



Physical Address: 501 South Main Street

Mailing Address: PO Box 228

Rhome, Texas 76078

Telephone: 817-636-2462

[www.cityofrhome.com](http://www.cityofrhome.com) | [citysecretary@cityofrhome.com](mailto:citysecretary@cityofrhome.com)

**Mayor**  
Jo Ann Wilson

**City Council**

**Mayor Pro-Tem,  
Place 3**  
Elaine Priest

**Place 1**  
Josh McCabe

**Place 2**  
Michelle Tye

**Place 4**  
Sam Eason

**Place 5**  
Ashley Majors

**City  
Administrator**  
Cynthia Northrop

**City Attorney**  
Carvan Adkins

**City Secretary**  
Shannon  
Montgomery

**Fire Chief**  
Darrell Fitch

**Interim Police  
Chief**  
Brody Brown

**Public Works  
Director**  
Sean Densmore

## NOTICE OF SPECIAL MEETING OF THE RHOME CITY COUNCIL

**Meeting Date: Thursday, April 29, 2021**

**Location: VIA TELEPHONE CONFERENCE**

**MEETING START TIME: 6:30 PM**

**(Total Estimated Meeting Time 1 Hour and 56 Minutes)**

**NOTICE IS HEREBY GIVEN** in accordance with order of the Office of the Governor issued March 16, 2020, and most recently extended on April 5, 2021, the City Council of the City of Rhome will conduct its Special Meeting scheduled for 6:30pm on Thursday, April 29, 2021 by telephone conference in order to advance the public health goal of limiting face-to-face meetings (also called "social distancing") to slow the spread of the Coronavirus (COVID-19).

**This meeting will be closed to in person attendance by the public.**

A temporary suspension of the Open Meetings Act to allow telephone or videoconference public meetings has been granted by Governor Greg Abbott. These actions are being taken to mitigate the spread of COVID-19 by avoiding meetings that bring people into a group setting and in accordance with Section 418.016 of the Texas Government Code.

Telephonic and videoconferencing capabilities will be utilized to allow individuals to address the Council. Members of the public are entitled to participate remotely **via GoToMeeting Teleconferencing. Citizens may join the GoToMeeting:**

### **Special City Council Meeting**

Thursday, April 29, 2021 6:30PM (CDT)

### **You can dial in using your phone:**

United States (Toll Free): 1-877-309-2073

United States: 1-571-317-3129

**Access Code:** 802-337-061

Members of the public who wish to submit written comments on a listed agenda item must submit their comments to [citysecretary@cityofrhome.com](mailto:citysecretary@cityofrhome.com) no later than **4:00pm on day of meeting.**

The public will be permitted to offer public comments telephonically as provided by the agenda and as permitted by the presiding officer during the meeting.

This meeting will be recorded and the recording will be available to the public in accordance with the Open Meetings Act upon written request.

### **Call to Order and Establish a Quorum (Estimated 1 minute)**

### **Public Presentations and Input (Estimated Time Varies)**

*The Council is not permitted to take action on or discuss any presentations made to the Council at this time concerning an item not listed on the agenda. The Council will hear comments during this designated time. Request form, or email, must be submitted to the City Secretary, via email to [citysecretary@cityofrhome.com](mailto:citysecretary@cityofrhome.com), prior to 4:00pm to be recognized.*

## **Announcements from Mayor and Council Members (Estimated 2 minutes)**

### **May 2021 Events:**

- Saturday, May 1, 2021 – Election Day – Rhome Community Center
- Wednesday, May 12, 2021 – Special Council Meeting to Canvass the May 1, 2021 General Election
- Thursday, May 27, 2021 – Regular Council Meeting

## **Consent Agenda (Estimated 2 minutes)**

*All items under this section are recommended for approval for the Consent Agenda. These items are of a routine nature and require only brief deliberation by Council. Council reserves the right to remove any item on the Consent Agenda for further deliberation.*

- A. Minutes of City Council Regular Session dated April 8, 2021 **(City Secretary)**
- B. Discussion and any necessary action regarding amending Section 1.01.001, “Adoption” of Chapter 1, “General Provisions” of the City of Rhome’s Municipal Code of Ordinances **(City Administrator)**
- C. Discussion and any necessary action regarding repealing Resolution No. 2011-02R **(Mayor/City Administrator)**
- D. Discussion and any necessary action regarding Rhome Fire Rescue’s 2021 CPR/AED Initiative **(Fire Chief)**

## **Regular Session – Old Business**

- E. Discussion and any necessary action regarding holding in-person council meetings **(Estimated 5 minutes/Council Member Majors)**

## **Regular Session – New Business**

- F. Discussion and any necessary action regarding amending Article 3.05, “Dangerous and Substandard Buildings” of Chapter 3, “Building Regulations” of the City of Rhome’s Municipal Code of Ordinances **(Estimated 10 minutes/City Administrator)**
- G. Discussion and any necessary action regarding amending Chapter 5, “Fire Prevention and Protection”, of the City of Rhome’s Municipal Code of Ordinances **(Estimated 10 minutes/Fire Chief)**
- H. Discussion and any necessary action regarding Quarterly Budget Amendments for Fiscal Year 2020-2021 **(Estimated 5 minutes/City Administrator)**
- I. Discussion and any necessary action regarding a Proclamation for Annual Professional Municipal Clerks Week (May 2 – 8, 2021) **(Estimated 2 minutes/City Administrator)**
- J. Discussion and any necessary action regarding a Proclamation for National Public Works Week (May 16 – 23, 2021) **(Estimated 2 minutes/City Administrator)**
- K. Discussion and any necessary action regarding a Social Media Policy **(Estimated 10 minutes/City Administrator/Council Members McCabe/Majors)**
- L. Discussion and any necessary action regarding a facilities update and authorizing the City Administrator to sign a lease extension for City Hall **(Estimated 10 minutes/City Administrator/Mayor Pro Tem Priest/Council Member McCabe)**
- M. Discussion and any necessary action regarding failure of the Mayor to submit a weekly report to the City Council **(Estimated 10 minutes/Council Member Eason)**
- N. Discussion and any necessary action regarding authorizing City Administrator to work with TxDOT to obtain Jake Brake signage along State Highway 287 **(Estimated 5 minutes/Mayor)**

O. Discussion and any necessary action regarding Fiberoptics **(Estimated 5 minutes/Mayor)**

**Executive Session (Estimated 30 minutes)**

Pursuant to the following designated section of the Texas Government Code, Annotated, Chapter 551 (Texas Open Meetings Act), the Council may convene into executive session to discuss the following:

- P. Section 551.071 Consultation with Attorney - pending or contemplated litigation, settlement offer or to seek advice from attorney
- Q. Section 551.072 Deliberation regarding Real Property - purchase, exchange, lease, or value of real property if deliberation in an open meeting would have detrimental effect on position of the governmental body in negotiations with a third person
- R. Section 551.074 Personnel – discuss appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee, or hear complaint or charge against officer or employee in executive session unless officer or employee requests public
  - Police Chief
- S. Section 551.087 – Deliberations regarding Economic Development Negotiations – to discuss or deliberate regarding commercial or financial information that the City has received from a business prospect that the City seeks to locate, stay or expand in or near the City and with which the City is conducting economic development negotiations
  - QT

**Reconvene into Regular Session**

T. Discussion and any necessary action as a result of Executive Session **(Estimated 5 minutes)**

**Future Agenda Items (Estimated 1 minute)**

**Adjourn (Estimated 1 minute)**

**A quorum of Planning & Zoning Commissioners may be present at this meeting and its members may participate in the discussions of the items on the agenda over which they have responsibilities or authority.**

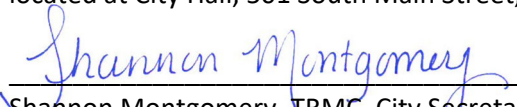
**A quorum of Parks & Recreation Board Members may be present at this meeting and its members may participate in the discussions of the items on the agenda over which they have responsibilities or authority.**

*\*Pursuant to the Open Meetings Act, Chapter 551, Section 551.071 of the Texas Government Code, the Council may convene into executive session at any time during the meeting if a need rises for the City Council to seek advice from the City Attorney concerning any item on this agenda, to discuss pending and contemplated litigation, or a settlement offer, or to discuss a matter in which the duty of the attorney to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Board of Texas clearly conflicts with Chapter 551.*

*The Council may vote and / or act upon each of the items listed in this Agenda. Except for Public Presentation and Input and items in the Agenda designated as public hearing or otherwise designated for public input, there will be no public input during the course of this meeting without express authorization from the presiding officer.*

*This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to the meeting. Please contact City Hall at 817-636-2462 for further information.*

**CERTIFICATION:** I do hereby certify that the above City Council Agenda was posted on the designated bulletin board located at City Hall, 501 South Main Street, Rhome, Texas by 6:00 pm on the 26th day of April 2021.

  
Shannon Montgomery, TRMC, City Secretary

I certify that the attached notice and agenda of items to be considered by the Rhome City Council was removed by me from the designated bulletin board located at City Hall, 501 South Main Street, Rhome, Texas, on the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_, Title: \_\_\_\_\_



## Agenda Commentary

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**Meeting Date:** April 29, 2021

**Department:** Administration

**Contact:** Shannon Montgomery

**Agenda Item:** A. Minutes of City Council Regular Session dated April 8, 2021 **(City Secretary)**

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**Type of Item:** ☐ Ordinance ☐ Resolution ☐ Contract/Agreement ☐ Public Hearing  
☐ Plat ☐ Discussion & Direction ☒ Other

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**Summary-Background:** Minutes of April 8, 2021 Council Workshop

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**Funding Expected:** ☐ Revenue ☐ Expenditure ☒ N/A

**Budgeted Item:** ☐ Yes ☐ No ☒ N/A

**Funding Account:** \_\_\_\_\_ **Amount:** \_\_\_\_\_

**Legal Review Required:** ☒ N/A ☐ Required **Date Completed:** \_\_\_\_\_

**Engineering Review** ☐ **FD Review** ☐ **PD Review** ☐ **PW Review** ☐

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**Supporting Documents attached:**

Draft Minutes of April 8, 2021 Council Meeting

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**Recommendation:**

Approve Draft Meeting Minutes

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**Interim Police  
Chief**  
Brody Brown

**Public Works  
Director**  
Sean Densmore

## NOTICE OF REGULAR MEETING OF THE RHOME CITY COUNCIL

**Meeting Date: Thursday, April 8, 2021**

**Location: VIA TELEPHONE CONFERENCE**

**MEETING START TIME: 6:30 PM**

### **Call to Order and Establish a Quorum**

Mayor Wilson called the meeting to order at 6:30pm. City Secretary Montgomery called roll and announced a quorum of Council Members present.

