

# City of Breckenridge, TX



## Our Mission

Consistently plan for higher quality of life through positive community relationships that value citizens, welcome visitors, and invite business growth by focusing on innovation, education, and safety.

[www.breckenridgetx.gov](http://www.breckenridgetx.gov)

# City Commission Orientation Handbook

## **Welcome to the City of Breckenridge City Commission Orientation Handbook**

Congratulations on your election to the City of Breckenridge City Commission. The City is pleased you have been chosen to serve the citizens, community, and employees of Breckenridge. Serving on City Commission will be both a challenging and rewarding experience.

Your role as Commission member is not to be taken lightly and with this position comes a great deal of responsibility. You are responsible for regularly attending all meetings and understanding the duties of the commission. You have a responsibility to the citizens to consistently maintain the public trust, work, and vote for the betterment of the community as a whole.

Commission member's role will require time and effort and is a demonstration of the next level civic-duty; at the same time membership on the City Commission provides you with the rewarding opportunity to be a genuine public servant. With your position, you will be an integral part of shaping the future of Breckenridge. You will work directly with other boards, commissions, and staff.

The purpose of the City Commission Orientation Handbook is to provide you with information that will help guide you through the process of Commission membership as you take on the critical role of a City of Breckenridge Commission member. Within this handbook you will be introduced to your new role as Commission member, operating procedures, and Commission responsibilities. Refer to this handbook as well as other sources we will provide to help you better understand your role.

Welcome aboard!



City Manager

PLEASE NOTE THAT THIS HANDBOOK IS A GENERAL OVERVIEW AND IS NOT INTENDED TO BE A CUMULATIVE OR EXHAUSTIVE LIST OF THE POLICY OR PRACTICES OF THE CITY OF BRECKENRIDGE, THE DUTIES, RESPONSIBILITIES AND OBLIGATIONS OF A COMMISSION MEMBER, AND/OR ALL LEGAL ISSUES RELATING TO COMMISSION MEMBERS. ALSO, ALL REFERENCES TO LEGAL ISSUES AND/OR LAW ARE SUBJECT TO CHANGE AS THE RELEVANT LAW AND/OR STATUTE MAY CHANGE FROM TIME TO TIME.

## City of Breckenridge Department Heads

### City Manager

Cynthia Northrop, MPA, CPM

Office: 254.559.8287

Cell: 254.246.1963

[cnorthrop@breckenridgetx.gov](mailto:cnorthrop@breckenridgetx.gov)

### Finance Director

Diane Latham

254.559.8287

[dlatham@breckenridgetx.gov](mailto:dlatham@breckenridgetx.gov)

### Police Chief

Blake Johnson

254.559.2211

Email: [bjohnson@breckenridgetx.gov](mailto:bjohnson@breckenridgetx.gov)

### Public Services Director

Stacy Harrison

254.559.8287

[sharrison@breckenridgetx.gov](mailto:sharrison@breckenridgetx.gov)

### City Secretary

Jessica Sutter

Office: 254.559.8287

[jsutter@breckenridgetx.gov](mailto:jsutter@breckenridgetx.gov)

### Public Works Director

Todd Henderson

254.559.8287

[thenderson@breckenridgetx.gov](mailto:thenderson@breckenridgetx.gov)

### Fire Chief

Malcolm Bufkin

254.559.8287

[mbufkin@breckenridgetx.gov](mailto:mbufkin@breckenridgetx.gov)

### Municipal Court Clerk

Melissa Vick

254.559.2160

[mvick@breckenridgetx.gov](mailto:mvick@breckenridgetx.gov)

## Facilities



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### ***Breckenridge City Hall***

105 N. Rose  
Breckenridge, TX  
254.559.8287

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### ***Breckenridge Fire Department***

***Public Works***  
120 W. Elm  
254.559.8287

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### ***Breckenridge Police Department***

210 E. Dyer  
Breckenridge, TX  
254.559.2211

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***Breckenridge City Park***  
*Located on south of Hwy.  
180/Walker on Old Caddo Ave.*

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***Booker T Washington Park***  
*Located on E Power, south of  
O'Connor Street*

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***Joe K. Boyce Park***  
*Little League Road and Hwy 183*

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## *Animal Shelter & Public Works*

*N. Dubois*

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### **Local Government Organization**

Local governments are political subdivisions of the State of Texas and are governed according to the Local Government Code (<https://statutes.capitol.texas.gov/?link=LG> ). There are two types of local government in Texas: home rule and general law.

