

CHAPTER 2 ADMINISTRATION

**ARTICLE 2.100 CITY COUNCIL**<sup>\*</sup>

ARTICLE 2.100 CITY COUNCIL\*

**Sec. 2.101 City Council**

The Municipal Government of the city shall consist of the city council which shall be composed of a mayor and six (6) councilmembers. (1959 Code of Ordinances, Sec. 1-5-1)

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**Sec. 2.102 Term of Office**

The mayor and each councilmember shall serve for a term of two (2) years and until his successor is elected and qualified, unless sooner removed from office as provided herein. (1959 Code of Ordinances, Sec. 1-5-2)

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**Sec. 2.103 Qualifications**

The mayor and each councilmember shall be a resident citizen of the city and have the qualifications of electors herein. Additionally, councilmembers shall be resident citizens of the single member districts from which they are elected. The mayor and each councilmember shall not be indebted to the city; shall not hold any other public office of emolument and shall not be interested in the profits or emoluments of any contract, job, work or service for the city or interested in the sale to the city of any supplies, equipment, material or articles purchased; nor shall either of them be the owner of stock in any public utility or public service corporation within the city; nor in the employ of any owner of stock in any public utility or public service corporation. Any officer or employee of the city who shall cease to possess any of the qualifications herein required shall forfeit his office or position and any contract in which any officer or employee shall or may become interested may be declared void by the council. No officer or employee of the city shall accept any frank, free ticket, passes or service or anything of value, directly or indirectly from any person, firm or corporation, upon terms more favorable than are granted to the public and any violation of this section shall be punishable as provided elsewhere in this code and on conviction thereof such office or employment shall be forfeited. (1959 Code of Ordinances, Sec. 1-5-3; Ordinance adopting Code)

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**Sec. 2.104 Compensation and Attendance**

The compensation of the mayor shall be six hundred dollars (\$600.00) and of each councilmember shall be five hundred dollars (\$500.00) per annum, payable in monthly installments. Provided, however, that

in either event the mayor or either councilmember shall forfeit ten dollars (\$10.00) of his salary if absent from any regular meeting of the council unless such absence from the meeting is unavoidable necessitated in the services of such officer on business of the city away from the city at the time the meeting is held. (1959 Code of Ordinances, Sec. 1-5-4)

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**Sec. 2.105 Duties of Mayor**

The mayor shall be the presiding officer of the council. He shall vote as a member of the council on all matters before the body, sign all bonds, warrants and other official documents; by the official head of the city and exercise all powers and perform all duties imposed upon him by the city charter and by the laws of the city. (1959 Code of Ordinances, Sec. 1-5-5)

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**Sec. 2.106 Mayor Pro Tempore**

The city council shall elect one member to serve as mayor pro tempore in the event of the absence or disability or disqualification of the mayor. In the event of the absence or disability of both the mayor and the mayor pro tempore, the chain of command shall be in the order of the number of the single member districts. (1959 Code of Ordinances, Sec. 1-5-6; Ordinance adopting Code)

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**Sec. 2.107 Vacancies**

Vacancies in the council shall be filled by a special election for the remainder of the unexpired term as provided by the city charter. (1959 Code of Ordinances, Sec. 1-5-7)

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**Sec. 2.108 Establishing Major Departments or Service Areas**

(a) The City of San Angelo shall be comprised of the following nine (9) major departments or service areas:

- (1) City Management;
- (2) Administrative Services;
- (3) Community Planning and Development Services;
- (4) Parks and Recreation Services;

- (5) Health and Social Services;
- (6) Fire and Emergency Medical Services;
- (7) Police Department;
- (8) Public Works Services;
- (9) Water and Water Reclamation Services.

(b) The city manager shall:

- (1) Appoint an officer (henceforth to be called service area directors) to manage each of the service areas with the exception of the Chief of Police who is elected to serve as the director of the Police Department;
- (2) Determine the responsibilities, duties and qualifications for each such position;
- (3) Determine what services shall be provided by each service area or department; and
- (4) Assign smaller departments, divisions and offices to service areas and shall have authority to organize or reorganize service areas with divisions that are necessary to provide services in an effective and efficient manner.

