



Report to Hutto City Council

November 7, 2019

Prepared by:

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**Report to Hutto City Council  
November 7, 2019**

**I. Scope of Assignment**

On August 30, 2019, I was formally engaged to conduct “an investigation whether Council Member Mike Snyder interfered with the day-to-day operations, contracts, and daily affairs of the City, including violations of the City of Hutto Charter.”

While the City of Hutto Charter (“Charter”) contains a concise provision entitled “Interference with Administration” (discussed below), there is no defined standard of conduct prohibiting interference with “day-to-day operations” or “daily affairs” of the City. Consequently, it is difficult for either the investigator or the person being investigated to know precisely what conduct is prohibited. However, insight can be gained from analyzing the Charter provisions setting forth the powers of the City Council and the powers and duties of the City Manager.

**II. Applicable Charter Provisions**

In the course of this investigation, the following Charter provisions were analyzed and applied to the facts gathered.

**a. Interference with Administration**

Under the general heading of “Prohibitions”, Section 3.08<sup>1</sup> contains a provision entitled “Interference with Administration.” This narrowly defined provision reads:

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<sup>1</sup> Section 3.08(b) prohibits a Council Member from dictating the appointment or removal of a City officer or employee. There have been no allegations that Council Member Snyder violated that provision.

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“Except for the purpose of inquiries and investigations under Section 3.16, the City Council or its members shall deal with City officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager, and neither the City Council nor its members shall give orders to any such officer or employee, either publicly or privately, except as otherwise provided by this Charter.”

By its express language, the Charter’s “interference with administration” prohibition is limited to Council Members dealing with employees subject to the direction of the City Manager. The provision does not contemplate dealings between a City Council Member and members of the public, fellow elected officials, appointed City board members, or City vendors or contractors.

**b. Interference with City Manager’s Duties**

It is important to note that Section 3.07 of the Charter provides that “[a]ll powers of the City shall be vested in the City Council, except as otherwise provided by law or this Charter...”. In order to ascertain the powers of which the Council has divested itself, we look to the Charter provision establishing the powers and duties of the City Manager.

Section 4.01 sets forth a list of the City Manager’s responsibilities, including (1) the enforcement of laws and ordinances; (2) the appointment, suspension, or removal of department directors; (3) the attendance at and participation in City Council meetings; (4) the preparation and administration of an annual budget; (5) the

preparation of an annual fiscal report; (6) the advisement of City financial conditions; (7) the presentment of other operational reports; (8) the performance of other duties assigned by the Council; (9) the ability to make certain purchases; and (10) the ability to execute certain documents.

Therefore, this investigation sought to determine whether sufficient evidence exists to indicate if any of these specific duties were impinged upon by Council Member Snyder's conduct.

**c. Forfeiture of Office**

Section 3.06(b)(2) of the Charter provides that a Council Member forfeits his or her office if he or she has been found by the affirmative vote of at least 5 members of the City Council to have violated any *express prohibition* of the Charter. Therefore, a violation of Section 3.08 may serve as the grounds for forfeiture. However, it is my opinion that any involvement in the "day-to-day" operations of the City that falls outside the scope of Section 3.08 would not serve as the basis for forfeiting one's office, since there would be no *express prohibition* violated.

**III. Investigation & Analysis**

**a. Fact Gathering**

During the course of this investigation, I conducted interviews with each City Council Member, the City Manager, multiple City employees, a City vendor, and a City appointee. Among the materials reviewed during this investigation were the City Charter, the ethics ordinance, conflict of interest disclosures, videos of Council Meetings, city policies and protocols, and relevant job descriptions.