**The City of Breckenridge is a Home Rule city operating under the Council-Manager form of government.**

### **General Law Cities**

General law cities are small cities, most of which are less than 5,000 in population. All general law cities operate according to specific state statutes prescribing their power and duties. General law cities are limited to doing what the state authorizes or permits them to do. If state law does not grant general law cities the express or implied power to initiate a particular action, none may be taken. There are three categories of general law cities: Type A, Type B, and Type C. General Law cities may operate with a mayor- council or council-manager form of government.

Type A general law municipalities are the larger general law cities. The governing body of a municipality operating as a Type A general law municipality is known as the “city council” and varies in size depending on whether the municipality has been divided into wards. If the municipality has been divided into wards, the council consists of a mayor and two council members from each ward- whatever the number. If the municipality has not been divided into wards, the governing body always consists of a mayor and five council members.

In a Type B general law municipality with the aldermanic form of government, the governing body is known as the “board of aldermen” and includes six members (a mayor and five aldermen), all of whom are elected at-

large. At its discretion, the board of aldermen may provide by ordinance for the appointment or election of such additional officers as are needed to conduct the business of the municipality.

Type C general law cities operate with the commission form of government. The governing body is known as the “board of commissioners” and always consists of a mayor and two commissioners. No other elective officers are required; however, the board of commissioners must appoint a city clerk, and may provide by ordinance for the election or appointment of such other officers as are required.

### **Home Rule Cities**

Home rule cities are any city with over 5,000 in population in which the citizens have adopted a home rule charter. A charter is a document that establishes the city’s governmental structure and provides for the distribution of powers and duties among the various branches of government. The legal position of home rule cities is the reverse of general law cities. Rather than looking to State law to determine what they may do, as general law cities must, home rule cities look to the State Constitution and State Statutes to determine what they may not do. Thus, if a proposed home rule city action has not been prohibited or pre-empted by the State, the city generally can proceed.

Every home rule city in the State of Texas operates under one of two forms of government: mayor-council or council-manager. Among Texas’ 329 home rule cities, the majority have the council-manager form.

### **Duties of Commission**

The City Commission is the governing body for the City of Breckenridge and must bear responsibility for the integrity of governance. The City Commission will govern the City in a manner associated with a commitment to the preservation of the values and integrity of representative local government and democracy, and a dedication to the promotion of ethical, efficient, and effective governing.

The following statements will serve as a guide and acknowledge the commitment being made in this service to the community:

1. The Commission has as high priorities; to uphold the U.S. Constitution, Texas State Constitution, ethical practices, and the continual improvement of the member’s professional ability and the promotion of an atmosphere conducive to the fair exchange of ideas and policies among members.
2. In its governance role, the Commission will continue to be dedicated to friendly and courteous relationships with staff, other commission members, and the public, and seek to improve the quality and image of public service.
3. The Commission will also strive to recognize its responsibility to future generations by addressing the interrelatedness of the social, cultural, and physical characteristics of the community when making policies.
4. Each Commission member will make a commitment to improve the quality of life for the individual and the community, and to be dedicated to the faithful stewardship of the public trust.

## **Commitment of City Resources**

Individual Commission members may not commit City resources to undertake an investigation, request information, or obtain other special privileges in a manner not generally afforded to the public at large.

If the City Manager determines that a Commission member's request will result in significant disruption to the conduct of City business, will require a significant expenditure of resources, or should best be collectively voted on and approved by the entire Commission, the City Manager will notify the requestor and place the item on the next regular meeting's agenda, unless specifically requested not to do so. As a general guideline, any request that results in the expenditure of four (4) or more work hours will be considered "significant."

## **Communication with Staff**

*Interference in administrative matters.*

Neither the city commission, nor any of its committees or employees, shall dictate the appointment of any person to office or employment by the city manager, or in any manner interfere with the city manager, or prevent the city manager from exercising his or her own judgment in the appointment or removal of officers and employees, except as otherwise provided in this charter. Except for the purpose of inquiry, the city commission and its members shall deal with that part of the administrative service for which the city manager is responsible solely through such manager, and neither the city commission, nor any of its members, shall give orders to any of the subordinates of the city manager, either publicly or privately. *(Election of 4-7-84, Amend. No. 9)*

## **Responsibilities of Mayor – Commission Members**

### ***Mayoral Responsibilities***

The Mayor of the City of Breckenridge shall preside over the meetings of city commission and perform such other duties consistent with the office as may be imposed upon him by this Charter and ordinances and resolutions passed in pursuance hereof. He/She may participate in the discussion of all matters coming before the commission and shall be entitled to vote as a member thereof on all legislative and other matters but shall have no veto power. He shall be recognized as the official head of the city by the courts for the purpose of serving civil process, by the governor for the purpose of enforcing military law, and for all ceremonial purposes. In time of danger or emergency, the mayor may, with the consent of the commission, take command of the police and govern the city by proclamation and maintain order and enforce all laws.

