



**CITY OF
ELGIN
CITY COUNCIL
ORIENTATION**

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City Manager
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Local governments like the City of Elgin and Bastrop County are political subdivisions of the State of Texas and are governed according the Local Government Code. There are two forms of local government in Texas: home rule and general law.

The City of Elgin is a home rule city

Home Rule Cities have a population in excess of 5,000 residents wherein the electorate has adopted a home rule charter. A charter is a document that establishes the city's governmental structure and provides for the distribution of powers and duties among the various branches of government. It is commonly referred to as the city's "constitution".

In Texas, Home Rule provides citizens with the highest level of local government control permissible under the law. While general law cities are confined to operate within only those laws specifically authorized by the state, Home Rule Cities have the discretion to create unique laws that serve the interests of their community – so long as they are not specifically prohibited.

The City of Elgin operates as a Council-Manager form of government (Article I; Section 3)

Every Home Rule city in the State of Texas operates under one of two forms of government: Mayor-Council or Council-Manager. Among Texas' 329 home rule cities, the vast majority employ the Council-Manager form.

Under the City's **Council-Manager Form of Government**, Elgin voters elect a Mayor and City Council which, in turn, hires a City Manager to administer the city's day-to-day affairs. The City Council serves as the legislative/governing body whose primary roles are to set policy and approve the annual budget (which includes setting the property tax rate, determining the size of staff and payroll, the desired level of municipal services).

Although the specifics of the manager's role can vary from one city of another, the City Manager's primary function is to implement the policies established by the Council and ensure that the city is operated in an economical and responsible manner.

In short, the Council is the final authority on all policy decisions that determine the scope and functions of the city government. Under Elgin's Council-Manager form, the Mayor and City Council members have no administrative duties. Those are all vested in the City Manager, who is responsible for directing the workforce and programs of the city in accordance with ordinances, rules, and regulations adopted by the Council.

Consistent with most Texas cities, the Elgin City Manager is appointed for an indefinite term and is subject to dismissal by the Council at any time. He or she is designated by the Elgin City Charter as the chief executive and administrative officer of the city and has the unilateral authority to hire, discipline, and fire the department heads.

In larger cities, City Managers spend comparatively little time on citizen contacts, personnel problems, and other routine matters, as those managers usually have a sizable staff capable of handling day-to-day problems, thus allowing the manager to concentrate on communicating with the Council, policy issues, planning activities, and working with with the department heads. Historically, however, City Managers in Elgin have frequently operated with limited resources and small staffs; which means, by necessity, they have often been compelled to be directly involved in the details of all services provided by the City.

Duties of the Mayor (Elgin City Charter, Article IV; Section 7)

The Elgin Mayor occupies what has been traditionally recognized as the highest elected office in city government. As the political head of the City, the Mayor has historically been expected to provide the leadership necessary to keep it moving in the proper direction. The Mayor is also:

- The presiding officer at all meetings.
- Responsible for preserving order and decorum during Council Meetings by recognizing each member for discussion, limiting speaking time, encouraging debate among members and keeping discussion on the agenda item being considered.
- A voting member on every proposition before the Council but has no power of veto.
- The appointing authority for committees and commission members with the advice and consent of Councilmembers.
- The spokesperson for the Council on all matters unless, absent, at which time his/her designee will assume the role.
- The signature authority, when so authorized by the Council, of official documents, agreements, ordinances, resolutions, conveyances, official plats, contracts, and bonds.
- Responsible for other duties consistent with the City Charter or as may be imposed on him/her by Council.



Duties of the Mayor Pro-Tem (Article IV; Section 7)

The Mayor Pro-Tem is a Councilmember elected by the Council at the first City Council Meeting following each regular city election. The Mayor Pro-Tem will act as Mayor during the disability or absence of the Mayor, or if the office is vacated, and in this capacity, has the power to perform every act the mayor could perform if present.

City Council (Article IV)

Elgin City Councilmembers are the City's legislators. Their primary duty is policymaking, which includes identifying the needs of residents, formulating programs to meet the changing requirements of the community, and measuring the effectiveness of ongoing municipal services.

