

ORDINANCE NO. 0909-2024A

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLUM GROVE, TEXAS, ADOPTING THE DECORUM POLICY FOR ELECTED AND APPOINTED OFFICIALS OF THE CITY OF PLUM GROVE; PROVIDING FOR A PENALTY IN AN AMOUNT OF NOT MORE THAN \$500 FOR FILING A FALSE COMPLAINT OR GIVING FALSE TESTIMONY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Plum Grove, Texas recognizes the importance of assuring public confidence in the integrity of local government and its effective and fair operation; and

WHEREAS, the City Council wishes to adopt a code of conduct to ensure that public officials comply with both the letter and spirit of the laws and policies affecting the operations of government; that public officials be independent, impartial, and fair in their judgment and actions; that public office be used for the public good, and not for personal gain; and that public deliberations be conducted openly, unless legally confidential, in an atmosphere of respect and civility; and

WHEREAS, the City Council is authorized by Chapter 54 of the Texas Local Government Code to enforce each rule, ordinance, or police regulation of the City and may punish a violation by fine or penalty; and

WHEREAS, as authorized under law and in the best interests of the residents, citizens and inhabitants of the City of Plum Grove, the City Council deems it expedient and necessary to establish certain rules and procedures for the decorum of elected and appointed city officials; and

WHEREAS, the City Council desires to adopt the Decorum Policy for Elected and Appointed Officials of the City of Plum Grove Texas, as set out in Exhibit "A" attached hereto.

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

Section 1. All of the facts recited in the preamble to this Ordinance are hereby found by the City Council of the City of Plum Grove to be true and correct and are incorporated by reference herein and expressly made a part hereof, as if copied herein verbatim.

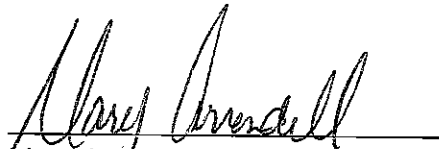
Section 2. The Decorum Policy for Elected and Appointed Officials of the City of Plum Grove, Texas, as attached hereto as Exhibit "A" and made a part hereof for all purposes, is hereby adopted.

Section 5. Repeal. All other ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

Section 6. Effective Date. This Ordinance shall be effective and in full force immediately upon its adoption.

PASSED, APPROVED, and ADOPTED this, the 9th day of September, 2024.

CITY OF PLUM GROVE, TEXAS


Mary Arréndell Mayor

ATTEST:


Melissa Pouncey, City Secretary

EXHIBIT A

**Decorum Policy for
Elected and Appointed Officials
Of the City of Plum Grove, Texas**

Policy Purpose

The Plum Grove City Council has adopted this Decorum Policy for Elected and Appointed Officials for the Mayor and members of the City Council and the City's boards and commissions to assure public confidence in the integrity of local government and its effective and fair operation. It is the policy of the City Council of the City of Plum Grove to hold its members and the City's other appointed Officials to the highest standards of ethical conduct. The City Council believes that it has a responsibility to make every reasonable effort to assure the citizens of Plum Grove that their Elected and Appointed Officials will always place the public's interest above their own. To that end, the City Council has concluded that current Texas laws regulating the conduct of local public Officials should be supplemented by adopting additional regulations for Elected and Appointed Officials of the City of Plum Grove.

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A. DECORUM

City Ordinance 2021 provides detailed information on the roles and responsibilities of members of the Plum Grove City Council, the Mayor Pro Tem, and the Mayor, as well as members of boards and commissions, as to the conduct of meetings. This Policy provides guidance on ethical issues and questions of right and wrong. This Decorum Policy is designed to describe the way the Mayor, Councilmembers and board and commission members should treat one another, City staff, citizens, and others they encounter while representing the City of Plum Grove. The constant and consistent theme throughout all the conduct guidelines is "respect." The Mayor and Councilmembers experience huge workloads and tremendous stress in making decisions that could impact thousands of lives. Despite these pressures, Officials are called upon to exhibit appropriate behavior at all times. Demonstrating respect for everyone through words and actions is the touchstone that can help guide all Officials to do the right thing in even the most difficult situations.