### **Council Members Present:**

Mayor Jo Ann Wilson

Council Member Josh McCabe

Mayor Pro Tem Elaine Priest

Council Member Michelle Tye

Council Member Sam Eason

Council Member Ashley Majors

### **City Staff Present:**

City Administrator Cynthia Northrop

City Attorney Carvan Adkins

City Secretary Shannon Montgomery

Fire Chief Darrell Fitch

Interim Police Chief Brody Brown

Public Works Director Sean Densmore

### **Public Presentations and Input**

*The Council is not permitted to take action on or discuss any presentations made to the Council at this time concerning an item not listed on the agenda. The Council will hear comments during this designated time. Request form, or email, must be submitted to the City Secretary, via email to [citysecretary@cityofrhome.com](mailto:citysecretary@cityofrhome.com), prior to 4:00pm to be recognized.*

The following made Public Presentations to the Council:

- Tommie Eason – Mount Lane, Rhome, Texas
- Cathy Coffee – Mount Lane, Rhome, Texas
- Michelle Pittman Di Credico – Cheyenne Trail North, Rhome, Texas
- Deborah BeCraft – West Second, Rhome, Texas

### **Announcements from Mayor and Council Members**

Mayor Wilson stated Spring has started and it is time for Rhome to start fresh and listed the events for April:

- April 19 thru April 27, 2021 (M-F) – Early Voting at Rhome Community Center
- April 22, 2021 – Regular City Council Meeting
- April 29, 2021 – Special City Council Meeting

### **Consent Agenda**

*All items under this section are recommended for approval for the Consent Agenda. These items are of a routine nature and require only brief deliberation by Council. Council reserves the right to remove any item on the Consent Agenda for further deliberation.*

#### **A. Minutes of City Council Workshop Session dated March 20, 2021**

#### **B. Minutes of City Council Regular Session dated March 25, 2021**

#### **C. Appointments of Kirby Lord and Todd Attebery as Rhome Reserve Police Officers**

Motion made by Mayor Pro Tem Priest, seconded by Council Member Eason to approve the Consent Agenda items as presented, including the original set of draft minutes from March 25, 2021 City Council Regular Session.

City Secretary Montgomery asked for a roll-call vote:

Council Member McCabe:	Aye
Council Member Tye:	Aye
Mayor Pro Tem Priest:	Aye
Council Member Eason:	Aye
Council Member Majors:	Nay

Motion carried 4-1 with Council Members McCabe, Tye, Priest and Eason voting for and Council Member Majors voting against.

### **Monthly Staff Reports and Board Minutes**

*All items under this section are for informational purposes only; no action will be taken by Council.*

#### **D. Departments: Administration, Building & Development, Fire Rescue, Municipal Court, Police, and Public Works**

#### **E. Minutes of Regular Planning & Zoning Commission Meeting dated March 1, 2021**

No discussion.

### **Regular Session – Old Business**

#### **F. Discussion and any necessary action authorizing the City Administrator to execute a standard Developers agreement with Sahihi/Holly Parkway development**

City Administrator stated that both the City Attorney and Developer have reviewed the proposed agreement and both agree with it.

Motion made by Council member McCabe, seconded by Council Member Tye, to authorize the City Administrator to execute the Developers agreement with Sahihi/Holly Parkway Development as presented.

City Secretary Montgomery asked for a roll-call vote:

Council Member McCabe:	Aye
Council Member Tye:	Aye
Mayor Pro Tem Priest:	Aye
Council Member Eason:	Aye
Council Member Majors:	Aye

Motion carried unanimously.

## **Regular Session – New Business**

### **G. Discussion and any necessary action regarding proposed CDBG Community Grant**

City Administrator Northrop reminded Council of the May 3, 2021 submission deadline and stated that she wanted to give Council ample time to review prior to submission.

Council Member Eason asked Lenore Hellman, GrantWorks, if the process has gone as smoothly as was expected. Hellman stated the process was very smooth and provided that she and two additional persons have reviewed the application.

Northrop stated that she has been very pleased with GrantWorks and Hellman's professionalism.

Hellman stated that the City should receive a response no later than November 2021.

Motion made by Council Member Eason, seconded by Council Member Majors to approve the application for submission.

City Secretary Montgomery asked for a roll-call vote:

Council Member McCabe:	Aye
Council Member Tye:	Aye
Mayor Pro Tem Priest:	Aye
Council Member Eason:	Aye
Council Member Majors:	Aye

Motion carried unanimously.

### **H. Discussion regarding Right-of-Way definition as it pertains to political sign placement**

Both City Attorney Adkins and City Administrator Northrop both defined the Right-of-Way as being in front of the utility poles and this is how the City had defined the Right-of-Way for the past several years in its application of the placement of political signs. City's interpretation of sign placement behind the utility poles is common, clear and fair for all candidates.

Discussion only, no action taken.

### **I. Discussion and any necessary action regarding a contract for Rhome Police Chief background check**

City Administrator Northrop stated background checks are performed for all potential employees and would like to use an independent contractor to perform the background for the Police Chief candidate. Northrop stated that the Police department does have the funds necessary to execute this contract.

Motion made by Council Member Tye, seconded by Council Member Majors, to approve the contract and authorize the City Administrator to execute said contract.

City Secretary Montgomery asked for a roll-call vote:

Council Member McCabe:	Aye
Council Member Tye:	Aye
Mayor Pro Tem Priest:	Aye
Council Member Eason:	Aye
Council Member Majors:	Aye

Motion carried unanimously.

### **J. Discussion and any necessary action regarding Council interaction with City Employees**

Mayor Wilson stated that the City Administrator oversees all employees and that the City Administrator works with the Mayor. City Attorney Adkins stated that as an elected official, council members, as a group, have official immunity. A



single/separate council member does not have the authority to go directly to an employee. Adkins recommended that council members not go to an employee directly, but go to the City Administrator.

Discussion only, no action taken.

#### **K. Discussion and any necessary action regarding Senior Luncheons**

Council Member Majors stated she asked that this agenda item be placed on the agenda as she feels that the senior luncheons should be re-enacted and have the City Administrator oversee the luncheons.

Council members discussed if senior luncheons was a function of the city and whether or not activities should take place in the Senior building as it is not up to code, and would the City be responsible?

Mayor Pro Tem Priest suggested that the senior organization reach out to the area churches to see if they could use their facilities and that the organization should get their 5013c status.

Discussion only, no action taken.

#### **L. Discussion and any necessary action regarding Parks**

Council Member Majors would like Council to consider updating the City's current parks prior to spending funds for a new park in ByWell. Majors continued by listing items in need of repair at the Family Park.

City Administrator Northrop stated that Public Works Director Densmore and staff continue to work on repairs, to which Densmore listed off items that have been repaired and the cost of repairs that need to be made.

Mayor Pro Tem Priest asked if Public Works was keeping a list of all the maintenance items and if those items would be listed in the upcoming budget for discussion.

Majors asked again if Council could consider maintaining the current parks prior to creating a new one.

Densmore stated that both could be done concurrently with separate budgets.

Council discussed the idea of alternative funding, community surveys, and grant possibilities.

Discussion only, no action taken.

#### **M. Discussion and any necessary action regarding proposed changes to the Employee Personnel Handbook**

Motion made by Council Member McCabe, seconded by Council Member Eason, to approve the proposed change as presented.

City Secretary Montgomery asked for a roll-call vote:

Council Member McCabe: Aye

Council Member Tye: Aye

Mayor Pro Tem Priest: Aye

Council Member Eason: Aye

Council Member Majors: Aye

Motion carried unanimously.

## **Executive Session**

Pursuant to the following designated section of the Texas Government Code, Annotated, Chapter 551 (Texas Open Meetings Act), the Council may convene into executive session to discuss the following:

- N. Section 551.071 Consultation with Attorney - pending or contemplated litigation, settlement offer or to seek advice from attorney
  - Long-Term water source
- O. Section 551.072 Deliberation regarding Real Property - purchase, exchange, lease, or value of real property if deliberation in an open meeting would have detrimental effect on position of the governmental body in negotiations with a third person
  - Old Mill & Morris Street
- P. Section 551.074 Personnel – discuss appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee, or hear complaint or charge against officer or employee in executive session unless officer or employee requests public
  - City Administrator
- Q. Section 551.087 – Deliberations regarding Economic Development Negotiations – to discuss or deliberate regarding commercial or financial information that the City has received from a business prospect that the City seeks to locate, stay or expand in or near the City and with which the City is conducting economic development negotiations
  - QT

Mayor Wilson convened into Executive Session at 8:22pm.

Mayor Wilson reconvened into Regular Session at 10:13pm.

## **Reconvene into Regular Session**

### **R. Discussion and any necessary action as a result of Executive Session**

Motion made by Council Member McCabe, seconded by Council Member Eason, to instruct the City Attorney to amend the City Administrator's current contract as discussed in Executive Session and upon completion authorize the Mayor or the Mayor Pro Tem to execute said contract.

City Secretary Montgomery asked for a roll-call vote:

Council Member McCabe:	Aye
Council Member Tye:	Aye
Mayor Pro Tem Priest:	Aye
Council Member Eason:	Aye
Council Member Majors:	Nay

Motion carried 4-1 with Council Members McCabe, Tye, Priest and Eason voting for and Council Member Majors voting against.

### **Future Agenda Items**

Council Member Majors requested another agenda item pertaining to city events.

### **Adjourn**

Mayor Wilson adjourned the meeting at 9:16pm.

**Minutes approved the 29th day of April 2021.**

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Jo Ann Wilson,  
Mayor

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Shannon Montgomery, TRMC  
City Secretary



## Agenda Commentary

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**Meeting Date:** Thursday, April 29, 2021

**Department:** Administration

**Contact:** Shannon Montgomery, TRMC

**Agenda Item:** B. Discussion and any necessary action regarding amending Section 1.01.001, "Adoption" of Chapter 1, "General Provisions" of the City of Rhome's Municipal Code of Ordinances

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**Type of Item:** ☒ Ordinance ☐ Resolution ☐ Contract/Agreement ☐ Public Hearing  
☐ Plat ☐ Discussion & Direction ☐ Other

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**Summary-Background:**

On November 12, 2020, City Council approved the switch from Franklin Legal Publishing to Municode for the City's codification services. The switch is complete, the City needs to change the name of our codifier from Franklin Legal Publishing to Municode.

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**Funding Expected:** ☐ Revenue ☐ Expenditure ☒ N/A

**Budgeted Item:** ☐ Yes ☐ No ☒ N/A

**Funding Account:** \_\_\_\_\_ **Amount:** \_\_\_\_\_

**Legal Review Required:** ☐ N/A ☒ Required **Date Completed:** April 23, 2021

**Engineering Review** ☐ **FD Review** ☐ **PD Review** ☐ **PW Review** ☐

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**Supporting Documents attached:**

Draft Ordinance No. 2021-05

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**Recommendation:**

Adopt Draft Ordinance No. 2021-05.

