


## MEMORANDUM

**DATE:** April 22, 2020

**TO:** Mayor White & City Council

**VIA:** Mercy Rushing, City Manager

**FROM:** Cindy Karch, City Secretary 

**SUBJECT:** Consider approval of an amendment to the City of Mineola Employee Handbook.  
**Council Meeting Agenda Item for April 27, 2020**

### **Background Information:**

In the February 24, 2020 Regular City Council Meeting, City Attorney Blake Armstrong reviewed the Political Activities Police within the employee handbook. He recommended at that time that the council remove an item that a City employee may not do. The item to be removed is “Publicly endorse or campaign in any manner for any person seeking a City of Mineola public office.”

He stated that the Federal Fifth Circuit Court of Appeals heard a case in Dallas that had the identical prohibition in their employee policy and the court upheld that a city cannot prohibit an employee from publicly endorsing or campaigning for a candidate.

### **Recommendation:**

It is recommended that the Council approve removing the restriction.

### **Final Disposition:**

## RESOLUTION

At the Regular City Council Meeting of the City Council of the City of Mineola, Wood County, Texas, held on May 18, 2020 at 5:30 p.m., at the Mineola Municipal Complex, there being a quorum of the City Council present, upon motion duly made and seconded the following Resolution was adopted, to-wit:

WHEREAS, the City council adopted the revised City of Mineola Employee Handbook on February 26, 2018; and

WHEREAS, the City Council desires to clarify and modify certain provisions, procedures and policies therein to reflect changing laws, technologies, procedures and practices of the City of Mineola.

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MINEOLA, TEXAS:

### Section 8.15 POLITICAL ACTIVITIES

Remove first bullet-point “Publicly endorse or campaign in any manner for any person seeking a City of Mineola public office.”

This Resolution shall take effective immediately upon adoption by the City Council.

APPROVED and ADOPTED by the City Council of the City of Mineola, Texas on the 18 day of May, 2020.

---

Kevin White, Mayor

---

Cindy Karch, City Secretary

## 8.15 POLITICAL ACTIVITIES

City employees will not be appointed or retained on the basis of their political support or activities. City employees are encouraged to vote and to exercise other prerogatives of citizenship consistent with State and Federal law and these policies. A City employee may not:

- ~~Publicly endorse or campaign in any manner for any person seeking a City of Mineola public office.~~
- Use his/her position or office to coerce political support from employees or citizens.
- Use his/her official authority or influence to interfere with or affect the result of a campaign issue, an election or nomination for City of Mineola public office.
- Make, solicit or receive any contribution to the campaign funds of any candidate, directly or indirectly through an organization or association, for the City Council; or take any part in the management, affairs or political campaign of any such candidate; provided nothing herein shall infringe the constitutional rights of such office or employee to express his or her opinions and to cast his or her vote.
- Use working hours or City property to be in any way concerned with soliciting or receiving any subscription, contribution or political service or to circulate petitions or campaign literature on behalf of an election issue or candidates for public office in any jurisdiction.
- Contribute money, labor, time or other valuable thing to any person for City election purposes.
- Hold or seek an appointive or elective office of public trust where service would constitute a direct conflict of interest with City employment, e.g. City Council. Upon becoming a candidate or otherwise deciding to seek or assume such an office, an employee must immediately resign or will be dismissed upon failure to do so.