



NOTICE OF THE CITY OF BRECKENRIDGE  
**SPECIAL MEETING OF THE BRECKENRIDGE CITY  
COMMISSION**

August 27, 2024 at 5:30 PM

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**AGENDA**

Notice is hereby given as required by Title 5, Chapter 551.041 of the Government Code that the City Commission will meet in a Special Meeting of the Breckenridge City Commission on August 27, 2024 at 5:30 PM at the Breckenridge City Offices, 105 N. Rose Avenue, Breckenridge, Texas.

**CALL TO ORDER**

**OPEN FORUM**

*This is an opportunity for the public to address the City Commission on any matter of public business, except public hearings. Comments related to public hearings will be heard when the specific hearing begins.*

**PUBLIC HEARING ITEMS**

1. Public Hearing on Proposed FY 2024-2025 City of Breckenridge Tax Rate

**ACTION ITEMS**

2. Discussion and any necessary action regarding BEDC agreement with Shackelford County Community Resource Center to purchase property
3. Discussion and any necessary action regarding Ordinance No. 2024-14 temporarily reducing the speed limit for portions of US Highway 180 and FM 3099
4. Discussion and any necessary action regarding Resolution 2024-19; proposed Commission Code of Ethics
5. Discussion and any necessary action regarding approval of Resolution 2024-21 updating the Personnel Policy regarding Employee Code of Ethics

**EXECUTIVE SESSION**

*Pursuant to Texas Government Code, Annotated, Chapter 551, Subchapter D, Texas Open Meetings Act (the "Act"), City Commission will recess into Executive Session (closed meeting) to discuss the following:*

**Consultation with Attorney**

*§551.071(1),(2): Consultation with attorney regarding pending or anticipated litigation, or a settlement offer; or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter:*

6. Commissioner Code of Ethics

7. Employee Code of Ethics

## ADJOURN

## CERTIFICATION

I hereby certify that the above notice was posted in the bulletin board at Breckenridge City Hall, 105 North Rose Avenue, Breckenridge, Texas , by **5:00 PM** on the **23rd day of AUGUST 2024**.

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City Secretary



*Persons with disabilities who plan to attend this public meeting and who may need auxiliary aid or services are requested to contact the Breckenridge City Hall 48 hours in advance, at 254-559-8287, and reasonable accommodations will be made for assistance.*



BRECKENRIDGE CITY COMMISSION  
AGENDA SUMMARY FORM

**Subject:** Public Hearing on Proposed FY 2024-2025 City of Breckenridge Tax Rate

**Department:** Administration

**Staff Contact:** Cynthia Northrop

**Title:** City Manager

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**BACKGROUND INFORMATION:**

The Public Hearing on proposed tax rate increase was held Tuesday, August 27, 2024, during a special meeting held at City Hall, 105 N. Rose, Breckenridge, Texas.

Proposed Tax Rate	\$1.04471 per \$100
No New Revenue Tax Rate	\$1.00536 per \$100
Voter Approval Tax Rate	\$1.08110 per \$100
DeMinimis Tax Rate	\$1.25059 per \$100

‘The budget will raise more total property taxes than last year’s budget by \$101,347 (4.11%) and of that amount, \$11,137 tax revenue to be raised from new property added to the roll this year.’

**SUMMARY OF PROPOSED 2024-2025 BUDGET**

General Fund: For Maintenance & Operating	\$ 5,322,461
Water Fund: For Maintenance & Operating	\$ 2,865,414
Wastewater Fund: For Maintenance & Operating	\$ 1,540,668
Sanitation Fund: For Maintenance & Operating	\$ 506,397
Trade Days	\$ -0-
Fire Department Special Fund	\$ -0-
Cemetery Trust	\$ 6,000
Forfeited Property Fund	\$ -0-
Equipment Replacement	\$ 671,298
Street Maintenance Sales Tax Fund	\$ 50,000
Breckenridge Park Fund	\$ -0-
Police Department Special Fund	\$ -0-

Water Capital Improvement Project	\$ 3,443,000
Wastewater Capital Improvement Project	\$ 3,942,000
Capital Improvement Project	\$ 5,049,600
General Debt Service Fund	\$ 633,075
Revenue Debt Service Fund	\$ 700,798

**FINANCIAL IMPACT:**

See above

**STAFF RECOMMENDATION:**

No action-Public Hearing only



## BRECKENRIDGE CITY COMMISSION AGENDA SUMMARY FORM

**Subject:** Discussion and any necessary action regarding BEDC agreement with Shackelford County Community Resource Center to purchase property

**Department:** Administration

**Staff Contact:** Cynthia Northrop

**Title:** City Manager

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**BACKGROUND INFORMATION:**

The BEDC has reached an agreement with Shackelford County Community Resource Center to purchase roughly 1.7 acres contiguous with 2.4 acres owned by the Breckenridge Industrial Foundation. The additional land will increase the efficiency of the 2.4-acre tract which they are offering to a hotel developer. A draft boundary map of the two properties is attached.

See Map

**FINANCIAL IMPACT:**

BEDC will fund the project at \$30,000.00 plus closing costs and survey costs.