All authority associated with the position of Councilmember is confined to his/her being one member of the Elgin City Council. Any decision of the Council or direction to staff is only lawful if endorsed or voted upon by the Council as a whole.

A *quorum* of the City Council must be present at any meeting for any meeting to take place and/or for any action to be taken by the Council.

Five (5) Councilmembers constitutes a quorum of the Elgin City Council; and no action of the Council is valid unless adopted by the affirmative vote of a quorum of the Council (except in those cases where applicable law requires a greater number).

Commitment of City Resources - Individual Councilmembers may not commit City resources to undertake an investigation, request information, or obtain other special privileges in a manner not generally afforded to the public at large.

If the City Manager determines that a Councilmember's request will result in significant disruption to the conduct of City business, will require a significant expenditure of resources, or should best be collectively voted on and approved by the entire Council, the City Manager will notify the requestor and place the item on the next regular meeting's agenda, unless specifically requested not to do so.

Forfeiture of Office - Any Mayor or Councilmember forfeits his/her office if (a) at any time during his/her term of office lacks any qualification for the office required by the Charter or by law, (b) is convicted of a crime involving moral turpitude; or (c) fails to attend three (3) consecutive Regular Council Meetings without being excused by the Council.

Investigations - The City Council as a whole may make investigations into affairs of the city and the conduct of any city department, division, or office and for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence.

Limitations - Except where authorized by law, no Mayor or Councilmember is permitted to hold any other office or city employment during his term of office: and no former Mayor or Councilmember can hold any compensated position with the City until one (1) year after the expiration of his term.

Council Appointees

The Elgin Mayor and City Council as a whole directly hires three (3) employees that ultimately report directly to them: the City Manager, City Attorney, and Municipal Judge. Following is a summary of each position.

City Manager (Article V; Sections 1-2) - The Elgin City Manager serves as its Chief Executive Officer and retains exclusive and unilateral management control of – and responsibility for - all day-to-day city operations. The Mayor and City Council selects the City Manager based solely on his/her executive and administrative qualifications with special reference to professional work experience in local government.

The City Manager is also specifically authorized/required to:

- Appoint and remove any officer or employee of the City (except those officers and employees whose appointment or election is otherwise provided for by law of this Charter).
- Prepare a proposed Annual Operating Budget each year; submit it to the City Council for their consideration and approval; and be responsible for its administration after its adoption.

- Keep the City Council generally informed as to the financial condition of the City and make recommendations on current and future needs of the city as may seem desirable.
- Perform such other duties as may be prescribed by the Charter or required of him by the City Council as a whole which are not inconsistent with the provision of the Charter.

City Attorney (Article V; Sections 4) – The Mayor and City Council also appoints the Elgin City Attorney, who is required to be duly licensed to practice law in the State of Texas, City Attorney. The City Attorney is responsible for representation of the city in all litigation or matters of law; and typically approves all legislation adopted by the Council and reviews all documents, contracts, and legal instruments in which the city may have a legal interest. He/she also serves as the legal advisor and counsel for the city and all officers and departments thereof.

Municipal Judge (Article V; Sections 6) The Elgin Municipal Court is presided over by a magistrate who is known as the judge of the municipal court or Municipal Judge. The Municipal Judge is granted sole responsibility for management and adjudication of the Elgin Municipal Court and has all such powers and duties as prescribed by the laws of the State of Texas. The City Council may also appoint one (1) or more temporary replacement judges to act for the regular judge when the regular judge is unable to act for any reason.



Council Communication and/or Interaction with Staff (Article IV; Section 9)

The Elgin City Charter provides general guidelines and very specific prohibitions for City Councilmembers as it relates to direct interaction with city staff:

- Councilmember may not manner dictate or attempt to control the appointment or removal of any city administrative officers or employees who the City Manager or any of his subordinates are empowered to appoint.
- The Council may, however, express its views and freely discuss with the City Manager anything pertaining to appointment and removal of such officers and employees.
- Except for the purpose of inquiry and investigation, Councilmembers are required to deal with all administrative services of the city solely through the City Manager.
- Councilmembers are specifically prohibited from giving orders to any subordinate of the City Manager, either publicly or privately.