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**CITY OF RHOME, TEXAS  
ORDINANCE NO. 2021-01**

**AN ORDINANCE AMENDING SECTION 1.01.001, "ADOPTION" OF ARTICLE 1.01, "CODE OF ORDINANCES" OF CHAPTER 1, "GENERAL PROVISIONS" OF THE CITY OF RHOME'S MUNICIPAL CODE OF ORDINANCES TO CHANGE THE NAME OF THE CITY'S CURRENT CODIFIER; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PUBLICATION CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Rhome is a Type-A general law municipality located in Wise County, created in accordance with the provisions of Chapter 6 of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

**WHEREAS**, the City Council desires to amend Section 1.01.001. "Adoption" of Article 1.01, "Code of Ordinances" of Chapter 1, "General Provisions" to change the name of the City's Current Codifier; and

**WHEREAS**, the City Council finds that this ordinance is in the best interests of the citizens of the City of Rhome.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RHOME, TEXAS:**

**SECTION 1.  
AMENDMENT**

Section 1.01.001. "Adoption" of Article 1.01, "Code of Ordinances" of Chapter 1, "General Provisions" of the City of Rhome's Municipal Code of Ordinances is hereby amended to read as follows:

**"Sec 1.01.001 Adoption"**

There is hereby adopted the Municipal Code of Ordinances and Zoning Code of Ordinances of the City of Rhome, Texas, as compiled, edited and published by Municode."

**SECTION 2.  
SEVERABILITY CLAUSE**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the

same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 3.  
SAVINGS CLAUSE**

All rights and remedies of the City of Rhome, Texas are expressly saved as to any and all violations of the City's Municipal Code of Ordinances which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

**SECTION 4.  
PUBLICATION CLAUSE**

The City Secretary of the City of Rhome, Texas is hereby directed to publish in the official newspaper of the City of Rhome, Texas, the caption of this Ordinance in accordance with Section 52.011 of the Local Government Code.

**SECTION 5.  
EFFECTIVE DATE**

This Ordinance shall be in full force and effect from and after its passage and publication as required by law.

**PASSED AND APPROVED** by the City Council of the City of Rhome, Texas, this the 29th day of April 2021.

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Jo Ann Wilson,  
Mayor

[SEAL]

ATTEST:

APPROVED AS TO FORM:

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Shannon Montgomery, TRMC  
City Secretary

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Carvan E. Adkins,  
City Attorney



## Agenda Commentary

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**Meeting Date:** April 29, 2021

**Department:** Administration

**Contact:** Cynthia Northrop

**Agenda Item:** C. Discussion and any necessary action regarding repealing Resolution No. 2011-02R

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**Type of Item:** \_\_\_ Ordinance X Resolution \_\_\_ Contract/Agreement \_\_\_ Public Hearing  
\_\_\_ Plat \_\_\_ Discussion & Direction \_\_\_ Other

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**Summary-Background:**

After questions were raised on Resolution 2011-02R and subsequent review by City Attorney, it has been determined that this Resolution is unenforceable as it seems to be an attempt to curtail U.S. Constitutionally guaranteed rights of free speech and association.

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**Funding Expected:** \_\_\_ Revenue \_\_\_ Expenditure \_\_\_ N/A

**Budgeted Item:** \_\_\_ Yes \_\_\_ No \_\_\_ N/A

**Funding Account:** \_\_\_\_\_ **Amount:** \_\_\_\_\_

**Legal Review Required:** X N/A \_\_\_ Required **Date Completed:** April 23, 2021

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**Supporting Documents attached:** Resolution 2011-02R

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**Recommendation:** Adopt Resolution repealing Resolution 2011-02R

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**CITY OF RHOME**

**RESOLUTION NO. 2011 - 02R**

**A RESOLUTION OF THE CITY OF RHOME RELATING TO USE OF CITY FACILITIES FOR POLITICAL MESSAGES OR ADVERTISEMENTS.**

**WHEREAS**, the City Council of the City of Rhome has determined that all arms are portions of the City should be mutual with regards to any political activities of its citizens or any other parties; and

**WHEREAS**, the City has various entities which could be utilized for political messages or advertisements such as the City Newsletter, billing, website or City property; and

**WHEREAS**, the City Council has determined that it should remain neutral with regards to all such matters;

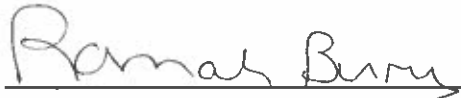
**NOW, THEREFORE, BE IT RESOLVED**, it is hereby declared to be the policy of the City of Rhome, Wise County, Texas, that no arm, entity, property or other any other aspect of the City of Rhome shall be used for political messages or advertisements save and except public right-of-way not regulated by any State or Federal agency and such use is hereby prohibited and such shall be enforced by the oversight and direction of the Mayor and the Mayor may, also, refer any such questions regarding a "political" use to the City Council for their review and determination.

**PASSED BY THE CITY COUNCIL ON THIS** 14 **DAY OF** April, **2011**, by a vote of 4 to 1.

  
\_\_\_\_\_  
EVELYN OBENOUR,  
MAYOR, CITY OF RHOME

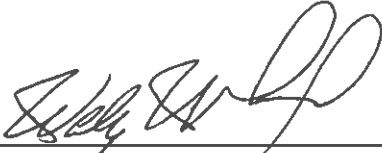


ATTEST:



CITY SECRETARY, CITY OF RHODE

APPROVED AS TO FORM:



WALTER W. LEONARD  
CITY ATTORNEY

RESOLUTION - USE OF CITY FACILITIES

PAGE 2

**CITY OF RHOME  
RESOLUTION NO. 2021-07**

**A RESOLUTION OF THE CITY OF RHOME, TEXAS REPEALING RESOLUTION 2011-02R; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Council finds that repealing Resolution 2011-02R is in the best interests of the citizens of the City of Rhome.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RHOME, TEXAS:**

That the City Council hereby repeals Resolution 2011-02R in its entirety.

**PASSED AND APPROVED** this the 29th day of April 2021.

\_\_\_\_\_  
Jo Ann Wilson,  
Mayor

[SEAL]

ATTEST:

\_\_\_\_\_  
Shannon Montgomery, TRMC  
City Secretary

APPROVED TO AS FORM:

\_\_\_\_\_  
Carvan E. Adkins,  
City Attorney



Physical Address: 501 South Main Street

Mailing Address: PO Box 228

Rhode, Texas 76078

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## AGENDA ITEM D



# RHOME FIRE RESCUE

*Duty • Honor • Compassion • Service*

261 N. School Road - P.O. Box 228 - Rhome, Texas 76078  
817-636-2001 station17@rhomefirerescue.com

April 22, 2021

**TO:** Cynthia Northrop, City Administrator

**FROM:** Darrell Fitch, Fire Chief

**RE:** 2021 CPR/AED Initiative

Rhome Fire Rescue would like to begin roll out of the 2021 CPR/AED Initiative in our community as previewed in the 2020 Annual Report that was presented to the City Council earlier this year for Community Risk Reduction (CRR).

Remember that the Department's Community Risk Reduction (CRR) is the identification and prioritization of risks, threats, and hazards followed by the evaluation and implementation of strategies to lessen their impact. Prevention activities have expanded and evolved from fire to identifying other risk factors that threaten the safety of our community. CRR is the system and process used by the Department in which programs, actions, and services within our community are utilized to prevent injuries, loss of life, loss of property, and damage to the environment. The goals and objectives based on the Department's Strategic Plan include the 2021 CPR/AED Initiative as an identified need within our Community.

Several of the initial steps in this CPR/AED Initiative have already been completed, and now it is time to expand further to other City departments and our Community. The CPR/AED Initiative includes several key objectives and metrics as follows:

1. RFR personnel complete requirements for certification as American Heart Association Instructors for both the Heart Saver course and the BLS Healthcare Provider course.
2. Purchase AEDs to be installed in each of the city facilities to assist with sudden cardiac emergencies.
3. Provide in-house training with certified AHA instructors for all city staff to have the opportunity to become CPR/AED certified at either the Heart Saver or BLS Healthcare Provider levels.
4. Promote low cost or no cost classes within the Community for CPR/AED training with the goal of educating the public to promote a Heart Healthy Community.
5. Secure funding sources to cover costs for classes through various sources such as donations and/or sponsors within the community.

Objectives 1 and 2 are complete, and Objective 3 has commenced. RFR has two certified AHA instructors who are fully trained and have already completed several classes for CPR/AED BLS Healthcare Provider



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certification for both the Fire and Police Department personnel. Through Coronavirus Relief Funds (CRF), the City has purchased eight AEDs and cabinets to be deployed in the coming weeks at the Police Station, Public Works Offices, City Hall, and the Community Center once all staff are fully trained on the equipment.

The next step to complete objective 3 is to have all City staff complete CPR/AED training. This promotes safety in the workplace for City employees as well as for visitors at City facilities in the event that a sudden cardiac emergency occurs. The time from the start of a sudden cardiac event to the time CPR is started and an AED is in place on the patient is critical to survival.

Once Objective 3 is completed, the roll out to the Community is scheduled to occur during the last half of 2021 with Objectives 4 and 5. This roll out will include classes offered to the Community with funding from outside sources to offset the cost of the program.

I would like to ensure that you, as well as the Mayor or City Council, do not have any questions regarding the roll out of this CPR/AED Initiative into the Community. I am requesting that you present this to the Mayor and City Council at the next City Council meeting scheduled for Thursday, April 29, 2021, to allow the City Council the opportunity to ask questions and/or discuss any necessary approvals for the Fire Department to continue with the 2021 CPR/AED Initiative and complete Objectives 4 and 5 during the second half of 2021.

My door is always open.



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## AGENDA ITEM G

**CITY OF RHOME, TEXAS  
ORDINANCE NO. 2021-07**

**AN ORDINANCE AMENDING CHAPTER 5 “FIRE PREVENTION AND PROTECTION” OF THE CITY OF RHOME’S MUNICIPAL CODE OF ORDINANCES BY UPDATING VERBIAGE, REFLECTING UPDATED FIRE DEPARTMENT BY-LAWS AND CURRENT BEST PRACTICES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PUBLICATION CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Rhome is a Type-A general law municipality located in Wise County, created in accordance with the provisions of Chapter 6 of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

**WHEREAS**, the City Council desires to amend Chapter 5, “Fire Prevention and Protection” of the City of Rhome’s Municipal Code of Ordinances by updating verbiage, reflect updated Fire Department By-Laws and current best practices; and

**WHEREAS**, the City Council finds that this ordinance is in the best interests of the citizens of the City of Rhome.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RHOME, TEXAS:**

**SECTION 1.  
AMENDMENT**

Chapter 5, “Fire Prevention and Protection” of the City of Rhome’s Municipal Code of Ordinances is hereby amended to read as follows:

*See attached Exhibit A.*

**SECTION 2.  
SEVERABILITY CLAUSE**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 3.  
PENALTY CLAUSE**

Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be guilty of a misdemeanor and, upon conviction, shall be fined an amount not to exceed \$1,000.00. Each day that a violation continues shall be deemed a separate offense.