**STAFF RECOMMENDATION:**

Consider approval of agreement



250.7'

172.4'

261.9'

1.7ac  
1,126.4'

364.0'

R11631

R46233

120.8'

R18740

129.1'

605.1'

2.4ac  
1,599.6'

652.7'

R18736

169.4'



**BRECKENRIDGE CITY COMMISSION  
AGENDA SUMMARY FORM**

**Subject:** Discussion and any necessary action regarding Ordinance No. 2024-14 temporarily reducing the speed limit for portions of US Highway 180 and FM 3099

**Department:** Administration

**Staff Contact:** Cynthia Northrop

**Title:** City Manager

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**BACKGROUND INFORMATION:**

The TXDOT Brownwood District has requested the city adopt Ordinance No. 2024-14 temporary Construction Speed Zones on US Highway 180/Walker and FM 3099 during the FM 3099 Intersection improvements. The project is ongoing and is estimated to be completed in the Spring of 2025.

See included map.

**FINANCIAL IMPACT:**

NA

**STAFF RECOMMENDATION:**

Consider approval of Ordinance 2024-14 as presented.





**ORDINANCE NO. 2024-14****AN ORDINANCE OF THE CITY OF BRECKENRIDGE, TEXAS TEMPORARILY REDUCING THE SPEED LIMIT FOR PORTIONS OF US 180 AND FM 3099 WITHIN THE CITY LIMITS OF THE CITY OF BRECKENRIDGE WHICH WILL BE UNDER CONSTRUCTION.**

**WHEREAS**, the Brownwood District of the Texas Department of Transportation ("Brownwood District TxDOT") has requested, via minute order, temporary Construction Speed Zones on portions of US 180 and FM 3099 with the City limits of the City of Breckenridge while a construction project is underway; and

**WHEREAS**, the City Commission of the City of Breckenridge wishes to adopt said Construction Speed Zones pursuant to Brownwood District TxDOT's request.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BRECKENRIDGE, TEXAS THAT:**

**Section 1. Construction Zone Speed Limits.** The following reduced speed limits in the designated locations are hereby adopted:

- (a) On US Hwy 180 from Mile Point 9.640 to Mile Point 9.716, a distance of 0.076 miles, the speed limit is reduced from 55 miles per hour to 45 miles per hour.
- (b) On US Hwy 180 from Mile Point 9.716 to Mile Point 10.179, a distance of 0.463 miles, the speed limit is reduced from 50 miles per hour to 40 miles per hour.
- (c) On FM 3099 from Mile Point 13.141 to Mile Point 13.377, a distance of 0.236 miles, the speed limit is reduced from 55 miles per hour to 45 miles per hour.
- (d) On FM 3099 from Mile Point 13.377 to Mile Point 13.626, a distance of 0.249 miles, the speed limit is reduced from 40 miles per hour to 30 miles per hour.
- (e) On FM 3099 from Mile Point 20.000 to Mile Point 20.198, a distance of 0.198 miles, the speed limit is reduced from 70 miles per hour to 55 miles per hour.

**Section 2. Duration of Construction Zone Speed Limits.** The reduced speed limits adopted by this Ordinance shall become effective when signage is placed to establish said reduced speed limits and shall remain in effect until the time that the above project is complete and accepted by the Brownwood District TxDOT and the minute order has expired.

**Section 3. Expiration of Minute Order.** Upon termination of the minute order, the speed shall be set at the previously posted speed.

**Section 4. Repeal.** All Ordinances or part of Ordinances in conflict with this Ordinance are hereby repealed to the extent of that conflict.

**PASSED AND APPROVED the 27<sup>th</sup> day of August, 2024.**

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Bob Sims, Mayor

**ATTEST:**

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Jessica Sutter, City Secretary



## BRECKENRIDGE CITY COMMISSION AGENDA SUMMARY FORM

**Subject:** Discussion and any necessary action regarding Resolution 2024-19;  
proposed Commission Code of Ethics

**Department:** Administration

**Staff Contact:** Cynthia Northrop

**Title:** City Manager

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**BACKGROUND INFORMATION:**

During the development of a City Commission orientation packet for new Commissioners, it was discovered that we don't have a Code of Ethics. It is standard for Cities to have a Code of Ethics in place.

This item was presented during the August 6, 2024 meeting and requested to be tabled to the next meeting for consultation with the attorney.

**FINANCIAL IMPACT:**

NA

**STAFF RECOMMENDATION:**

Consider approval of Resolution 2024-19 City Commission Code of Ethics

**RESOLUTION NO. 2024-19**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF BRECKENRIDGE, TEXAS, ADOPTING A CODE OF CONDUCT AND CODE OF ETHICS; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Breckenridge (the “City”) is a Home Rule Municipality acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution;

**WHEREAS**, Section 4.14 of the City’s Charter grants the City Commission of the City (the “City Commission”) “all powers necessary to and incident to the proper discharge of the duties imposed upon it” and Section 4.16 provides that the City Commission may “determine its own rules of procedure”; and

**WHEREAS**, the City Commission finds that adopting a code of ethics governing the City Commission is advisable to ensure that the Commission works productively and transparently to serve the citizens of the City.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF BRECKENRIDGE, TEXAS THAT:**

**SECTION 1. Incorporation of Premises.** All of the above premises are found to be true and correct and are incorporated into the body of this Resolution as if copied in their entirety.

