

AN ORDINANCE OF THE TOWN OF PROSPER, TEXAS, AMENDING ARTICLE 1.04, "BOARDS, COMMISSIONS AND COMMITTEES," OF CHAPTER 1, "GENERAL PROVISIONS," OF THE CODE OF ORDINANCES OF THE TOWN OF PROSPER, TEXAS, BY ADDING A NEW SECTION 1.04.003, "CODE OF CONDUCT FOR TOWN BOARD, COMMISSION AND COMMITTEE MEMBERS"; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Prosper, Texas ("Town"), previously has adopted a Code of Ethics for board, commission and committee members, among others; and

WHEREAS, the Code of Ethics generally requires that all public officials, officers and employees of the Town, and all members of Town-appointed boards, commissions and committees, be independent, impartial and responsible only to the people of the Town; and

WHEREAS, the Code of Ethics generally provides that no Town officer, official or employee, including all members of boards, commissions and committees, should have any interest, direct or indirect, nor engage in any business transaction or professional activity, nor incur any obligation of any nature, which is in conflict with the proper discharge of his or her duties in the public interest; and

WHEREAS, the Town Council believes that a Code of Conduct is appropriate for all members of Town boards, commissions and committees, however, so as to provide clear guidance to such members about conduct that is appropriate for the office(s) they hold; and

WHEREAS, the Town Council has further determined that a Code of Conduct is in the best interests of the Town and the members of Town boards, commissions and committees.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, THAT:

SECTION 1

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2

Article 1.04, "Boards, Commissions and Committees," of Chapter 1, "General Provisions," of the Prosper Code of Ordinances is hereby amended by adding a new Section 1.04.003, "Code of Conduct for Town Board, Commission and Committee Members," to read as follows:

"ARTICLE 1.04 BOARDS, COMMISSIONS AND COMMITTEES

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Sec. 1.04.003 Code of Conduct for Town Board, Commission and Committee Members.

(a) Purpose.

- (1) This Code of Conduct establishes expectations of behavior for the appointed officials who represent the Town of Prosper on the Town's various Boards, Commissions and Committees, whether permanent or *ad hoc*. Town of Prosper Board, Commission and Committee Members ("Members") are expected to conduct themselves with appropriate decorum at all times. As leaders in the community, Members are held to a high standard of behavior and conduct and must be mindful that, as Town officials, the distinction between public and private behavior may not be readily apparent, nor easily distinguishable, by the public. Members shall endeavor to ensure that their behavior, whether in person or online, does not reflect negatively on the Town.
- (2) Members should be mindful that Town residents and members of the public represent a wide range of experiences, opinions, backgrounds and world views. Members' public comments, in any forum, including personal and professional social media accounts, that contain racial slurs, profane language or acronyms for profane language, express bigotry toward a group based on race, religion, national origin, sexual orientation, gender, gender identity or any other legally protected classification may be considered conduct unbecoming a Member, and could result in the removal of a Member.

(b) Conduct of Members. All Members:

- (1) shall treat Town residents, Town staff, members of the public, and one another with dignity and respect at all times;
- (2) shall not engage in any form of abuse, harassment, discrimination, intimidation, the use of indecent or insulting words or expressions toward another Member, staff member or member of the public; and
- (3) may be subject to removal if they violate any federal or state law or Town ordinance.

(c) Social Media Guidelines.

- (1) Once posted on social media, content, comments and images may be accessible to anyone, and that content may never be completely removed. As public figures and representatives of the Town, Members should act with discretion and be judicious regarding the material they choose to post on social media. As with any other form of communication, Members are accountable for the content they post on social media and are expected to exercise good judgment.
- (2) When posting or interacting on any social media platform, Members:
 - (i) shall not use a Town email address for personal social media accounts;
 - (ii) shall not post images, files or texts depicting Town property, equipment, apparel or personnel in any manner that would adversely affect the reputation of the Town, a Town employee or department;

- (iii) shall not, on any platform or outlet, make or publish insulting or offensive comments or use derogatory speech regarding a race, religion, national origin, sexual orientation, gender, gender identity or any other legally protected classification;
 - (iv) are prohibited from the disclosure of confidential information or information that could breach the security of the Town in any way;
 - (v) may not attribute personal statements or opinions to the Town when engaging in personal postings on social media sites;
 - (vi) are prohibited from posting anything that promotes, depicts or contains illegal activity of any kind;
 - (vii) are discouraged from posting pictures of themselves or others wearing Town uniforms or Town logos, unless they are posted on the Town's official social media platforms as part of their duties as a Member or shared from a Town social media platform.
- (d) In the event of any conflict between this Section and the Town's Code of Ethics, as amended, the Town's Code of Ethics shall control.

Secs. 1.40.004—1.04.030

Reserved"

SECTION 3

All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict. Any remaining portion of conflicting ordinances shall remain in full force and effect.

SECTION 4

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason, held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Town of Prosper hereby 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.

SECTION 5

This Ordinance shall become effective after its passage.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, ON THIS 27TH DAY OF MAY, 2025.

APPROVED:

David F. Bristol, Mayor

ATTEST:

Michelle Lewis Sirianni, Town Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, Town Attorney