1. Officials' Conduct with One Another

Officials are individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. All have chosen to serve in public office in order to preserve and protect the present and the future of the community. In all cases, this common goal should be acknowledged even though individuals may "agree to disagree" on contentious issues.

In Public Meetings

Use formal titles

Officials should refer to one another formally during public meetings, such as Mayor, Mayor Pro Tem, Chair, Commissioner or Councilmember followed by the individual's last name.

Practice civility and decorum in discussions and debate.

Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. This does not allow, however, public Officials to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. No shouting or physical actions that could be construed as threatening will be tolerated.

Honor the role of the Mayor in maintaining order.

It is the responsibility of the Mayor, or in his or her absence, the Mayor Pro Tem, or Chair to keep the comments of Officials on track during public meetings. Officials should honor efforts by the Mayor to focus discussion on current agenda items. If there is disagreement about the agenda or the Mayor's actions, those objections should be voiced politely and with reason, following procedures outlined in the City Council Rules of Procedure found in Ordinance 2021.

Avoid personal comments that could offend other Officials.

If a member is personally offended by the remarks of another member, the offended member should make note of the actual words used and call for a "point of personal privilege" that challenges the other member to justify or apologize for the language used. The Mayor will maintain control of this discussion.

Demonstrate effective problem-solving approaches.

Officials have a public stage to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.

Representing the City.

Outside of official board or commission meetings, individual board and commission members are not authorized to represent the City or their board or commission unless specifically designated by the Council or the board or commission to do so for a particular purpose. In public, however, all Officials shall represent the official policies or positions of their council, board or commission. Only the chair or his/her designee shall speak on behalf of the board or commission during a Council public hearing on any item that has been addressed by the board or commission, and for which detailed minutes have been provided to the Council. The chair shall represent the majority view of the board or commission, but shall report on any minority views as well. When an official board or commission position differs from staff's recommendation on a particular policy issue, then at the Mayor's discretion additional time may be provided to the chair of the board or commission (or his/her designee) to explain the position of the board/commission. If new information is brought to light during a public hearing, not shared previously with the board or commission, the Mayor may allow the board or commission chair to respond. If the Council deems the new information sufficient to warrant additional study, then by majority vote Council may refer the issue back to the board or commission for further study prior to taking other action itself.

Individual opinions and positions may be expressed by board and commission members regarding items that have not come before the particular board or commission to which they belong. When presenting their individual opinions and positions, all Officials shall explicitly state they do not represent their body or the City of Plum Grove, and they will not allow the inference otherwise.

Although a board or commission may disagree with the final decision the Council makes, the board or commission shall not act in any manner contrary to the established policy adopted by the Council. Officials shall not communicate electronically while either in an official meeting of Officials or while City Councilmembers are in session as this type of communication is contrary to The Texas Open Meetings Act.

In Private Encounters

Continue respectful behavior in private.

The same level of respect and consideration of differing points of view that is deemed appropriate for public discussions should be maintained in private conversations.

Be aware of the insecurity of written notes, voicemail messages, and E-mail and social media.
Technology allows words written or said without much forethought to be distributed far and wide. Written notes, voicemail messages, text messages, e-mail, and social media posts should be treated as potentially "public" communication, with the understanding that they may be subject to disclosure under a public information request.

Private conversations can have a public presence.
Officials are always on display – their actions, mannerisms, and language are monitored by people around them that they may not know. Lunch table conversations will be eaves-dropped upon, parking lot debates will be watched, and casual comments between individuals before and after public meetings noted and may be subject to the Open Meetings Act.

Continuance of respectful behavior in private discussions.
Officials are expected to carry the same respect deemed appropriate for public discussion into private conversations, whether they be face-to-face, written communications, voicemails, emails, texts, or through social media. They should refrain from making belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments in public or private conversation.

2. Officials' Conduct with City Staff

Governance of a City relies on the cooperative efforts of elected Officials, who set policy; appointed Officials who advise the elected, and City staff, who implement and administer the Council's policies. Every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

Treat all staff as professionals.

Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior towards staff is not acceptable.

Do not disrupt City staff from their jobs.

Officials should not disrupt City staff while they are in meetings, on the phone, or engrossed in performing their job functions to have their individual needs met. Do not attend City staff meetings unless requested by staff – even if the Official does not say anything, his or her presence may imply support, show partiality, intimidate staff, or hamper staff's ability to do their jobs objectively.

Never publicly criticize an individual employee.

Officials should never express concerns about the performance of a City employee in public, to the employee directly, or to the employee's manager. Comments about staff performance should only be made to the Mayor or council appointee through private correspondence or conversation.

Do not get involved in administrative functions.

Officials must not attempt to influence City staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, payment of claims against the City or granting of City licenses and permits.

3. Officials' Conduct with the Public

In Public Meetings

Officials are constantly being observed by the community every day that they serve in office. Their behaviors and comments serve as models for proper deportment in the City of Plum Grove. Honesty and respect for the dignity of each individual should be reflected in every word and action taken by Officials, 24 hours a day, seven days a week. It is a serious and continuous responsibility.

Be welcoming to speakers and treat them with care.

Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice or disrespect should be evident on the part of any Official toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony and comments.

Be fair and equitable in allocating public hearing and comment time to individual speakers.

The City Secretary will announce limits on speakers at the start of the public hearing process. Generally, each speaker will be allocated three minutes with commentators and those appearing for a public hearing or their designated representatives allowed time as allocated by the Mayor.

Give the appearance of active listening.

It is disconcerting to speakers to have Officials not look at them when they are speaking. Be aware of facial expressions, especially those that could be interpreted as "smirking," disbelief, anger or boredom.

Ask for clarification, but avoid debate and argument with the public.

Only the Mayor, or in his or her absence, the Mayor Pro Tem, or Chair – not individual Officials – can interrupt a speaker during a presentation. However, a member can ask the Mayor for a point of order if the speaker is off the topic or exhibiting behavior or language the member finds disturbing. If speakers become flustered or defensive by questions, it is the responsibility of the Mayor or Chair to calm and focus the speaker and to maintain the order and decorum of the meeting. Questions by Officials to the public testifying should seek to clarify or expand information. It is never appropriate to belligerently challenge or belittle the speaker. An Official's personal opinions or inclinations about upcoming votes should not be revealed until after the public hearing is closed.

No personal attacks of any kind, under any circumstance.

Officials should be aware that their body language and tone of voice, as well as the words they use, can appear to be intimidating or aggressive.

Follow parliamentary procedure in conducting public meetings.

The City Attorney serves as advisory parliamentarian for the Council and City and is available to answer questions or interpret situations according to parliamentary procedures.

In Unofficial Settings

Make no promises on behalf of the Council, board/commission or City.

Officials will frequently be asked to explain a Council, board, or commission action or to give their opinion about an issue as they meet and talk with constituents in the community. It is appropriate to give a brief overview of City policy and to refer to City staff for further information. It is inappropriate to overtly or implicitly promise Council, board, or commission action, or to promise City staff will take some specific action.

Make no personal comments about other Officials.

It is acceptable to publicly disagree about an issue, but it is unacceptable to make derogatory comments about other Officials, and their opinions and actions.

4. Officials' Conduct with Other Public Agencies

Be clear about representing the City or personal interest.

When representing the City, Officials must support and advocate the official City position on an issue, not a personal viewpoint. Outside of official board or commission meetings, board and commission members are not authorized to represent the City or their board or commission unless specifically designated by the Council or the board or commission to do so for a particular purpose and with staff's knowledge. When representing another organization whose position is different from the City, the Officials should withdraw from voting on the issue if it significantly impacts or is detrimental to the City's interest. All Officials must comply with the Texas law regarding disclosure and abstentions.

Be equally clear in correspondence about representation.

City letterhead and official city email accounts may be used when a Councilmember is representing the City and the City's official position. Copies of all official correspondence should be given to the City Secretary to be filed in the City Secretary's Office as part of the permanent public record. City letterhead and official city email should not be used for non-City business or for correspondence representing a dissenting point of view from an official Council position.