**SECTION 2. Adoption of Rules.** The Breckenridge City Commission Code of Conduct and Code of Ethics set forth in **Exhibit “A”**, attached hereto and incorporated herein, is hereby adopted.

**SECTION 3. Severability.** Should any section, subsection, sentence, clause or phrase of this Resolution be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Resolution shall remain in full force and effect.

**SECTION 4. Repeal.** Any resolutions in conflict with this Resolution are hereby repealed to the extent of such conflict.

**SECTION 5. Effective Date.** This Resolution shall become effective immediately from and after its passage.

**PASSED, ADOPTED, AND APPROVED** by the City Commission of the City of Breckenridge, Texas this the 27<sup>th</sup> day of August 2024.

\_\_\_\_\_  
Bob Sims, Mayor

**ATTEST:**

\_\_\_\_\_  
Jessica Sutter, City Secretary

S E A L

## Exhibit A

### CITY OF BRECKENRIDGE CODE OF CONDUCT AND ETHICS POLICY

The Breckenridge City Commission is the governing body for the City of Breckenridge; therefore, it must bear the initial responsibility for the integrity of governance. The Commission is responsible for its own development (both as a body and as individuals), its responsibilities, its own discipline, and its own performance. The development of this policy is designed to ensure effective and efficient governance.

This policy will address Mayor and Commission relations, Commission and staff relations, and Commission and media relations. By adopting these guidelines for elected officials, we acknowledge our responsibility to each other, to our professional staff, and to the public. The City Commission will govern the City in a manner associated with a commitment to the preservation of the values and integrity of representative local government and democracy, and a dedication to the promotion of efficient and effective governing. The following statements will serve as a guide and acknowledge the commitment being made in this service to the community:

1. The Commission has as high priorities the promotion of an atmosphere conducive to the fair exchange of ideas and policies among members.
2. The Commission will endeavor to keep the community informed on municipal affairs; encourage communication between the citizens and the City Commission; strive for strong, working relationships among Breckenridge, Stephens County, and Breckenridge Independent School District elected officials.
3. In its governance role, the Commission will continue to be dedicated to friendly and courteous relationships with staff, other Commissioners, and the public, and seek to improve the quality and image of public service.
4. The Commission will also strive to recognize its responsibility to future generations by addressing the interrelatedness of the social, cultural, and physical characteristics of the community when making policies.
5. Finally, each commissioner will make a commitment to improve the quality of life for the individual and the community, and to be dedicated to the faithful stewardship of the public trust.

## Statement of Mission

In order to ensure proper discharge of duties for the improvement of democratic local government, Breckenridge City Commissioners should display behavior that demonstrates independent, impartial review of all matters addressed by them, and be duly responsible to the citizens of Breckenridge and to each other in their relationships.

## Section I: Mayor-City Commission Relations

### A. Mayor's Responsibilities

1. The Mayor shall be the presiding officer at all meetings. The Mayor Pro Tem shall preside in his/her absence.
2. The Mayor shall have a voice in all matters before the Commission and may vote on all agenda items requiring Commission action.
3. The Mayor shall preserve order and decorum and shall require Commissioners engaged in debate to limit discussion to the question under consideration.
4. The Mayor will encourage all Commissioners to participate in Commission discussion and give each Commissioner an opportunity to speak before any Commissioner can speak again on the same subject. The Mayor may limit such speech to five minutes to ensure efficient use of time.
5. The Mayor is responsible for keeping the meetings orderly by recognizing each member for discussion, limiting speaking time, encouraging debate among members and keeping discussion on the agenda item being considered.
6. Should a conflict arise among Commissioners, the Mayor serves as mediator.

### B. Commissioner Responsibilities

1. Each Commissioner is encouraged to attend at least one Texas Municipal League sponsored conference each year in order to stay informed on issues facing municipalities.
2. It is the responsibility of Commissioners to be informed about previous action taken by the Commission in their absence. In the case of absence from a workshop session where information is given, the individual Commissioner is responsible for obtaining this information prior to the Commission meeting when said item is to be voted upon.

3. When addressing an agenda item, a Commissioner shall confine himself/herself to the question under debate, avoid reference to personalities, and refrain from impugning the integrity or motives of any other Commissioners or staff member in his/her argument or vote.

4. In the absence of a ruling by the Mayor on any procedural matter, a Commissioner may move to change the order of business or make any other procedural decision deemed appropriate. The affirmative vote of a majority of the Commission members present and voting shall be necessary to approve the motion.

5. Any Commissioner may appeal to the Commission as a whole from a ruling by the Mayor. If the appeal is seconded, the person making the appeal may make a brief statement and the Mayor may explain his/her position, but no other member may speak on the motion. The Mayor will then put the ruling to a vote of the Commission.

6. Any Commissioner may ask the Mayor to enforce the rules established by the Commission. Should the Mayor fail to do so, a majority vote of the Commission members present shall require him/her to do so.

