



# City of Garden Ridge

*"A way of life, not just a place to live"*

## MINUTES PLANNING AND ZONING COMMISSION REGULAR MEETING TUESDAY, NOVEMBER 13, 2018, 6:00 P.M.

### **Commissioners Present:**

Chair Dr. Jim Miller  
Vice-Chair Mark Hausheer  
Commissioner Kitty Owen  
Commissioner David Ringle  
Commissioner David Heier  
Commissioner David Dauer

### **Commissioners Absent:**

Commissioner Karen Diaz (Voluntary Announced Absence)

### **City Staff Present:**

Nancy Cain, City Administrator  
Cynthia Trevino, City Attorney  
Marisa Spencer, Interim City Secretary

### **Other City Councilmembers or Commissioners Present:**

Councilmember Kay Bower  
Jesus Valdez, Water Commissioner

### **1. Call to Order**

With a quorum of the Planning and Zoning Commission Members present, Chair Dr. Miller, called the regular meeting of the Garden Ridge Planning and Zoning Commission to order at 6:00 p.m. on Tuesday, November 13, 2018, in the City Council Chambers of the Garden Ridge City Hall, 9400 Municipal Parkway, Garden Ridge, Texas 78266.

### **2. Roll Call**

See above

### **3. Pledge of Allegiance**

Chair Dr. Miller led the Pledge of Allegiance.

### **4. Citizen Comment Period – limited to 30 minutes total**

No one signed up to speak.

### **5. Business Items**

The Commission may discuss, consider/or take possible action on the following items:

#### **a) Approvals/Recommendations.**

- i. Approval of Minutes for October 9, 2018, Planning and Zoning Commission Regular Meeting.**

**Motion:** A motion was made by Commissioner Heier, seconded by Commissioner Owen, to approve the minutes for October 9, 2018, Planning and Zoning Commission Regular Meeting. The Commission voted five (5) for and none (0) opposed. The motion carried unanimously.

- ii. **Consider amending Ordinance 13-062017 of the City of Garden Ridge as follows: 1) Deletion of section 5.1.13. – For purposes of residential construction requiring an Extreme High Voltage electric transmission easement of at least seventy (70) feet from the center of easement and 2) Addition of section 8.7. – For the height and location requirements of flag poles.**
  1. **Hold a public hearing to receive comments for or against amending Ordinance 13-062017.**

Chair Dr. Miller opened the public hearing at 6:04 p.m. and asked if anyone wished to speak. Commissioner Ringle made a motion to divide the question. Chair Dr. Miller called for a second and Commissioner Ringle stated this is a non-seconded motion and no debate. Chair Dr. Miller called for a vote. The Commission voted five (5) for and none (0) opposed. The motion carried unanimously.

Kay Bower, 8947 Garden Ridge Drive, suggested the Commission explain why the public hearing is being held for anyone that may be new in the audience.

Nancy Cain, City Administrator, explained a public hearing must be held to receive comments for or against amending an Ordinance. She stated due to the Extreme High Voltage electric transmission easement requirement in the current Ordinance, many residents are having to request variances for things such as swimming pools, outbuildings, and flag poles. She further stated that some residences encroached into the current easement since this requirement was added in the Ordinance after the residence was built, and CPS only requires a forty (40) foot easement.

Jesse Valdez, 9035 Cinnabar Court, spoke regarding clarification on CPS wording and plat language.

Commissioner Ringle made a motion of inquiry or point of order to read the plat that states CPS easement language. Commissioner Ringle stated this does not need a second or a vote and can only be dismissed by the Chair. Chair Dr. Miller dismissed Commissioner Ringle's motion of inquiry.

Kay Bower, 8947 Garden Ridge Drive, suggested that Nancy Cain, City Administrator, reiterate what brought this about.

Nancy Cain, City Administrator, stated in order for anyone to construct something in front of their home they have to abide by the front set back and this currently creates issues for people whose residence is built on the set back. She stated if a residence is built on the front set back, under the current requirements they are unable to put a flag pole in their front yard. She further explained a flag pole is not considered a structure and that the height restrictions are equal to those in the current sign ordinance.

Chair Dr. Miller closed the public hearing at 6:35 p.m.

## **2. Make a recommendation to the City Council.**

**Motion:** A motion was made by Commissioner Owen, seconded by Commissioner Heier, to recommend to City Council the deletion of section 5.1.13. in Ordinance 13-062017. The Commission voted four (4) for and one (1) opposed (Commissioner Ringle). The motion passed by a vote of 4-1.

**Motion:** A motion was made by Commissioner Ringle, seconded by Commissioner Heier, to recommend to City Council to eliminate the double negative language in the proposed section 8.7. of Ordinance 13-062017. The Commission voted five (5) for and none (0) opposed. The motion carried unanimously.

**Motion:** A motion was made by Commissioner Owen, seconded by Commissioner Hausheer, to recommend to City Council the addition of section 8.7. to Ordinance 13-062017 with the elimination of double negative language. The Commission voted five (5) for and none (0) opposed. The motion carried unanimously.

**b) Discussions/Reports/Updates.**

**i. Direction from City Council regarding Zoning and Subdivision Ordinance rewrites.**

Nancy Cain, City Administrator, stated City Council discussed the various options provided by Pegasus. The Commission agreed by consensus to recommend to City Council to go forward with recommendation of option 1 provided by Pegasus.

**Motion:** A motion was made by Commissioner Ringle to recommend to City Council to not consider the medium and heavy build out options from Pegasus. There was no second; therefore, the motion died.

