



CITY COUNCIL RULES OF PROCEDURE AND ETHICS POLICY

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38 **Section 1 – GENERAL**

39
40 Parliamentary law and the rules of procedure derived from such law are essential to all deliberative
41 organizations so that they may consider all matters before them in an effective and efficient manner
42 and produce results that are legal and binding. Moreover, such procedural safeguards ensure due
43 process during deliberations among members of the organization while at the same time protecting
44 the rights of both the group and each member. Accordingly, these rules of procedure establish
45 guidelines to be followed by all persons attending City Council meetings, including members of the
46 City Council, administrative staff, news media, citizens, and visitors.

47
48 **Section 2 – AUTHORITY**

49
50 The City Charter of La Porte, Texas, provides in Article II. City Council, Section 2.07 that the
51 Council “shall meet regularly at such times as may be prescribed by its rules but not less frequently
52 than once each month.” and that the Council “shall determine its own rules and order of business.”
53 Thus, these rules of procedure are established. In the event of any conflict between the City Charter
54 and these rules of procedure, the City Charter shall prevail.

55
56 The parliamentary reference for the City Council is the most recent edition of *Robert’s Rules of*
57 *Order Newly Revised* (RONR). When any issue concerning procedure arises that is not covered by
58 the Rules of Procedure, the City Charter, or state law, the Council will refer to RONR, which shall
59 determine such procedural issue.

60
61 **Section 3 – MEETINGS**

62
63 The City Council shall follow both the letter and the spirit of Chapter 551 of the Texas Government
64 Code (the Texas Open Meetings Act).

65
66 **3.01. Regular Meetings.**

67
68 (A) Time. The City Council will generally hold regular meetings on the second and fourth
69 Monday of each month, at 6:00 p.m.

70
71 (B) Place. All regular, special, and workshop meetings of the City Council shall be held in the
72 Council Chambers, City Hall, 604 West Fairmont Parkway, in the City of La Porte, Texas,
73 unless otherwise directed by City Council, or required by law.

74
75 **3.02. Special Meetings.** The Mayor on his/her own motion or at the request of the City Manager
76 shall call special meetings of the City Council whenever in their opinion the public business may
77 require it, or at the express written request of any three (3) members of the City Council. Such
78 written request shall be filed with the City Secretary, and shall contain the agenda item requested
79 for the special meeting. Whenever a special meeting shall be called, notice shall be given.

80
81 **3.03. Agenda.** The Mayor, the City Manager, the City Secretary, or the City Attorney, or any three
82 (3) members of the City Council by written request, may place an item on a City Council agenda.
83 The written request shall include a clear description of the proposed action by the Council (in the
84 form of a proposed motion), or shall clearly state the item is for discussion purposes only, shall be
85 of sufficient detail to allow staff to contribute background information on the topic, and shall be
86 filed with the City Secretary by 5:00 p.m., Thursday, two weeks prior to the Monday night City

87 Council meeting (and a commensurate period for special meetings). Deviations from the deadlines,
88 or the submission of additional items either past the established deadlines or once the agenda has
89 been posted, should be exceedingly rare and of a clearly significant nature. All reports,
90 communications, ordinances, resolutions, contract documents, or other matters to be submitted to
91 the Council shall also be delivered to the City Secretary on the same schedule.

92
93 The City Secretary will coordinate the placement and content of items on the agenda with the City
94 Manager, who will resolve any conflicts with Mayor and Councilpersons. Agenda items may be
95 removed only by the person(s) who initially placed that item on the agenda.

96
97 Drafts of contracts, ordinances, resolutions, or other items requiring review should be submitted to
98 the City Attorney in a manner timely enough to allow for their review prior to this submittal deadline
99 above.

100

101 **Section 4 - STANDARDS OF CONDUCT**

102

103 **4.01. City Councilpersons.**

104

105 It is important that Councilpersons demonstrate civility to one another as individuals, for the validity
106 of different opinions, for the democratic process, and for the community and citizens being served.
107 Elected officials should exhibit appropriate behavior. All members of the City Council have equal
108 votes and all Councilpersons speak only for themselves.