**SECTION 4.  
SAVINGS CLAUSE**

All rights and remedies of the City of Rhome, Texas are expressly saved as to any and all violations of the City's liquid waste regulations which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

**SECTION 5.  
PUBLICATION CLAUSE**

The City Secretary of the City of Rhome, Texas is hereby directed to publish at least twice in the official newspaper of the City of Rhome, Texas, the caption and the penalty clause of this Ordinance in accordance with Section 52.011 of the Local Government Code.

**SECTION 6.  
EFFECTIVE DATE**

This Ordinance shall be in full force and effect from and after its passage and publication as required by law,

**PASSED AND APPROVED** by the City Council of the City of Rhome, Texas, this the 29th day of April 2021.

\_\_\_\_\_  
Jo Ann Wilson,  
Mayor

[SEAL]

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Shannon Montgomery, TRMC  
City Secretary

\_\_\_\_\_  
Carvan E. Adkins,  
City Attorney



**EXHIBIT A**  
**CHAPTER 5 FIRE PREVENTION AND PROTECTION**

**ARTICLE 5.01 GENERAL PROVISIONS**

State law references—Municipal fire protection, V.T.C.A., Local Government Code, sec. 342.001 et seq.; authority of city to establish fire regulations, V.T.C.A., Local Government Code, sec. 342.003.

**Sec 5.01.001 Arson Reward**

The city may set aside funds to pay out of the general fund of the city up to the sum of two hundred and fifty dollars (\$250.00) as a reward to any person or persons giving information or otherwise causing the arrest and conviction of any person or persons found guilty of committing the crime of arson within the city limits.

State law reference—Arson, V.T.C.A., Penal Code, sec. 28.02.

**Sec 5.01.002 Outdoor Burning**

Burning of any materials within the city is prohibited unless a burn permit has first been issued by the city under the direction of the fire chief and all applicable burn permit requirements have been adhered to. No burn permit will be issued by the city during any time in which a generalized burn ban applicable throughout the county has been ordered by the county commissioners and posted and noticed as required by law or special circumstance as deemed by fire chief.

The application shall specify the dates of the proposed burning, the types of materials to be burned, and the location of the proposed burning.

Current requirements for burning of materials can be found on the city website ([www.cityofhome.com](http://www.cityofhome.com)), Wise County Fire Marshal's Office ([Fire Marshal | Wise County, TX](#)) or TCEQ 30 TAC 111 burning guidelines found at <https://www.tceq.texas.gov/publications/gi/gi-415.html>.

State law reference—Texas Clean Air Act, V.T.C.A., Health and Safety Code, ch. 382.

**Sec 5.01.003 Fire Extinguisher Required at Business Establishments**

Each business shall maintain fire extinguishers on the premises as required by the International Fire Code 2015.

**Sec 5.01.004 Delaying or Interfering with Fire**

It shall be unlawful for any person to willfully delay or prevent fire personnel from executing professional duties as authorized by law.

#### **Sec 5.01.005 Authority at fires and other emergencies**

The fire chief or officer of the fire department in charge at the scene of a fire or other emergency involving the protection of life or property or any part thereof, shall have the authority to direct such operation as necessary to extinguish or control any fire, perform any rescue operation, investigate the existence of suspected or reported fires, gas leaks or other hazardous conditions or situations, or take any other action necessary in the reasonable performance of duty. In the exercise of such power, the fire chief or officer of the fire department is authorized to prohibit any person, vehicle, vessel or thing from approaching the scene and is authorized to remove, or cause to be removed or kept away from the scene, any vehicle, vessel or thing which could impede or interfere with the operations of the fire department and, in the judgment of the fire chief or his designee, any person not actually and usefully employed in the extinguishing of such fire or in the preservation of property in the vicinity thereof.

- (a) Barricades. The fire chief or officer of the fire department in charge at the scene of an emergency is authorized to place ropes, guards, barricades or other obstructions across any street, alley, place or private property in the vicinity of such operation so as to prevent accidents or interference with the lawful efforts of the fire department to manage and control the situation and to handle fire apparatus.
- (b) Obstructing operations. No person shall obstruct the operations of the fire department in connection with extinguishment or control of any fire, or actions relative to other emergencies, or disobey any lawful command of the fire chief or officer of the fire department in charge of the emergency, or any part thereof, or any lawful order of a police officer assisting the fire department.
- (c) Systems and devices. No person shall render a system or device inoperative during an emergency unless by direction of the fire chief or fire department official in charge of the incident.
- (d) Removal of debris and rubble after fire:
  - (1) Whenever any building or other structure in the city is partially burned, the owner thereof or the person in charge or control thereof, shall within ten days after notice from the fire chief to remove all refuse, debris, charred and partially burned lumber and material from the ground; and if such building or other structure shall be burned to such an extent that it is rendered incapable of being repaired, the owner of the property upon which structure is located, or person in charge and control thereof, shall within ten days after notice from the fire chief to remove all remaining portion of the building or structure, from the ground.
  - (2) The fire chief may extend the ten (10) day period of removal of such burned or partially burned buildings, when the insurance adjustment, if any, is still pending.

### **Sec 5.01.006 Obstructing Fire Station**

It shall be unlawful for any persons to obstruct in any manner fire personnel access to and from any fire station including but not limited to parking vehicles which block or delay ingress or egress of emergency vehicles at the fire station.

### **Sec 5.01.008 Liability of Fire Personnel**

CIVIL PRACTICE AND REMEDIES CODE

TITLE 4. LIABILITY IN TORT

CHAPTER 78. CERTAIN FIRE FIGHTERS AND FIRE-FIGHTING ENTITIES

SUBCHAPTER A. VOLUNTEER FIRE FIGHTERS AND FIRE DEPARTMENTS

Sec. 78.001. LIABILITY. A volunteer fire fighter or a volunteer fire department is not liable for damage to property resulting from the fire fighter's or the department's reasonable and necessary action in fighting or extinguishing a fire on the property.

Acts 1985, 69th Leg., ch. 959, Sec. 1, eff. Sept. 1, 1985. Amended by Acts 1997, 75th Leg., ch. 899, Sec. 1, eff. Sept. 1, 1997.

## **ARTICLE 5.02 FIRE DEPARTMENT**

State law reference—Fire department in type A general-law municipality, V.T.C.A., Local Government Code, sec. 342.004.

### **5.02 Division 1 Generally**

#### **Sec 5.02.001 Created**

A fire department for the city is hereby created. The fire department shall consist of all funds, resources, equipment, buildings and other materials or property designated by the city and shall be operated for the protection of the public within the city and as designated by interlocal agreements approved by the city council and under the direction of the fire chief.

### **5.02 Division 2 Fire Operations Service Fees**

#### **Sec 5.02.041 Purpose**

In order to assist the city and its fire department in the provision of an adequate level of fire protection services for the city, its extraterritorial jurisdiction and those areas in which it has an interlocal agreement with other coordinate fire departments, the city finds that certain fees should be assessed in appropriate cases in order to assist the provision of a safe and appropriate level of services for the citizens of the city.

#### **Sec 5.02.042 Applicability; Fee Schedule**

The city, the fire department, or its authorized agent is hereby authorized to charge the fees as established by ordinance or resolution of the city council for nonresidential fire operations within the corporate limits of the city, its extraterritorial jurisdiction and those areas outside the extraterritorial jurisdiction of the city in which the fire department has responded to an emergency call by another fire or public safety entity with whom the city has an existing interlocal agreement for the provision of fire operations and public safety operations. The fire department, or its authorized agent shall then send an invoice to the owner of the property in which such operations occurred or, in the case of vehicular accidents, the owners of the property involved in such accident at which the scheduled fire operation services were required. The party billed shall submit full payment of such fees immediately upon receipt.

#### **Sec 5.02.043 Special Events Fees**

Special event sponsors shall be charged for any and all services required by the fire department, as determined by the city and the fire department in their sole discretion, working in conjunction with the city's personnel including, but not limited to, standby fire apparatus and personnel and/or fire/medical crews and vehicles. Any such special events fees shall be due and payable upon assessment and shall be in addition to any fees incurred for any other fire department services rendered.

#### **Sec 5.02.044 Negligent or Irresponsible Actions**

A fine may be charged for negligent, irresponsible, or otherwise unacceptable and malicious acts and charges may be filed in the municipal court, and any such fines resulting from such charges shall be in addition to any fees charged. Acts which can constitute violations of this division shall be:

- (a) Each incident of a false alarm after three (3) alarms in a calendar year from a single component of an automatic fire alarm or fire sprinkler.
- (b) False alarms for a deliberate and/or malicious act of a telephone message or the activation of a manual alarm.
- (c) Any incident involving deliberate risk-taking which necessitates the use of fire department equipment.
- (d) Failure to respond to a lawful warning or order by a duly authorized member of the fire department.
- (e) Damage to fire apparatus, equipment or property due to a deliberate act.
- (f) Failure to notify the fire department of an alarm activation.

#### **Sec 5.02.045 Collection**

Fees may be collected for services provided inside the city limits as well as those provided within the extraterritorial jurisdiction of the city and in any areas in which the city fire department responds in assistance of another fire or public safety entity with whom the city has an existing interlocal agreement for the provision of such services.

Fees that are a result of any actions listed above are the responsibility of the property owner or occupant or the parties involved in such incidents and are due and payable immediately upon receipt of an invoice from the fire department or authorized agent.

The fire department shall utilize applicable incident report information that may be forwarded to a collection agent for the collection of fees.

#### **Sec 5.02.046 Exemptions**

No fees shall be charged for calls for service at residential structure fires, nor shall any charges be applicable for any medical response by the fire department.

#### **Sec 5.02.047 Penalty**

Any person who violates any provision of this division shall, upon conviction, be subject to a fine of not more than two hundred dollars (\$200.00) for each offense. Each day that such violation is permitted to continue shall constitute a separate offense. The term "person" as used in this section shall include the owner, occupant, mortgagee or vendor in possession, assignee of rents, receiver, executor, trustee, or lessee, agent or another person, firm or corporation directly or indirectly in control of a building or tract of land.

(Ordinance 2015-6 adopted --/15)

### **ARTICLE 5.03 VOLUNTEER FIRE DEPARTMENT**

#### **Sec 5.03.001 Volunteer Fire Department - Generally**

A combination fire department exists within the city and is hereby commissioned to operate the fire department of the city under the direction of the fire chief who shall be the administrative head of the fire department and who reports to the City Administrator. The members of the fire department other than the fire chief shall consist of assistant chief, other officers and members of the volunteer fire department who shall be selected and voted upon by the membership of the fire department with the consent and approval of the fire chief. Should the fire chief reject a nomination of the fire department of any assistant chief, officer and/or members, or if the fire chief decides to remove any member of the fire department, the fire chief shall only do so upon reasonable cause as determined by the fire department bylaws and standards operating guidelines and shall state the reasons for the rejection or removal.