**b. Alleged Interactions with Members of the Public**

The concerns raised during these interviews stemmed from Council Member Snyder's alleged interactions with members of the public, county officials, city vendors and city contractors (with whom the City would eventually become adverse). However, as set forth above, none of the applicable standards of conduct govern a council member's interactions with members of the public, county officials, city vendors or city contractors.<sup>2</sup>

**c. Alleged Interactions with City Staff**

Other concerns raised stemmed from Council Member Snyder's interactions with the City Manager. (It should be noted that the City Manager is the one City employee with whom any Council Member is free to interact regarding City operations.) The City Manager affirmatively alleged that Council Member Snyder had violated Section 3.08(c) of the Charter. (Exhibit "A") As evidence for his charge, the City Manager pointed to two interactions between Council Member Snyder and City staff:

1. On either June 20<sup>th</sup> or 21<sup>st</sup> of 2019, Council Member Snyder spoke to City employee Anthony Host at the Hippo Café. Council Member Snyder is alleged to have said to Mr. Host, "What are you doing here?" (Exhibit "B")

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<sup>2</sup> State law governs conflicts of interest for municipal officials. Council Member Snyder has filed multiple conflict-of-interest disclosures as issues have come before the Council.

2. On July 26, 2019, Council Member Snyder exchanged Facebook comments with City employee Emily Parks on a non-City Facebook page. (Exhibit “C”)

- i. **Alleged Interaction with Anthony Host**

Regarding the first allegation, Council Member Snyder denies that the claimed interaction even occurred. He claims that he was in Lubbock on June 21<sup>st</sup> and departed Lubbock on June 22<sup>nd</sup> of this year. He provided an email that appears to substantiate this claim.<sup>3</sup>

In a telephone interview, Mr. Host acknowledged writing his letter at the request of Assistant City Attorney Melissa Secor. When asked whether he was certain about the date of the interaction, Mr. Host initially claimed to be certain, but subsequently acknowledged that the interaction may have actually occurred on June 28, 2019. Regardless of the date, Mr. Host confirmed that the interaction with Council Member Snyder consisted of Snyder’s one question and Host’s one-sentence reply. Host stated that Council Member Snyder’s question did not interfere with Host’s ability to carry out his job, and Host could not cite any other incident by which Snyder interfered with Host’s job duties.

Even if taken as accurate, the Charter should not be read to preclude a Council Member from asking a single question of a City employee whom he or she encounters in a public place. If that were the case, any verbal exchange between a Council Member and a City employee, regardless of its context or content, could serve as

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<sup>3</sup> The email contains the personal email addresses of members of the general public; for that reason, it is not included with this report. A redacted version can be provided upon request of the Council.

grounds for an alleged Charter violation (and forfeiture of office). Clearly, that type of interaction does nothing to interfere with the administration of City operations.

## **ii. Interactions with Emily Parks**

Regarding the alleged online interactions between Council Member Snyder and Ms. Parks in July 2019, it is uncontroverted that such interactions occurred.<sup>4</sup> (Exhibit “D”) According to Ms. Parks, part of her job is to “correct misinformation that has been shared” on social media pages other than the City’s own accounts. This assertion is substantiated by the City Manager and some members of City Council. Though not specifically listed in the job description for Executive Director of Communication, that sort of proactive online engagement seems to fall within the general parameters of position’s “essential duties.”<sup>5</sup> (Exhibit “E”)

In her letter to the City Manager dated August 15, 2019, Ms. Parks writes:

“On Friday, July 26, I commented on a thread in the Hutto, TX Neighbors 3.0 page correcting a statement Councilman Mike Snyder made in relation to his role as a councilmember and his involvement in the day to day activities of city staff. I quoted the charter and explained to three members of the public that Mr.

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<sup>4</sup> Except for Ms. Parks, the other City employees interviewed each indicated that Council Member Snyder has not interfered with the performance of their jobs.

<sup>5</sup> It is beyond the scope of this analysis to opine on the advisability of charging an employee with this sort of task. Directing a City employee to officially engage on non-City social media accounts raises a host of legal issues, including document preservation, Public Information Act compliance, and personnel issues relating to overtime and the scope of employment. If this practice has not been vetted by the City’s legal counsel, it certainly should be.

Snyder's post was inaccurate and included false statements and information."