5. Council Conduct with Boards and Commissions

The City has established several boards and commissions as a means of gathering more community input. Residents who serve on boards and commissions become more involved in government and serve as advisors to the City Council. They are a valuable resource to the City's leadership and should be treated with appreciation and respect.

If attending a board or commission meeting, be careful of personal opinions.

Councilmembers may attend any board or commission meeting, which are always open to any member of the public, however, they should be sensitive to the way their participation could be viewed as unfairly affecting the process. Any public comments by a Councilmember at a board or commission meeting should be clearly made as individual opinion and not as a representation of

the feelings of the entire City Council. Proper notice that a quorum of council may be present at a board or commission meeting shall be posted to avoid violation of the Open Meetings Act.

Limit contact with board and commission members to questions of clarification.

It is inappropriate for an Official to contact a board or commission member to lobby on behalf of an individual, business, or developer, and vice versa. It is acceptable for Officials to contact the Chair in order to clarify a position taken by the board or commission.

Remember that boards and commissions serve the community, not individual Officials.

It is the responsibility of boards and commissions to follow policy established by the Council; but board and commission members do not report to individual Officials, nor should Officials feel they have the power or right to threaten board and commission members with removal if they disagree about an issue. Appointment and re-appointment to a board or commission should be based on such criteria as expertise, ability to work with staff and the public, and commitment to fulfilling official duties. A board or commission appointment should not be used as a political "reward."

Be respectful of diverse opinions.

A primary role of boards and commissions is to represent many points of view in the community and to provide the Council with advice based on a full spectrum of concerns and perspectives. Councilmembers may have a closer working relationship with some individuals serving on boards and commissions but must be fair and respectful of all citizens serving on boards and commissions.

Keep political support away from public forums.

Board and commission members may offer political support to a Councilmember, but not in a public forum while conducting official duties. Conversely, Councilmembers may support board and commission members who are running for office but not in an official forum in their capacity as a Councilmember.

6. Officials' Conduct with the Media

Officials are frequently contacted by the media for background and quotes. Board and commission members are not authorized to represent the City outside of official board/commission meetings unless specifically authorized to do so.

The Mayor is the official spokesperson for the City on City positions.

The Mayor is the designated representative of the Council to present and speak on the official City position. If an individual Councilmember is contacted by the media, the Councilmember should be clear about whether their comments represent the official City position or a personal viewpoint.

The best advice for dealing with the media is to never go "off the record".

Many members of the media represent the highest levels of journalistic integrity and ethics and can be trusted to keep their word. But one bad experience can be catastrophic. Words that are not said cannot be quoted.

Choose words carefully and cautiously.

Comments taken out of context can cause problems. Be especially cautious about humor, sardonic asides, sarcasm, or word play. It is never appropriate to use personal slurs or swear words when talking with the media, or anyone else in your capacity as a City Official.

7. Conduct on Social Media

While Elected Officials and City Council-appointed board and commission members may maintain and use personal social media sites, blogs, web pages and websites, their status as an Elected or Appointed Official requires that the content of any postings on those sites be in compliance with existing City policies, directives, rules and regulations.

The City's image as a professional organization is critical to maintaining the respect of its constituents. While the City recognizes that Elected and Appointed Officials may choose to express themselves by posting personal information upon social media platforms or by making comments on sites hosted by other persons, groups or organizations, this right of expression should not interfere with the operation of the City. That is, while the City acknowledges its Officials have the First Amendment right to free speech, the right is not absolute when involving matters of official City business, issues, or concerns.

Please note that if any Official conducts any City business or communication in such person's official capacity from either a personal account or a professional account, Officials should assume that City-related communications will be considered a public record subject to the Texas Public Information Act, Chapter 552, Texas Government Code.