7. When a Commissioner is appointed to serve as liaison to a board, the Commissioner is responsible for keeping the City Manager and the Commission as a whole at meetings of the Commission informed of significant board activities; therefore, regular attendance to the assigned board is of great importance. In the event a Commissioner is absent from three meetings in a twelve-month period that are considered unexcused, the City Secretary shall notify the Commissioner by letter requesting an explanation for the absences. After reviewing the explanation for absences, if the City Commission finds that the absences are unexcused, the City Commission may choose to remove the Commissioner from the assigned board for non-attendance at the board meetings.

#### C. Code of Conduct for Mayor and Commissioners

1. During Commission meetings, Commissioners shall preserve order and decorum, shall not interrupt or delay proceedings, and shall not refuse to obey the orders of the Mayor or the rules of the Commission. Commissioners shall demonstrate respect and courtesy to each other, to City staff members, and to members of the public appearing before the Commission. Commissioners shall refrain from rude and derogatory remarks and shall not belittle staff members, other Commissioners, or members of the public.

2. Commissioners should not use their position to secure special privileges and should avoid situations that could cause any person to believe that they may have brought bias or partiality to a question before the Commission.



3. Commissioners will not condone any unethical or illegal activity. All Commissioners agree to uphold the intent of this policy and to govern their actions accordingly.
4. Commissioners shall not be indebted to the City for any City service and shall avoid entering into any contract with the City for services or work to be performed or equipment of supplies to be provided.

## Section II: Commission and Staff Relations

No single relationship is as important as that of the Commission and their City Manager in effectively governing the City of Breckenridge. It is for this reason that the Commission and the City Manager must understand their respective roles in that process. The City Manager is the primary link between the Commission and the professional staff. The Commission's relationship with the staff shall be through the City Manager.

1. In order to ensure proper presentation of agenda items by staff, questions arising from Commissioners after receiving their information packet should be whenever possible, presented to the City Manager for staff consideration prior to the Commission meeting. This allows staff time to address the Commissioner's concern and provide all Commissioners with the additional information.
2. The City Manager shall designate the appropriate staff member to address each agenda item and shall see that each presentation is prepared and presented in order to inform and educate the Commission on the issues which require Commission action. The presentation should be professional, timely, and allow for discussion of options for resolving the issue. The staff member making the presentation shall either make it clear that no Commission action is required, present the staff recommendation, or present the specific options for Commission consideration.
3. The City Manager is directly responsible for providing information to all the Commission concerning any inquiries by a specific Commissioners. If the City Manager or his/her staff's time is being dominated or misdirected by a Commissioner, it is his/her responsibility to inform the Mayor of the concern.
4. The City Manager will be held responsible for the professional and ethical behavior of himself/herself and the discipline of his/her staff. The City Manager is also responsible for seeing that his/her staff also receives the education and information necessary to address the issues facing municipal government.
5. All staff members shall show each other, each Commissioners, and the public respect and courtesy at all times. They are also responsible for making objective, professional presentations to ensure public confidence in the process.

6. The City Manager, after an election, will make sure that staff has prepared information needed for the orientation of new Commissioners and inform them of any Texas Municipal League conferences and seminars available. The City Manager will also be responsible for meeting personally with new members and informing them about City facilities and procedures.

### Section III: Commission and Media Relations

Since the democratic form of government is only successful when the citizens are kept informed and educated about the issues facing their municipality, it is imperative the media play an important role in the Commission-Manager-media relations. It is through an informed public that progress is ensured and good government remains sensitive to its constituents. These guidelines are designed to help ensure fair relationships with print, radio, and television reporters. The Commission and the City Manager recognize that the news media provide an important link between the Commission and the public. It is the Commission's desire to establish a professional working relationship to help maintain a well-informed and educated citizenry.

1. During the conduct of official business, the news media shall occupy places designated for them or the general public.
2. All reporters will receive an agenda in advance and will be furnished support material needed for clarification if requested.
3. In order to preserve the decorum and professionalism of Commission meetings, the media are requested to refrain from conversing privately with other people in the audience and to conduct any interviews with the public outside the Commission chambers while Commission is in session.
4. It is requested that all reporters new to City Commission meetings meet with the City Manager, Mayor, or the media relations representative prior to covering their first meeting to be informed of policies and procedures to help ensure a professional working relationship between the media reporter and the City.
5. On administrative matters, the City Manager is the spokesperson, unless he/she has appointed a media relations person to present staff information on the agenda.

### Breckenridge City Commission Code of Ethics

The office of elected officials is one of trust and service to the citizens of Breckenridge. This position creates a special responsibility for the Breckenridge City Commission Member. In

response to this, the Breckenridge City Commission is expected to govern this City in a manner associated with a commitment to the preservation of the values and integrity of representative local government and local democracy and a dedication to the promotion of efficient and effective governing. To further these objectives, certain ethical principles shall govern the conduct of every Commissioner, who shall:

1. Be dedicated to the highest ideals of honor and integrity in all public and personal relationships in order that the member may merit the respect and confidence of the citizens of Breckenridge;
2. Recognize that the chief function of local government at all times is to serve the best interests of all of the people;
3. Be dedicated to public service by being cooperative and constructive, and by making the best and most efficient use of available resources;
4. Refrain from any activity or action that may hinder one's ability to be objective and impartial on any matter coming before the Commission. Will not seek nor accept gifts or special favors and will not use confidential information or public funds or time for personal gain; and
5. Recognize that public and political policy decisions, based on established values, are ultimately the responsibility of the City Commission.