(Ordinance 2017-26 adopted 11/28/17)

The election results of the fire department shall be reported to the City Administrator and communicated to mayor and city council in the monthly fire department report.

#### **Sec 5.03.002 Responsibilities of Chief and Officers**

It shall be the duty of the chief and of any and all officers to see that the laws of the state, ordinances or regulations of the city concerning the fire department and its operation thereof are carried into full force and effect. It shall be the duty of the chief and all officers to maintain accountability and reportability for departmental assets and actions to the city.

#### **Sec 5.03.003 Ratification of Bylaws; Records of Meetings**

The bylaws and any changes or amendments thereto of the fire department shall be sent to the city administrator and presented to the city council for ratification. The fire department shall maintain written minutes of the business meetings of the fire department and maintain those records according to the city's document retention policy.

#### **Sec 5.03.004 Duties; Service Outside City Limits**

It shall be the duty of the chief and all fire personnel to prevent, control, and suppress any and all fire hazards that may affect the city and persons and property therein. Additionally, the city council may elect to extend volunteer fire department coverage areas beyond the city limits through interlocal agreements, in which case such fire prevention, control and suppression shall extend to those areas.

It shall be the duty of the chief and all fire personnel to perform such other activities that will serve to protect persons or property within the city. Additionally, the city council may elect to extend emergency service coverage areas beyond the city limits through interlocal agreements, in which case such emergency services shall extend to those areas.

It shall be the duty of the chief to promulgate such general orders, standing operating procedures and rules and regulations that shall be necessary to effectively fulfill the duties of the department.

#### **Sec 5.03.007 Financial Accountability**

The fire chief of the fire department, or his designee, may make expenditures for the fire department, provided such funds are reflected in the annual budget as approved by the city council. Expenditures within the current operating budget will be according to current city procedures for expending authorized funds. Expenditures greater than \$1,000 require a purchase order with the approval of the city administrator. If an emergency expenditure occurs or becomes necessary, the fire chief will notify the city administrator who will notify the mayor and city council as appropriate regarding the emergency expenditure. The City Secretary is responsible for the record keeping of the fire department's expenses in the city's financial software and shall

keep custody of the fire department bank accounts and check stock. The fire chief will not be a signatory on the bank accounts.

#### **Sec 5.03.008 Monthly Reports**

The fire chief shall provide a monthly report to the city administrator for distribution to mayor and city council at the first regular city council meeting of each month. The monthly report will include information about the activities of the fire department for the month such as the types and number of calls responded to without disclosing confidential information protected by state or federal law.

#### **Sec 5.03.009 Use of Equipment**

The fire department equipment under the direction of the fire chief is authorized to be used for executing the duties of the fire department to preserve life or protect property, as well as, but not limited to, for training purposes of fire personnel, for fundraising efforts of the fire department, for fire prevention, for community outreach and education programs, for various ceremonial events or for other activities that the fire chief may deem necessary and within in the scope of duties of the fire department as a whole.

#### **Sec 5.03.010 Membership by Mayor or City Council Members**

As provided in section 5.03.001 of this code, any city council member or mayor may become a member of the fire department of the city provided, however, that the fire chief of the fire department may not be a member of the city council or mayor. Any mayor or city council members would be subject to the same application process, background check and training requirement as other members of the general public to obtain membership with the fire department.

(Ordinance 2015-6 adopted --/-(15)

### **ARTICLE 5.04 FIRE CODE**

State law reference—Fire regulations, V.T.C.A., Local Government Code, sec. 342.003.

#### **Sec 5.04.001 Adopted**

The 2015 edition of the International Fire Code is hereby adopted as the official fire code of the city, and is fully incorporated by reference as though copied into this division in its entirety. The material contained in such code shall not be included in the formal municipal codification of ordinances but shall be maintained as a public record in the office of the city secretary and will be available for public inspection and copying during regular business hours.

#### **Sec 5.04.002 Amendments**

The 2015 edition of the International Fire Code, as adopted herein, is hereby amended by adoption of those local amendments shown in exhibit H attached to Ordinance 2019-08, and where options are indicated in such local amendments, option B is hereby selected in each instance.

(Ordinance 2019-08, sec. 3, adopted 8/27/19)

#### **Sec 5.04.003 Enforcement**

The code hereby adopted shall be enforced by the fire chief or his designee which may include members of the fire department.

#### **Sec 5.04.004 Definitions**

Whenever the term “applicable governing body” is used in the code hereby adopted, it shall be held to mean the city.

#### **Sec 5.04.005 Conflicts and Other Laws**

Whenever the fire prevention code conflicts with any other provision of this Code of Ordinances or any other city ordinance, or state or federal law, such code provision, ordinance, or state or federal law shall be controlling.

#### **Sec 5.04.006 Modifications**

The fire chief shall have power to modify any of the provisions of the fire prevention code hereby adopted upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties to carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modification if granted or allowed and the decision of the designated official thereon shall be submitted to the city administrator and a signed copy shall be furnished the applicant.

#### **Sec 5.04.007 Appeals**

Whenever the fire chief shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal to the city administrator within ten (10) days from the date the permit is refused or a decision is made regarding the applicability of the provisions of such code.



#### **Sec 5.04.008 Penalty**

Any person who violates any of the provisions of the code hereby adopted or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder or any certificate or permit issued thereunder and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the city council or by a court of competent jurisdiction within the time fixed therein, shall severally, for each and every violation and noncompliance respectively, be guilty of a misdemeanor.

### **ARTICLE 5.05 FIREWORKS**

State law references—Authority of municipality to regulate the use of fireworks, V.T.C.A., Local Government Code, sec. 342.003; fireworks and fireworks displays, V.T.C.A., Occupations Code, ch. 2154; authority of city to prohibit or further regulate fireworks, V.T.C.A., Occupations Code, sec. 2154.004.

#### **Sec 5.05.001 Purpose**

This article has been written for the purpose of promoting and protecting the public health, safety and general welfare of the community.

#### **Sec 5.05.002 Definitions**

The term “fireworks” shall mean any combustible or explosive composition, or any substance or combination of substances or device, prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation. “Fireworks” include firecrackers, skyrockets, Roman candles, sparklers or other similar devices. “Fireworks” shall not include auto flares or paper caps and toy guns (provided such caps contain twenty-five hundredths of a grain of explosive).

#### **Sec 5.05.003 Penalty**

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this article shall be fined not more than five hundred dollars (\$500.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

#### **Sec 5.05.004 Sale, Use, Manufacture or Storage Prohibited**

No person shall manufacture, sell, use, store or explode any fireworks within the city.

#### **Sec 5.05.005 Seizure**

The city shall seize, take, remove or cause to be removed, at the expense of the owner, all fireworks in the possession of a person in violation of this article.

#### **Sec 5.05.007 Exemptions**

Both the police department and the fire department of the city are exempt from the requirements of this article while performing their official duties.

(Ordinance 2015-6 adopted --/15)

DRAFT



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## AGENDA ITEM H

**CITY OF RHOME  
ORDINANCE NO. 2021-08**

**AN ORDINANCE OF THE CITY OF RHOME, TEXAS, AMENDING THE CITY'S DULY  
ADOPTED FISCAL YEAR 2020-2021 BUDGET, AS AMENDED; REALLOCATING  
DESIGNATED FUNDS WITHIN VARIOUS DEPARTMENTS TO VARIOUS FUNDS  
WITHIN THOSE DEPARTMENTS; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City of Rhome, Texas Fiscal Year 2020-2021 Budget was adopted within the time frame and in the manner required by State Law; and

**WHEREAS**, the City Council of the City of Rhome, Texas finds that a Budget Amendment, as set forth in Exhibit "A", will serve the public interest and is necessary to support City operations; and

**WHEREAS**, this Budget Amendment will result in a no net effect to the General Fund; and

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Rhome, Texas that the City's 2020-202 Fiscal Year Budget is hereby amended as set forth in Exhibit "A".

**PASSED AND APPROVED** by the City Council of the City of Rhome, Texas, this the 29th day of April 2021.

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Jo Ann Wilson,  
Mayor

[SEAL]

ATTEST:

APPROVED TO AS FORM:

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Shannon Montgomery, TRMC  
City Secretary

---

Carvan E. Adkins,  
City Attorney

**Exhibit A**  
**Fiscal Year 2020-2021 Budget Amendments**

There is no net effect on the Fiscal Year 2020-2021 Department or General Fund budgets as a result of the proposed budget amendment.

<b>Exhibit A - Proposed Budget Amendments - April 29, 2021</b>					
<b>Account</b>	<b>Description</b>	<b>Dept</b>	<b>Approved</b>	<b>Proposed</b>	<b>Net (Reduction) / Increase</b>
10-65610-50	Salary	Police	63,440.00	61,940.00	(1,500.00)
10-65630-50	Wages	Police	361,622.23	363,122.23	1,500.00
10-61100-50	New Vehicle Purchase	Police	40,000.00	-	(40,000.00)
10-61110-50	Vehicle Repairs and Maintenance	Police	7,000.00	19,000.00	12,000.00
10-60430-50	Equipment	Police	4,000.00	14,000.00	10,000.00
10-60890-50	Education/Training	Police	3,500.00	10,500.00	7,000.00
10-61200-50	Bank (CC) Service Charges	Police	-	200.00	200.00
10-63100-50	Building Maintenance	Police	1,000.00	5,880.00	4,880.00
10-61600-50	Dues & Subscriptions	Police	7,500.00	10,420.00	2,920.00
10-63510-50	Uniforms and Clothing Allowance	Police	5,500.00	8,500.00	3,000.00
10-60430-60	Equipment	Fire	18,300.00	17,000.00	(1,300.00)
10-61150-60	Gas & Oil	Fire	3,500.00	4,500.00	1,000.00
10-61610-60	Dues	Fire	1,240.00	1,540.00	300.00
10-60470-60	Fire Safety Program	Fire	1,000.00	400.00	(600.00)
10-60560-60	Support Crew/Supplies	Fire	500.00	850.00	350.00
10-61800-60	Insurance - Prop/Liability	Fire	11,358.84	11,634.50	275.66
10-63450-60	Technology	Fire	500.00	400.00	(100.00)
10-66000-60	EMS Supplies	Fire	6,000.00	6,100.00	100.00
10-66030-60	Banquet/Service Awards	Fire	1,000.00	500.00	(500.00)
10-60600-60	Office Supplies	Fire	500.00	974.34	474.34



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## AGENDA ITEM I

CITY OF RHOME, TEXAS  
*Proclamation*

OF RECOGNITION  
FROM THE CITY OF RHOME  
52ND ANNIVERSARY OF MUNICIPAL CLERKS WEEK  
May 2 – 8, 2021

**Whereas,** The Office of the Professional Municipal Clerk, a time honored and vital part of local government exists throughout the world, and

**Whereas,** The Office of the Professional Municipal Clerk is the oldest among public servants, and

**Whereas,** The Office of the Professional Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels, and

**Whereas,** Professional Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all.

**Whereas,** The Professional Municipal Clerk serves as the information center on functions of local government and community.

