

ORDINANCE

AMENDING THE CITY CODE OF SAN ANTONIO, TEXAS, CHAPTER 2, ARTICLE II, DIVISION 1, ENTITLED “GENERALLY” TO INCLUDE SECTION 2-21 CODE OF CONDUCT.

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WHEREAS, Sections 11 and 12 of the City Charter authorize the City Council to determine its rules of procedure and order of business; and

WHEREAS, the City Council values a democratic process that relies on public participation, listening to differing opinions and engaging in respectful debate; and

WHEREAS, the City Council desires to codify a Code of Conduct outlines their values related to interactions and communication amongst themselves and staff to include social media or other media communications and provides for enforcement and remedies for violations of those rules; and

WHEREAS, it is now necessary to amend the City Code, Section 2-21 to codify the Code of Conduct;
NOW THEREFORE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The City Code of San Antonio, Texas, Chapter 2, Article II, Division 2, Section 2-21 is amended by adding the underlined text to read as follows:

Sec. 2-21. Code of Conduct.

(a) Authority

The City Council values a democratic process that relies on public participation, listening to differing opinions and engaging in respectful debate. The Charter of the City of San Antonio provides City Council with the ability to determine its rules and order of business. City Charter, Article II. City Council, Sec. 12. Council rules. The Code of Conduct outlines City Council’s values related to interactions and communication amongst themselves to include social media or other media communications and provides for enforcement and remedies for violations of those rules.

(b) Councilmembers

The City of San Antonio City Council is committed to fostering a safe and productive work environment, which includes treating others with respect, and agrees to abide by the following:

- (1) Councilmembers will treat each other, City staff, Local Government Corporation employees, and the public with respect, and shall refrain from derogatory or harassing

remarks or images. Councilmembers should avoid discussion of personalities and profane language, and refrain from personal attacks, verbal abuse or language that explicitly or implicitly threatens physical harm toward another person.

(2) Councilmembers will not be required to subject themselves or their staff to derogatory or harassing behavior from members of the community.

(3) Councilmembers will abide by the expectations of conduct outlined in City Administrative Directives:

4.67 Equal Employment Opportunity/Anti-Harassment

4.62 ADA Title I Reasonable Accommodations

4.80 Violence in the Workplace

4.15 Workplace Milk Expression for Breastfeeding Employees

4.68 Domestic Violence, Sexual Violence & Stalking

1.75 Fraud, Waste and Abuse Policy

7.11 Physical Security

1.34 Records Management for Physical Electronic Management

4.44 Nepotism

(4) Councilmembers must disclose to the City Manager an intimate, romantic, or dating relationship with a LGC employee that began either before the Councilmember began their term or the LGC employee began their employment. With the exception of relationships that began prior to employment, Councilmembers are prohibited from engaging in an intimate, romantic, or dating relationship with a Local Government Corporation employee. Separately, if a Councilmember is engaged in an intimate, romantic, or dating relationship with a City staff member, the relationship must be disclosed to the City Manager by the Councilmember.

(5) City Council meetings use Robert's Rules of Order. The Mayor or Presiding Officer of the meeting is permitted to make modifications as needed in furtherance of an effective and efficient meeting.

(6) Councilmembers shall not engage in any communications with outside parties during an Executive Session and shall not disclose to any third party the information shared or discussed during an Executive Session, in accordance with state law.

(7) Written City communications should not include any blind copies to other parties.

(8) Retaliation for accountability under this Code of Conduct shall be prohibited.

(c) Complaints

- (1) If the scope or nature of a violation may reasonably warrant an investigation or result in Council action then a written complaint should be filed. A complaint about a councilmember and filed by a fellow councilmember, Local Government Corporation employee or City staff shall be submitted in writing to the City Manager with a copy to the City Attorney. The complaint shall be dated and include:
 - a. The name and title of the individual(s) filing the complaint (referred to as the complainant(s));
 - b. The name and title of the individual(s) alleged to have violated the Code of Conduct;
 - c. The nature of the alleged violation of the Code of Conduct or of other law, rule, or regulation; and
 - d. The specific facts or circumstances that constitute a violation of the Code of Conduct or City Administrative Directives listed in subsection(a)(3) above, including the submission of any documentation that relates to the alleged violation. The complaint shall not contain innuendo, speculative assertions, or conclusory statements.
 - (2) Complaints shall be reviewed by the City Attorney within 10 business days of receipt and City Council will be advised of the Complaint. If questions of fact and potential legal liability are to be determined, the City Attorney may engage an investigator to conduct fact-finding and if necessary legal analysis.
 - (3) Upon the conclusion of any investigation, the City Council will be briefed on the matter to determine what if any action is appropriate if a violation has occurred. The City Councilmembers involved will recuse themselves from these Council discussions whether those discussions occur in executive session or open session. The involved councilmember(s) may address City Council during an open or closed meeting. The City Attorney will advise the complainant and the accused whether any violation has been determined to have occurred.
- (d) Enforcement
- (1) A vote of a majority of Councilmembers, whose conduct is not at issue in the above referenced complaint, is required to determine the discipline, which may be one or more of the following:
 - a. A written letter of reprimand;
 - b. Official censure; or
 - c. Call for Resignation.
 - (2) The Charter of the City of San Antonio provides City Council with the power to, by a vote of not less than seven members, expel a member from a Council meeting for disorderly conduct or the violation of its rules. City Charter, Article II. City Council,

Sec. 12. Council rules. The Mayor or Presiding Officer of the meeting shall exercise control over the member(s) who disrupt the meeting in the following ascending order of action:

- a. Call the member to order, advising that member of the infraction;
- b. Advise the member that the infraction must cease immediately, or the member will be subject to vote to order the member to leave the meeting; and
- c. Call a vote to order the member to leave the meeting by a vote of at least seven members of the Council.

SECTION 4. The codifier of the City Code of San Antonio, Texas (the "Code") is authorized to make nonsubstantive changes in this ordinance and parts of this ordinance as necessary to embody the ordinance into a unified code. The codifier may organize the ordinance material into appropriate subdivisions; provide or change appropriate catchlines, headings, titles and numbers for sections and other subdivisions of the Code and make other nonsubstantive changes necessary to preserve the original meaning of the ordinance sections inserted into the Code; but in no instance shall the codifier make any change in the meaning or effect of ordinance material included in the Code.

SECTION 5. This Ordinance is effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective on the tenth day after passage.

PASSED AND APPROVED on this the ____ day of _____ 2024.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Debbie Racca-Sittre, City Clerk

Andrew Segovia, City Attorney