**BRECKENRIDGE CITY COMMISSION  
AGENDA SUMMARY FORM**

**Subject:** Discussion and any necessary action regarding approval of Resolution 2024-21 updating the Personnel Policy regarding Employee Code of Ethics

**Department:** Administration

**Staff Contact:** Cynthia Northrop

**Title:** City Manager

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**BACKGROUND INFORMATION:**

The City has some elements of a Code of Ethics, but it is not complete. This update will be more comprehensive in setting the standard for the Employee Code of Ethics. It is best practice for Cities to have an Employee Code of Ethics policy in place.

This item was presented during the August 6, 2024, meeting and requested to be tabled to the next commission meeting for consultation with the attorney.

**FINANCIAL IMPACT:**

NA

**STAFF RECOMMENDATION:**

Consider approval of Resolution 2024-21 as presented.

**RESOLUTION NO. 2024-21**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF BRECKENRIDGE, TEXAS ADOPTING A REVISION TO THE PERSONNEL AND ADMINISTRATIVE REGULATIONS MANUAL OF THE CITY; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Breckenridge (the “City”) has adopted a Personnel and Administrative Regulations Manual (“PARM”) to govern employment with the City, including codes of conduct for employees, which was last revised on March 5, 2024; and

**WHEREAS**, the City Commission of the City of Breckenridge (the “City Commission”) finds that it would promote efficiency of government to amend Chapter 15 “Employee Standards of Conduct” to add more stringent provisions related to ethical behavior expected of employees.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF BRECKENRIDGE, TEXAS THAT:**

**SECTION 1.** All other ordinances, resolutions, or policies in conflict with this Resolution are hereby amended to the extent of such conflict.

**SECTION 2.** Chapter 15, Employee Standards of Conduct, of the Personnel and Administrative Regulations Manual of the City is hereby amended to read as shown in the attached **Exhibit “A”**.

**SECTION 3.** That this Resolution shall take effect immediately upon its adoption by the City Commission.

**PASSED, ADOPTED, AND APPROVED** by the City Commission of the City of Breckenridge this the 27<sup>th</sup> day of August 2024.

\_\_\_\_\_  
Bob Sims, Mayor

**ATTEST:**

\_\_\_\_\_  
Jessica Sutter, City Secretary

S E A L

**EXHIBIT "A"****CHAPTER 15  
EMPLOYEE STANDARDS OF CONDUCT**

Effective August 27, 2024

**15.01 City Responsibilities**

The City's work force exists to provide essential municipal services to the community. The City of Breckenridge is committed, within its financial constraints, to maintaining a work force of the most qualified workers to provide reliable, quality, and cost-efficient services to the community in a respectful and friendly manner.

**15.02 Management Responsibilities**

In keeping with the respect due each employee, management is committed to:

- A. providing effective and efficient delivery of services;
- B. compensating employees fairly for work done;
- C. providing safe, healthy, work conditions in accordance with provisions of all applicable law;
- D. adequately instructing and training employees in their duties;
- E. supplying necessary tools and equipment (except those customarily provided by employees);
- F. providing reasonable opportunities for development experience and competitive advancement; and
- G. actively engaging in equal opportunity activities.

City management shall not dismiss an individual, fail or refuse to hire an individual, or otherwise discriminate against an individual with respect to compensation, terms, conditions, or privileges of employment because of the individual's race, creed, color, religion, veteran status, national origin, sex, age over 40, the basis of genetic information, the existence of a physical or mental disability, or any other classification protected under applicable state or federal law. This equal opportunity policy of the City applies to all areas of employment, including, but not limited to, recruitment, hiring, job assignments, pay, training, promotions, privileges, and conditions of employment.

**15.03 Employee Responsibilities**

An employee shall:

- A. be loyal to and meet the reasonable expectations of City management and the citizens of the City;
- B. report to work regularly and on time;
- C. consistently meet or exceed performance standards established for the employee's job; and

**EXHIBIT "A"**

- D. work in a professional, cooperative, safe, and friendly manner.

**15.04 Employee Conduct**

An employee is expected to consistently maintain satisfactory performance standards. Whenever work habits, attitude, production, or personal conduct of an employee falls below a desirable standard, the problem should first be addressed by the mutually cooperative efforts of the Supervisor and the employee. Those efforts include but are not limited to:

- A. an analysis of the problem;
- B. a determination of needed changes and assistance; and
- C. implementation of a corrective plan of action and establishment of achievement dates.

If performance standards are not met within a reasonable period of time, the employee, depending upon the documented reasons for failure, may be transferred, demoted, or dismissed.