City Council Meetings (Article IV; Section 10-11)

The Elgin City Council is required to hold at least one (1) Regular Meeting each month but may also conduct as many additional meetings as it deems necessary. A written agenda notice of all City Council Meetings is posted seventy-two (72) hours in advance of all such meetings listing the date, hour, location, and subject of meeting in full compliance with state law.

While the Elgin Mayor and City Manager largely share the responsibility for organizing and managing each meeting agenda, the Mayor, City Manager, or any Councilmember may submit items for consideration at a future meeting. Any Councilmember desiring to have a matter heard at a City Council meeting should make a written request to the City Manager or Mayor. This request should contain a brief summary statement of the proposed item and submitted before 5:00 p.m. on the seventh (7th) day preceding such meeting.

The Council determines its own rules and order of business; and such rules must provide that Elgin citizens shall have a reasonable opportunity to be heard at Regular Meetings in regard to any matter under consideration.

Voting, except on procedural motions, is done by roll call and each Councilmember's vote is recorded in the minutes. All Councilmembers present, including the Mayor, are required to vote upon every Resolution or Ordinance, except where there is a conflict of interest, the reason for which shall be stated concisely.

Council Work Session Meetings – Work Sessions are special meetings that are scheduled as needed by the City Manager, Mayor, or five (5) members of City Council. Work Sessions tend to be a more relaxed atmosphere where Council/Staff can discuss general topics and in-depth analysis without the Council taking a vote or any formal action.

Emergency Meetings – Emergency Meetings may be called at the request of the Mayor, City Manager, or five (5) Council members. At least two (2) hours notice is required for these meetings in the case of an “emergency or urgent public necessity”.

Executive Sessions - The Council may also recess to an Executive Session for any purpose permitted by state law. The general subject matter for consideration must be expressed in the agenda or the motion calling for the session.

Under Texas Open Meetings law, there are seven exceptions that generally authorize Executive Sessions. The exceptions include discussions involving: (1) purchase or lease of real property; (2) security measures; (3) receipt of gifts; (4) consultation with attorney; (5) personnel matters; (6) economic development; and (7) certain homeland security matters. However, any and all final actions, decisions, or votes of the Elgin City Council related to such Executive Session items are made in an open meeting.

Public Comments at Meetings - State law does not require public comments for meetings; however, the Elgin City Council has traditionally allowed for public comments during Council meetings. Citizens are given the opportunity speak under the Public Comments section of the agenda at Regular City Council Meetings; and at designated Public Hearings. Comments are limited to three (3) minutes.

As dictated by the Texas Open Meetings Act, members of City Council are not allowed to respond or take part in any discussion related to the comments made.

Media Relations

The City of Elgin utilizes various forms of media outreach that includes the City's website, social media outlets, newsletters, messaging through monthly utility bills, public meetings, press releases, and periodic surveys.

The City is required by law to designate an official newspaper in which to publish public notices and other required matters. The Elgin Courier is the City's official newspaper.



Boards and Commissions

The City of Elgin has established by ordinance various boards and commissions deemed necessary to properly conduct city business and the management of municipal affairs.

The Mayor and City Council reviews board and commission applications and may, at their discretion, interview eligible applicants for any such open positions. Applications are accepted year-round and are kept on file in the City Secretary's Office until the next appointment process.

All board and/or commission appointments are made at the Regular Meeting of the City Council in January of each year. The City Secretary establishes deadlines and procedures for providing all applications to the City Council relating to upcoming board and commission appointments at least thirty (30) days prior to the January Council Meeting each year.

