

CITY COUNCIL OF THE CITY OF SACHSE

SPECIAL MEETING MINUTES

NOVEMBER 14, 2019

The City Council of the City of Sachse held a special meeting on Thursday, November 14, 2019 at 7:30 p.m. at Sachse City Hall, 3815 Sachse Road, Building B, Sachse, Texas. Those present were Mayor Mike Felix, Mayor Pro Tem Michelle Howarth, Councilmembers Brett Franks, Paul Watkins, Cullen King, and Jeff Bickerstaff; City Manager, Gina Nash; City Attorney, Joe Gorfida; Special Appointed Counsel, Julia Gannaway; City Secretary, Michelle Lewis Sirianni; and Police Chief, Bryan Sylvester.

Mayor Felix opened the special meeting at 7:30 p.m.

Mayor Felix opened up any comments from the public.

No comments were made.

EXECUTIVE SESSION: The City Council shall convene into Executive Session pursuant to Section §551.071(2) of the Texas Government Code to consult with the City Attorney and Section §551.074(a)(2) of the Texas Government Code regarding the following: - Pursuant to Chapter 1, Section 1-22(H) of the Sachse Code of Ordinances: Consider the written report submitted by outside counsel, Julie Gannaway, as it relates to the ethics complaint filed by Shawntaigne Riner against former Mayor Pro Tem, Bill Adams.

At 7:31 p.m., the City Council recessed into Executive Session.

At 8:15 p.m., the City Council reconvened back into open session.

Julia Gannaway stated that there was a complaint against former Mayor Pro Tem Bill Adams (Mr. Adams) filed on October 8, 2019 concerning several social media posts. She was appointed by the City Council to conduct an investigation on October 14, 2019. She stated that she interviewed both the Complainant and Mr. Adams on October 21, 2019. The report is as follows:

Complaint #1: Violated Code of Ethics Section 1-22(F)(1)

“Officers who post on any social media website that may be viewed by the public are expected to exercise the highest levels of accuracy, professionalism, respect, and concern for the reputation and peace of mind of individuals who may be affected by the post and the reputation and image of the City. Any comments, opinions, or statements posted by an officer are subject to the restrictions under the Texas Open Meetings Act.”

Finding: Sustained.

Mr. Adams did use the Complainant's name and called her a "drama queen," which was neither professional nor respectful. While Mr. Adams denied any intent to humiliate, defame or ridicule her, he created a second post in which he stated, "to combat continuous childishness, lies and deceit, I have moles too . . ." and attached the Complainant's social media comment on Mr. Adams' initial post, objectively including her in those descriptions. Those statements were also neither professional nor respectful.

The Complainant asserted that Mr. Adams' post stating he did not know her was inaccurate. She stated he had "verbally accosted" her in an email chain with the City Council in 2010-2011. Mr. Adams states he has never spoken with her in person, although he does know her by sight. He does not recall the email issue from 2010-2011.

Complaint #2: Violated Code of Ethics Section 1-22(F)(3)

"Officers shall refrain from posting personal opinions on matters to be brought before the City Council, board or commission including, but not limited to, personal opinions on pending matters before City council, board or commission, declaration of how an officer intends to vote on an issue, engaging or debating with citizens on items presented to the council, board or commission, or officers' arguments for or against an item. These postings could be considered a violation of the Texas Open Meetings Act and could result in criminal and civil liabilities for the officer under the Texas Government Code Chapter 551."

Finding: Not Sustained.

Mr. Adams initially posted an item which was intended to be a joke; he denied any intent to mock citizens regarding the trash service in the City. This was not a violation because although the Council was scheduled to receive an update from the trash company in a workshop session, it was not posted for a vote or any Council action.

Ms. Gannaway did not detect any potential violations of the Texas Open Meetings Act for this claim.