109

110 **4.02. Council Relations with the Media.**

111

112 All City press releases, media advisories, story suggestions, or similar items should go through the
113 City Secretary's office for distribution, with exception of factual police department bulletins which
114 designated officers may send directly, with copy to the City Secretary.

115

116 **Section 5 – DUTIES AND PRIVILEGES OF COUNCILPERSONS**

117

118 **5.01. Seating Arrangement.**

119

120 The Mayor shall determine seating of the Council and Charter Officers.

121

122 **5.02. Conflict of Interest.**

123

124 A City Councilperson prevented from voting by a conflict of interest, shall step down from the dais
125 and leave the room (per Sec. 3(c)(4) of the City's adopted Ethics Policy, attached as Appendix A),
126 shall not vote on the matter, shall not participate in discussions regarding the matter or attempt to
127 influence the Council's deliberation of the matter in any way, shall not attend executive sessions
128 regarding the matter, and shall otherwise comply with the state law and city ordinances concerning
129 conflicts of interest including Chapter 171 of the Local Government Code.

130

131 **5.03. Voting.**

132 (A) When a vote is called, every member present shall vote either "Aye" or "No" or shall abstain.

133

134 (B) Any vote to which there is an objection shall be taken by counted vote; except that, on the
135 demand of a single Councilperson, a roll call vote shall be taken. After the result of a vote

136 is announced, a member may not change a vote unless, before the adjournment of that
137 meeting, permission is given to change the vote by a majority vote of the members present.

138

139 **Section 6 - CHAIR AND DUTIES**

140

141 **6.01. The Presiding Officer - Duties.** The presiding officer of the Council shall be the Mayor. The
142 Presiding Officer shall preserve strict order and decorum at all regular and special meetings of the
143 Council. He/She shall state every question coming before the Council, announce the decision of the
144 Council on all subjects and decide all questions of order, subject, however, to an appeal to the
145 Council, in which event a majority vote of the Council shall govern and conclusively determine
146 such question of order. He/She shall be entitled to vote on all questions. He/She shall sign all
147 ordinances and resolutions adopted by the Council during his/her presence. In the event of the
148 absence of the Mayor, the Mayor Pro Tem shall sign ordinances or resolutions as then adopted.

149

150 **6.02. Call to Order - Presiding Officer.** The Mayor, or in his/her absence, the Mayor Pro Tem,
151 shall take the chair precisely at the hour appointed for the meeting, and shall immediately call the
152 Council to order. In the absence of the Mayor and the Mayor Pro Tem, the City Secretary, or his/her
153 Assistant, shall call the Council to order, whereupon a temporary chairman shall be elected by
154 members of the Council present. Upon arrival of the Mayor or the Mayor Pro Tem, the temporary
155 chairman shall immediately relinquish the chair upon the conclusion of the business immediately
156 before the Council.

157

158 **6.03. Roll Call.** Before proceeding with the business of the Council, the City Secretary, or his/her
159 deputy shall note in the minutes the names of those present. Late arrivals or departures of Council
160 members shall be noted by the Presiding Officer, and recorded by the City Secretary in the minutes.

161

162 **6.04. Quorum.** A majority of all of the members of City Council shall constitute a quorum at any
163 regular or special meeting of the Council, except where provided otherwise under state law. In the
164 absence of a quorum, the Presiding Officer shall, at the request of any three (3) members present,
165 compel the attendance of absent members.

166

167 **6.05. Order of Business.** All meetings of the Council shall be open to the public, in accordance
168 with the Texas Open Meetings Act. Promptly at the hour set on the day of each regular meeting as
169 posted as required by law, the members of the Council, the City Secretary, the City Attorney, the
170 Mayor, and the City Manager, shall take their regular stations in the Council Chambers, and the
171 business of the Council shall generally be taken up for consideration and disposition in the following
172 order:

173

- 174 1. Call to Order
- 175 2. Invocation and Pledges of Allegiance
- 176 3. Proclamations and Presentations
- 177 4. Citizen Comment
- 178 5. Consent Agenda (Any member of the Council may remove any item from the Consent
179 Agenda for discussion.) These items are typically routine in nature.
- 180 6. Statutory Agenda
- 181 7. Reports of City Officers and Staff
- 182 8. Administrative Reports
- 183 9. Items of Community Interest (in accordance with state law)
- 184 10. Executive and/or workshop sessions (as appropriate)

