises are found to be true and correct and are incorporated into the body of this Resolution as if copied in their entirety.

SECTION 2. Adoption of Rules. The Breckenridge City Commission Code of Conduct and Code of Ethics set forth in **Exhibit “A”**, attached hereto and incorporated herein, is hereby adopted.

SECTION 3. Severability. Should any section, subsection, sentence, clause or phrase of this Resolution be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Resolution shall remain in full force and effect.

SECTION 4. Repeal. Any resolutions in conflict with this Resolution are hereby repealed to the extent of such conflict.

SECTION 5. Effective Date. This Resolution shall become effective immediately from and after its passage.

PASSED, ADOPTED, AND APPROVED by the City Commission of the City of Breckenridge, Texas this the 27th day of August 2024.

Bob Sims, Mayor

ATTEST:

Jessica Sutter, City Secretary

S E A L

Exhibit A

CITY OF BRECKENRIDGE CODE OF CONDUCT AND ETHICS POLICY

The Breckenridge City Commission is the governing body for the City of Breckenridge; therefore, it must bear the initial responsibility for the integrity of governance. The Commission is responsible for its own development (both as a body and as individuals), its responsibilities, its own discipline, and its own performance. The development of this policy is designed to ensure effective and efficient governance.

This policy will address Mayor and Commission relations, Commission and staff relations, and Commission and media relations. By adopting these guidelines for elected officials, we acknowledge our responsibility to each other, to our professional staff, and to the public. The City Commission will govern the City in a manner associated with a commitment to the preservation of the values and integrity of representative local government and democracy, and a dedication to the promotion of efficient and effective governing. The following statements will serve as a guide and acknowledge the commitment being made in this service to the community:

1. The Commission has as high priorities the promotion of an atmosphere conducive to the fair exchange of ideas and policies among members.
2. The Commission will endeavor to keep the community informed on municipal affairs; encourage communication between the citizens and the City Commission; strive for strong, working relationships among Breckenridge, Stephens County, and Breckenridge Independent School District elected officials.
3. In its governance role, the Commission will continue to be dedicated to friendly and courteous relationships with staff, other Commissioners, and the public, and seek to improve the quality and image of public service.
4. The Commission will also strive to recognize its responsibility to future generations by addressing the interrelatedness of the social, cultural, and physical characteristics of the community when making policies.
5. Finally, each commissioner will make a commitment to improve the quality of life for the individual and the community, and to be dedicated to the faithful stewardship of the public trust.

Statement of Mission

In order to ensure proper discharge of duties for the improvement of democratic local government, Breckenridge City Commissioners should display behavior that demonstrates independent, impartial review of all matters addressed by them, and be duly responsible to the citizens of Breckenridge and to each other in their relationships.

Section I: Mayor-City Commission Relations

A. Mayor's Responsibilities

1. The Mayor shall be the presiding officer at all meetings. The Mayor Pro Tem shall preside in his/her absence.
2. The Mayor shall have a voice in all matters before the Commission and may vote on all agenda items requiring Commission action.
3. The Mayor shall preserve order and decorum and shall require Commissioners engaged in debate to limit discussion to the question under consideration.
4. The Mayor will encourage all Commissioners to participate in Commission discussion and give each Commissioner an opportunity to speak before any Commissioner can speak again on the same subject. The Mayor may limit such speech to five minutes to ensure efficient use of time.
5. The Mayor is responsible for keeping the meetings orderly by recognizing each member for discussion, limiting speaking time, encouraging debate among members and keeping discussion on the agenda item being considered.
6. Should a conflict arise among Commissioners, the Mayor serves as mediator.

B. Commissioner Responsibilities

1. Each Commissioner is encouraged to attend at least one Texas Municipal League sponsored conference each year in order to stay informed on issues facing municipalities.
2. It is the responsibility of Commissioners to be informed about previous action taken by the Commission in their absence. In the case of absence from a workshop session where information is given, the individual Commissioner is responsible for obtaining this information prior to the Commission meeting when said item is to be voted upon.

3. When addressing an agenda item, a Commissioner shall confine himself/herself to the question under debate, avoid reference to personalities, and refrain from impugning the integrity or motives of any other Commissioners or staff member in his/her argument or vote.

4. In the absence of a ruling by the Mayor on any procedural matter, a Commissioner may move to change the order of business or make any other procedural decision deemed appropriate. The affirmative vote of a majority of the Commission members present and voting shall be necessary to approve the motion.

5. Any Commissioner may appeal to the Commission as a whole from a ruling by the Mayor. If the appeal is seconded, the person making the appeal may make a brief statement and the Mayor may explain his/her position, but no other member may speak on the motion. The Mayor will then put the ruling to a vote of the Commission.

6. Any Commissioner may ask the Mayor to enforce the rules established by the Commission. Should the Mayor fail to do so, a majority vote of the Commission members present shall require him/her to do so.

7. When a Commissioner is appointed to serve as liaison to a board, the Commissioner is responsible for keeping the City Manager and the Commission as a whole at meetings of the Commission informed of significant board activities; therefore, regular attendance to the assigned board is of great importance. In the event a Commissioner is absent from three meetings in a twelve-month period that are considered unexcused, the City Secretary shall notify the Commissioner by letter requesting an explanation for the absences. After reviewing the explanation for absences, if the City Commission finds that the absences are unexcused, the City Commission may choose to remove the Commissioner from the assigned board for non-attendance at the board meetings.