Complaint #3: Violated Code of Ethics Section 1-22(F)(5)

"Officers shall maintain professionalism and common courtesy in their posts when commenting in their official capacity and remain neutral to prevent the interpretation that a decision has already been made in an Open Meeting which is a violation of the Texas Open Meetings Act."

Finding: Sustained.

Mr. Adams denied any malicious intent in his original post and intended it to be a joke. However, in his third post, Mr. Adams used words such as "continuous childishness," "lies," "deceit," and attached the Complainant's post, which was criticizing his original post. That was neither professional nor courteous.

In posts number five and number six, Mr. Adams called the Complainant a “drama queen” which is neither professional nor courteous. However, Mr. Adams’ comments did not reflect an opinion on the merits of the trash issue or convey a decision had been made.

Complaint #4: Violated Code of Ethics Section 1-22(F)(7)

“When posting an on-line communication that discusses City-related issues, but which is not posted as an approved representative of the City or on the City’s behalf, all persons must make it clear that they are speaking for themselves, and not on behalf of the City by displaying a disclaimer that states that it is their own opinion and not necessarily the opinion or position held by the City, City council, board or commission.”

Finding: Sustained.

In posts number one and number three, Mr. Adams did not post a disclaimer. The first post was not a violation. Yet, in post number three, Mr. Adams posted his personal opinion about the Complainant.

In posts number five and number six, Mr. Adams asserted he posted a disclaimer, but the disclaimer was not presented during the investigation. The Complainant reported she was not provided the entire post, which may have included disclaimer language. Mr. Adams believes his posting of a disclaimer adequately negated his culpability. Mr. Adams stated he included the City contact information not to reflect an official capacity, but to show how to reach him.

Notwithstanding Mr. Adams’ belief, the content of the posts themselves reflect that he is a councilmember.

Complaint #5: Violated Code of Ethics Section 1-22(F)(6)

“Officers shall not use their official positions to post negative or derogatory comments or voice their personal opinions against an individual, business or entity. Such conduct could result in negative feedback for the officer and the City, and the officer could potentially be liable for slander, defamation of character or other civil remedies as determined by a court.”

Finding: Sustained.

In post number three, there was no disclaimer and Mr. Adams is known as a Sachse councilmember. That post contained comments that were negative and/or derogatory towards the Complainant as Mr. Adams attached her post to his, thus identifying her.

Posts number five and number six include negative and derogative comments and his personal opinion of the Complainant.

These posts resulted in this complaint, which created negative feedback for both Mr. Adams and the City. However, Mr. Adams reported to the investigation that he has removed and/or caused to be removed posts number five and number six. Thus, he has taken some action to reduce the negative feedback to the City.

Ms. Gannaway made no findings regarding any potential civil cause of action.

Ms. Gannaway stated Mr. Adams violated this Ordinance in posts number three, number five, and number six (October 5 and October 7). He did intentionally and knowingly make these posts, which were disrespectful, discourteous, unprofessional, and resulted in negative feedback for the City.

Mr. Gorfida stated the City Council first has the option to accept or reject the report. The City Council may also take any of the following options pursuant to the Ethics Policy: issue a letter of notification; issue a letter of admonishment, or issue a letter of reprimand, depending on the severity of the findings. The Council may also pass a resolution of censure with a recommendation for a recall, which is no longer necessary since Mr. Adams is no longer a councilmember.

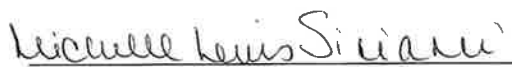
Councilman Franks stated pursuant to the City of Sachse Code of Ordinances, Chapter 1, Section 1-22(I) "Violations", he made a motion to accept the official report and hereby issue a letter of reprimand. Councilman Bickerstaff seconded that motion and the motion was unanimously approved.

ADJOURNMENT:

Mayor Felix adjourned the special meeting at 8:26 p.m.


MIKE J. FELIX, MAYOR

ATTEST:


Michelle Lewis Sirianni, City Secretary