In his allegation against Council Member Snyder, the City Manager writes:

"I believe that Councilman Snyder has violated an express prohibition in the Charter by directly speaking to my staff about their actions as employees...[B]y tagging Ms. Parks in comments on Facebook, he effectively gave her a directive by telling her to 'apologize' to him for correcting misinformation in the community, a component of her job responsibilities, and subjected her to negative comments from the community for doing her job.. Again, the Councilman circumvented me as City Manager, to deal with my staff directly, an express prohibition in the Charter."

This scenario is problematic for multiple reasons, and places both the employee and the elected official in precarious positions. Here, a city employee is tasked with using her discretion to determine when another person – including a City Council Member – is in need of "correction." Then, the employee is expected to publicly "correct" that person. This puts the employee in the untenable position of admonishing a duly elected member of the City Council. From the Council Member's perspective, he or she may feel unable to respond for fear of having Section 3.08 weaponized against him or her. As a result, the Council Member is forced to restrict his or her speech in a situation that bears little or no relation to the operation of city government. Such a restriction on an elected official is likely to implicate his or her



First Amendment rights, an analysis of which is beyond the scope of this investigation.

The Charter's prohibition on interference with administration is intended to prevent the City's professional staff from being unduly influenced by a Council Member's political motivations. The prohibition should not be weaponized to prevent innocent exchanges between an elected official and city staff, nor should it be used to silence an elected official in the face of a staffer's public rebuke.

### **iii. Interference with City Manager's Duties**

At no point during this investigation did anyone interviewed provide evidence that Council Member Snyder interfered with the City Manager's duties enumerated in Section 4.01. In fact, with the exception of Ms. Parks, each employee acknowledged that Council Member Snyder has rarely communicated with them at all in recent months.

The "day to day" refrain echoed by many of the interviewees seems to turn on Council Member Snyder's suspected or rumored interactions with non-employees, communications which are beyond the reach of the Charter. Further, there was no offer of evidence that the City Manager was unable to perform his specified duties by virtue of Council Member Snyder's behavior.

## **IV. Conclusion**

It is my conclusion that there is insufficient evidence to conclude that Council Member Snyder has violated any express prohibition of the City of Hutto Charter or any other applicable standard of conduct. Mere interaction with City employees is an

insufficient basis for a determination that an elected official has forfeited his or her office. Forfeiture of office would require a showing of an active attempt to circumvent the City Manager in an effort to influence an employee's performance of his or her job duties.<sup>6</sup>

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<sup>6</sup> This conclusion is limited to the specific facts gathered during the course of this inquiry. Should new facts come to light, I reserve the right to modify this analysis and its conclusion accordingly.

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**Count 1: Prohibitions in the Hutto City Charter – Council Member Snyder’s Comments  
and Directives to City Employees**

On June 20<sup>th</sup> or June 21<sup>st</sup>, 2019 Councilman Snyder harassed the City’s Executive Director of Community Services, Anthony Host, while they were both at a local restaurant. Mr. Host was there conducting official City business when Mr. Host was questioned by Councilman Snyder about what Mr. Host was doing there. Mr. Host was unsure of how to respond and then reported the incident to his supervisors. After I was notified, I sent out an email on June 21, 2019 reminding the Council not to deal directly with staff, because it was a violation of the Charter to deal with staff, and that they may only do so directly through me, the City Manager.

On July 26, 2019, Councilman Snyder also made improper comments on Facebook to Emily Parks, the City’s Public Information Officer and Assistant to the City Manager. Councilman Snyder informed Ms. Parks that she could “apologize to him” at any time in a public Facebook post. Councilman Snyder’s comments came after being told repeatedly, as a new member (including in an email I sent on May 6, 2019), and after the incident with Mr. Host, not to deal directly with my staff, as it is a clear and direct violation of the Charter.