**Whereas,** Professional Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Professional Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, provincial, county and international professional organizations.

**Whereas,** It is most appropriate that we recognize the accomplishments of the Office of the Professional Municipal Clerk.

**NOW THEREFORE, BE IT PROCLAIMED** that the City Council of the City of Rhome, Texas do recognize the week of May 2 through May 8, 2021, as Professional Municipal Clerks Week, and further extend appreciation to our Professional Municipal Clerk, Shannon Montgomery, and to all Professional Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

**PASSED AND APPROVED** by the City Council of the City of Rhome, Texas, this 29th day of April 2021.

---

Jo Ann Wilson,  
Mayor

[SEAL]



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## AGENDA ITEM J



CITY OF RHOME, TEXAS  
*Proclamation*



OF RECOGNITION  
FROM THE CITY OF RHOME  
NATIONAL PUBLIC WORKS WEEK PROCLAMATION  
MAY 16 – 23, 2021  
“STRONGER TOGETHER”

**WHEREAS**, public works professionals focus on infrastructure, facilities and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life and well-being of the people of the City of Rhome, Texas; and,

**WHEREAS**, these infrastructure, facilities and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers and employees at all levels of government and the private sector, who are responsible for rebuilding, improving and protecting our nation’s transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and,

**WHEREAS**, it is in the public interest for the citizens, civic leaders and children in the City of Rhome, Texas to gain knowledge of and to maintain a progressive interest and understanding of the importance of public works and public works programs in their respective communities; and,

**WHEREAS**, the year 2021 marks the 61st annual National Public Works Week sponsored by the American Public Works Association/Canadian Public Works Association be it now,

**RESOLVED**, we, the City Council of the City of Rhome, Texas, do hereby designate the week May 16 – 22, 2021 as National Public Works Week; we urge all citizens to join with representatives of the American Public Works Association/Canadian Public Works Association and government agencies in activities, events and ceremonies designed to pay tribute to our public works professionals, engineers, managers and employees and to recognize the substantial contributions they make to protecting our national health, safety, and quality of life.

**PASSED AND APPROVED** by the City Council of the City of Rhome, Texas, this 29th day of April 2021.

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Jo Ann Wilson,  
**Mayor**

[SEAL]

ATTEST:

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Shannon Montgomery, TRMC  
**City Secretary**



## Agenda Commentary

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**Meeting Date:** April 29, 2021

**Department:** Administration

**Contact:** Cynthia Northrop

**Agenda Item:** K. Discussion and any necessary action regarding a Social Media Policy

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**Type of Item:** ☐ Ordinance ☐ Resolution ☐ Contract/Agreement ☐ Public Hearing  
☐ Plat ☐ Discussion & Direction ☒ Other

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**Summary-Background:**

At Councilmember McCabe and Councilmember Major's request, Council authorized City Administrator to develop/present a Social Media Policy.

Please note, there are three separate policies:

1. *'Rhome Social Media Policy'* - Primarily addresses City and City Employees (internal and external)
2. *'Social Media Participation Best Practices'* - Primarily addresses best practices for Elected Officials (external)
3. *'Social Media Terms of Use Policy'* - Primarily addresses Rules of Engagement for official City Facebook page (external)

All of these policies represent current and standard local government best practices as they relate to the myriad social media platforms, respecting free speech and promoting productive public engagement.

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**Funding Expected:** ☐ Revenue ☐ Expenditure ☐ N/A

**Budgeted Item:** ☐ Yes ☐ No ☐ N/A

**Funding Account:** \_\_\_\_\_ **Amount:** \_\_\_\_\_

**Legal Review Required:** ☐ N/A ☒ Required **Date Completed:** \_\_\_\_\_

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**Supporting Documents attached:** Articles on Social Media, Social Media Policies

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**Recommendation:** Adopt Social Media policies.

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## **SOCIAL MEDIA POLICY**

This policy identifies potential uses that may be explored or expanded upon as deemed reasonable by administrative and supervisory personnel. The City also recognizes the role that these tools play in the personal lives of some City personnel. The personal use of social media can have bearing on City personnel in their official capacity. As such, this policy provides information of a precautionary nature as well as prohibitions on the use of social media by City personnel. Prohibitions outlined in the City Personnel Manual are not affected by this policy and take priority at all times.

To provide guidelines and best practices for conduct by City Employees who use Social Media and Social Networking to interact with customers on behalf of the City of Rhome.

Similar others who engage with the City on social media, elected, appointed and vendors, should understand the City's current guidelines for public participation.

### **PURPOSE**

The City of Rhome, in an ongoing effort to maintain effective communication to and with residents and other audiences, uses social media platforms as a way to deliver messages directly to users and to encourage resident involvement, interaction and feedback. This policy establishes guidelines for use of social media platforms in an effort to ensure timely, accurate and appropriate use of those communication channels to deliver clear, concise and consistent messages on behalf of the City. This policy provides guidance on its management, administration and oversight.

Employees must be mindful that negative public perception of the employee may adversely affect the reputation of the employee and the City. It is important to reiterate that public servants have a responsibility to uphold the highest levels of integrity and decency.

This policy identifies potential uses that may be explored or expanded upon as deemed reasonable by administration and supervisory personnel, as advances in technology will occur and new tools will emerge.

### **SCOPE**

This policy applies to all employees including sworn and non-sworn employees, probationary employees, full-time employees, part-time employees, contract workers, and interns of the City of Rhome.

## **DEFINITIONS**

*Social Media:* are various forms of discussion and information-sharing tools, including social networks, blogs, video sharing, podcasts, wikis, message boards and online forums. Technologies include picture and video sharing, wall postings, e-mail, instant messaging and music sharing, to name a few.

*Social Networking:* is the practice of expanding one's business and/or social contacts by making connections through clubs, organizations, phone contacts, written correspondence or through web-based applications. This policy focuses on Social Networking as it relates to the Internet to promote such connections through web- based groups established for that purpose.

*Blog:* A self-published diary or commentary on a particular topic that may allow visitors to post responses, reactions or comments. The term is short for "Web Log."

*Crowdsourcing:* An open call, usually through an Internet-based resource, to an undefined community of people to obtain and use ideas, content or solutions to business needs.

*Electronic Communication Tools/Devices:* Tools/devices used as a means of sending and receiving messages or information electronically through connected electronic systems or the Internet. Devices may include, but are not limited to City networked computers, e-mail, voicemail, iPads, cell phones/smart phones (issued by the City or personal cell phones/smart phones utilized by the employee to access social media sites for City business, whether or not a reimbursement/stipend is paid to the employee), any other similar system and new technologies as they are developed.

*Electronic mail (e-mail):* The transmission and storage of messages, documents or attachments through computers and telecommunications.

*Employee/City Personnel:* A full-time employee, part-time employee, and person(s) performing in a volunteer capacity.

*Internet:* An international network of independent computer systems. The World Wide Web is one of the most recognized means of using the Internet.

*Microblog:* A form of a blog in which frequent, short updates are posted about specific activities (i.e., Twitter)

*Page:* The specific portion of a social media website where content is displayed and managed by an individual or individuals with administrator rights.

*Photo sharing:* The online publishing of photographs with the ability to transfer and share the photos with others.

*Post:* Content an individual shares on a social media site or the act of publishing content on a site.

*Profile:* Information that a user provides about himself or herself on a social networking site.

*Social Media:* A form of online communication or publication that allows for multi- directional interaction. Social media includes, but is not limited to, blogs, wikis, podcasts, social networks, photograph and video hosting websites, crowdsourcing, and new technologies as they evolve. This includes, but is not limited to social networking sites (Facebook, MySpace), microblogging

sites (Twitter, Nixle), photo- and video-sharing sites (Flickr, YouTube, Tik Tok, Snap Chat, and Pinterest), wikis (Wikipedia), blogs, and news sites (Digg, Reddit).

*Social Networks:* Online platforms where users can create profiles, share information and socialize with others using a range of technologies.

*Speech:* Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, videotape or related forms of communication.

*Video sharing:* The online publishing of videos with the ability to transfer and share them with others.

*Web 2.0:* The second generation of the World Wide Web focused on shareable, user-generated content rather than static web pages. Some use this term interchangeably with social media.

*Wiki:* Web page(s) that can be edited collaboratively.

### **LIMITS ON PRIVACY AND SPEECH**

No user shall have any expectation of privacy in any message, file, image or data that has been created, sent, retrieved, received or posted utilizing the City electronic communications tools/devices. Electronic communications should never be considered private, confidential or secure. All messages, files, images and data that have been created, sent or retrieved over the Internet or by any user in the transaction of public business are the property of the City of Rhome. The city has a right to monitor all aspects of its information infrastructure including, but not limited to:

- Social media visited by users
- Material downloaded or uploaded by users
- Posts or blog entries by users
- Photo sharing or video sharing files downloaded or uploaded by users
- Email sent or received by users

Such monitoring of City equipment may occur at any time, without notice and without the user's permission. In addition, except for exemptions under the Public Information Act, electronic records, including any message, file, image or data that has been created, sent, retrieved, received or posted utilizing City of Rhome electronic communication tools/ devices, may be subject PIA and therefore may be available for public dissemination. Personal communications that are not made in the transaction of public business are not covered by PIA.

Users are free to express themselves as private citizens when utilizing any electronic communication tools/devices not provided by the City of Rhome to the degree that their speech and conduct does not impair working, impede the performance of duties, impair discipline and harmony among co-workers or negatively affect the public perception of the City. Personnel should assume that their speech and related activity will reflect upon their office and the City.

No employee shall publish, post, display or cause to be published, posted or displayed, any information, date, or photographs, in any format, electronic or otherwise, that purports, by word

or presentation, to represent an official publication by, or the official position of the City without authority of the City Administrator or designee.

The City may include Internet-based content including social media to conduct background investigations of persons seeking employment or volunteer positions. Searches shall be conducted by trained applicant/background investigators and vetting techniques shall be applied uniformly to all candidates.

## **RESPONSIBILITY**

It is the responsibility of the City Administrator or their designee to act as the City's official spokesperson and maintain the City's official Web presence via Social Media/Networking and the Internet.

It is the responsibility of the Information Technology (IT) Department to administer security and monitoring measures that support this policy.