- ii. An Ordinance of the City Council of the City of Garden Ridge, Texas amending the Comprehensive Planning and Zoning Ordinance for the City, establishing zoning regulations; providing policies and procedures pursuant to the Texas Local Government Code; comprehensive zoning district regulations; zoning map; general provisions; use, height and area regulations; special uses and structures; conditional uses; site plans; visual screening; off-street parking and loading regulations; non-conforming buildings and uses; zoning district boundary verification procedures; zoning of annexed areas; administrative rules and procedures; definitions; appendices; providing other provisions relating to the subject; providing for the administration, enforcement, and amendment thereof; providing a savings clause and for the repeal of all other ordinances in conflict herewith; prescribing a penalty for violations and establishing each day of such violation as a separate offense; providing for severability; and providing an effective date.**

**1. Receive proposed changes and review the proposed Ordinance.**

Cynthia Trevino, City Attorney, stated the Commission was provided a draft that included the proposed changes in order to see where they are now with the rewrites. She went over the areas the Commission has previously discussed and changed. She stated City Council approved an agreement for professional services with Freese and Nichols, Inc. The Commission discussed the mixed-use limited district and stated they would like to have further discussions with Freese and Nichols, Inc.

**2. Discuss and make possible recommendation on future meetings or direction regarding Ordinance development process.**

**Motion:** A motion was made by Commissioner Ringle to divide C-1 Light Retail District from the Ordinance and consider that as written. Commissioner Ringle amended the motion to defer this to when Commissioner Diaz will be back. There was no second; therefore, the motion died.

**ii. Items discussed at the November 7, 2018, City Council Regular Meeting.**

Nancy Cain, City Administrator, stated City Council approved an Agreement for Professional Services with Freese and Nichols, Inc. to assist with the Zoning and Subdivision Ordinance rewrites. She stated the agreement has been sent to Freese and Nichols, Inc. and believes the next step is to have a meeting with Freese and Nichols to allow them to develop a plan about the best way to proceed in a timely and concise manner. She further stated this initial meeting would involve herself, two people from Freese and Nichols, the City Attorney, Chair Dr. Miller, and one Commissioner that Chair Dr. Miller chooses. Chair Dr. Miller stated he would like Mark Hausheer, Vice-Chair, to be a part of the meeting, and the Commission agreed by consensus.

- iii. **Discussion on the possibility and legal requirements within Texas Government Code 551 of using the City's website to publicly discuss the Zoning and Subdivision Ordinance rewrites (Ringle).**

Cynthia Trevino, City Attorney, stated online message boards are currently only limited to use by City Council.

- iv. **Discussion on the designation of one social media site for City communications (Ringle).**

Cynthia Trevino, City Attorney, discussed the presentation "Drafting Social Media Policies: Traps for the Unwary" (see attached).

**Motion:** A motion was made by Commissioner Ringle to recommend to City Council review of their policies and use of social media as it relates to Texas Government Code 551.006, to only use the City's website, and to grant the Planning and Zoning Commission access for an online message board. There was no second; therefore, the motion died.

**c) Future Agenda Items.**

- i. **Commissioners input on agenda items.**

Chair Dr. Miller suggested revisiting and reviewing the definitions in the Zoning and Subdivision Ordinance rewrites. The Commission agreed to work on light industrial and that be their focus for their next meeting on Thursday, November 15.

- ii. **Announce the date, time and location for next meeting (November 15, 2018, at 6:00 p.m. at City Hall).**

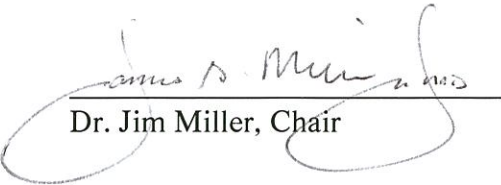
Chair Dr. Miller announced the next Planning and Zoning Commission Regular Meeting will be on Thursday, November 15, 2018, at 6:00 p.m. at City Hall.

**6. Citizen's Participation: - limited to 20 minutes total.**

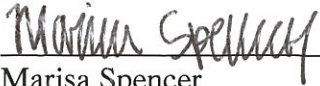
Shelby Trial, 21657 Forest Waters Circle, spoke regarding the Commission's objectives for Freese and Nichols, Inc.

**7. Adjournment**

**Motion:** A motion was made by Commissioner Owen, seconded by Commissioner Ringle, to adjourn. The Commission voted five (5) for and none (0) opposed. The motion carried unanimously. There being no further business, the Tuesday, November 13, 2018, Planning and Zoning Commission Regular Meeting was adjourned at 8:47 p.m. by Chair Dr. Miller.

  
Dr. Jim Miller, Chair

ATTEST:

  
Marisa Spencer  
Interim City Secretary

# Drafting Social Media Policies: Traps for the Unwary

Stephen M. Hines, Sr. Assistant City Attorney  
City of Garland, Texas



International Municipal Lawyers Association  
2018 Annual Conference  
Houston, Texas



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## Should a municipality have social media accounts?



- *“There’s going to be case law on this. I’d prefer it not be case law with the City of Redondo Beach in the title.”*

– Mike Webb

City Attorney, Redondo Beach, CA

- It is not a magical cure-all for city issues.
- It carries certain risks, including:
  - Liability for violating citizen’s rights
  - Liability for violating state or federal laws
  - The expense to monitor and maintain compliance social media accounts to ensure compliance with state and federal laws

## Should a municipality have social media accounts? (cont.)

- So, why do it?
  - Around 75-80% of US adults have at least one social media account
  - To broadcast information online
  - To obtain citizen reaction to municipal events
  - To streamline information to and from the municipality
  - To inform the public of street closures, construction, or other matters
  - And much, much more.

If you have social media, you need a social media policy. Why?