**Exhibit  
A**



Mayor  
Doug Gaul

Mayor Pro-tem  
Tom Hines

Council Members  
Scott Rose, Place 1  
Tom Hines, Place 2  
Mike Snyder, Place 3  
Peter Gordon, Place 4  
Patti Turner, Place 5  
Tanner Rose, Place 6

City Manager  
Odis Jones

August 15, 2019

Odis Jones  
City Manager  
500 W. Live Oak  
Hutto, TX 78660

Dear Mr. Jones

I was having a meeting at Hippo Café June 20<sup>th</sup> or 21<sup>st</sup> 2019 with our business partners to get our projects moving forward. I was walking back from saying hello to a business owner in our community and on the way back to my table I walked by the front door and Mr. Mike Snyder was entering. I said hello and he replied with "What are you doing here?" It caught me off guard. I was expecting "Hello" or "Good morning. I replied "eating breakfast" and went to my table. As I was sitting there I was thinking "is he going to comment on face book or call Odis". I felt like I was being questioned about whether I was doing my job. When I finished my meeting I felt the need to advise ACM Frankland and ACM Sorrell. I did not want them to be caught off guard if it was brought up. I am not here to cause issues for the City of Hutto. The six years of service I have provided, I have served passionately and always been a good steward for the tax payer. Mr. Snyders actions make me feel that we are political pawns. That is not why I serve. I serve to bring the best to the citizens of Hutto. Odis I apologize if this has brought you or council any grief. It is and was not my intent.

Anthony E Host

A handwritten signature in blue ink, appearing to read 'Anthony E. Host'.

Executive Director of Community Services

**Exhibit  
B**





Mayor  
Doug Gaul

Mayor Pro-tem  
Tom Hines

Council Members  
Scott Rose, Place 1  
Mike Snyder, Place 3  
Peter Gordon, Place 4  
Patti Martinez, Place 5  
Tanner Rose, Place 6

City Manager  
Odis Jones

Thursday, August 15, 2019

Mr. Jones,

On Friday, July 26, I commented on a thread in the Hutto, TX Neighbors 3.0 page correcting a statement Councilman Mike Snyder made in relation to his role as a councilmember and his involvement in the day to day activities of city staff. I quoted the charter and explained to three members of the public that Mr. Snyder's post was inaccurate and included false statements and misinformation.

Mr. Snyder replied to my post and stated he was "lost". I responded and again explained city charter and council member responsibilities. In his reply, Mr. Snyder said I could "apologize at any point" and that I should keep "pushing out the message that you get paid to do and not making comments at me."

My job is to communicate information and to correct misinformation that has been shared. I felt like Mr. Snyder was directing me to be quiet and do my job in a way that he approved of and agreed with. Mr. Snyder's comments led others to respond that me correcting misinformation was "ridiculous" and "embarrassing" and questioned how I "still have a job". Mr. Snyder's public comments about me have compromised my position as the city's spokesperson by calling my reputation into question and have adversely affected my ability to do my job. His statements have created a hostile work environment for me in which I find it difficult to complete tasks I am required to do because I worry about retaliation and him using his position as a council member to negatively affect my job or employment.

Sincerely,

Emily Parks  
Assistant to the City Manager/Public Information Officer  
(512) 759-4034  
Emily.Parks@HuttoTx.gov

500 W. Live Oak St. | Hutto, Texas 78634  
512-759-4033 | www.huttotx.gov

Exhibit  
C



Tools Help

TweetDeck

Hutto, Tx Neighbors 3.0

KOKE FM - Home

Downtown Hutto - Home

Welcome

https://www.facebook.com/groups/561768317547553/search/?query=snyder&pa=SEARCH\_BOX