(Ordinance adopted 1/20/04)

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**Sec. 2.109 Meetings**

(a) Councilmembers shall meet at such times as may be prescribed by ordinance or resolution, but they shall meet no less than twice per month unless otherwise ordered by the Council for reasons to be recorded in the minutes. Special meetings may be called as deemed necessary by a consensus of the council based upon recommendation of the city manager at any time the Council deems it advisable.

(b) The council shall determine its own rules and order of business and shall keep a journal of its proceedings in a permanently bound book, and any citizen shall have access to the minutes and records thereof at any reasonable time.

(Ordinance adopted 5/27/97)

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**Sec. 2.110 Elections**

The elective officers of the city shall consist of a mayor and councilmembers numbered 1, 2, 3, 4, 5 and 6 respectively and the chief of police. The mayor and chief of police shall be elected to the office for which he is candidate by the qualified voters of the city at large. Each councilmembers shall be elected

by the registered voters within that candidate's respective district. The council shall be the judge of the election and the qualifications of its members. (1959 Code of Ordinances, Sec. 1-5-10; Ordinance adopting Code)

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**Sec. 2.111 Election Returns**

(a) The council shall, on the next regular meeting day of said council after each regular and special election, canvass the returns and declare the result of such election. Qualified officers shall be then sworn in immediately.

(b) At every regular election and every special election called to fill one or more vacant elective offices, election to each office shall be by a majority of the votes cast for such office at such election. Where in any election for elective office no candidate received a majority of all the votes cast for such office at such election, the city council shall, immediately upon declaring the official results of the election, issue a call for a run-off election for every place to which no one was elected. Such run-off election shall be held on the date as prescribed by the provisions of the Texas Election Code and by council resolution and in such run-off election the two (2) candidates who receive in the preceding election the highest number of votes for each place to which no one was elected shall be voted on again and the candidate who receives the majority of the votes cast for such place in the run-off election shall be declared elected to such office. In accordance with the provisions of the Election Code, after the run-off election of the council has been declared the council shall meet at 8:00 a.m. in the council chamber of the city hall, at which time the councilmembers shall qualify and assume the duties of their office.

(1959 Code of Ordinances, Sec. 1-5-11; Ordinance adopting Code)

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**Sec. 2.112 Ordinance Enactment\***

Each proposed ordinance or resolution shall be introduced in written or printed form, shall not contain more than one subject, which shall be clearly stated in the title, but general appropriation ordinances may contain the various subject and accounts for which moneys are to be appropriated. No ordinance, unless it shall be declared to be an emergency measure and passed by an unanimous vote of the council shall be passed on the day on which it shall be introduced. (1959 Code of Ordinances, Sec. 1-5-12)

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**Sec. 2.113 Emergency Measures**

An emergency measure is an ordinance or resolution for the immediate preservation of the public peace, property, health or safety or providing for usual daily operation of a municipal department, in which the emergency is set forth and defined in a preamble thereto. Ordinances appropriating money not exceeding two hundred and fifty dollars (\$250.00) and ordinances for the payment of salaries and wages may be passed as emergency measures, but no measure making a grant, renewal or extension of a

franchise or other special privilege or regulating the rate to be charged for its services by any public utility shall ever be passed as an emergency measure. (1959 Code of Ordinances, Sec. 1-5-13)

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**Sec. 2.114 Powers of Ordinances**

The city shall have the power to enact and enforce all ordinances necessary to protect health, life and property and to prevent and summarily abate and remove all nuisances and to preserve and enforce good government, order and security of the city and its inhabitants and to enact and enforce ordinances on any and all subjects, provided that no ordinance shall be enacted inconsistent with the provisions of the city charter or the Constitution of the State of Texas. (1959 Code of Ordinances, Sec. 1-5-14)

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**Sec. 2.115 Style of Ordinances**

