

A stylized, colorful illustration of a landscape. The foreground features rolling green hills in various shades of green, with a dark brown path winding through them. On the left, there is a green tree, a purple flower, and an orange flower. A small red bird is flying in the sky above the tree. The background consists of light blue and white wavy bands representing a sky or distant hills.

Candidate Orientation

May 2, 2020
General Election

About the City of Watauga

- In 1877, the first Texas and Pacific Railroad Line came through the settlement known as Watauga, which served as a service stop for trains before they reached Fort Worth.
- The City of Watauga was incorporated on October 11, 1958
- On January 19, 1980, the citizens, by election, adopted a Home Rule Charter
- In June 1980, a new Municipal Complex was opened, in honor of Merle Caudle, Fire Chief



Administration

City Manager and City staff

Does staff have a role in the policy development?

- YES

Understanding Roles of Council-Manager Form of Government

- *Mission*

- *Council's Sphere – Determine “purpose,” scope of services, tax level, constitution issues*
- *Manager's Sphere – Advise (what City “can” do may influence what it “should” do); analyze conditions & trends*

- *Policy*

- *Council's Sphere – Pass ordinances; approve new projects & programs; ratify budget*
- *Manager's Sphere – Make recommendations on all decisions; formulate budget; determine service distribution formula*

Understanding Roles of Council-Manager Form of Government

- *Management*
 - *Council's Sphere – Review organization's performance in manager's appraisal*
 - *Manager's Sphere – Control the human, material & informational resources of organization to support policy & administrative functions*

Source: The Effective Local Government Manager by Charldean Newell

City Council/Staff Relations

- *Policy vs. Administration Roles*
 - *Council sets policy*
 - *Administration enforces/carries out policy*
- *Team Approach*
- *CC/staff members need to be sensitive to balance between casual & formal relationships*
- *CC members have no individual authority/staff sees Council as “singular, not plural”*

Interactions with the Media

- *The City's Public Information Officer provides all official responses to media inquiries*
- *Per the Council Rules of Procedure*
 - *All City press releases, media advisories, story suggestions, or similar items should be submitted through the Public Information Officer for distribution*
- *Councilmember statements may result in legal implications*

Critical Issues

- *Budget challenges still exist*
- *Controlling the rising cost of providing services*
- *Minimizing effects of national economic climate*
- *Maintain/improving capacity for our infrastructure*
- *Maintain competitive employee benefits*
- *Diversifying our local economy*
- *Addressing future capital needs*

City Plans You Should Know

- *Comprehensive Master Plan*
- *Parks Master Plan*
- *Capital Improvement Plan*
- *Drainage Plan*
- *Capital Outlay Plan*
- *Personnel Improvement Plan*
- *Strategic Plan*



Legislative

Mayor and City Council

Political Leadership

- *View public interest apart from personal interests*
- *Set policies and goals as a team*
- *Develop public policy*

Policy Development

- *The process of making decisions regarding*
 - *Where the City is going*
 - *How it should get there*
 - *What problems the City faces*
 - *How will the Council solve these problems*
 - *When should problems be solved*
 - *Is it based on a comprehensive plan and Council goals*

Policy Development

- *Four (4) steps to achieve policy decisions:*
 - *Determine what is needed*
 - *Determine the will of the people*
 - *Determine what can be done financially and practically*
 - *Make a decision and take action*

City Council Basics

- *Number, Selection and Term*
 - *Mayor and Councilmembers – Places 1,2,3,4,5,6 & 7*
 - *Elected At-Large for staggered 2-year terms*
 - *Mayor and Council Places 3,4 & 5 elected in odd years*
 - *Council Places 1,2,6 & 7 elected in even years*
- *Must receive majority (50% + 1) of the votes*

Removal, Expulsion or Forfeiture of Office

- Fails to maintain qualifications required by Charter
- Willfully violates any express prohibition of this Charter
- Convicted of a felony or crime involving moral turpitude while in office; or
- Fails to attend any three consecutive regularly scheduled meetings of the City Council without being excused;
- Additionally, absents him/herself, excused or unexcused, for reason other than jury service in any six regularly-scheduled meetings, beginning on the date of the first absence from a regular meeting

Removal, Expulsion or Forfeiture of Office

- Proceedings shall be initiated at the next regularly scheduled meeting of the city council following the absences, a recall election, or the act constituting the basis for expulsion or forfeiture.
- If proven by a majority vote of the remaining members of the City Council – councilmembers are regulated by their peers on the City Council and the people.
 - City Charter Section 3.05