- To protect the City from unintentional liability
- To give City employees and officials an understanding of their rights and obligations with regards to social media accounts
- To protect elected officials from civil and, in some cases, criminal liability
- To have consistent standards between departments and across platforms

# Types of Social Media



## Popular Social Media providers



- Facebook – 2.2 billion active users per month.
- Facebook users may post events, text, photos and videos. Typically, user comments are also allowed
- Municipal and other special accounts can have moderators, limit comments, etc. Blocking prevents blocked user from seeing anything posted by blocking user and deletes content containing both the blocking and blocked users' names
- Terms of service include particular provisions applying only to governmental entities

## Popular Social Media providers (cont.)



- Twitter – 328 million active users each month
- Users may publish “tweets” of up to 280 characters, plus graphics, videos, photos, etc.
- Other Twitter users may republish or respond (or both)
- A user can block other users
- Users can choose to “like” a tweet
- Blocking prevents a user from seeing anything posted by blocking user and vice versa, though there are workarounds

## Popular Social Media providers (cont.)



- YouTube – 1.5 billion users
- Allows videos along with related captions describing the videos.
- YouTube videos can be embedded on a municipality's web page
- Users can “subscribe” to other users, getting notification of new video postings
- Municipalities can decide whether to permit comments by other users, and whether to allow other users to “rate” a video

## Popular Social Media providers (cont.)



- Instagram – 800 million monthly users
- Users can upload photographs and videos, as well as caption and modify the materials
- Other users can view and comment upon the photos and videos
- Viewers may also indicate they “like” a video or photo, and may share them with their followers
- Accounts may be public or private
- Comments can be deleted, and users blocked; however, blocking a user doesn’t delete that user’s comments

## Popular Social Media providers (cont.)

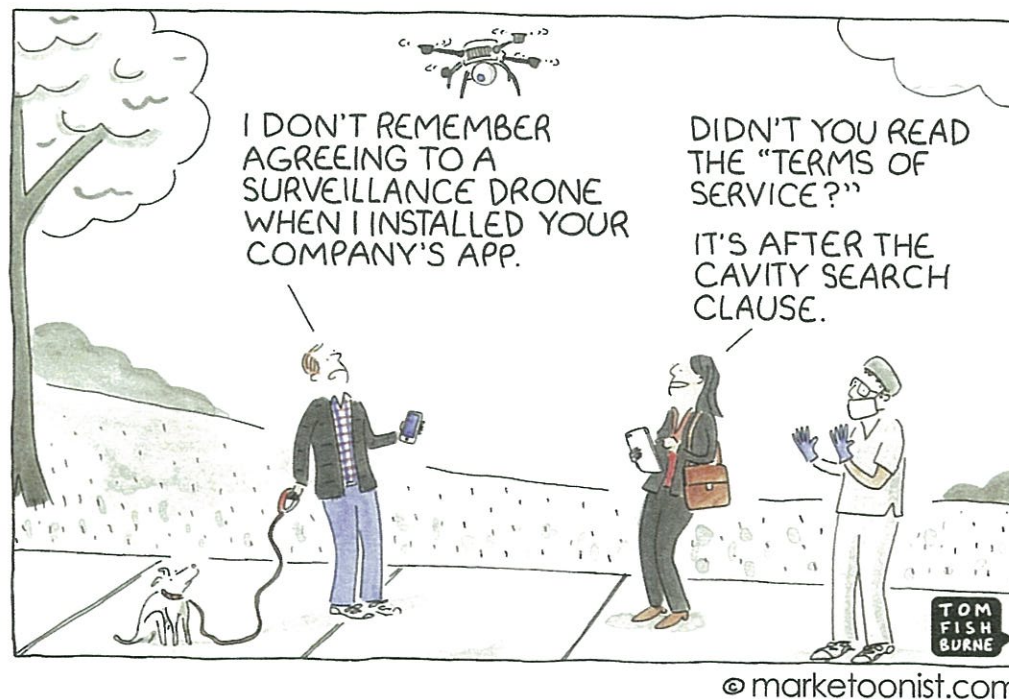


- NextDoor – Geographic-based social media. Groups people into “neighborhoods” based on their location
- “Neighborhoods” are residential homes in close proximity
- 200,000 neighborhoods are covered by NextDoor
- Average neighborhood is 700 homes
- Municipalities can open an “Agency” account
- Agency accounts can cover multiple neighborhoods in their jurisdiction

And now, on to the traps!