The style of all ordinances of the city may be: "Be it ordained by the City of San Angelo"; but the same may be omitted when published in book or pamphlet form under authority or by direction of the governing authority of the City of San Angelo. (1959 Code of Ordinances, Sec. 1-5-15)

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**Sec. 2.116 Publication of Ordinances**

All ordinances carrying a penalty shall be published in some newspaper published in the city and such ordinance shall become effective on the day after the date of publication or the date stated in the ordinance, whichever is later. Emergency orders shall take effect according to their terms. (Ordinance adopted 11/6/01)

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**Sec. 2.117 Recording Ordinances**

Every ordinance or resolution, upon its becoming effective shall be recorded in a permanently bound book kept for that purpose and shall be authenticated by the signature of the mayor and the person exercising the duties of the city clerk. (1959 Code of Ordinances, Sec. 1-5-17)

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**Sec. 2.118 Ratification of Ordinances**

All ordinances and resolutions in force at the time of taking effect of this code shall, where not inconsistent with its provisions, continue in force until amended or repealed. (1959 Code of Ordinances,

Sec. 1-5-18)

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**Sec. 2.119 Legislative Procedure**

Any five (5) members of the council shall constitute a quorum for the transaction of any business; and the affirmative vote of any four (4) members of the city council shall be sufficient and necessary to adopt or repeal any ordinance or resolution. The vote upon the passage or repeal of any ordinance or resolution shall be taken by "yea" and "nay" vote and entered upon the minutes. All members of the council present at any meeting shall vote upon every question, ordinance, or resolution, provided that not more than one member of the council may be excused from voting by a vote of the other members, which shall be entered upon the minutes. Any councilmember refusing to vote unless so excused shall be entered on the minutes as voting in the affirmative. (1959 Code of Ordinances, Sec. 1-5-19)

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**Sec. 2.120 Investigations**

The council may investigate the financial transactions of any office or department of the city government, and the acts and conduct of any official or employee. In conducting such investigation, the council may control the attendance of witnesses, the production of books and papers, and other evidence and for that purpose may issue subpoenas or attachments on which shall have the mayor's signature and which may be served and executed by any officer authorized by law to serve subpoenas or other process or any peace officer of the city. If any witness shall refuse to appear or to testify to any facts within his knowledge or to produce any papers or books in his possession or under his control, relating to the matter under investigation before the council, the council shall have the power to cause the witness to be punished as for contempt. No witness shall be excused from testifying, touching his knowledge of the matter under investigation in any such inquiry but such testimony shall not be used against him in any criminal prosecution except for perjury committed upon such inquiry. (1959 Code of Ordinances, Sec. 1-5-20)

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**Sec. 2.121 Code of Conduct–Purpose**

(a) The citizens and businesses of the city are entitled to have fair, ethical and accountable local government. Such government requires that public officials:

- (1) Comply with both the letter and the spirit of the laws and policies affecting operations of the government;
- (2) Be independent, impartial and fair in their judgment and actions;
- (3) Use their public office for the public good, not for personal gain; and
- (4) Conduct public deliberations and processes openly, unless legally confidential, in an

atmosphere of respect and civility.

(b) Recognizing that stewardship of the public interest must be their primary concern, councilmembers shall work for the common good of the people of the city and not for any private or personal interest. Councilmembers must endeavor to treat all members of the public and issues before them in a fair and equitable manner.

(c) Councilmembers shall comply with the laws of the nation, the State of Texas and the city in the performance of their public duties. These laws include, but are not limited to: the United States and Texas Constitutions; the San Angelo City Charter; laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, open meetings and public information acts.

(d) The San Angelo City Council has adopted a Code of Ethics to encourage public confidence in the integrity of local government and its fair and effective operation.

(e) The city council Code of Conduct shall be considered to be the definitive document relating to ethical conduct by City of San Angelo councilmembers.