The Mayor and City Council appoint qualified individuals to serve on the following standing boards and commissions:

- Planning & Zoning Commission
- Board of Adjustment
- Library Advisory Board
- Parks & Recreation Advisory Board
- Economic Development Corporation Board of Directors
- Tax Increment Reinvestment Zone Board of Directors
- Public Safety Advisory Committee
- Historic Review Board
- Main Street Board of Directors
- Building Standards Commission

Members appointed to boards or commissions serve at the will of the Council and may be removed, replaced, or not reappointed at the discretion of the Council, by majority vote, with or without cause. The Council also retains the authority to temporarily appoint ad hoc boards for completion of a specific task or special purpose.

Ordinances and Resolutions

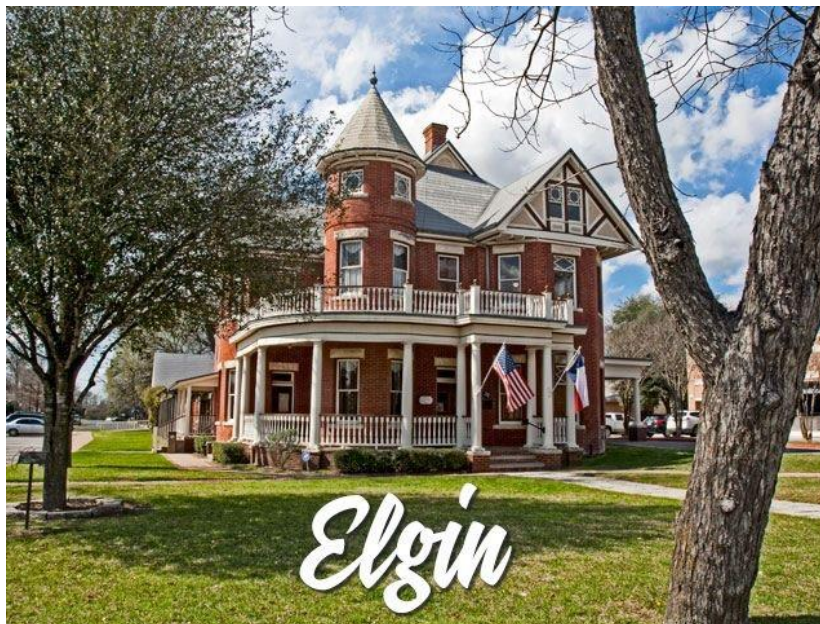
The Elgin City Council takes most official action through the formal adoption of Ordinances and Resolutions. A *Resolution* is generally utilized to state a position of policy of the current City Council or authorize execution of an agreement or contract. An *Ordinance* is the document utilized to create new law. As such, Ordinances typically regulate persons or property and often relate to a matter of a general and permanent nature.

If an Ordinance or Resolution is approved, it is then signed by the Mayor and attested by the City Secretary. After adoption, an Ordinance cannot be amended or repealed except by the adoption of another Ordinance amending or repealing the original Ordinance.

Texas Open Meetings Act

Every meeting of the Elgin City Council must be conducted in accordance with the Texas Open Meetings Act, Chapter 551 of the Texas Government Code.

Violators of the Texas Open Meetings Act can be subject to stiff penalties. Any person who participates in an illegal closed meeting can be punished by a fine of \$100 - \$500, confinement to the county jail for one to six months, or both. The same penalty can be applied to any Councilmember who conspires to circumvent the requirements of the law by meeting in numbers less than a quorum.



Texas Public Information Act

As defined by the Texas Public Information Act (formerly known as the Texas Open Records Act), *public information* is that which is “written, produced, collected, assembled, or maintained . . . in connection with the transaction of official business by; a governmental body; for a governmental body and the governmental body; by an individual officer or employee of a governmental body in the office’s or employee’s official capacity and the information pertains to official business of the governmental body”.

Public Information includes any electronic communication created, transmitted, received or maintained on any device if the communication is in connection with the transaction of official business. “Official business” is defined in the Act to mean any matter over which a governmental body has any authority, administrative duties, or advisory duties. The Act expressly provides that a Councilmember’s private computer or cell phone communications, if made in connection with the transaction of official business, is public information.