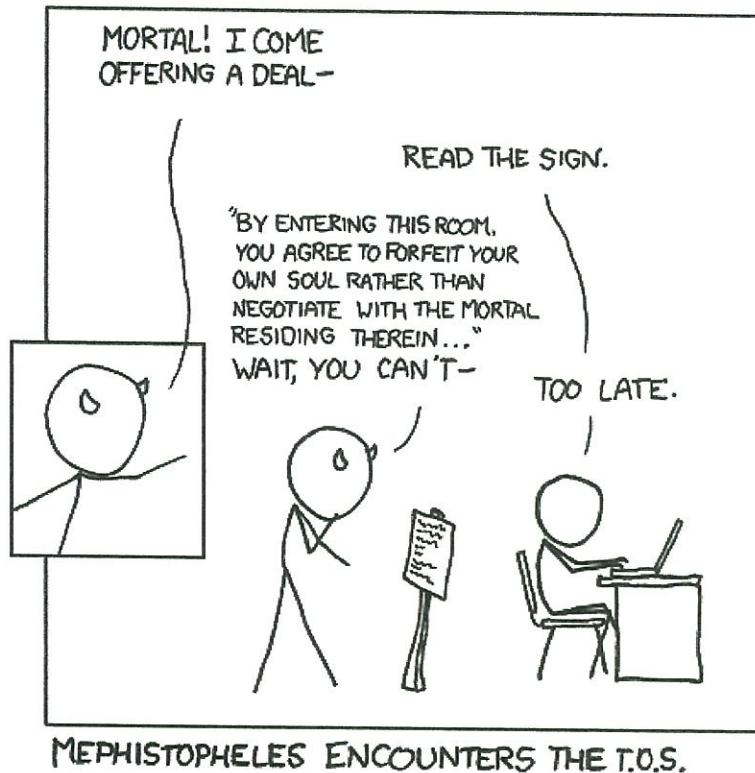


## Trap # 1 – Ignoring social media providers' "Terms of Service"



**Always read the terms of service before creating an account!**

## Trap # 1 – Ignoring social media providers’ “Terms of Service” (cont.)



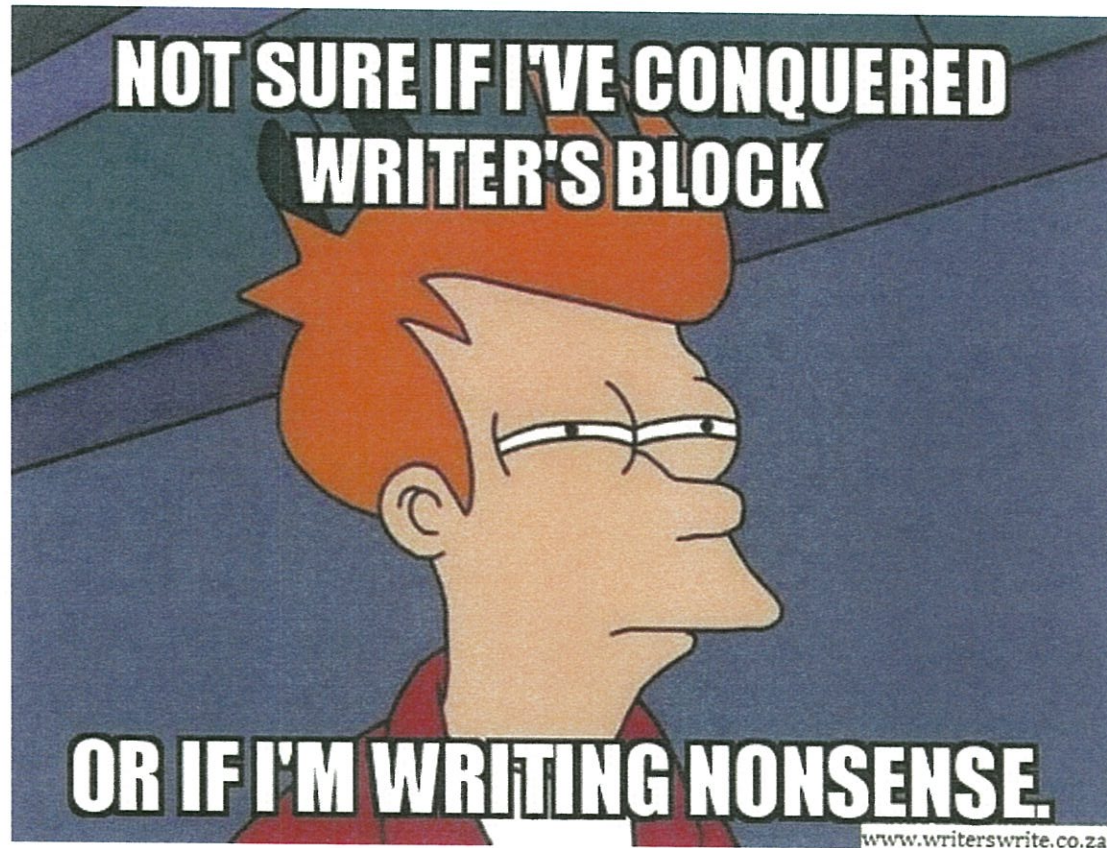
- Not all Terms of Service are the same.
- Terms will vary from provider to provider (and even between different types of accounts on the same provider).
- But, Terms of Service are generally still enforceable contracts.
- See *Bassett v Elec. Arts, Inc.*, 93 F Supp.3d 95, 101 (E.D.N.Y. 2015); see also *Food Safety Net Servs. v. Eco Safe Sys. USA, Inc.*, 209 Cal. App. 4th 1118, 1126 (2012).

## Trap # 1 – Ignoring social media providers’ “Terms of Service” (cont.)

Common terms that impact municipalities:

- Indemnification terms requiring the user indemnify the service provider
- Disclaimers of warranties
- Privacy terms for the collection, dissemination and protection of personally identifying information or other personal or sensitive data
- Venue, choice of law and dispute resolution terms
- Service provider limits on liability
- Service provider licensing rights to posted content
- Automatic censoring of materials

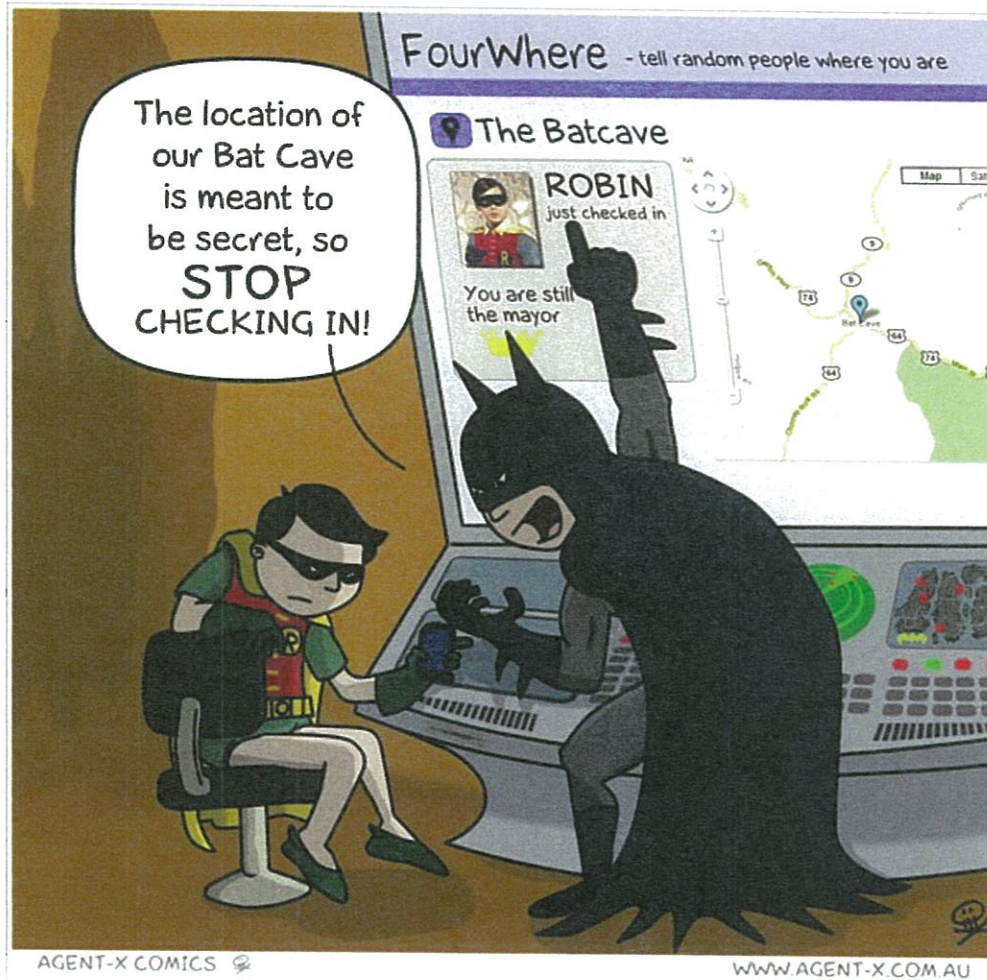
## Trap #2 – Drafting a social media policy