Powers Conferred by Charter

- *The Mayor recommends appointment or removal of the City Manager, City Secretary and City Attorney, subject to the consent and approval of the remaining members of the City Council.*
- *Election of Mayor Pro Tem*
 - *The first regular meeting following the regular City Council election*
- *Section 3.07 of City Charter – Specific Powers of the City Council:*
 - *Includes, but not limited to, the adoption of the budget, authorization of sale of bonds, adopt and modify ordinances, approve or disapprove appointments of department head positions by the City Manager.*

Duties of Councilmembers

- *Duty to vote on every question decided at Council meetings*
- *Right to speak, make motions, introduce new ordinances and amendments to existing ones when recognized by the Mayor*
- *Be at meetings on time and plan to attend all meetings*
- *Be prepared – read agenda packet prior to meeting*
- *Be committed to be fair, unbiased and open minded*
- *Be involved and visible in the community and its activities*

Council Etiquette

- Be courteous to each other and to the staff
- Be conscious of body language and the use of inappropriate (profane) language while serving in official capacity
- No use of personal electronic devices by City Councilmembers during an official meeting of the Council
- City Councilmembers shall deliver a full and complete copy of any social media post to the City Manager's Office immediately upon posting and no later than 48 hours upon posting

Council Meetings

- Shall meet monthly on the 2nd Monday
- Special meetings subject to call by the Mayor, a minimum of three councilmembers or the City Manager
- Five members of the City Council constitute a quorum
- No action by the City Council shall be valid unless adopted by the affirmative vote of a majority of the members of City Council attending the meeting at which the action is considered and in which a quorum is present
- Notification of intent to be absent or late arrival to a meeting shall be provided in writing to the City Secretary, the City Manager or Presiding Officer prior to the meeting
- All meetings of the City Council shall be conducted in accordance with Chapter 551 of the Texas Government Code, The Texas Open Meetings Act

Meeting Procedure

- Meetings of the City Council are not a forum for random discussions
- Members shall address all motions and questions to the Chair
- The Chair controls the meeting
- All City business must be decided on the dais in public view
- It is your duty to vote on all items before the Council; only abstain when a legal conflict exists and must provide advanced notice of the conflict and complete required form
- You shall not abstain from a vote on issues that are difficult or controversial

Council Liaisons

- *The Mayor recommends Liaisons and Council approves/confirms or denies appointments*
- *Liaison Types*
 - *Primary*
 - *Alternate*
- *As Council Liaison to a specific board(s), attendance is expected at those meetings*

Mayoral Recommendations

- *Council is a unit*
 - *All decisions of the Unit are the Unit's decision; thus a united front is necessary.*
 - *If a member disagrees with the outcome on an item, negative remarks should be avoided, as it reflects poorly on the City.*
- *Personal Agendas*
 - *The public interest must be the TOP consideration, thus consider the will of the people.*
 - *Present or request to present items to the Body for consideration, so don't make promises to constituents.*
- *Dress Etiquette*
 - *Your attire should reflect your position, a Representative of the City*



The Art of Government

“Conducting business in such a manner as to satisfy the irritated without irritating the satisfied.”



Legal
City Attorney

The City Attorney of Watauga, Texas

- Section 8.04 of the City Charter mandates that the City have a City Attorney. “The City Attorney shall represent the city in all litigation and shall be the legal advisor of and attorney and counselor for:
 - The city
 - All offices and departments of the city
 - All officers of the city
 - All employees of the city...in matters relating to their official powers and duties.

The City Attorney of Watauga, Texas

- *Texas Disciplinary Rules of Professional Conduct 1.12:
Organization as a Client*
 - *Attorney represents the entity*
 - *Reports to and accepts direction from the authorized personnel*
 - *Proceed in the best interest of the organization without unreasonable risk, disruption*
 - *Cannot reveal information relating to the representation to outsiders*
 - *Must take remedial action if a person has committed a violation of a legal obligation to the organization, which is likely to cause substantial injury to the organization and the violation is within the scope of representation.*
 - *In a matter involving the conduct of government officials, a government lawyer may have authority to question such conduct more extensively than that of a lawyer for a private organization in similar circumstances.*