The City Secretary is the Public Information Officer for the City of Elgin. All requests made under the Public Information Act must be directed to the City Secretary.

Note: State law requires that each City Councilmember take at least one hour of training in the Texas Open Meetings Act and at least one hour of training Texas Public Information Act (Texas Open Records Act) not later than 90 days after the member takes the oath of office or assumes the responsibilities of the office.

The required training can be met in at least two ways: (1) Viewing a video that is available to borrow or online or (2) Receiving training from certified entities, such as the Texas Municipal League (TML).

Conflict of Interest/Disclosure

The Mayor and members of City Council are expected to avoid involvements that put their own personal interests at cross purposes with those of the public. In most cases, good judgement is enough to keep city officials within the bounds of propriety. There are, however, state laws governing the behavior of city officials.

A conflict of interest exists when a public official is presented with a matter for consideration in which the official has some personal interest that has the potential of influencing said official in the exercise of independent judgement. The purpose of the rule regarding conflicts of interest is to prevent public officials from using their authority for personal benefit or hidden personal gain rather than for the benefit of the public.

Chapter 176 of the Texas Local Government Code compels mayors, councilmembers, city managers, and certain other city officials to file a “conflicts of disclosure statement” with the City Secretary within seven (7) days of becoming aware of the following situations:

- a) A city official or the official’s family member has an employment or business relationship that results in taxable income of more than \$2,500 with a person who has contracted with the city or with whom the city is considering doing business.
- b) A city officer or the officer’s family member receives and accepts one or more gifts with an aggregate value of \$250 in the preceding 12 months from a person who conducts business or is being considered for business with the officer’s city.

The Chapter also requires a vendor who wishes to conduct business or be considered for business with a city to file a “conflict of interest questionnaire” if the vendor has a business relationship with the city and employment or other relationship with a city official or the official’s family member, or gives a gift to either.

(See the attached staff memorandum for further discussion of conflicts of interest and/or nepotism.)

Criminal Misconduct

There are a number of state penal laws that prohibit acts that improperly influence public employees. Two of the more pertinent statutes concern bribery and gifts. Bribery occurs when someone confers a benefit upon a public employee or official in return for an official's decision or act. The law prohibiting gifts is similar to bribery, except the prohibited benefits is conferred with regard to any particular decision or act. A bribe or gift can be anything that could "reasonably" be regarded as economic gain or economic advantage.

Under the law, the Elgin Mayor and City Councilmembers are required to uphold their Oath of Office, Constitution of the United States, and the Texas Constitution. They are bound to discharge faithfully the duties of their office regardless of personal considerations.

City Council Agenda Packet Information

Links to all Council Meeting Agenda Packets are emailed to members of City Council and posted to the City website no later than the Friday preceding every Tuesday Regular Council Meeting; and at least seventy-two (72) hours in advance of all Special Meetings (except for Emergency Meetings).

City Council Mail

The City Secretary's Office receives and processes the Mayor and City Council's incoming mail. All mail is stamped with the received date and distributed at the next subsequent meeting of the City Council. Council mail is not opened and reviewed unless the Councilmember so requests. Councilmembers are welcome to pick up mail at City Hall.

Council Tablets and Email

The Mayor and all City Councilmembers are supplied iPads for the term duration of their respective terms to utilize in support of the overall duties as members of the City Council. Councilmembers are also issued a City email address to use while in office to communicate with the public and staff. All information on assigned computers and within the City's network are subject to Texas Open records laws.

Mayor and Council Compensation

The Mayor will be compensated \$250.00 per month and the Council members compensated \$150.00 per month. Council receives their monthly stipends via direct deposit generally, the last day of the month. A deposit notification will be sent to the Council member's city email address.

Travel Expenses

The City will pay reasonable expenses which are incurred by the Elgin Mayor and City Councilmembers in the course of authorized business in their capacities representing the City of Elgin. Such reimbursement of reasonable and appropriate travel expenses will be done in general conformity with city policies for employee travel expense reimbursement.