

ORDINANCE NO. 26-03-12

AN ORDINANCE OF THE CITY OF REDWATER, TEXAS, ADOPTING A CIVILITY POLICY GOVERNING CONDUCT AND COMMUNICATIONS BETWEEN CITY STAFF AND THE PUBLIC; PROVIDING FOR ENFORCEMENT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Redwater has a duty to promote mutual respect, civility, and orderly conduct among the City and the public while maintaining, to the extent possible and reasonable, a safe, harassment-free workplace for City staff, defined as City officials, employees, and volunteers; and

WHEREAS, this policy is not intended to deprive any person of their right to freedom of expression, but only to encourage positive communication and discourage volatile, hostile, or aggressive actions directed at City staff; and

WHEREAS, the City Administrator has been advised that remedies for harassing behavior directed toward City employees and officials generally fall into two categories: (1) criminal action, and (2) individual civil action by the affected employee or official; and

WHEREAS, potential civil claims, including intentional infliction of emotional distress and defamation, belong to the individual employee or official and are not causes of action the City may prosecute on the individual's behalf, though the City may support and cooperate with an employee or official who elects to pursue such a claim; and

WHEREAS, the City, through its police force, is able to act on behalf of an employee or official on the criminal front by investigating, documenting, and referring conduct to the appropriate district or county attorney for prosecution; and

WHEREAS, the Texas Penal Code identifies specific criminal offenses relevant to the protection of City staff and officials, including Harassment (§ 42.07), Stalking (§ 42.072), Terroristic Threat (§ 22.07), Obstruction or Retaliation (§ 36.06), Disruption of a Public Meeting (§ 42.05), and Harassment of a Public Servant (§ 22.11); and

WHEREAS, individual employees and officials who are victims of stalking under § 42.072 may separately seek a protective order under Texas Code of Criminal Procedure Chapter 7B, without regard to their relationship to the offender; and

WHEREAS, the City Council finds it in the best interest of the City and its staff to adopt a formal Civility Policy giving clear direction to City employees on how to handle harassing conduct by members of the public;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF REDWATER, TEXAS, THAT:

SECTION 1. Adoption. The Civility Policy attached hereto as Exhibit A is hereby adopted in full and incorporated into the City of Redwater Code of Ordinances at Article ____, of the Code.

SECTION 2. Purpose. The Civility Policy is adopted for the purpose stated in Exhibit A, the Civility Policy: to promote mutual respect, civility, and orderly conduct among the City and the public, and to maintain a safe, harassment-free workplace for City staff, without depriving any person of their right to freedom of expression.

SECTION 3. Enforcement. The City Administrator, department supervisors, and law enforcement officers serving the City are directed to implement and enforce the Civility Policy in accordance with Exhibit A, including the reporting, documentation, and referral procedures set out therein. Nothing in this ordinance or the attached policy creates a new criminal offense; enforcement of the criminal statutes referenced in Exhibit A remains subject to the Texas Penal Code and the discretion of the appropriate prosecuting attorney.

SECTION 4. Signage and Notice. The City Administrator is authorized to post notice of this policy, substantially in the form approved by the City Attorney, at City Hall and other City facilities as deemed appropriate.

SECTION 5. Severability. If any section, subsection, sentence, clause, or phrase of this ordinance or the attached Civility Policy is for any reason held to be invalid or unconstitutional, such invalidity shall not affect the validity of the remaining portions of this ordinance or the policy, and the City Council hereby declares it would have adopted this ordinance and each section, subsection, clause, or phrase independent of the invalid provision.

SECTION 6. Effective Date. This ordinance shall take effect immediately upon its passage and adoption, as provided by law.

PASSED AND APPROVED this 17 day of September, 2026.



Mayor, City of Redwater, Texas

ATTEST:



City Secretary

EXHIBIT A: Civility Policy

Purpose.

This policy promotes mutual respect, civility, and orderly conduct among the City of Redwater and the public. This policy is not intended to deprive any person of their right to freedom of expression, but only to maintain, to the extent possible and reasonable, a safe, harassment-free workplace for City staff. "Staff" is defined as City officials, employees, and volunteers. The City encourages positive communication and discourages volatile, hostile, or aggressive actions, and seeks the public's cooperation with this endeavor.

Procedures for handling harassment of City staff by a member of the public.

(a) Any staff member who receives a communication — in person, by phone, in writing, or electronically — that they reasonably believe violates this policy or constitutes harassment under state law shall document the date, time, method, and substance of the communication and report it to their supervisor as soon as practicable.

(b) The supervisor shall determine whether the conduct warrants referral to the City Administrator, the police department, or both. Where the conduct may constitute a criminal offense under the statutes referenced in this policy, the City Administrator shall coordinate with law enforcement to investigate and document the incident for potential referral to the county or district attorney.

(c) The City may, at its discretion, advise an affected employee or official of their right to pursue an individual civil claim (such as intentional infliction of emotional distress or defamation) or to seek a protective order under Texas Code of Criminal Procedure Chapter 7B where the conduct rises to the level of stalking. The City will cooperate with and support staff who choose to pursue such remedies but does not undertake to prosecute or fund an employee's individual civil claim.