## Trap #2 – Drafting a social media policy (cont.)

- When drafting a new social media policy, start with a model policy from a reputable organization – but note when the policy was prepared (or last modified). Examples include:
  - [National League of Cities Model Policy \(2011\)](#)
  - [California Institute for Local Government Sample Social Media Policies \(2015\)](#)
  - [Florida League of Cities – Sample Social Media Policies \(2016\)](#)
  - [The United States Office of Personnel Management Social Media Policy \(July 2017\)](#)
  - [Social Media and Digital Images, League of Minnesota Cities’ Model Policy for Fire Departments and Emergency Medical Services \(2018\)](#)
- Design a single policy for the entire municipality so that there is uniformity of policies and expectations. Not all departments will necessarily use the same social media platforms, but all should have the same policy.
- Keep in mind – one size does not fit all. Tailor your policies to your city’s needs, resources and social media presence.

## Trap # 3 –Controlling Content



## Trap # 3 –Controlling Content (cont.)

Who has authority to post content to official Social Media Accounts?

- Needs to be clearly delineated
- Number of persons able to post on social media will vary by the size of the municipality. Some municipalities may have a single person; others may have one or more per department.
- Designated individuals should also monitor public comments to social media to ensure compliance with the policy
- Train anyone with rights to post on the municipality's behalf.

## Trap # 4 – Failing to address municipal employees' use of social media accounts

### THE WORLD OF SOCIAL MEDIA



## Trap # 4 – Failing to address municipal employees' use of social media accounts (cont.)

- Policy should cover municipal employee's use of social media at the office, both personally as well as professionally
  - Will municipality allow employees to access personal social media accounts on work time?
  - If so, set policies and advise employees that
    - They have no expectation of privacy if using employer equipment (See, e.g., U.S. v. Hamilton, 778 F.Supp.2d 651, 652 (E.D. Va. 2011)).
    - Internet usage on government computers is probably subject to Open Records Requests (addressed below)
    - Set policies regarding content which may be accessed (i.e., no pornography or sexuality explicit sites, no hate sites, no games, etc.).
    - Depending on the jurisdiction's laws, it may be difficult to discipline an employee absent a clear policy

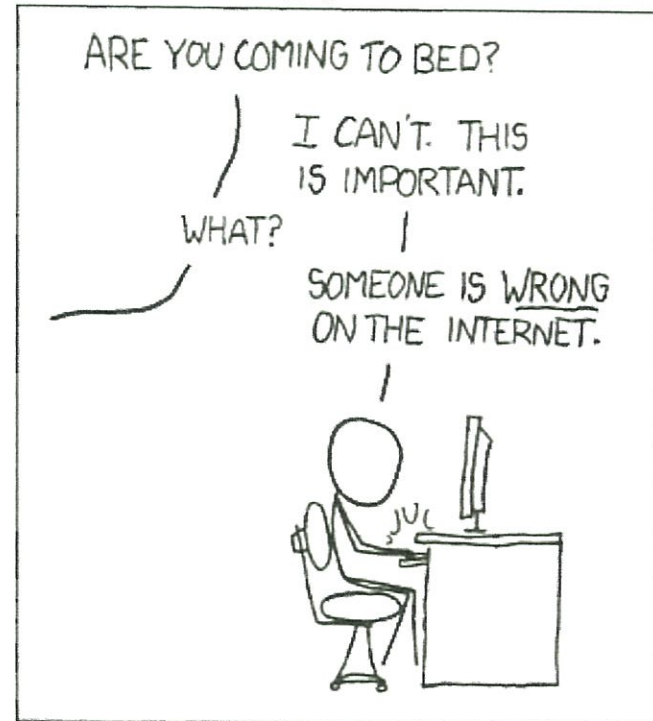
## Trap # 4 – Failing to address municipal employees' use of social media accounts (cont.)



## Trap # 4 – Failing to address municipal employees' use of social media accounts (cont.)

- If using personal social media accounts to leave comments on municipal matters, employees should provide a clear disclaimer make clear that their comments are their opinion only and do not necessarily represent the views of the City.
- Suggest or require a disclaimer for employees to use on their accounts.
- Finally, employees should receive a copy of the Social Media policy and sign an acknowledgment of having received it. Every time it is updated, provide the employee a copy of the new policy and have them sign a new acknowledgment.