**15.05 Unacceptable Conduct**

The following types of conduct are unacceptable and may be the reason for corrective discipline in the form of reprimand, suspension, demotion, or dismissal, depending upon the facts and circumstances of each case. The examples given are typical but not all-inclusive.

- A. Unsatisfactory attendance exemplified by, but not limited to, the following violations:
  - 1. unexcused absence or tardiness;
  - 2. failure to give notice of an absence or tardiness to the Supervisor from within two hours before to within 15 minutes after starting time;
  - 3. separate absences or days of tardiness which exceed the average absences or days of tardiness of the employee's work group and which lack sufficient justification;
  - 4. absence or tardiness without sufficient justification that causes significant curtailment or disruption of service;
  - 5. excessive amounts of time off the job, regardless of the reason; or
  - 6. any absence when the employee has exhausted all sick, vacation, or other available paid leave, if the employee is not on an approved unpaid leave of absence.
  
- B. Job abandonment occurs when an employee, deliberately and without authorization from a Supervisor, is absent from the job, or refuses a legitimate order to report to work. If an employee is absent from work for two (2) or more consecutive work days without properly notifying his Supervisor, the absence will be considered a voluntary resignation. If such a situation occurs, and the employee later returns to work with documentation proving that such absence was totally beyond his control

**EXHIBIT "A"**

and it was impossible to provide the necessary notification, then reinstatement may be considered.

C. Inability or unwillingness to perform assigned work satisfactorily is exemplified by, but is not limited to, the following violations:

1. failure to follow routine written or verbal instructions or being insubordinate to a Supervisor or Department Head;
2. arguing over assignments or instructions; or
3. an accumulation of other deficiencies indicating the employee's continuing failure to adequately perform in a productive, efficient, and competent manner.

D. Indifference towards work is exemplified by, but is not limited to, the following violations:

1. inattention, inefficiency, loafing, sleeping, carelessness, or negligence;
2. failure to remain at one's work station, leaving work without permission, or taking excessive time or more time than allowed for meal or rest periods;
3. interference with the work of others; or
4. discourteous or irresponsible treatment of the public or other employees.

E. Sabotage is exemplified by, but is not limited to, the following violations:

1. deliberate damage to or destruction of City equipment or property;
2. defacing of City property;
3. unauthorized alteration, removal, destruction, or disclosure of City records;
4. advocacy of or participation in unlawful trespass or seizure of City property;
5. encouraging or engaging in slowdowns, sit-ins, strikes, or other concerted actions or efforts to limit or restrict employees from working;
6. interference with the public use of or access to City services, properties, or buildings; or
7. threats to commit any act of sabotage.

F. Safety violations are exemplified by, but are not limited to, the following violations:

1. failure to follow City or departmental safety regulations;
2. failure to use required safety apparel;
3. removal or circumvention of a safety device;
4. lifting in an unsafe manner;



**EXHIBIT "A"**

5. operation of vehicle or other equipment in an unsafe manner;
  6. smoking in a prohibited area;
  7. endangering of one's own safety or that of others by careless or irresponsible actions or negligence;
  8. failure to report an on-the-job injury, vehicle accident, or unsafe work condition; or
  9. failure of a Supervisor to remove from the work place or to assist to a safe location an employee whose mental capabilities are impaired due to injury, illness, alcohol or drug use, or emotional distress.
- G. Dishonesty is exemplified by, but is not limited to, the following violations:
1. cheating, forging, or willful falsification of official City reports or records, including time keeping records and employment applications;
  2. false reporting of the reason for paid leave of absence;
  3. lying or willful omission of fact;
  4. any other falsifying action detrimental to the City or fellow employees; or
  5. making or publishing false, vicious, or malicious statements about the City, a coworker, or a Supervisor.
- H. Theft regardless of property value, is exemplified by, but is not limited to, the following violations:
1. unauthorized taking of City property or the property of others;
  2. unauthorized use of City or employee funds;
  3. using or authorizing the use of City equipment or employee services for other than official City business;
  4. using or authorizing the use of City equipment or employee services without proper authority; or
  5. falsification of time worked.
- I. Insubordination is exemplified by, but is not limited to, the following violations:
1. willful failure or refusal to follow the specific orders or instructions of a Supervisor or higher authority; or
  2. pursuit of a denied request to a higher authority without revealing the lower level disposition; provided that:
    - a. if the employee believes an instruction or order is improper, he should obey the instruction or order and file a grievance later; or
    - b. if the employee believes the instruction or order, if followed, would result in physical injury to the employee or others or damage to City equipment, the employee should request

**EXHIBIT "A"**

approval by the next higher level of supervision before performing the work, unless the danger complained about is inherent to the job.

J. Abuse of drugs or alcohol: Abuse of drugs or alcohol is exemplified by, but is not limited to, the following violations:

1. an employee is judged unable to perform duties in an effective and safe manner due to:
  - a. ingestion, inhalation, or injection of a drug; or
  - b. ingestion of an alcoholic beverage;
2. an employee possesses or ingests, inhales, or injects into his body an illegal drug:
  - a. during working hours;
  - b. in a City vehicle; or
  - c. on City property; or
3. an employee possesses or ingests an alcoholic beverage:
  - a. during working hours;
  - b. in a City vehicle; or
  - c. on City property, except at an authorized City event.