C. Code of Conduct for Mayor and Commissioners

1. During Commission meetings, Commissioners shall preserve order and decorum, shall not interrupt or delay proceedings, and shall not refuse to obey the orders of the Mayor or the rules of the Commission. Commissioners shall demonstrate respect and courtesy to each other, to City staff members, and to members of the public appearing before the Commission. Commissioners shall refrain from rude and derogatory remarks and shall not belittle staff members, other Commissioners, or members of the public.

2. Commissioners should not use their position to secure special privileges and should avoid situations that could cause any person to believe that they may have brought bias or partiality to a question before the Commission.

3. Commissioners will not condone any unethical or illegal activity. All Commissioners agree to uphold the intent of this policy and to govern their actions accordingly.
4. Commissioners shall not be indebted to the City for any City service and shall avoid entering into any contract with the City for services or work to be performed or equipment of supplies to be provided.

Section II: Commission and Staff Relations

No single relationship is as important as that of the Commission and their City Manager in effectively governing the City of Breckenridge. It is for this reason that the Commission and the City Manager must understand their respective roles in that process. The City Manager is the primary link between the Commission and the professional staff. The Commission's relationship with the staff shall be through the City Manager.

1. In order to ensure proper presentation of agenda items by staff, questions arising from Commissioners after receiving their information packet should be whenever possible, presented to the City Manager for staff consideration prior to the Commission meeting. This allows staff time to address the Commissioner's concern and provide all Commissioners with the additional information.
2. The City Manager shall designate the appropriate staff member to address each agenda item and shall see that each presentation is prepared and presented in order to inform and educate the Commission on the issues which require Commission action. The presentation should be professional, timely, and allow for discussion of options for resolving the issue. The staff member making the presentation shall either make it clear that no Commission action is required, present the staff recommendation, or present the specific options for Commission consideration.
3. The City Manager is directly responsible for providing information to all the Commission concerning any inquiries by a specific Commissioners. If the City Manager or his/her staff's time is being dominated or misdirected by a Commissioner, it is his/her responsibility to inform the Mayor of the concern.
4. The City Manager will be held responsible for the professional and ethical behavior of himself/herself and the discipline of his/her staff. The City Manager is also responsible for seeing that his/her staff also receives the education and information necessary to address the issues facing municipal government.
5. All staff members shall show each other, each Commissioners, and the public respect and courtesy at all times. They are also responsible for making objective, professional presentations to ensure public confidence in the process.

6. The City Manager, after an election, will make sure that staff has prepared information needed for the orientation of new Commissioners and inform them of any Texas Municipal League conferences and seminars available. The City Manager will also be responsible for meeting personally with new members and informing them about City facilities and procedures.

Section III: Commission and Media Relations

Since the democratic form of government is only successful when the citizens are kept informed and educated about the issues facing their municipality, it is imperative the media play an important role in the Commission-Manager-media relations. It is through an informed public that progress is ensured and good government remains sensitive to its constituents. These guidelines are designed to help ensure fair relationships with print, radio, and television reporters. The Commission and the City Manager recognize that the news media provide an important link between the Commission and the public. It is the Commission's desire to establish a professional working relationship to help maintain a well-informed and educated citizenry.

1. During the conduct of official business, the news media shall occupy places designated for them or the general public.
2. All reporters will receive an agenda in advance and will be furnished support material needed for clarification if requested.
3. In order to preserve the decorum and professionalism of Commission meetings, the media are requested to refrain from conversing privately with other people in the audience and to conduct any interviews with the public outside the Commission chambers while Commission is in session.
4. It is requested that all reporters new to City Commission meetings meet with the City Manager, Mayor, or the media relations representative prior to covering their first meeting to be informed of policies and procedures to help ensure a professional working relationship between the media reporter and the City.
5. On administrative matters, the City Manager is the spokesperson, unless he/she has appointed a media relations person to present staff information on the agenda.

Breckenridge City Commission Code of Ethics

The office of elected officials is one of trust and service to the citizens of Breckenridge. This position creates a special responsibility for the Breckenridge City Commission Member. In

response to this, the Breckenridge City Commission is expected to govern this City in a manner associated with a commitment to the preservation of the values and integrity of representative local government and local democracy and a dedication to the promotion of efficient and effective governing. To further these objectives, certain ethical principles shall govern the conduct of every Commissioner, who shall:

1. Be dedicated to the highest ideals of honor and integrity in all public and personal relationships in order that the member may merit the respect and confidence of the citizens of Breckenridge;
2. Recognize that the chief function of local government at all times is to serve the best interests of all of the people;
3. Be dedicated to public service by being cooperative and constructive, and by making the best and most efficient use of available resources;
4. Refrain from any activity or action that may hinder one's ability to be objective and impartial on any matter coming before the Commission. Will not seek nor accept gifts or special favors and will not use confidential information or public funds or time for personal gain; and
5. Recognize that public and political policy decisions, based on established values, are ultimately the responsibility of the City Commission.