### ***Mayor Pro-Tem Responsibilities***

The Mayor Pro-Tem is a Commission member selected by the Mayor/Commission and will perform all duties of the mayor in his/her absence or disability.



### ***Commission Member Responsibilities***

The city commission shall have all powers necessary and incident to the proper discharge of the duties imposed upon it and is hereby invested with all power necessary to carry out the terms and provisions of this Charter; it being intended that the city commission and mayor shall have and exercise all powers enumerated in this Charter or implied thereby and all powers that are or hereafter may be granted to municipalities by the Constitution or Laws of the State of Texas.

### ***Agenda***

Subject at all times to the open meetings requirements of state law, any commission member shall be authorized to have an agenda item placed upon any regular or special meetings of the city commission. Any commission member should submit a request to the City Manager and City Secretary by Wednesday at 5 pm of the week preceding the Commission Meeting.

### ***Regular Commission Meetings***

The Mayor and City Commission meet on the first Tuesday of each month at 5:30 pm in the Commission Chambers located at City Hall, 105 N. Rose, Breckenridge, TX, unless otherwise adopted by a majority of City Commission. All meetings are open to the public unless specified as an Executive Session. A quorum is required.

A written agenda notice of commission meetings is required by law, to be posted 72 hours in advance of the commission meeting including the date, hour, location, and subject of meeting.

### ***Commission Workshop Meetings***

Workshops are special meetings scheduled as needed by the Mayor and/or City Manager. Workshops tend to be a more relaxed atmosphere where commission/staff can discuss general topics without taking a vote. All workshops are open to the public. A quorum is required to hold a workshop.

### ***Special Meetings and Emergency Meeting***

Special Meetings and Emergency Meetings may be called at the request of the Mayor and/or City Manager. At least two (2) hours' notice is required for a special meeting in the case of an "emergency or urgent public necessity," the nature of which must be stated in the notice. Technically a "workshop" is a "special meeting" because it is not the regularly scheduled meeting on record with the State.

### ***Executive Sessions***

The Commission may recess to an executive session for any purpose permitted by State law. The general subject matter for consideration will be expressed in the agenda or the motion calling for the session. Final action will not be taken by Commission until the matter is placed on the agenda and a vote taken in an open meeting.

A governing body may generally hold a closed meeting for one or more of the following reasons:

- Consideration of specific personnel matters – Texas Government Code (TGC) 551.074
- Certain consultations with its attorney – TGC 551.071
- Discussions about the value or transfer of real property – TGC 551.072
- Discussions about security personnel, security devices, or a security audit – TGC 551.076
- Discussions about a prospective gift or donation to a governmental body
- Discussions by a governing body of potential items on tests that the governing body conducts for purposes of licensing individuals to engage in an activity – TGC 551.088
- Discussions of certain economic development matters – TGC 551.087
- Discussions of certain competitive matters relating to a city owned electric or gas utility for which the city commission is the governing body – TGC 551.086
- Certain information relating to the subject of emergencies and disasters – TGC 418.183(f)

### **Guidelines for Public Comments at Meetings**

City Commission has adopted a resolution (Resolution 2024-06) providing guidelines to allow for public comment during regularly scheduled meetings in alignment with HB 2840. Citizens are allowed to give public comment at regular city commission meetings. Comments are limited to 3 minutes. Because of the Open Meetings Act, members of the Commission are not allowed to respond or take part in any discussion related to the comments made. If there are more than five individuals wishing to speak on any one matter, each speaker's time will be limited to a total of two minutes to speak.

### **City Commission Agenda Packet Information**

Agenda packets (links) are emailed to members of City Commission and agendas are posted to the City website (and physically posted on the bulletin board in the entry of City Hall), [www.breckenridgetx.gov](http://www.breckenridgetx.gov), by 5 p.m. the Saturday prior to the City Commission Meeting in adherence with state statutes. Agenda commentaries may be included and are prepared by appropriate staff.

Any commission member may place an item on the agenda for any regular or special meeting of the city commission unless the city commission shall have set a specific agenda for any such meeting. Any commission member should submit a request to the City Manager and City Secretary by Wednesday at 5 p.m. of the week preceding the Commission Meeting.

### **Consent Agenda**

The consent agenda is used to cover items that are routine in nature, typically items that have already been approved through the budget process, that should not require discussion. Agenda commentaries may be provided and include details of the subject matter. Reading through the packet provided will help members of the commission make informed decisions. During the meeting, the Mayor, any City Commissioner, or the City Manager may pull an item from the Consent agenda for discussion.