Conduct of City staff at council meetings and in the workplace.

(a) If any member of the public uses obscenities or speaks in an insulting and/or demeaning manner, the City staff member to whom the remarks are directed will calmly and politely ask the speaker to communicate in a civil manner. If corrective action is not taken by the offending party, staff will verbally notify the party that the meeting or conversation is terminated and the person will be asked to leave, or the call will be ended.

(b) When staff determines that a member of the public is in the process of violating this policy, staff should make a reasonable effort to provide the person a written or electronic copy of this policy, and shall immediately notify their supervisor and provide a written report per this policy.

(c) When an individual is directed to leave or end contact under subsection (a), staff shall inform the person that continued contact within the following seven calendar days may result in a harassment charge under Texas Penal Code § 42.07 or other applicable statute listed in this policy.

(d) If an individual refuses to leave on request, or resumes contact before the applicable period has passed, staff or a designee may notify law enforcement. An incident report will be completed for any situation relating to this policy.

(e) Members of the administrative staff and employees of the City shall observe the same rules of procedure and decorum applicable to members of the City Council. The City Administrator is responsible for the orderly conduct and decorum of all City employees and shall take such disciplinary action as necessary to ensure decorum is preserved.

Conduct of citizens and other visitors at council meetings.

(a) Citizens and other visitors are welcome to attend all public meetings of the City Council, subject to fire safety capacity.

(b) Everyone attending a meeting will refrain from private conversations while the Council is in session.

(c) Citizens and visitors shall observe the same rules of decorum applicable to members of the Council. Any person making personal, impertinent, profane, or slanderous remarks, or who becomes boisterous while addressing the Council or attending a meeting, may be removed from the room at the direction of the presiding officer and barred from further audience before the Council during that session. If the presiding officer fails to act, any Council member may move to require enforcement, and an affirmative vote of a majority of the Council shall require the presiding officer to act.

(d) Unauthorized remarks from the audience, stamping of feet, whistles, yells, and similar demonstrations shall not be permitted. Aggravated cases may be prosecuted on a complaint signed by the presiding officer, consistent with Texas Penal Code § 42.05 (Disruption of a Public Meeting).

(e) No placards, banners, or signs will be permitted in the Council chamber, except exhibits, displays, and visual aids used in connection with a presentation to the Council.

(f) Citizens and visitors shall not bring food or drinks into the Council chamber or any other room in which the Council is meeting.

Electronic and telephonic harassment.

This policy extends beyond in-person and meeting conduct. Repeated phone calls made with intent to harass, annoy, alarm, abuse, torment, or embarrass a staff member; repeated electronic communications or social media posts directed at staff in a manner reasonably likely to cause emotional distress, abuse, or torment (where not made in connection with a matter of public concern); and threatening calls or messages are subject to the same reporting procedure under this policy and may constitute criminal harassment under Texas Penal Code § 42.07. Staff should not personally engage with or respond to such communications beyond documenting them, and should escalate to a supervisor per this policy.

Enforcement; penalty.

(a) Law enforcement officers shall furnish whatever assistance is needed to enforce this policy. A person who violates this Civility Policy in a manner that also violates state law is subject to prosecution independent of, and in addition to, any City enforcement action; adoption of this policy does not itself create a criminal offense.

(b) Depending on the conduct involved, applicable state criminal statutes include:

(1) **Harassment (Tex. Penal Code § 42.07)** — generally a Class B misdemeanor, punishable by confinement in jail for up to 180 days and a fine of up to \$2,000.00; elevated to a Class A misdemeanor, state jail felony, or third-degree felony depending on prior convictions and the identity of the victim (e.g., a judge).

(2) **Obstruction or Retaliation (Tex. Penal Code § 36.06)** — generally a third-degree felony for intentionally or knowingly harming or threatening to harm a person in retaliation for their service or status as a public servant, punishable by 2 to 10 years' imprisonment and a fine of up to \$10,000.00; elevated to a second-degree felony in certain doxxing or juror-retaliation cases.

(3) **Stalking (Tex. Penal Code § 42.072)** — a third-degree felony for a knowing pattern of conduct that constitutes harassment or threatens bodily injury and causes the victim reasonable fear, punishable by 2 to 10 years' imprisonment and a fine of up to \$10,000.00.

(4) **Terroristic Threat (Tex. Penal Code § 22.07)** — punishable as a Class B misdemeanor up to a third-degree felony depending on intent and circumstances, including threats made to influence governmental conduct.

(5) **Harassment of a Public Servant (Tex. Penal Code § 22.11)** — a third-degree felony, punishable by 2 to 10 years' imprisonment and a fine of up to \$10,000.00, for intentionally causing a public servant to contact blood, seminal fluid, vaginal fluid, saliva, urine, or feces in connection with the performance of official duties.

(c) Individual employees and officials who are victims of stalking under § 42.072 may separately seek a protective order under Texas Code of Criminal Procedure Chapter 7B, without regard to their relationship to the offender.