It is the responsibility of City Departments and employees who engage in Social Media/Networking in an official capacity for their Department or Division to coordinate this activity with the City Administrator or their designee and IT.

The responsibility for assuring complete compliance with the provisions of this policy lies with the Department Head, supervisors and the individual employee involved. It is the responsibility of Social Media Users and those engaged in Social Networking to stay informed regarding City policies related to this activity.

## **REQUIREMENTS FOR CITY-SPONSORED SOCIAL MEDIA**

City employees wanting to create and maintain department-specific social media platforms separate from the City's applications must obtain approval from the Department Head and the City Administrator. Departments must provide specific reasons for the need to have separate social media applications and how those social media applications will be maintained and monitored. If approved, the Department Head and the City Administrator will periodically review each application. Those that do not meet the City's intended goals and objectives may be removed at any time.

All City of Rhome social media sites must adhere to all applicable federal, state and local laws, regulations and policies, including all IT and City Records Management policies and other applicable City policies.

The Texas Public Information Act and e-discovery laws and policies apply to social media content and therefore content must be able to be managed, stored and retrieved to comply with these laws.

Each City social media site must identify the city name, state and department. It must also include an introductory statement that clearly specifies its purpose and topical scope. Where possible, department social networking sites should link back to the official City of Rhome website for

forms, documents and other information.

All City social media sites must clearly indicate that any articles and other content posted or submitted for posting are subject to public disclosure.

The Department Head or designee is responsible for the management, posting and monitoring of the specific department's public social media presence.

Social media pages should state that the opinions expressed by visitors to the page(s) do not reflect the opinions of the City or the department, that comments will be monitored and that content posted or submitted for posting is subject to public disclosure, in addition, all social media pages should state:

- The City reserves the right to require those who comment on its posts to comply with the Terms of Use of the Social Media site and will report users the City believes to be in violation of the Terms of Use.
- Individuals who post or comment are legally responsible for their comments and/or posts. Comments and/or posts must not breach any law, confidentiality or copyright.

#### **OPERATION OF CITY-SPONSORED SOCIAL MEDIA**

Employees representing the City of Rhome via its social media platforms must conduct themselves at all times as a representative of the City and in accordance with all Human Resources policies. Any employee maintaining or posting on City social media sites must adhere to the following guidelines:

- Administer or maintain professional profiles connected to their city email addresses.
- Refrain from conducting political activities or private business from all City social media platforms.
- Refrain from making statements or posts about current or pending City investigations or transmitting or otherwise disseminating confidential information, including photographs or videos related to City activities or work-related assignments without permission of the City Administrator or designee(s).
- Refrain from using personal e-mail accounts in conjunction with or to administer official City social media sites.

The purpose of using social media platforms is to provide news and information on city services, city government or city sponsored or produced events and to use the public forums for community outreach and engagement. Examples of how City social media platforms are to be used include, but are not limited to:

- Road Closures
- Public Safety and weather emergencies
- Community Development
- Community Services

- City related activities or activities that benefit official city business
- Employee recruitment

### **PERSONAL USE OF SOCIAL MEDIA**

Personnel shall abide by the following when using social media.

- Personnel accessing personal social media by use of City-provided electronic devices have no expectation of privacy and may have this information accessed by city staff as outlined in city policy.
- While on duty, employees may only use communications devices to access social networking sites during authorized breaks, provided such usage does not in any way interfere with the performance of job duties, unless it is in performance of city-assigned duties as it relates to social media.
- Disparaging or otherwise unprofessional display of the City or City department logos on clothing or similar identifying items posted on personal social media sites is prohibited.
- Employees may not post discriminatory, defamatory, libelous or slanderous comments when discussing the City, its governing body, supervisors and employees.
- Employees must comply with City policies.
- Employees who fail to follow the policy regarding social media may be subject to disciplinary action, up to and including termination.
- City employee's personal social media pages must not be created using city property (computers, phones) or City email addresses.

### **MONITORING OF SOCIAL MEDIA**

Supervisors may randomly monitor the postings of employees for purposes of protecting the integrity and reputation of the City and ensuring privacy and security of City records and information.

Any employee becoming aware of or having knowledge of a posting or of any website or web page in violation of the provision of this policy will notify his or her supervisor immediately and if unavailable, the City Administrator. No supervisor or employee of the City below the City Administrator is authorized to cancel, modify or make exceptions to the contents of this order at any time.

### **DISCLAIMER**

The City Administrator reserves the right to change, modify, amend, revoke or rescind all or part of this policy at any time.



## **APPENDICES**

### Social Media Networking Agreement Form

DRAFT

## **SOCIAL MEDIA NETWORKING APPROVAL/AGREEMENT FORM**

Name: \_\_\_\_\_

Position/Title: \_\_\_\_\_

Department: \_\_\_\_\_

Social Media Site Approved: \_\_\_\_\_

Date Approved: \_\_\_\_\_

Date Approved by Department Head: \_\_\_\_\_

\_\_\_\_\_  
(Signature of Department Head)

Date Approved by City Administrator: \_\_\_\_\_

\_\_\_\_\_  
(Signature of City Administrator)

I agree to use City-approved Social Media sites for City business as appropriate and in compliance with this policy. I understand that I must have approval from the Department Head and the City Administrator to create a Social Media site on behalf of the City. I also understand that I am responsible for all postings made by me on City Social Media sites, including those made in the comments sections. I acknowledge that all City-approved Social Media sites are considered to be City property and will be monitored by officials of the City. I understand employees do not have privacy rights in the use of City Social Media Sites and the postings, data, access to or distribution of such materials is subject to Open Records. I agree to abide by all security procedures as set forth by the City of Rhome Personnel Policy Handbook before accessing or posting to any Social Media sites. I acknowledge that any abuse of Social Media sites, including violation of the rules and guidelines set forth in this policy or in any current or future modified Human Resources policy, can be grounds for disciplinary action, up to and including termination of my employment.

\_\_\_\_\_  
(Employee's Printed Name)

\_\_\_\_\_  
(Employee's Signature and Date)

## **SOCIAL MEDIA PARTICIPATION BEST PRACTICES FOR CITY COUNCIL**

The term "social media" refers to forms of electronic communication through which users create online communities to share information, ideas, personal messages and other content. Some examples include, but are not limited to, Internet-based platforms such as Facebook, Twitter, Instagram and YouTube.

Many local governments use social media as a tool to communicate with citizens. Rather than waiting until a regularly scheduled council meeting to receive citizen input, city officials are able to instantly interact with them via social media. Although this technology greatly increases communication outreach and efficiency, some restrictions are required in order to comport with federal and state law.

### **COMMENTING ON CITY ACCOUNTS**

The City of Rhome uses social media to send and receive messages about city information, services and related programs with community stakeholders, including employees, vendors, citizens, media and other members of the public.

1. Similar others who engage with the City on social media, as an elected official you should understand the City's current guidelines for public participation, which are subject to change as new technology and tools emerge.
2. Public comments may be removed from City-administered social media accounts if they contain any one or more of the following:
  - a. Vulgar, physically threatening or harassing language.
  - b. Content that promotes, fosters, or perpetuates discrimination on the bases of race, religion, gender, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender identity, source of income or other protected status under applicable law.
  - c. Inappropriate sexual content or similar links.
  - d. Private or otherwise confidential information.
  - e. Content that promotes illegal activity or encouragement of actions that may compromise public safety.
  - f. Content that violates a legal ownership interest of any other party.
  - g. Comments not topically related to the original article or post.

- h. Comments in support of or opposition to political candidates, campaigns or ballot measures during an election season.
- i. Promoting or advertising a commercial transaction, organization or event that is not sponsored or in direct relationship with the City.
- j. Organized political activity.
- k. Information that may compromise the safety or security of the public or public systems.

### **USE OF PERSONAL ACCOUNTS**

As a policy-making body, Council members are given more latitude than City employees to publicly express thoughts and opinions on local issues. However, as an elected official, you should be aware of additional risks related to your general participation on social media.

1. **Open Meetings Act** – Communications between a quorum of Council members about public business, no matter the forum or time, can constitute a "meeting" to which the Texas Open Meetings Act applies. If the Act applies to a discussion, an agenda must be posted 72 hours in advance, and the public must be allowed to attend.

Therefore, you should consider the following when using personal social media accounts:

- a. Remove elected titles from profiles used to identify a personal social media account, and clearly state how constituents should communicate regarding public matters.
- b. Include an introductory statement in the profile or about section of your account that defines the purpose and topical scope of your page:

*"This account is intended for personal use only. The views, postings, positions or opinions expressed on this site are my own and do not represent those of the City of Rhome. If you are a citizen of Rhome and would like to discuss city business, please go to [official page] or contact me at [official email]."*

- c. Redirect information to official government sources and avoid making posts related to your official duties or governmental bodies.
- d. Redirect political dialogue requests to an alternative means of communication (i.e., email, phone or other preferred social media account).
- e. Avoid commenting on local issues where other Council members are also participating in discussion.
- f. Avoid making posts and/or comments on behalf of the City and/or the City Council.
- g. Avoid making posts and/or comments in your official capacity as an elected official.
- h. Avoid making posts and/or comments regarding City business.

2. **Public Information Act** – State law clarifies the definition of "public information" as information that is written, produced, collected, assembled, or maintained in connection with

the transaction of official business, which includes email, Internet posting, text message, instant message, and other electronic communication.

Therefore, you should consider the following:

- a. Hide, rather than delete, clearly inappropriate public comments on your personal or official social media account, if possible. In some cases, these comments may still be subject to verification or public disclosure in the future. When in doubt, don't delete it.
  - b. Avoid responding to inappropriate comments or personal attacks on social media. If the commenter persists, redirect them to an alternate method of communication (i.e., email).
  - c. Be aware that a personal social media account, depending on its content, may still be subject to the Public Information Act.
3. **First Amendment** – More constituents are posting comments on elected officials' personal pages to voice concerns on public issues. Once an elected official's social media page is opened for political discussion, it is transformed into a public forum for speech and debate, instantly granting every user a First Amendment right to comment.

Therefore, you should consider the following:

- a. Limit open-ended political and city business discussions from your personal social media accounts and redirect dialogue requests to an alternate channel.
- b. When in doubt, don't block users. Especially those with whom you have previously engaged. If you must, consult with legal counsel first, and then document your actions and reasons for blocking.

### **USE OF OFFICIAL ACCOUNTS**

If you choose to create a social media account to engage with constituents, a best practice is to keep this account distinct and separate from other personal accounts that you maintain.

Elected officials increasingly use social media for reelection purposes as well. However, mixing campaign and constituent communications from the same account could put you at risk for violating laws that prohibit using government resources for political purposes.