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### **Sec. 2.122 Code of Conduct and Rules of Procedure during City Council Meetings**

City council members retain their rights guaranteed by the United States and Texas Constitutions to freely speak on matters of public importance. However, while the council is in session, the members must preserve order and decorum and a member shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the council, use personal, impertinent, or slanderous remarks, nor disturb any member while speaking or refuse to obey the orders of the council or the presiding officer, except as otherwise herein provided.

(1) Rules of Procedure.

(A) A city council member desiring to speak shall address the chair and, upon recognition by the presiding officer, shall confine discussion to the question under debate, avoid discussion of personalities and indecorous language, and refrain from personal attacks and verbal abuse.

(B) A city council member desiring to question the administrative staff shall address questions to the city manager or staff member presenting the information, who shall be entitled either to answer the inquiries or to designate some member of city staff for that purpose. City council members shall not berate nor admonish staff members.

(C) A city council member, once recognized, shall not be interrupted while speaking unless called to order by the presiding officer, unless a point of order is raised by another member, or unless the speaker chooses to yield to questions from another member. If a city council member is called to order while speaking, that member shall cease speaking immediately until the question of order is determined. If ruled to be in order, the member shall remain silent or make additional remarks so as to comply with rules of the city council.

(D) City council members shall confine their questions to the particular matters before the assembly and in debate shall confine their remarks to the issues before the city council.

(E) When there is more than one speaker on the same subject, city council members will delay their comments until after all speakers on the subject have been heard.

(F) No councilmember shall speak on any given subject twice unless everyone else has been given an opportunity to speak.

(2) Chair and Duties.

(A) Chair. The mayor, if present, shall preside as chair at all meetings of the city council. In the absence of the mayor the mayor pro tem shall preside. In the absence of both, the council shall elect a chair. If the mayor vacates the chair during a meeting, and the mayor pro tem is not available, the mayor may, subject to the approval of the city council, appoint a temporary chair. The first adjournment puts an end to this appointment.

(B) Call to Order. The meetings of the city council shall be called to order by the mayor or, in the mayor's absence, by the mayor pro tem. In the absence of the mayor and mayor pro tem, the meeting shall be called to order by the city clerk.

(C) Preservation of Order. The chair shall preserve order and decorum, and shall call upon sergeant-at-arms as necessary to enforce compliance with the rules, and confine members in debate to the question under discussion.

(D) Questions to be Stated. The chair shall state all questions submitted for a vote and announce the result. A roll call shall be taken when requested by a member.

(E) Call for Recess. The chair may call for a recess at regular intervals with the consent of the council.

(F) Sergeant-at-Arms. The city manager, in the absence of a designated law enforcement officer, shall act as sergeant-at-arms for the council and shall furnish whatever assistance is needed to enforce the rules of decorum herein established.

(3) Enforcement.

(A) A member who violates any of the rules stated herein, shall be immediately warned by the chair that he or she is in violation.

(B) After three (3) warnings to the offending member during the discussion of a particular agenda item, the city council may, by a majority vote of the members present at the meeting, or four (4) votes, whichever number is larger, order the member ejected from the meeting for the duration of the meeting or any portion thereof. The sergeant-at-arms shall escort the member from the meeting.



**Sec. 2.123 General Policy Role**

- (a) Councilmembers shall respect and adhere to the council-manager structure of San Angelo city government as provided in state law and the City Charter.
- (b) Councilmembers shall support the maintenance of a positive and constructive environment for residents, businesses and city employees.
- (c) It is the responsibility of councilmembers to publicly share substantive information that is relevant to a matter under consideration that they have received from sources outside of the public decision-making process with all other councilmembers and the public prior to taking action on the matter.
- (d) Appropriate city staff should be involved when council members meet with officials from other agencies and jurisdictions to ensure proper staff support as needed and to keep staff informed.
- (e) Councilmembers shall not attend internal staff meetings or meetings between city staff and third parties unless invited by city staff or directed by council to do so.

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**Sec. 2.124 Implementation**

Ethics standards shall be included in the regular orientations for city council candidates. Councilmembers entering office shall sign a statement affirming they have read and understand the City of San Angelo City Council Code of Ethics.