## Trap # 5 –Failing to set guidelines for moderating public comments



Some social media users can take winning an argument to the extreme. Your municipality shouldn't be one of them

## Trap # 5 – Failing to set guidelines for moderating public comments (cont.)

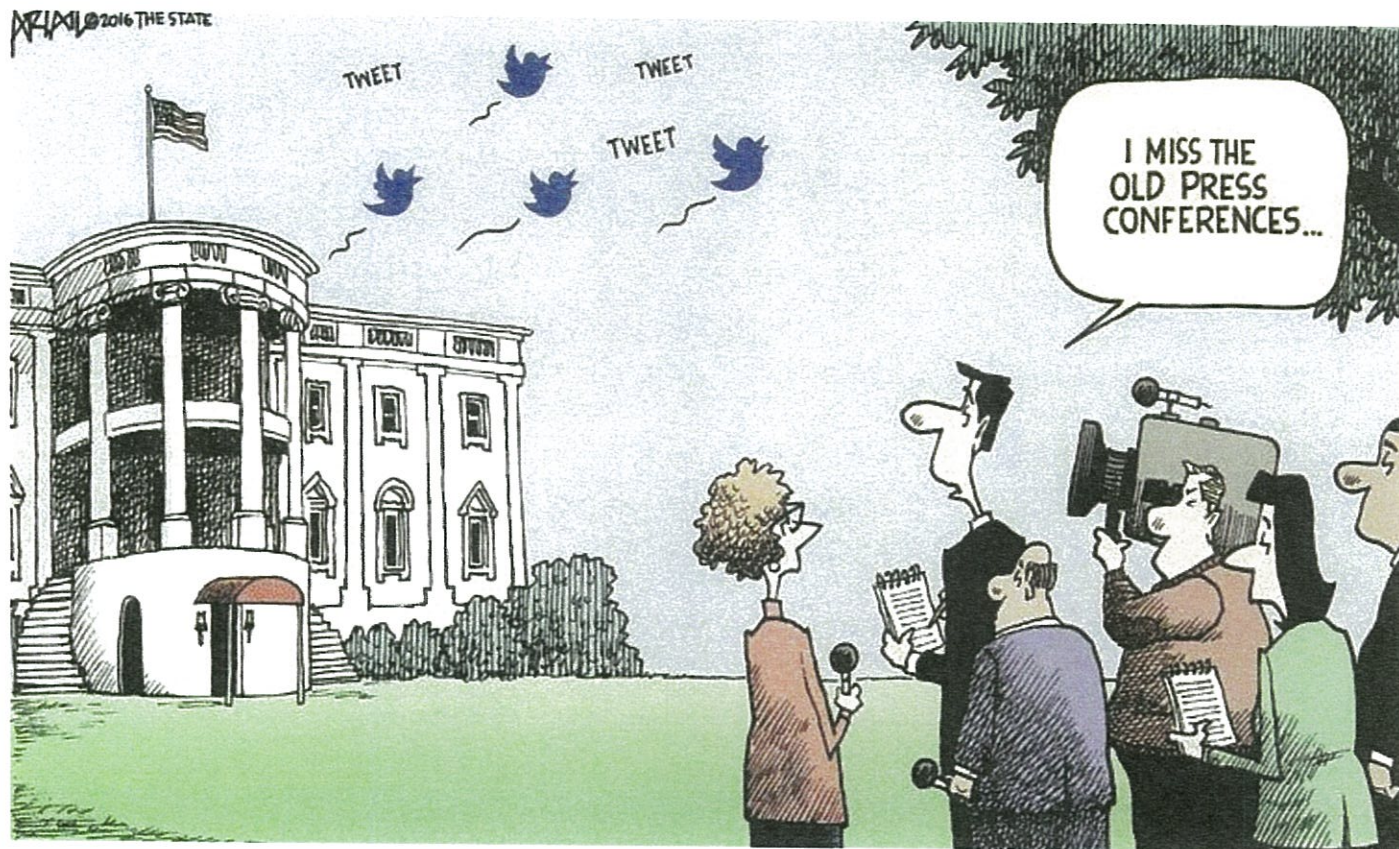


- So, should you block other users from municipal accounts?
  - Blocking members of the public is generally a bad idea; however, in designated (or limited) public forums, municipalities may impose content neutral restrictions and delete, hide or disallow some comments.
  - Possible solution: use the social media provider's language regarding comments or posts that it prohibits.

## Trap # 5 – Failing to set guidelines for moderating public comments (cont.)

- The [U.S. Office of Personnel Mgmt.](#) policy on moderating comments is a good model to follow.
- The OPM social media policy states the government “reserves the right to hide, delete or not allow comments that contain:
  - Vulgar or abusive language;
  - Personal or obscene attacks of any kind;
  - Offensive terms targeting individuals or groups;
  - Threats or defamatory statements;
  - Links to any site;
  - Suggestions or encouragement of illegal activity;
  - Multiple successive off-topic posts by a single user or repetitive posts copied and pasted by multiple users, or spam;
  - Unsolicited proposals or other business ideas or inquiries;
  - Promotion or endorsement of commercial services, products, or entities; or
  - Personally identifiable information that has been inappropriately posted”

## Trap # 6 – Not informing public officials' about issues that might arise from their use of social media accounts



## Trap # 6 – Not informing public officials’ about issues that might arise from their use of social media accounts (cont.)