## **Texas Municipal League and Texas Municipal League Institute**

The Texas Association of Mayors, Members, and Commissioners (TAMCC) and the Texas Municipal League (TML) encourage elected officials to learn about their governance roles and city government through a variety of educational opportunities. These opportunities provide elected officials a chance to enhance their policy-making and leadership skills. TML and TAMCC sponsor the Texas Municipal League Institute (TMLI) to recognize, and reward elected officials who commit to continuing their professional development. This recognition, for completing a certain number of continuing education credits (CEUs) within a calendar year, begins with a *certificate of recognition* and increases to a *certified municipal official*.

### **City Manager**

The Commission will appoint a city manager who will be the administrative head of the municipal government and will be responsible for the efficient administration of all departments. (Art. 7.1) and shall receive a salary as set by the City Commission (Art. 7.2).

The City Manager – Powers and Duties (Art.7.3):

- Responsible to City Commission for the proper administration of all affairs of the city
- Responsible to see that the laws and ordinances of the city are enforced.
- Responsible to appoint all appointive officers, or employees, of the city except as other provided in the Charter and may at will remove any officer or employee appointed by him/her.
- Responsible for exercising control and supervision over all departments and offices that may be created by the City Commission, and all officers and employees.
- Responsible for attending all meetings of the City Commission, with the right to take part in the discussion, but having no vote.
- Responsible to recommend in writing to the City Commission such measures as he/she may deem necessary or expedient.
- Responsible to keep City Commission advised as to the financial conditions and needs of the city and perform such other duties as may be prescribed by the charter, or which may be required of the city manager by ordinance or resolution of the City Commission.

### **City Attorney**

The city commission may contract with a private firm or person in private legal practice to perform the duties and fill the office of city attorney. (1999 Code, sec. 39.41)

### **City Secretary**

The secretary of the municipality shall attend each meeting of the governing body of the municipality and shall keep, in record provided for that purpose, accurate minutes of the governing body's proceedings.

- Record all laws, resolutions, and ordinances of the governing body
- Maintain the records of the governing body
- Prepare all notices required under any regulation or ordinance of the municipality
- Serves as treasurer

## **Municipal Judge**

The judge of the municipal court will be a qualified voter of the city and will be appointed by the City Commission and will hold his/her office at the pleasure of the City Commission. Currently, the City has an interlocal agreement with Stephens County and the duties are performed by the Justice of the Peace.

## **Boards and Commissions**

To be placed on a board, commission, or committee, citizens must submit a request to the City Secretary and then the request must be approved by City Commission. Each board and commission have a staff liaison that is appointed by the City Manager. All boards, commissions, and committees keep and maintain meeting minutes to be placed on file with the City Secretary.

Most boards and commission terms are staggered and appointed in June or July of every year. The City Commission appoints citizens to serve on the following City of Breckenridge boards and commissions:

- Planning & Zoning Board
- Board of Adjustments

## **Resolutions and Ordinances**

The City Commission takes official action by two means: resolutions and ordinances. The distinction between an ordinance and a resolution is in subject matter, not terminology. An ordinance cannot be changed into a resolution merely by calling it a resolution. A resolution generally states a position of policy of a city. An ordinance is more formal and authoritative than a resolution. An ordinance is a local law that usually regulates persons or property and usually relates to a matter of a general and permanent nature.

If the ordinance is approved, it is then signed by the Mayor and attested by the City Secretary. After adoption, an ordinance will not be amended or repealed except by the adoption of another ordinance amending or repealing the original ordinance. The Code of Ordinance is located online at [https://library.municode.com/tx/breckenridge/codes/code\\_of\\_ordinances](https://library.municode.com/tx/breckenridge/codes/code_of_ordinances)

## **Texas Open Meetings Act**

State law requires that all commission meetings be scheduled at a fixed time and place; a quorum of the commission must be present for the transaction of city business; any question before the commission be

decided by majority vote of the members present and voting, except where the law requires more than a simple majority; and that the mayor always presides, if present.

Every meeting of the City Commission must be conducted in accordance with the Texas Open Meetings Act, Chapter 551 of the Texas Government Code. The Act requires each elected or appointed member of a governmental body to take at least one hour of training in the Open Meetings Act.

**The training must be completed not later than 90 days after the member takes the oath of office or assumes the responsibilities of the office (visit: <https://www.tml.org/216/Essential-Training> ).**

The required training can be met in at least two ways:

- Viewing a video that is available to borrow or view online
- Receive training from certified entities, such as TML

A written notice of commission meetings is required by law, to be posted 72 hours in advance of the commission meeting including the date, hour, location, and subject of meeting.