B. IMPLEMENTATION AND SANCTIONS

1. Detailed Written Complaints Required.

A complaint alleging a violation of any of the rules of decorum contained in this Policy must be made in writing, signed by the complainant, sworn to before a notary public, and filed with the City Secretary and contain the following information:

- (a) The name, address, and telephone number of the person making the complaint;
- (b) The name of, and office held by, the person against whom the complaint is directed;
- (c) The specific provision of this article that is alleged to have been violated;
- (d) For each violation alleged, a detailed description of the facts that are alleged to constitute the violation, including the date or dates on which the violation is alleged to have occurred;
- (e) The names, addresses, and telephone numbers of any witnesses to the violations; and
- (f) Copies or descriptions of any documents that substantiate the allegations.

2. Time for Filing Complaints.

A complaint must be filed on or before the 60th day after the date the violation is alleged to have occurred or the 90th day after the violation was discovered, whichever date is later. A complaint may be filed against an Official who is no longer in office or in their position on a Board or Commission if the complaint relates to conduct of the former official that violates the Decorum Policy and is otherwise timely filed.

3. Preliminary Review of Complaints.

(a) The City Secretary will provide copies of each complaint to the person or persons accused, to the city attorney, and to the members of the review panel, as soon as practicable.

(b) The Mayor or council appointee shall, within seven business days of receiving the complaint, provide a written report to the review panel. The report shall state whether, in the Mayor's opinion (or Council appointee), the written complaint:

- (1) was timely filed;
- (2) alleges misconduct by a person whose conduct is regulated under this policy;
- (3) alleges the occurrence of conduct that might reasonably constitute a violation of the rules of decorum contained in this article; and
- (4) is signed and sworn to by the person filing the complaint, and

The report shall recommend whether the review panel should dismiss the complaint or conduct further proceedings.

4. Review Panel.

(a) The City Council shall act as the review panel for any decorum complaints filed against City Officials, including the Mayor, members of City Council, and members of a board or commission.

(b) A member of the City Council shall be disqualified from serving on a review panel to consider a complaint if the complaint was filed:

- (1) Against the member; or
- (2) By the member

For purposes of this provision, a complaint filed against a member of City Council for alleged misconduct related to the member's service on any other City-created entity shall be treated the same as a complaint related to the member's service on the City Council.

(c) The remaining qualified members of the City Council shall act as the review panel where one or more members are disqualified from serving. A quorum of the review panel is three members, to include the Mayor as a voting member if necessary when one Councilmember is the complainant and another is the accused. The affirmative vote of at least two members of the review panel is necessary to act.

(d) The City Secretary shall act as the secretary for the review panel. Meetings of the City Council, when acting as a review panel, shall be held in accordance with the requirements of the Texas Open Meetings Act.

5. Sanctions for Violations of this Policy.

In the event a review panel determines that an Elected or Appointed Official has committed a violation of the Decorum Policy, it shall impose sanctions against the Official as follows:

(1) Where a review panel finds that the accused has committed a minor violation of the rules contained in this Policy, the violation was unintentional, and the accused fully cooperated in the investigation, it shall issue a written notice of violation to the Official. The notice shall be titled "Notice of Minor Violation" and shall state the findings of the review panel.

(2) Where a review panel finds that the accused has committed a minor violation of the rules contained in this policy, and either: 1) the violation was committed knowingly, or 2) the accused has failed to fully cooperate in the investigation, it shall issue a written notice of violation to the Official. The notice shall be entitled "Letter of Admonition" and shall state the findings of the review panel, including the finding that the person acted intentionally or failed to fully cooperate in the investigation, or both.

(3) Where a review panel finds that the accused has committed a major violation of the rules contained in this Policy, it shall issue a written notice of violation to the Official. The notice shall be entitled "Notice of Public Censure," shall announce the review panel's findings, including the finding that the person has committed a major violation and any finding that the person acted intentionally or failed to cooperate in the investigation, or both, and shall express the review panel's strong condemnation of the Official's actions.

(4) Where the accused person is a current member of a City board or commission at the time the panel meets, the review panel may, where appropriate, issue in addition to any written notice of violation, a decision suspending or removing such member from office.

(5) In addition to any other sanction imposed, the review panel may issue a decision requiring the Official to cease the violation and to file any affidavits, reports, disclosures, or other documents required by law.

(6) Any decision or decisions by a review panel on a complaint filed under this provision shall be issued in writing and filed as a public record in the office of the City Secretary.