- 185 11. Reconvene in public session (as needed following executive sessions)
186 12. Adjournment

187

188 **6.06. Rules of Debate.**

189

190 (A) Presiding Officer May Debate and Vote, Etc. The Mayor or Mayor Pro Tem, or such other
191 member of the Council as may be presiding may move, second and debate from the chair,
192 subject only to such limitations of debate as are by these rules imposed on all members and
193 shall not be deprived of any of the rights and privileges of a Councilperson by reason of
194 his/her acting as the Presiding Officer.

195

196 (B) Getting the Floor - Improper References to be Avoided. Every member desiring to speak
197 shall address the Chair, and, upon recognition by the Presiding Officer, shall confine himself
198 to the question under debate, avoiding all personalities and indecorous language.

199

200 (C) Interruptions. A member, once recognized, shall not be interrupted when speaking unless it
201 be to call him to order, or as herein otherwise provided. If a member, while speaking, be
202 called to order, he shall cease speaking until the question of order be determined, and, if in
203 order, he shall be permitted to proceed.

204

205 (D) Remarks of Councilperson-When Entered in Minutes. A Councilperson may request,
206 through the Presiding Officer, the privilege of having an abstract of his/her statement on any
207 subject under consideration by the Council entered in the minutes. If the Council consents
208 thereto, such statement shall be entered in the minutes.

209

210 (E) Synopsis of Debate - When Entered in Minutes. The City Secretary may be directed by the
211 Presiding Officer, with consent of the Council, to enter in the minutes a synopsis of the
212 discussion on any question coming regularly before the Council.

213

214 (F) Length of Speeches. Speeches in debate are limited to five minutes in length, unless
215 otherwise permitted in accordance with the Council's adopted parliamentary authority.

216

217 **6.07. Addressing the Council.**

218

219 (A) Citizen Comment - Before each meeting of City Council the City Secretary shall make
220 Citizen Comment forms available, on which any taxpayer or resident, or his/her authorized
221 representative, or any member of the public, may sign his/her name and address, and indicate
222 the subject matter on which he wishes to speak.

223

224 Individuals may address the Council by oral communication by completing all requested
225 information on the Citizen Comment form and placing it at the City Secretary's desk on the
226 dais, not later than five (5) minutes before commencement of the meeting.

227

228 Each person addressing the Council shall step up to the podium, shall give his/her name and
229 address for the record, and, unless further time is granted by the Council, shall limit his/her
230 address to five (5) minutes. All remarks shall be addressed to the Council as a body and not
231 to any member thereof. No person, other than the Council and the person having the floor
232 shall be permitted to enter into any discussion, either directly or through a member of the
233 Council, without the permission of the Presiding Officer. No question shall be asked to a

234 Councilperson except through the Presiding Officer. Any such question shall be referred by
235 City Council to the City Manager, for further handling.
236 Persons wishing to address the Council on more than one agenda item or topic in a single
237 meeting must speak on all such agenda items or topics during their presentation. Additional
238 time is not given for additional items (however, emailing, writing, calling, or visiting with
239 Councilpersons outside of meetings is, of course, unlimited). This requirement does not
240 restrict anyone from also speaking at any public hearing (see additional information below).
241 Subject to the foregoing, the City Council shall not place limits on discussion of specific
242 subject matter as it relates to any constitutionally guaranteed right of freedom of speech, or
243 otherwise discriminate against a particular point of view.
244

- 245 (B) Public Hearings - Public hearings provide municipal residents and affected parties an
246 opportunity to be heard, typically on certain land use items or the annual adoption of the
247 municipal budget and tax rate.
248