Open Meetings Act

- Every meeting of the City Council must be conducted in accordance with Chapter 551 of the Government Code, The Texas Open Meetings Act
- Any person taking office after January 1, 2006 is required to complete training no later than 90 days after taking the oath of office or assumes the responsibilities of the office
- The Open Meetings Act requires written notice (agenda) of the date, hour and location of every council meeting, together with an agenda specifically describing all of the items to be considered
- The notice must be posted 72 hours in advance of such meeting on a bulletin board at city hall accessible to the public at all times
- In addition, the Act requires a city that maintains an internet website to post meeting notices on its website

Executive Sessions

- Are permitted for the discussion of items that legitimately fall within the confines of statutorily defined exceptions
- Before an executive session can take place, the council must first convene in open session; the presiding officer must announce that a closed session meeting will take place and must cite the section of the Texas Open Meetings Act that authorizes the closed session
- TOMA law expressly provides that no final action, decision or vote can be made except in a meeting that is open to the public

Executive Sessions

- *Actions taken by a council in an illegal meeting are voidable*
- *It is an affirmative defense to prosecution if the Mayor or Councilmember relied, in good faith, on the written advice of the City's Attorney*
- *Penalties/Punishment if TOMA violated*
 - *Any councilmember that violates the act can be punished by fine of \$100 to \$500; confinement in the county jail for one to six months; or both*

Exceptions to TOMA (Executive Sessions)

- *Consultation with Attorney 551.071*
- *Deliberation Regarding Real Property 551.072*
- *Deliberation Regarding Prospective Gift 551.073*
- *Personnel Matters 551.074*
- *Deliberation Regarding Security Devices 551.076 and 551.089*
- *Agency Financed by Federal Government 551.077*
- *Exclusion of Witness from Hearing 551.084*
- *Meeting Concerning Municipally Owned Utility 551.086*
- *Deliberation Regarding Economic Development Negotiation 551.087*
- *Deliberation Regarding Test Item 551.088*

Series of Communications now Illegal!

- *Post Doyle in 2019 – The criminal provision in Texas Government Code Section 551.143(a) now reads that it is an offense if a councilmember:*
 1. *knowingly engages in at least one communication among a series of communications that*
 - a. *each occur outside of a meeting authorized by this chapter and*
 - b. *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*
 - c. *the members engaging in the series of communications constitute a quorum of members; and*
 - d. *knew at the time the member engaged in the communication that the series of communications:*
 - i. *involved or would involve a quorum; and*
 - ii. *would constitute a deliberation once a quorum of members engaged in the series of communications.*
- *A violation of Section 551.143 is punishable by a fine of not less than \$100 or more than \$500, confinement in the county jail for not less than one month or more than six months, or both.*

What about the right to Free Speech?

- In *Asgeirsson v. Abbott*, the District Court concluded that TOMA is a permissible time, place, and manner restriction, and ruled that it does not unconstitutionally ban the free speech of public officials.

“Plaintiffs are merely asked to limit their group discussions about these ideas to forums in which the public may participate.”

- In 2012, the U.S. Court of Appeals for the 5th Circuit upheld the criminal prohibitions placed upon speech of City Councilmembers in a constitutional challenge against the Texas Open Meetings Act.

Conflicts of Interest

- Texas Local Government Code provisions:
 - Local public officials under Chapter 171, Local Government Code, are subject to the prohibitions on voting on or participating in a matter where it involves a business entity or real property in which the official (or certain family members) have a substantial interest.
 - Local public officials under Chapter 176, Local Government Code, are subject to the disclosure requirements regarding business relationships with vendors and the official and certain official's family members and the acceptance of certain gifts from Vendors.
- Other laws may also apply (i.e. Dual Office Holding and incompatibility, etc.)

Required Public Transparency – the TPIA

- Texas Public Information is Information that is written, produced, collected, assembled or maintained under a law or ordinance or in connection with the transaction of official business by or for a governmental body and the governmental body owns the info, has a right of access to the info, or spends money writing, producing, collecting it.
- Public information is also any of the above that is done by an officer or employee in their capacity and “pertains” to official business.

Required Public Transparency – the TPIA

- 86th Legislative Session – SB 944: Temporary Custodian
 - Adkisson v. Paxton 459 S.W.3d 761 (Tex. App.-Austin 2015)
 - City of El Paso v. Abbot, 444 S.W.3d315 (Tex. App.-Austin 2014)
- Temporary Custodian is any current or former public official or employee (holding public information)
- Requires PIO to take effort to acquire information to respond to request
- Places 10 calendar day duty to provide info subject to statutory penalty (discipline, civil and criminal)

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Candidate Orientation Complete!

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