6. Name Clearing & Correction Proceedings.

Where informal allegations of a potential violation of the rules contained in this Policy have been made against a current Official and the accused person desires an investigation of such allegations in order to clear his or her name, the accused person may file a written request for declaratory relief with the City Secretary, which shall contain the information described, and which shall state that the Official denies the allegations and is filing the request for declaratory relief solely for the purpose of clearing his or her name. A request for declaratory relief filed under authority of this section shall be handled in the same manner and in accordance with the same procedures as complaints received from third parties and must be filed no later than the 90th day after the public official first learned of the allegations.

Corrections of verbal, and written mistakes, misstatements, or any other type of conveyance of incorrect information whether in print or electronic transmission may be acknowledged by the Official that made the mistake and the Official will be afforded the opportunity to formally acknowledge the mistake or miscommunication in the same type of conveyance. Such acknowledgement may be self-made or if a mistake, misstatement, or conveyance of false or incorrect information is revealed by a third party, the Official making such error will have 30 days to correct the mistake or misstatement by filing a written acknowledgement with the City Secretary.

7. Penalty for Filing False Complaint or Giving False Testimony.

It is unlawful for a person to intentionally file a complaint in accordance with this Policy that the person knows contains false information or by making reasonable inquiry should know that it contains false information. It is unlawful for a person to intentionally give false testimony under oath in any hearing before a review panel held under this Policy. Any person found guilty of violating this section will be fined not more than \$500.00 for each offense.

PROFESSIONAL AND PERSONAL CONDUCT STANDARDS

1. All Officials are expected and required to conduct themselves in a manner consistent with the City's policies and standards of conduct.
2. Unless the official has been designated to serve as a spokesperson, Officials should never represent themselves as a spokesperson for the City, the City Council, a City board or commission, City Administration, or any City department.
3. From time to time, Officials will have access to information that is considered privileged or confidential. Officials must be particularly careful to protect against the disclosure of confidential or privileged information.
4. Officials should be honest and accurate when posting information or news, and should quickly correct any mistakes, misstatements and/or factual errors in content upon discovery. Officials should not post or share information known to be false about the City, its employees, constituents, other public officials, suppliers, vendors, or contractors.
5. Officials are prohibited from deleting posts and related comments from social media and email accounts regarding any City-related matters to avoid violating the Texas Public Information Act, chapter 552, Texas Government Code and records retention requirements.
6. Officials should be mindful that posting content regarding City-related matters could inadvertently result in the violation of the Texas Open Meetings Act Chapter 551, Texas Government Code. If enough other Officials engage in the post, resulting in a quorum, the online conversation should immediately cease with no further posts by any of the Officials.

7. Officials are prohibited from using social media to engage in any activity that constitutes a conflict of interest as defined by State law.
8. To ensure that all individuals or entities receive a fair and neutral resolution of matters considered by the City, and to avoid allegations of favoritism or bias for or against any individual, entity or issue, Officials are prohibited from making any statements on social media regarding any individual, entity or issue which is reasonably likely to be considered by the body on which the Official serves.

BEST PRACTICES & GUIDELINES FOR ELECTED AND APPOINTED OFFICIALS

1. Public officials are strongly encouraged to separate personal social media accounts from professional social media accounts so that City-related matters and all public records generated from those posts are easily archived and not intermingled with personal posts not related to City matters.
2. Officials should exercise caution with respect to comments they post, particularly those concerning the City and the business of the City.
3. Officials are strongly encouraged to consider the potential impact of social media statements prior to posting. The City strives to be professional in its operations and processes. Posts that express favoritism or bias for or against any individual or group of individuals reflect poorly on the Official, as well as the City and its residents. Further, comments suggesting such treatment can expose the City to liability and legal costs.
4. Officials should refrain from using personal social media accounts to communicate with City employees about City-related matters as this creates a public record on employees' personal accounts that must be retained according to the City's records retention schedule and possibly produced to the public pursuant to the Texas Public Information Act.
5. Officials should be cautious in using official City-provided photographs on personal social media sites.