K. Disturbance is exemplified by, but is not limited to, the following violations:

1. fighting or boisterous conduct;
2. deliberate causing of physical injury to another employee or citizen;
3. threatening to cause physical injury to another employee or citizen;
4. intimidation;
5. unnecessary disruption of the work area;
6. use of profane, abusive, threatening, or loud and boisterous language;
7. spreading of false reports; or
8. other disruption of the harmonious relations among employees or between employees and the public.

L. Abuse of City property:

1. Abuse of City property is exemplified by, but is not limited to, the following violations:
  - a. negligent damage or destruction of City equipment or property;
  - b. waste of materials or negligent loss of tools or materials;
  - c. improper maintenance of equipment; or
  - d. damage caused by use of tools or equipment for purposes other than that for which the tool or equipment was intended.

## EXHIBIT "A"

2. In addition to appropriate disciplinary action, damage caused by proven intent will cause the employee to be responsible for the repair or replacement of any damaged property. Failure to reimburse the City is cause for dismissal.

M. Misconduct is any criminal offense or immoral conduct, during or off working hours, which, if it should become public knowledge, could have an adverse effect on the City or on the confidence of the public in City government.

N. Disregard of public trust is any conduct, during or off working hours, which, if it should become public knowledge, could impair the public's confidence or trust in the operation of City government.

O. Failure to report a violation is exemplified by, but not limited to, failure to report to the proper authority any known violation described in this Chapter.

P. Violation of City Codes is any activity which violates any provision of the City Code or any City Ordinance. Compliance with City Codes is required by all City employees.

### 15.06 Disciplinary and Legal Actions

Employees must immediately notify their Supervisor and/or their Department Head if they are arrested, charged, indicted, convicted, receive deferred adjudication, probation, or plead nolo contendere to any misdemeanor or felony; provided, however, employees who do not drive as part of their job duties with the City are not required to report minor traffic violations.

When an employee is arrested, charged or indicted for a felony or misdemeanor, or accused of official misconduct or other serious criminal violation, and the evidence obtained during an internal administrative investigation supports a violation of this section, disciplinary action may be taken independently of and before any legal action or criminal conviction.

During an internal investigation into alleged misconduct or violations of City policies, the City may, at its sole discretion, place the employee on paid administrative leave.

At the City Manager's discretion, an employee arrested, charged or indicted for a felony or misdemeanor, or accused of official misconduct or other serious criminal violation, may be placed on unpaid administrative leave until the charge, indictment or information is dismissed or fully adjudicated without trial, and, if tried, until the trial and appeal (if any) are completed and all related administrative matters are concluded. An employee on administrative leave may be reinstated to the position held before being placed on administrative leave (if available) if the indictment or information is dismissed, the employee is acquitted, or the conviction is reversed on appeal.

### 15.07 Gifts and Gratuities

**EXHIBIT "A"**

Acceptance of gifts, gratuities, significant discounts, commissions, loans, or any other item(s) (collectively, "Gifts") by employees from any person or entity with whom the City has or is contemplating having a business relationship (e.g., vendors, supplies, or consultants) may create an appearance that the Gift was intended to influence such employees in making certain decisions. For that reason, employees may not accept such Gifts of monetary value. This guideline is not intended to prohibit normal or customary business practices, such as meetings over meals, corporate items given to participants in meetings and conferences, or token hosting gifts, as long as they are of reasonable value and promote the City's legitimate business interests. Should an employee believe there is an appropriate reason to make an exception for a specific situation, that employee should contact his/her immediate supervisors or the City Manager prior to accepting the gift.

**15.08 Political Activity**

- A. Policy. In order to maintain a high level of professionalism within the City and maintain the proper operation of a democratic government, an employee of the City shall not:
1. Coerce another employee to participate in, or to refrain from participating in, a political campaign; or
  2. Require an employee to contribute to any political fund, render any political service, or support any political election or punish an employee in any way for refusing to do so.
- B. Endorsements as City Employees. Employees are prohibited from using their official capacity to influence, interfere with, or affect the results of an election. City employees shall not participate in any of the following types of activities:
1. Employees, during hours of work or while in uniform, shall not take an active part in any political campaign for an elective position. The term "active part" includes but is not limited to the following:
    - a. making political speeches;
    - b. passing out cards or other political literature;
    - c. writing letters or signing petitions;
    - d. actively and openly soliciting votes; or
    - e. making public remarks about the candidates for such elective positions.
  2. Employees shall not engage in any activity which could be construed as giving Departmental sanction to any candidate for public office. This includes, but is not limited to, the following:

## EXHIBIT "A"

- a. soliciting votes, wearing campaign buttons, or distributing campaign literature at work or in a City uniform or in the offices or buildings of the City of Breckenridge;
- b. listing the employee's position or occupation in an endorsement of a candidate for public office; or
- c. addressing political gatherings in support of, or in opposition to, a partisan candidate where the employee's occupations is mentioned or listed.