249 There is not a form or sign up requirement for public hearings at City Council meetings.
250 Each person addressing the Council shall step up to the podium and shall give his/her name
251 and address for the record. All remarks shall be addressed to the Council as a body and not
252 to any member thereof. No person, other than the Council and the person having the floor
253 shall be permitted to enter into any discussion, either directly or through a member of the
254 Council, without the permission of the Presiding Officer. No question shall be asked to a
255 Councilperson except through the Presiding Officer. Any such question shall be referred by
256 City Council to the City Manager for further handling.
257

258 **6.08. Silence Constitutes Affirmative Vote.** Unless a member of the Council states that he is not
259 voting, his/her silence shall be recorded as an affirmative vote.
260

261 **6.09. Decorum.**
262

- 263 (A) By Councilpersons. While the Council is in session, the members must preserve order and
264 decorum, and a member shall neither, by conversation or otherwise, delay or interrupt the
265 proceedings or the peace of the Council nor disturb any member while speaking or refuse to
266 obey the orders of the Council or its Presiding Officer, except as otherwise herein provided.
267

- 268 (B) By Persons. Any person making personal, impertinent, or slanderous remarks or who shall
269 become boisterous while addressing the Council shall be forthwith, by the Presiding Officer,
270 subject to loss of speaking privileges unless permission to continue be granted by a majority
271 vote of the Council.

272 Reactions from the audience following the recognition and rewarding of citizens and special
273 guests is considered appropriate and encouraged. Disruptive verbal and/or non-verbal
274 reactions from the audience during staff presentations to the Council and during debate
275 between Councilpersons are inappropriate and are not permitted. The presiding officer will
276 ensure that the decorum of the meeting is maintained and is appropriate.
277

278 No offensive, vulgar, or distracting placards, banners, signs, or apparel shall be permitted to
279 be erected or displayed by persons in attendance in the City Council chamber or in any other
280 room in which the City Council is holding a meeting. Exhibits, displays, and visual aids used
281 in connection with presentations to the City Council are permitted.
282

283 **6.10. Enforcement of Decorum.** The Chief of Police, or such member or members of the Police
284 Department as he may designate, shall be Sergeant-at-Arms of the Council meetings. He, or they,
285 shall carry out all orders and instructions given by the Presiding Officer for the purpose of
286 maintaining order and decorum at the Council meeting. Upon instructions of the Presiding Officer
287 unless otherwise directed by a majority vote of the Council, it shall be the duty of the designated
288 Sergeant(s)-at-Arms to remove any person who violates the order and decorum of the meeting.
289

290 **6.11. Special Committees.** The establishment of and appointment of members to all special
291 committees shall be decided by a majority vote of the Council, unless otherwise prescribed by the
292 City Charter or other action of the Council.
293

294 **6.12. Ordinances, Resolutions, and Contracts.**

295 (A) All ordinances, resolutions and contract documents shall, before presentation to the Council,
296 have been approved as to form and legality by the City Attorney or his/her authorized
297 representative, and shall have been examined and approved for administration by the City
298 Manager or his/her authorized representative, where there are substantive matters of
299 administration involved.
300

301 (1) Ordinances, resolutions, and other matters or subjects requiring action by the Council
302 must initially be produced/written, introduced, and sponsored per the guidelines of
303 3.03 Agenda, above.
304

305 (2) No ordinance shall relate to more than one subject, which shall be clearly expressed in
306 its title, and no ordinance, or section thereof, shall be amended or repealed unless the
307 new ordinance contains the title of the ordinance or section amended or repealed, and
308 when practical all ordinances shall be introduced as amendments to existing ordinances
309 or sections thereof.
310

311 **6.13. Reports and Resolutions to be Filed with the City Secretary.** All reports and resolutions
312 shall be filed with the City Secretary and entered on the minutes.
313

314 **Section 7 – CITY COUNCIL COMMITTEES**

315
316 **7.01. Council Committees Established.**

317
318 (A) The following standing committees of the City Council are established:
319

- 320 (1) Fiscal Affairs Committee
321 (2) Drainage and Flooding Committee
322

323 (B) Each standing committee shall review matters in its area of responsibility that are
324 referred to it by the City Council or the City Manager. A standing committee may,
325 by majority vote, recommend action to the City Council, but committee
326 recommendation is not necessary for a matter to be placed on the City Council
327 agenda. The committee chair may make a statement on behalf of the committee on
328 an item in a meeting of the Council.
329

330 **7.02. Appointment.** Appointment to and composition of the committees has been established
331 through prior Council action and may be amended by such.