Therefore, you should consider the following:

1. **Make it official** – Your account profile, description and photo should clearly indicate your position as a member of the Rhome City Council and your intent to use the account as a way of communicating with constituents.
2. **Your account is a public forum** – Your engagement with the public on social media as an elected official establishes your platform as a limited public forum, which affords users the right to comment on content you publish. It also means that any speech restrictions or censorship is subject to strict scrutiny, and First Amendment activities generally may not be prohibited. So, when in doubt, don't delete it.

3. **Prohibited content is defined by City policy** – For consistency, consider managing prohibited content on your accounts in the same way City-administered accounts are managed.
4. **Campaign separately** – Council members in office should not use City administered or funded social media accounts for electioneering. It's equivalent to campaigning from the dais during a public meeting, which may violate state law.
5. **Involve legal counsel** – If you are unsure about publishing certain content, or feel you are justified in the removal of content, involve legal counsel before making a decision.

### **GENERAL BEST PRACTICES**

1. **Be transparent** – Your honesty will be quickly noticed in the social media environment. If your private sector work could present a conflict of interest, be the first to point it out. And be clear about why you support, or don't support, certain policies or programs.
2. **Be judicious** – Make sure your efforts to be transparent do not violate any applicable legal guidelines for external communication. Consult with legal counsel before sharing conversations that are meant to be private or internal to the City or any other public entities. What is published is widely accessible, not easily retractable, and will be around for a long time, so consider the content carefully. Also, be aware that the social media account and anything published on that social media account may be subject to the Public Information Act.
3. **Be knowledgeable** – Write in first-person and consider linking to your information sources. If you publish to a website outside of the City, consider using a clarifier such as: "These comments and opinions reflect my position as one member of Rhome City Council." If you have any questions about complying with brand, trademark, copyright, fair use, confidentiality, or financial disclosure laws, seek an opinion from legal counsel.
4. **Be perceptive** – In online social networks, the lines between public and private, personal and professional are often blurred. By identifying yourself as an elected official, you are creating perceptions about your expertise and the City. Be sure that all content associated with you is consistent with the City's values and professional standards.
5. **Be conversational** – Talk to your readers like you would talk to people in professional situations. Avoid overly "composed" language. Bring in your own personality and say what is on your mind. Consider content that is open-ended and invites response. Encourage comments. Broaden the conversation by citing others who are commenting about the same topic and allow your content to be shared.
6. **Be excited** – The City is making important contributions to the community, state and nation, as well as to public dialogue on a broad range of issues. Our activities are focused on providing services and innovation that benefits citizens and stakeholders. Share what Rhome is learning and doing, and open up social media channels to learn from others.

7. **Be valuable** – There is a lot of written content in the social media environment. The best way to reach an audience is to write about things that they value. Social communication from City leaders should help citizens, partners and families. It should be thought-provoking and build a sense of community. If it helps people improve knowledge or skills, build their businesses, do their jobs, solve problems, or understand the City better, then it adds value.
8. **Be responsible** – What you write is ultimately your responsibility. Pause. If you are about to publish something that makes you even the slightest bit uncomfortable, don't publish. If you are still unsure, you might want to check with the Public Information Officer or legal counsel. Ultimately, what you publish is yours, but so is the responsibility and potential consequence.
9. **Mistakes happen** – If you make a mistake, admit it. Be upfront and quick with your correction. If you are posting to a blog, you could choose to modify an earlier post. Make it clear that you have done so.

## **RECORDS RETENTION**

1. Because of your position as an elected official, activity on your social media accounts may create public records. Any content (messages, posts, photographs, videos, etc.) created or received using a social media account may be considered a record.

Therefore, you should consider the following:

- a. The City does not archive or manage Council member social media accounts. You are solely responsible for the retention and archival of content published to your individual accounts.
- b. When in doubt, don't delete content without consulting with legal counsel first.
2. Social media content administered by City employees, and intended for public access and comments, will follow a minimum retention period of two years, as established by the Texas State Library and Archives Commission. This includes Council member comments posted on City accounts.

## **DEFINITIONS**

For the purposes of this policy, unless otherwise stated, the following definitions apply:

1. **Comment** – a message posted by site visitors, either in response to an existing topic or introducing a new topic. In general, the content of comments is controlled solely by the user, but often can be deleted, accepted or rejected prior to publishing by the site or page administrator.
2. **Connections** – Any deliberate links between a user and a social media channel or page, whether it is initiated by the individual or by the site moderator. Terms used by various sites to describe a connection include friend, fan, follower or subscriber.

3. **Limited forum** – a public forum created by the government voluntarily for expressive activity that may be restricted as to subject matter or class of speaker. Forum restrictions must be able to withstand strict judicial scrutiny of its effect on First Amendment rights.
4. **Post** – In relation to social media accounts or online activity, anything published in an online forum or social media account.
5. **Social media** – Internet based third-party platforms that facilitate interaction and engagement among individuals in a network or virtual community. Social media offers a participatory environment and includes user-generated content such as videos, photos, videos, blogs, and wikis.





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## CITY OF RHOME'S SOCIAL MEDIA TERMS OF USE POLICY

This is the official page for the City of Rhyme, Texas. If you have any questions, please contact City Hall at 817-636-2462 or email [cityadministrator@cityofrhyme.com](mailto:cityadministrator@cityofrhyme.com).

Users and visitors to the City of Rhyme social media sites will be notified that the intended purpose of the site is to serve as a mechanism for communication between the City of Rhyme and the public. Although free speech and cross - communication is encouraged, there are certain topics and issues that are NOT allowed on City of Rhyme social media sites comments, links and uploads. By way of example, these include, but are not limited to:

- Comments in support of or opposition to political campaigns or ballot measures.
- Profane language or content. Abusive or disparaging comments directed at individual(s).
- Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status or lack thereof, socio-economic status of individual(s), national origin, physical or mental disability or sexual orientation.
- Sexual expression, discrimination, harassment or content of any kind or links to sexual content or pornography whether of an adult, minor or child.
- Any expression of conduct or encouragement of illegal activity.
- Information that may tend to compromise the safety or security of the public or the City's public safety systems.
- Any expression of words that would disparage right, title or interest of a legal ownership of any other individual or business.
- Comments that do not pertain to the topic under discussion; including comments containing links to other websites or pages which are not relevant to the topic under discussion.
- References to or inappropriate characterizations of individuals including personal attacks upon any member of the public, City employee or City official.
- Advertising or promotional announcements of private or commercial enterprises, even if not for profit unless the City is co-sponsoring such activity or event. Only City business related advertising (services) or promotional announcements (special events) are allowed.
- Individually identifiable information (e.g., address, phone number and social security numbers) of specific individuals be they City employees, officials or members of the public.

The City of Rhyme reserves the right to restrict or refuse to re-publish any content that is deemed in violation of these guidelines or any applicable federal, state or local law(s), including the terms of service or terms of use outlined by third-party social media application providers. The City of Rhyme reserves the right to block users who violate these terms.



## Agenda Commentary

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**Meeting Date:** April 29, 2021

**Department:** Administration

**Contact:** Cynthia Northrop

**Agenda Item:** L. Discussion and any necessary action regarding a facilities update and authorizing the City Administrator to sign a lease extension for City Hall

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**Type of Item:** ☐ Ordinance ☐ Resolution ☒ Contract/Agreement ☐ Public Hearing  
☐ Plat ☐ Discussion & Direction ☐ Other

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**Summary-Background:**

Council has been reviewing information on our facilities provided by staff including a Condition and Facilities Report, Code Compliance issues of our city facilities and potential options and funding options to address various city facilities. Council spent an extensive amount of time during the March Visioning and Budget workshop, reviewing and discussing potential options to address the City's facility needs.

Additionally, at the direction of the Council, the City Administrator met with the owner of the current City Hall location to discuss leasing options a few months ago. The owner would like to continue leasing the building to the City with a small increase (5% increase/\$57.75; the current monthly lease is \$1155; the new monthly lease would be \$1212.75). Council seems to be in general agreement that we will need to continue to lease the current City Hall for at least one if not two more years. The lease expires November 9, 2021.

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**Funding Expected:** ☐ Revenue ☐ Expenditure ☐ N/A

**Budgeted Item:** ☐ Yes ☐ No ☐ N/A

**Funding Account:** \_\_\_\_\_ **Amount:** \_\_\_\_\_

**Legal Review Required:** ☐ N/A ☒ Required

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**Supporting Documents attached:**

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**Recommendation:** Authorize the City Administrator to execute the updated leasing agreement.

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## Agenda Commentary

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**Meeting Date:** April 29, 2021

**Department:** Administration

**Contact:** Cynthia Northrop

**Agenda Item:** N. Discussion and any necessary action regarding authorizing City Administrator to work with TxDOT to obtain Jake Brake signage along State Highway 287

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**Type of Item:** ☐ Ordinance ☐ Resolution ☐ Contract/Agreement ☐ Public Hearing  
☐ Plat ☒ Discussion & Direction ☐ Other

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**Summary-Background:**

Currently the City of Rhome has an ordinance prohibiting jake braking within the city limits (Chapter 12.01.006). According to the Mayor, the City of Rhome used to have (no jake brake) signage on both the northbound and southbound lanes of U.S. Highway 287. After contacting TxDOT, they advised they have no records that signs have been erected along U.S. Highway 287, however, that does not preclude future such signage. Essentially, there are two requirements:

1. We must have an ordinance prohibiting jake braking – which we do have (see below excerpt).
2. The City will be responsible to install and maintain the signage.

Upon the City's submittal of a copy of the ordinance and a written request to TxDOT containing the specifications, which must be in compliance with TxDOT standards (Manual on Uniform Traffic Control Devices), they will review and we would enter into an agreement (Municipal Maintenance Agreement).

The cost of the signage and installation would be approximately \$500.

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**Funding Expected:** ☐ Revenue ☐ Expenditure ☐ N/A

**Budgeted Item:** ☐ Yes ☐ No ☐ N/A

**Funding Account:** \_\_\_\_\_ **Amount:** \_\_\_\_\_

**Legal Review Required:** ☐ N/A ☐ Required **Date Completed:** \_\_\_\_\_

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**Supporting Documents attached:** Jake Braking Ordinance

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**Recommendation:** Determine Council support for the signage and authorize the City Administrator to work with TxDOT and execute the Municipal Maintenance Agreement.

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## City of Rhyme Municipal Code

### **Sec 12.01.006 Jake Braking**

1. Prohibited. The city council does hereby ordain and establish that it shall be unlawful for any driver of any vehicle to use or operate, or cause to be used or operated, within the corporate city limits, any mechanical exhaust device designed to aid in braking or deceleration of any vehicle that results in excessive, loud, unusual or explosive noise from such vehicle, otherwise known as jake braking.
2. Penalty. Any person, firm or corporation convicted of a violation of this section shall be punished by a fine of not more than two hundred dollars (\$200.00).

(Ordinance 2001-09 adopted 5/10/01)