C. Candidates for Breckenridge City Commission. Any City employee who enters a race for Breckenridge City Commission shall resign. If he loses the race, he can be reinstated to his previous position if the position is still open and available.

D. Candidates for Political Office. Employees shall not hold an appointive or elective City office, a partisan office in any jurisdiction, or any other office where service would constitute a direct conflict of interest with City employment. If an employee decides to assume such an office, the employee shall resign from City employment or shall immediately forfeit employment with the City.

### 15.09 Code of Ethics

- A. Generally. The employees of the City of Breckenridge are expected to adhere to high ethical standards of conduct in the performance of their duties, observing all laws, regulations, and confidentiality governing business transactions, competing fairly with others, and using City funds only for legitimate and ethical purposes. In general, the use of good judgment based on high ethical principles will guide the employees with respect to acceptable conduct. However, to avoid any misunderstanding with regard to areas of conduct most likely to give rise to questions of ethics, confidentiality, objectivity, and conflicts of interest, the following shall be observed:
1. Employees should exercise the highest standards of care, including diligence and prudence when conducting any activity on behalf of the City.
  2. Employees should, in all of their actions, act fairly, responsibly, without any personal benefit, and without bias in any direction in regard to all decisions, transactions, or proposed courses of action.
  3. Employees should assume that every situation and every action undertaken could be subject to public scrutiny.
  4. When negotiating on behalf of the City, employees shall maintain an arm's-length relationship with those the City may enter into contracts or business transactions to remain objective.
  5. Employees have an obligation to disclose to the City Manager any relationships which create, potentially create, or may appear to be a conflict of interest.

## EXHIBIT "A"

6. With respect to a potential contract or transaction between the City and a person or an entity with which an employee is affiliated, the employee shall not act as advocates or give any special consideration in the City's decision-making process.
  7. In the event of doubt, each situation should be resolved in accordance with the principle of avoiding the appearance of impropriety. Such matters should be brought to the attention of the City Manager or the employee's immediate supervisor.
- B. Conflicts of Interest. Although it is difficult to describe every conflict-of-interest situation, in general, a conflict of interest may arise when employees or close relatives or members of the household of such employees hold or have held positions or have interests or beliefs that would tend to affect the employees' independence of judgment in regard to a contract or other transaction or agreement. In particular, a conflict of interest may arise when employees have material direct or indirect financial interests in the outcome of a decision or when employees have a legal interest or other conflict of loyalties that would not necessarily result in financial gain but would interfere with the employees' impartiality. Any potential conflict of interest of an employee should be disclosed to an immediate supervisor or the City Manager, and such employees shall not participate in the decision-making process with respect to that potential conflict.

Although not inclusive and intended only to provide guidance, the following activities illustrate types of potential or actual conflicts of interest that should be avoided and disclosed, as applicable, in accordance with this policy:

1. **Self-benefit:** Using an employee's position or relationships within the City to promote his/her own interests or those of the employee's family, including using confidential or privileged information gained in the course of employment at the City for personal benefit or gain or for the personal gain or benefit of family members.
2. **Influence peddling:** Soliciting personal benefits from outside organizations in exchange for advancement of the interests of that outside organization within the City.
3. **Other business relationships and dealings:** Employees having significant financial or other interests or relationships in a supplier or other business or entity that conducts or seeks to conduct business with the City.
4. **Property transactions:** Employees directly or indirectly leasing, renting, trading, or selling real or personal property to the City.
5. **Use of the City property for personal advantage:** Using or taking City resources, including facilities, equipment, personnel, and supplies, for personal use or other unauthorized, non-City activities.
6. **Recording or reporting false information:** Misrepresenting, withholding, or falsifying relevant information required to be reported

**EXHIBIT "A"**

to external parties or used internally for decision-making purposes, to derive personal benefits.

- C. Confidential Information. Information should be considered confidential if it is not readily available to the public and should not be disclosed or made accessible to anyone or any entity that does not have a legitimate and business-related need for such information (e.g., vendor bids and related information or employee personal data). The City retains the exclusive right to determine who shall be granted access to such information, and employees must exercise good judgment and care at all times regarding dissemination of City information. Upon termination of employment, employees must return to the City all documents and materials that contain confidential information as determined by the City.
- D. Reporting of Code of Ethics Violations. It is the responsibility of employees to report violations or suspected violations of this Code to their immediate supervisors or the City Manager. Such violations or suspected violations may be submitted on a confidential basis or may be submitted anonymously. All reports will be kept confidential to the extent possible or allowed by law, consistent with the need to conduct an adequate investigation; all reports will be promptly investigated, and appropriate corrective action will be taken if warranted by the investigation and upon review and approval by the City's legal counsel.

Employees reporting a violation or suspected violation must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation of this Code. If reported in good faith, employees will not suffer harassment, retaliation, or adverse employment consequences as a result of their reporting violations or suspected violations. Any employee who retaliates against another employee who has reported a violation or suspected violation in good faith will be subject to discipline up to and including termination of employment. Further, any reported allegations that prove not to be substantiated and which prove to have been made maliciously or knowingly to be false may be viewed as a serious disciplinary offense.