- Are elected officials using personal accounts being used to conduct City business?
  - If so, blocking people from the officials’ personal social media accounts may be problematic. See *Knight First Amendment Inst. at Columbia Univ. v. Trump*, 302 F. Supp. 3d 541 (S.D.N.Y. 2018)(President's actions in barring access of users to his account were the result of viewpoint discrimination in violation of free speech clause);
  - But see *Morgan v. Bevin*, 298 F. Supp. 3d 1003 (E.D. Ky. 2018)(Kentucky Governor’s banning members of the public from viewing his official Facebook page and blocking them from his Twitter feed did not state a cause of action based on violation of the blocked citizens’ constitutional rights sufficient to justify entry of preliminary injunctive relief).
- If an elected official (or even an city employee) uses a city-controlled account for political purposes, it may violate state law.
  - See, e.g., Chapter 255 of the Texas Election Code, prohibiting public officials and employees from spending public funds or using an internal mail system for political advertising (among other things).
  - Every state’s laws will be different; the municipalities must know what the laws say and incorporate appropriate provisions in any social media policy.

## Trap # 6 –Not informing public officials’ about issues that might arise from their use of social media accounts

- Council members (or their equivalent) using personal social media accounts (or text messages or emails) to discuss pending public business with other may violate state open meetings or sunshine laws.
  - See, e.g. Fla. AGO 2009-19 (Fla.A.G.), finding communications on a city's Facebook page are subject to both Florida’s records retention laws and, with regards to discussions of city business by city commissioners, such discussion are likely to violate Florida's Sunshine Laws
  - Tex. Atty. Gen. Op. OR2016-23161 (Tex.A.G.) found that comments posted by members of the public on municipal social media pages are subject to the Texas open records laws as well as Texas laws regarding document retention. The city also argued that, because the comments were posted on a social media platform operated by a private company, the city had no obligation to retain those comments or to produce them in response to an open records request. The AG rejected this position on several grounds, including that the city’s social media page engaged in public business by facilitating communications with members of the public

## Trap # 7 – Not including social media records in municipal record retention policies



## Trap # 7 – Not including social media records in municipal record retention policies (cont.)

- Most state record retention statutes probably would be interpreted to include a duty to the preservation of posts and comments from the public.
  - Georgia: Ga. Code. Ann. § 50-18-71(g)(2017): requires municipalities to produce any electronic messages, whether email, text message, or other format
  - Texas: Tex. Atty. Gen. Op. OR2016-23161 (2016):
    - Determines that social media posts, being data regarded as open to the public, must be produced in response to open records request
- Records retention policies should be modified as municipalities adopt new social media accounts – one size DOES NOT fit all!
- Keep in mind the more social media accounts the municipality owns, the greater the amount of storage that will be required.
- If the social media is moderated, it is probably a good idea to retain copies of deleted or hidden comments
- Periodic review of terms of service for various social media platforms – most, if not all, explicitly disclaim any obligation to retain a user's data. Do not rely upon the social media company to retain records!

## Trap # 8 – Failing to comply with DMCA “safe harbor” requirements



- Don't let this happen to your municipality!

## Trap # 8 – Failing to comply with DMCA “safe harbor” requirements (cont.)

- Under the Digital Millennium Copyright Act of 1998 (**17 U.S.C. §§ 501, et. seq.**) (“DMCA”), anyone who violates a copyright owner’s exclusive rights in the protected material may be held liable. Intent only applies to the level of damages, not liability.
  - **17 U.S.C. § 501(a)** says the term “anyone” “includes any State, any instrumentality of a State, and any officer or employee of a State or instrumentality of a State acting in his or her official capacity. Any State, and any such instrumentality, officer, or employee, shall be subject to the provisions of this title in the same manner and to the same extent as any nongovernmental entity.”
  - Successful claimants can obtain injunctive relief, as well as actual damages (including lost profits), or anywhere from \$750 to \$150,000 in statutory damages, depending upon the nature of the infringement. **17 U.S.C. § 504.**
  - Violators are also subject to paying the copyright holder’s actual costs and reasonable attorney’s fees. **17 U.S.C. § 505.**
  - Municipality can potentially be held liable for posting or allowing members of the public to post copyright materials or links to materials on a social media pages it controls. **17 U.S.C. § 512.** ‘i[i]f a computer system operator learns of specific infringing material available on his system and fails to purge such material from the system, the operator knows of and contributes to direct infringement’ and can be held liable. *Venus Fashions, Inc. v. ContextLogic, Inc.*, 2017 WL 2901695, at \*12 (M.D. Fla. Jan. 17, 2017).

## Trap # 8 – Failing to comply with DMCA “safe harbor” requirements (cont.)

- The DMCA was enacted to preserve copyright enforcement on the internet. It also provides immunity to content providers for “passive” copyright infringements by a third party (but only if the content provider jumps through certain hoops.. These protections do not mean the municipality didn’t infringe; they mean the innocent municipality is protected from paying damages
- So, what are the safe harbor provisions? They are set out in 17 U.S.C. § 512:
  - “Safe harbor” is the name for provisions in the Digital Millennium Copyright Act that protect content providers (including social media users) from running afoul of copyright laws.
- These steps include:
  - Providing contact information for the municipality (or department)) to viewers of the social media site
  - Developing effective “notice and takedown” procedures
  - Promptly removing any infringing materials when the copyright owner provides notice of an infringement
  - Not knowing the materials are copyright protected prior to receiving the notice of infringement; and
  - Avoiding receipt of any financial benefit directly attributable to the infringement.