Like Reply 2w

**Audrey Evans** Peter Gordon Good luck . so there will be an overpass here before then?

Like Reply 3w

**Peter Gordon** @ Audrey Evans the last presentation I saw the overpass was planned to be done before PG is open.

Like Reply 3w

**Audrey Evans** That would be a good idea Thank you for your input this evening.

Like Reply 3w

**Peter Gordon** @ Audrey Evans you're welcome!

Like Reply 3w

**Emily Parks** Troy McMillin Darla Bower Gabby Breda, don't misunderstand Mike Snyder. The city charter outlines this as the responsibility of the city manager as it is the day to day operations of the city. It is the responsibility of the council and council members to set policy, like the Unified Development Code, which outlines the process on when and how the planning department notifies residents, hears concerns and works with neighborhoods. Right now, the development is so preliminary most questions don't have answers. When information is less fluid and more concrete, the planning department will work with affected citizens to review plans and impacts. We've already received many comments that we are listening to as we decide on the design process. And, as always, at any time, you can contact your council members, or contact me directly at emily.parks@huttotx.gov. I'll be using social media, water bills and letters to residents to notify you of meetings and other opportunities to provide feedback. We are listening and we do care. Just give a chance to have some actual info in place to talk. Friday, July 26, 2019 at 10:41 PM

Like Reply 2w

**Ronn McKee** Emily Parks Why was the neighborhood adjoining The Perfect Game not notified of this major development?

Like Reply 2w

**Mike Snyder** @ Emily Parks I'm lost now.

Like Reply 2w

**Emily Parks** Ronn McKee because there has not been an application for zoning yet. When there is, city staff will follow the ordinances set by council and notify residents. Right now there isn't anything concrete to share, beyond the site plan and concept, which is... See More

3:7545558/permalink/1002950513434832/?comment\_id=10029505150101035&reply\_comment\_id=1004705913254192&comment\_tracking={\"tn\":\"R\"}

Exhibit D



and concepts. When you see more

Like Reply 2w



**Ronn McKee** Emily Parks but amazingly we found out on Facebook.

Like Reply 2w



**Emily Parks** Ronn McKee we announced the information at multiple council meetings and I released it all on social media, which is one of the ways I communicate on behalf of the city. I encourage you to email me and/or set up some time to chat. As I've said, we are listening and we do care. I'd be more than happy to come to your neighborhood meeting (which I found out about on FB) to hear feedback and concerns to take to city staff. But again, this development hasn't even gone through engineering and design, meaning many of your questions don't have answers yet. Reach out: [emily.parks@huttotx.gov](mailto:emily.parks@huttotx.gov)

Like Reply 2w



**Barbara Wyckoff Flanagan** Emily Parks How dare you, as a City employee, get on Facebook and publicly chastise a sitting Council member?! Have you even read the charter? Nowhere in there does it say that Mike Snyder doesn't have the right to ask hard questions, or demand answers regarding the details of the biggest development in the history of Hutto. All it says is that he can't interfere with staff. He can ask whatever questions he wants!! I don't know of any other city where a City employee can sit on Facebook and make unfounded accusations about a member of council violating the charter, and still have a job. This is ridiculous and embarrassing. Saturday, July 27, 2019 at 7:59 AM

Like Reply 2w



**Mike Snyder** Emily Parks You can apologize at any point. I'm lost because I haven't done anything in here to get into the "day to day". I get tired of asking something and hearing it's "day to day".

Remember San Antonio when the CM asked his staff to leave? Well y... See More

Like Reply 2w



**Ronn McKee** Emily Parks Prior to us finding out on social media, all of the information was behind closed doors. Yes I attend many meetings including when I had the opportunity to visit with an owner of Perfect Game. If I'm wrong correct me. The CM did 99.9% behind closed doors. Why are you calling people out when the Citizens Of Hutto have no idea what the truth is nor what is happening? Please reply

Like Reply 2w



Remember in there does it say that Hutto doesn't have the right to ask hard questions, or demand answers regarding the details of the biggest development in the history of Hutto. All it says is that he can't interfere with staff. He can ask whatever questions he wants!! I don't know of any other city where a City employee can sit on Facebook and make unfounded accusations about a member of council violating the charter, and still have a job. This is ridiculous and embarrassing.

Like Reply 2w



**Mike Snyder** Emily Parks You can apologize at any point. I'm lost because I haven't done anything in here to get into the "day to day". I get tired of asking something and hearing it's "day to day"

Remember San Antonio when the CM asked his staff to leave? Well you missed a pretty good discussion on why I won't be receiving information on things like PE. Then you get on FB and tell people that I'm misleading. Well, you weren't in that meeting.