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**Sec. 2.125 General Conduct**

- (a) Councilmembers must avoid behavior that could constitute an act of disorder or misbehavior. Specifically, they must avoid conduct that:
  - (1) Contravenes the Act, associated regulations and council's relevant administrative requirements;
  - (2) Is detrimental to the pursuit of the charter of a council;
  - (3) Is improper or unethical;
  - (4) Is an abuse of power or otherwise amounts to misconduct;
  - (5) Causes, comprises or involves intimidation, harassment or verbal abuse;
  - (6) Causes, comprises or involves discrimination, disadvantage or adverse treatment in relation to employment;
  - (7) Causes, comprises or involves prejudice in the provision of a service to the community.

- (b) Councilmembers must act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out the functions under the Act or any other Act.
- (c) Councilmembers must treat others with respect at all times.

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**Sec. 2.126 Harassment**

- (a) Harassment of another member, staff or any member of the public is misconduct. It is the policy of the City of San Angelo that all persons be treated fairly in the workplace in an environment free of discrimination and of personal and sexual harassment.
- (b) Harassment may be defined as any behavior by any person that is directed at or is offensive to another person on the grounds of race, color, disability, religion, sex, sexual preference, national origin, age, or any other legally protected characteristics. This is compliant with Title VII of the Civil Rights Act of 1964, and Chapter 21 of the Texas Labor Code.

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**Sec. 2.127 Conflict of Interest**

- (a) In order to assure their independence and impartiality on behalf of the public good, councilmembers are prohibited from using their official positions to influence government decisions in which they have a financial interest or where they have an organizational responsibility or a personal relationship that would present a conflict of interest under Chapter 171 of the Local Government Code state law.
- (b) In accordance with Chapter 176, Local Government Code state law, councilmembers must file annual written disclosures of their economic interests.
- (c) Councilmembers shall not take advantage of services or opportunities for personal gain by virtue of their public office that are not available to the public in general.
- (d) Councilmembers shall respect and preserve the confidentiality of information provided to them concerning the confidential matters of the city. They must neither disclose confidential information without proper legal authorization nor use such information to advance the personal, financial or private interests of themselves or others.
- (e) Councilmembers should avoid any action that could be construed as, or create the appearance of, using public office for personal gain, including use of city stationery or other city resources to obtain or promote personal business.
- (f) Public resources not available to the general public (e.g., city staff time, equipment, supplies or facilities) shall not be used by councilmembers for private gain or personal purposes.
- (g) In keeping with their role as stewards of the public interest, councilmembers shall not appear on behalf of the private interests of a third party before the city council or any board, commission or

committee or proceeding of the city, except as permitted by law.

(h) To the best of their ability, councilmembers shall represent the official policies and positions of the city council. When presenting their personal opinions or positions publicly, members shall explicitly state they do not represent the council or the city.

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**Sec. 2.128 Training Requirements**

In an effort to educate and include city council on the intensity of training provided to city employees, the council shall be required to participate and attend mandatory training in accordance to the city personnel policies for city employees including, but not limited to, state-mandated training for elected officials, orientation, sexual harassment prevention, and diversity training.

(Ordinance adopted 3/11/08)

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**Sec. 2.129 Travel Expenses and Reimbursements**

(a) The purpose of these regulations is to establish the policies and procedures for councilmembers who travel on official city business either in-state or out-of-state. Such travel shall include attendance at conferences, seminars, and training sessions on behalf of the city. The city shall pay reasonable expenses for registration fees, lodging, meals, transportation, and all allowable miscellaneous expenses for the councilmember only. Councilmembers will be reimbursed for their documented travel expenses as well as any documented expenses (except for alcoholic beverages) associated with conducting city business. Councilmembers shall be reimbursed in accordance with the terms contained within the Employee Travel Expense Policy. This policy shall supersede any existing policy. (Ordinance adopted 6/19/12)

(b) Councilmembers requesting advance travel shall provide a travel settlement for such expenses upon return and no later than five days of return and in accordance with the terms contained within the Employee Travel Expense Policy. Travel settlement forms should document all expenses as required. Councilmembers must return any excess advance monies or request additional payment to cover outstanding expenses at that time. Finance will provide a receipt for any excess monies returned.