- 332
333 **7.03. Council Committee Meetings.**
334
335 (A) Council standing committees shall meet as necessary. The quorum of Council committees
336 will be a majority of the members serving. Except when serving during a meeting for an
337 absent member, an alternate to the committee should not be seated at the dais, nor participate
338 in discussion or vote.
339
340 (B) The committee chair shall develop committee meeting agendas through coordination with
341 fellow committee members and appropriate supporting staff members. The committee chair
342 will coordinate with the City Secretary to ensure that the committee meeting agenda is posted
343 as appropriate.
344

345 **7.04. Council Ad Hoc Committees.** The Mayor may appoint ad hoc committees from time to time
346 to study and review specific issues. The Mayor shall determine the number of members and appoint
347 a chair of ad hoc committees. The ad hoc committees shall be established for a designated period of
348 time, which may be extended by the Mayor and shall meet as needed. The Mayor shall formally
349 announce the establishment of any ad hoc committee along with his/her appointments to that
350 committee in a session of Council prior to the committee convening to conduct business.

351
352 **Section 8 – RULES SUSPENSION**
353

354 Any provision of these rules not governed by the City Charter, City Code, or state law may be
355 temporarily suspended by a two-thirds vote of the members of the City Council present.

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APPENDIX A ETHICS POLICY

Section 1. Policy and purposes.

- (A) *General policy statement.* It is the policy of the city that all city officials and employees shall conduct themselves both inside and outside the city's service so as to give no occasion for distrust of their integrity, impartiality, or devotion to the best interest of the city and the public trust which the city holds.
- (B) *Appearance of impropriety.* Public service is a public trust. All city officials and employees are stewards of the public trust. They have a responsibility to the citizens of the city to administer and enforce the City Charter and city ordinances. To ensure and enhance public confidence in city government, each city official and employee must strive not only to maintain technical compliance with the principles of ethical conduct set forth in this article and in state law, but also to avoid the appearance of impropriety at all times.
- (C) This code of ethics has three purposes:
 - (1) To encourage ethical conduct on the part of city officials and employees;
 - (2) To encourage public service with the city;
 - (3) To establish standards for ethical conduct for city officials and employees by defining and prohibiting conduct that is incompatible with the interests of the city;
- (D) This code of ethics is not intended to be used as a political weapon or to intimidate or embarrass affected persons. The officials charged with administration of this code of ethics shall administer it in a manner that avoids any such use of this code of ethics.

Section 2. Definitions.

In this policy:

Benefit means anything reasonably regarded as pecuniary gain or pecuniary advantage, including any money, real or personal property, purchase, sale, lease, contract, option, credit, loan, discount, service or other tangible or intangible thing of value. *Benefit* includes a pecuniary gain or pecuniary advantage to any other person in whose welfare the beneficiary has a direct and substantial interest.

Business entity means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, unincorporated association, or any other entity recognized by law, including a nonprofit organization or governmental entity.

Economic interest includes a legal or equitable interest in real property, personal property, or intangible property, or a contractual right, including but not limited to receipt of compensation and/or benefits. Service by a city official or employee as an officer, director, advisor, or other active participant in a nonprofit educational, religious, charitable, fraternal, or civic organization does not create for that city official or employee

403 an *economic interest* in the property of the organization. Ownership of an interest in a
404 mutual or common investment fund that holds securities or other assets is not an *economic*
405 *interest* in the securities or other assets unless the person in question participates in the
406 management of the fund.

407
408 *Employee* means any person employed by the city, whether under civil service regulations
409 or not, including those individuals on a part-time basis, but not including any independent
410 contractor.

411
412 *Immediate family members* means the spouse, children, brothers, sisters, and parents
413 (including any such step- or half- relations) of an officer or employee.

414
415 *Officer or official* means the mayor or any member of the city council and any appointive
416 member of a city board, commission or committee established by ordinance, charter or
417 state law.