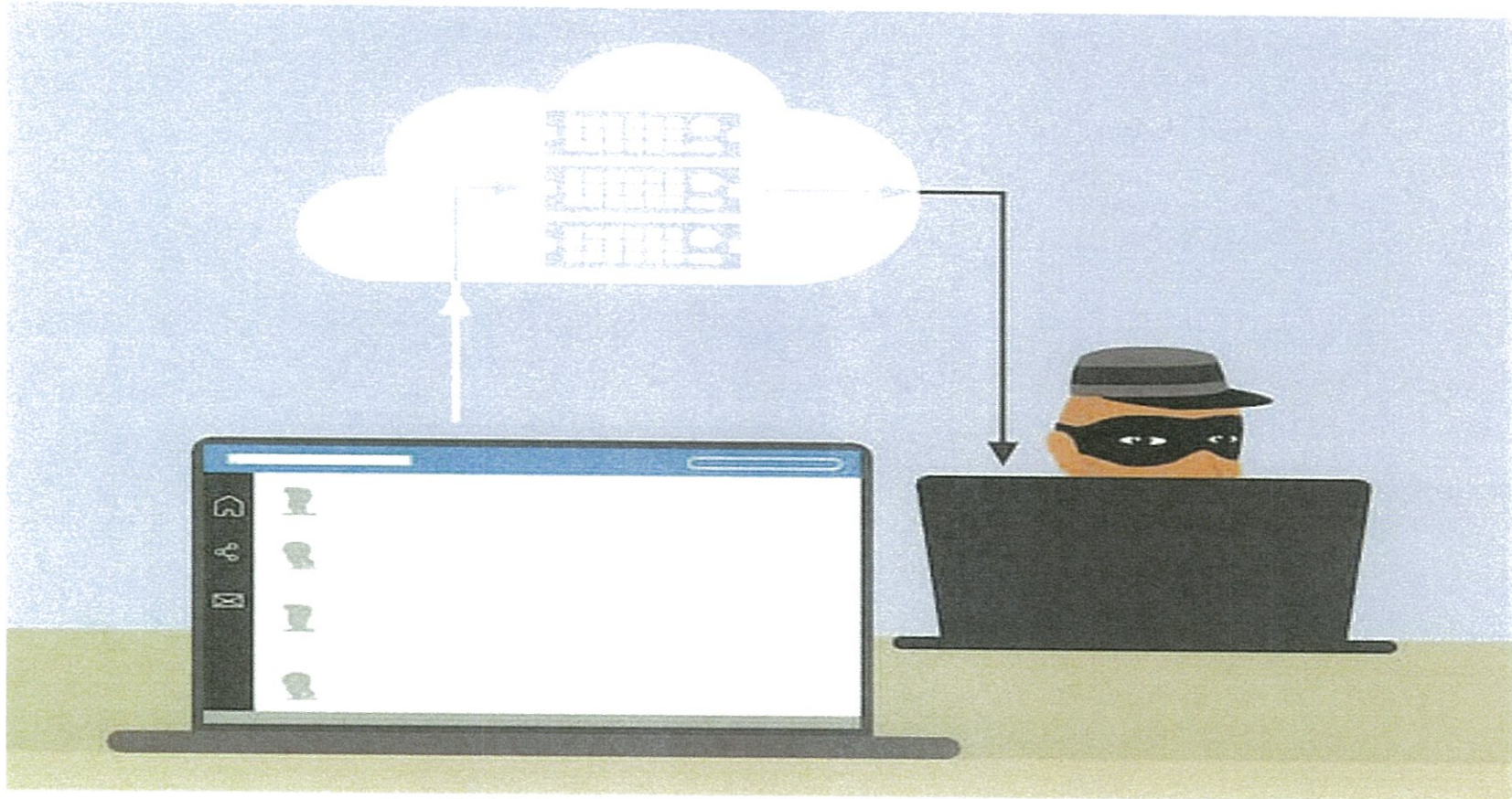
## Trap # 9 – Failing to review and update social media policies as necessary



*"We've updated our privacy policy."*

- Law in this area is constantly changing
- Technology is constantly changing
- Policies should be modified as municipalities adopt new social media accounts – one size DOES NOT fit all
- Periodic review of terms of service for various social media platforms is absolutely necessary

## Trap #10 – Failing to address defunct municipal social media accounts



## Trap #10 – Failing to address defunct municipal social media accounts (cont.)

- Once a municipality stops actively using a social media account, it is still probably a good idea to do whatever is necessary to keep the account name from being recirculated.
- Why? Because identity theft can happen to municipalities just as it can to individuals. Some social media providers will automatically delete an account if there hasn't been any activity over a set period of time.
- Twitter, for example, reserves the right to recycle accounts with no activity for the preceding six months.
- Some US government accounts that were no longer being used were recycled; a few months later, [the accounts were reactivated by unknown persons who began tweeting in Russian.](#)

## Conclusion



- Social media, like most new technology, is a tool that carries both risks and benefits
- Drafting a municipal social media policy is absolutely necessary to protect the municipality and its employees and political leaders
- While having a social media policy will not magically solve all your problems, it can protect a municipality, it can set uniform standards, and inform both employees and elected officials of expectations for use of social media.

# STATEMENT OF APPOINTED OFFICER

*(Pursuant to Tex. Const. art. XVI, §1(b), amended 2001)*

I, David Dauer, do solemnly swear (or affirm), that I have not directly or indirectly paid, offered, promised to pay, contributed, or promised to contribute any money or thing of value, or promised any public office or employment for the giving or withholding of a vote at the election at which I was elected or as a reward to secure any appointment or confirmation whichever the case may be, so help me God.

***UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING STATEMENT AND THAT THE FACTS STATED THEREIN ARE TRUE.***

David L Dauer  
Affiant's Signature

Date 11/12/2018

Planning and Zoning Commissioner  
Position to Which Elected/Appointed

Garden Ridge, Texas  
City and/or County

In the name and by the authority of

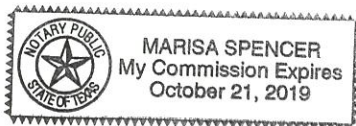
# The State of Texas

## OATH OF OFFICE

I, David Dauer, do solemnly swear, that I will faithfully execute the duties of the office of Planning and Zoning Commission Member of the City of Garden Ridge, State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State, so help me God.

David L Dauer  
Affiant

SWORN TO and subscribed before me by affiant on this 13<sup>th</sup> day of November, 2018.



(Seal)

Marisa Spencer  
Signature of Person Administering Oath

Marisa Spencer  
Printed Name

NOTARY PUBLIC  
Title