(c) Any councilmember with two or more outstanding travel settlements may not apply for future advance travel request until such settlements have been submitted and, if required, paid. Confirmation of settlement shall be made by the finance director.

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**Sec. 2.130 Nepotism**

In accordance with [Section 37](#) [of the City Charter], the council shall not appoint to a salaried position under the city government any person who is a relative by blood or marriage within the second degree of any one or more of the members of such council.

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**Sec. 2.131 Use of City Property–Limited to Lawful Business of City**

No person or persons other than city officials or employees shall use any city-owned equipment, tools or paraphernalia other than for the purpose of conducting the lawful business of the city.

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**Sec. 2.132 Use of City Property for Private Purposes by City Official, Employee, Etc.**

No city official, city employee or other person shall borrow, take or remove any city-owned equipment, tools or paraphernalia for private use.

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**Sec. 2.133 Use of City Property–Loan, Etc., by City Official, Employee, Etc.**

No city official, city employee or any other person shall lend, give or transfer possession of such city-owned equipment, tools or paraphernalia to any other city official, employee or any other person with knowledge that the same shall be used for private purposes.

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**Sec. 2.134 Council Administrative Allowance, Vehicle Mileage Reimbursement, and Direct Expenses**

(a) In accordance with Section 10 [of the City Charter], administrative allowance for the mayor is set at six hundred dollars (\$600.00) per annum and for each councilmember at five hundred dollars (\$500.00) per annum, payable in monthly installments.

(b) Councilmembers will be reimbursed for their documented vehicle mileage expenses associated with conducting city business. Reimbursement rate shall be made in accordance with the standard mileage rate set by the Internal Revenue Service.

(c) Direct expenses benefits can be reimbursed for those duties required or the individual will be provided the materials necessary to carry out the role as a councilmember. Such items include, but are not limited to, mobile phone or pager, high speed internet, laptop, or any other equipment or technology that may be required.

(d) Councilmembers shall comply with the City's Information Technology System and Software Use Policy. They shall be responsible for the safety and security of the equipment while assigned during the term of office and that it will be returned to the city upon the end of the term. The equipment is to be used for the sole purpose of city-related business as outlined in the Technology System and Software Use Policy and, therefore, is subject to provisions of the Texas Public Information Act. All

maintenance/upgrades and/or software installation to the equipment shall be performed by the city's information services department.

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**Sec. 2.135 Councilmembers Behavior and Conduct**

(a) City council members who intentionally and repeatedly do not follow proper conduct may be reprimanded or formally censured by the council. Serious infractions of the Code of Ethics or Code of Conduct could lead to other sanctions as deemed appropriate by council. Councilmembers should point out to the offending councilmember infractions of the Code of Ethics or Code of Conduct. If the offenses continue, then the matter should be referred to the mayor in private. If the mayor is the individual whose actions are being challenged, then the matter should be referred to the mayor pro-tempore.

(b) It is the responsibility of the mayor to advise the city manager and city attorney of the situation. Upon review, the mayor shall initiate action if a councilmember's behavior may warrant sanction. If no action is taken by the mayor, the alleged violation(s) can be brought up with the full council in executive session and/or a public meeting. If violation of the Code of Ethics or Code of Conduct is outside of the observed behaviors by the mayor or councilmembers, the alleged violation should be referred to the mayor. The mayor should ask the city manager and/or the city attorney to investigate the allegation and report the findings to the mayor. It is the mayor's responsibility to take the next appropriate action. These actions can include, but are not limited to: discussing and counseling the individual on the violations; recommending sanction to the full council to consider in a public meeting; or forming a council ad hoc subcommittee to review the allegation; the investigation and its findings, as well as to recommend sanction options for council consideration.

(Ordinance adopted 3/11/08)