The Act requires that all commission meetings, with narrow exceptions, be open to the public. Closed meetings (executive sessions) are permitted for the discussion of items that legitimately fall within the exceptions stated in the law. Please refer to the TML Handbook for Mayor and Commission for the complete list of exceptions to open meetings.

Stiff penalties are provided for violations of the Open Meetings Act. A Commission member or any other person who participates in an illegal closed meeting can be punished by a fine of \$100 - \$500, confinement to the county jail for one to six months, or both. *The same penalty can be applied to a commission member who conspires to circumvent the requirements of the law by meeting in numbers less than a quorum.*

## **Texas Public Information Act**

“Public Information” is defined as information that is written, produced, collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business by; a governmental body; for a governmental body and the governmental body; by an individual officer or employee of a governmental body in the officer’s or employee’s official capacity and the information pertains to official business of the governmental body.

Public Information includes any electronic communication created, transmitted, received, or maintained on any device if the communication is in connection with the transaction of official business. “Official business” is defined in the Act to mean any matter over which a governmental body has any authority, administrative duties, or advisory duties. *The Act expressly provides that a commission member’s private computer or cell phone communications, if made in connection with the transaction of official business, is public information.* The media on which the information is stored is all inclusive whether it be recorded on paper, film, or electronically, etc.



Each elected or appointed member of the governmental body must take at least one hour of training in the Public Information Act. **The training must be completed not later than 90 days after the member takes the oath of office or assumes the responsibilities of the office.**

**The City Secretary is the Public Information Officer for the City of Breckenridge.** All requests made under the Public Information Act must be directed to the City Secretary.

### **Conflict of Interest**

***The Mayor and members of City Commission are expected to avoid involvements that put their own personal interests at cross purposes with those of the public.*** In most cases, good judgement is enough to keep city officials within the bounds of propriety. There are, however, state laws governing the behavior of city officials.

A conflict of interest exists when a public official is presented with a matter for consideration in which the official has some personal interest that has the potential of influencing the official in the exercise of independent judgement. The purpose of the rule regarding conflicts of interest is to prevent public officials from using their authority for personal benefit rather than for the benefit of the public.

The purpose of this statute is to prevent commission members and other local officials from using their positions for hidden personal gain. The law requires the filing of a form by any commission member whose private financial interest, or those of relatives, would be affected by an action of the commission.

### **Criminal Misconduct**

There are a number of state penal laws that prohibit acts that improperly influence public employees. Two of the more pertinent statutes concern bribery and gifts. *Bribery* occurs when someone confers a benefit upon a public employee or official in return for an official's decision or act. The law prohibiting gifts is similar to bribery, except that the prohibited benefits is conferred with regard to any particular decision or act. A *bribe or gift* can be anything that could "reasonably" be regarded as economic gain or economic advantage.

***Elected City officials are agents of public purpose and hold office for the benefit of the public.*** They are bound to uphold the Constitution of the United States and the Texas Constitution and to carry out impartially the laws of the nation, state, and municipality thus to foster respect for all government. They are bound to discharge faithfully the duties of their office regardless of personal considerations. Recognizing that the public interest must be their primary concern, they should attend each Commission meeting and diligently prepare for the issues to be undertaken.

### **National Incident Management System (NIMS) Training**

NIMS Training – Courses are available online and at your own pace. All courses require you to have a FEMA Student ID# (SID). You can obtain one here: <https://cdp.dhs.gov/femasid>

ICS – 100 <https://training.fema.gov/is/courseoverview.aspx?code=IS-100.b>

ICS – 700 <https://training.fema.gov/is/courseoverview.aspx?code=IS-700.a>

## Resources

- Documents for Newly Elected Officials - [https://www.breckenridgetx.gov/government/mayor\\_and\\_commissioners/documents\\_for\\_newly\\_elected\\_officials.php](https://www.breckenridgetx.gov/government/mayor_and_commissioners/documents_for_newly_elected_officials.php)
- Previous Agendas/Minutes – <https://breckenridge-tx.municodemeetings.com/>
- Current Budget – <https://www.breckenridgetx.gov/departments/finance/budgets.php>
- Code of Ordinances – [https://library.municode.com/tx/breckenridge/codes/code\\_of\\_ordinances](https://library.municode.com/tx/breckenridge/codes/code_of_ordinances)
- Local Government Code - <https://statutes.capitol.texas.gov/?link=LG>
- Texas Municipal League – [www.tml.org](http://www.tml.org)