You also keep telling people that it's misleading that we are looking at a 33% increase in city taxes. What is the difference between \$0.68 and \$0.51? It's 33%.

Now you can argue that the people voted for bonds that go into that increase, but we don't pay back what we haven't spent yet.

So, you may not like my views, but I'd appreciate you keeping with pushing out the message that you get paid to do and not making comments at me.

There are a lot of "lost" people in CH. Most of them don't even know the organizational chart.

Post that one time.

Just in case people are interested, the CITIZENS are at the top. Usually that means THEY call the shots. Which is done by electing people (council) that represent what they want. The Council, then in turns hires a CM (your boss), who then puts into place what the Council wants. Let me know when I've messed this up. The Council takes input from the citizens and passes it into the CM.

If I'm wrong Saturday, July 27, 2019 at 8:15 AM

Like Reply 2w



**Ronn McKee** Emily Parks Prior to us finding out on social media, all of the information was behind closed doors. Yes I attend many meetings including when I had the opportunity to visit with an owner of Perfect Game. If I'm wrong correct me. The CM did 99.9% behind closed doors. Why are you calling people out when the Citizens Of Hutto have no idea what the truth is nor what is happening?  
Please reply





Title: EXECUTIVE DIRECTOR OF COMMUNICATION

Department: Communication

Status: Full-Time

FLSA: Exempt

Salary: \$

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## POSITION OVERVIEW

Works collaboratively with the city executive team to develop and implement communication and public affairs strategies to broaden the impact of the City's work, as well as oversees the Communication/Marketing division.

## ESSENTIAL DUTIES

- Develops and is accountable for organizational messaging and delivery. Manages internal and external communication.
- Creates, implements and evaluates comprehensive communication and marketing plans for the City.
- Manages all aspects of media relations through the development, contact, distribution and tracking of news media relation activities. Lead strategy development, story pitching, fact checking, reporter targeting and results packaging. Seeks op-ed opportunities. Trains and prepares various subject matter authorities for media and presentation delivery. Builds and maintains on-going relationships with relevant media, bloggers and press secretaries.
- Develops a comprehensive and consistent strategy for public affairs efforts. Works to ensure broad alignment with and usage of positioning throughout the organizations, helping to provide a consistent framework for public affairs communications.
- Assists the Assistant to the City Manager/Public Information Officer in developing insights and monitoring key stakeholder opinions on issues affecting the City. This will help the organization understand its reputational risk profile and better identify ways to either lower it or mitigate the impact of those risks.
- Assists the Assistant to the City Manager/Public Information Officer in creating, maintaining, and updating the crisis management plan and crisis communication procedures. Addresses negative press and social media postings.

- Develops content to articulate and advance City positions. This includes media materials, talking points, questions & answers, speeches, presentations and other related materials. Proofreads all external documents from other departments, ensuring messaging is not only grammatically correct, but also aligned with City objectives.
- Develops, implements and maintains social media and the online engagement strategy. Develops and maintains copy for the Website. Works with others to ensure style is consistent and professional.
- Manages planning and implementation of press and organizational events.
- Manages the communication channels, including content curation and operation of the City's Public, Educational, and Government access channel, to ensure that information is timely and reports are properly communicated to stakeholders.
- Ensure that the website professionally and properly reflects accurate information. Complete audit of website in an effort to make improvements and find efficiencies within the communication processes.
- Manage and participate in public facing events in an effort to professionally represent the City through applicable media tools that properly keep the citizens up to date on City events.
- Performs other duties as assigned.

#### PRINCIPLES OF POSTIVE CUSTOMER SERVICE

This position requires providing excellent customer service by building positive relationships with the public, vendors, and co-workers.

#### DISCLAIMER

The above statements are intended to describe the general nature and level of work being performed by people assigned to this classification. They are not intended to be construed as an exhaustive list of all responsibilities, duties and skills required of personnel so classified.

Employee signature below constitutes employee's understanding of the requirements, essential functions and duties of the position.

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Employee Signature

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Date

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Employee Printed Name