418
419 **Section 3. Prohibition against involvement in actions affecting economic interests.**

420
421 (A) *General rule.* It shall be a violation of this policy for a city official or employee to
422 participate in any proceedings or take any official action that he or she knows is likely
423 to:

- 424 (1) Affect an economic interest of:
- 425 (a) The official or employee;
 - 426 (b) His or her immediate family member;
 - 427 (c) A member of his or her household;
 - 428 (d) An outside employer of the official or employee or of his or her immediate
429 family member;
 - 430 (e) A business entity in which the official or employee or his or her immediate
431 family member holds an economic interest;
 - 432 (f) A business entity for which the city official or employee serves as an
433 employee, officer or director, or otherwise functions in any policy making
434 position; or
 - 435 (g) A person or business entity from whom the official or employee, or his or her
436 immediate family member, has solicited, received and not rejected, or accepted
437 an offer of employment within the past twelve months; or
- 438 (2) Confer a benefit on the official or employee, or deprive the official or employee of
439 a benefit, where the effect of the action on the official or employee is
440 distinguishable from the effect of the action on other employees or officials,
441 members of the public in general or a substantial segment of the public.

442
443 (B) *Meaning of "affect".*

- 444 (1) In subsection (a)(1) above, an action is likely to affect an official's or employee's
445 economic interest if it meets all of the following:
- 446 (a) The action is likely to have an effect on that interest, either positive or negative,
447 that is distinguishable from its effect on other employees or officials, members
448 of the public in general or a substantial segment of the public.
 - 449 (b) The effect of the action on that interest is direct, and not secondary or indirect.

450 However, the action need not be the only producing cause of the effect in order
451 for the effect to be direct.

452 (c) The effect on the interest must be more than insignificant or de minimis in
453 nature or value.

454 (2) In determining whether a person, entity or property is or was affected by an official's
455 or employee's participation in proceedings, vote or decision, it will not be necessary
456 to prove the actual existence or occurrence of an economic effect or consequence if
457 the effect or consequence would be reasonably expected to exist or occur.
458

459 (C) *Recusal and disclosure.* A city official or employee whose conduct would otherwise
460 violate subsection (a), or state law if he/she participated in proceedings or took an
461 action, must abstain from participation in the action in accordance with the following:

462 (1) Immediately refrain from further participation in the matter, including discussions
463 with any persons likely to consider the matter, from the time he or she discovers
464 or reasonably should have discovered the matter triggering the recusal;

465 (2) Promptly file necessary documentation disclosing the nature and extent of the
466 interest triggering the recusal with the city clerk, if the person is an official, or with
467 the person's supervisor, if the person is an employee;

468 (3) Promptly notify the person's supervisor of the nature and extent of the interest
469 triggering the recusal, if the person is a city employee, so that the supervisor can
470 reassign responsibility for handling the matter to another person; and

471 (4) Promptly disclose the interest triggering the recusal, if the person is a member of
472 the city council, a city board or commission, to other members of the city council,
473 board or commission, and leave the room in which the city council, board or
474 commission is meeting during the board or commission's discussion of or voting
475 on, the matter.
476

477 (D) No prohibition established in this section shall be construed to prevent members of city
478 council, or the appointees to any board or commission of the city, or a city employee,
479 from voting on or participating in a matter relating to the adoption of laws, rules and/or
480 policies that apply generally to all employees, officials and/or members of the public
481 and the effect of which does not confer a benefit on the official or employee that is
482 distinguishable from the effect on other employees, officials or members of the public
483 or a substantial segment of the public.
484

485 **Section 4. Standards of conduct.** 486

487 (A) *Standards for immediate family members.* A city official or employee commits a
488 violation of this policy if an immediate family member, with the official's or employee's
489 knowledge, intentionally or knowingly:

490 (1) Solicits, accepts or agrees to accept from another person any benefit that the
491 member's immediate family member, who is a city officer or employee, is
492 prohibited from soliciting, accepting or agreeing to accept under state law;

493 (2) Misuses any official information obtained from the member's immediate family
494 member, who is a city officer or employee, to which the immediate family member
495 has access by virtue of the immediate family member's office or employment and
496 that has not been made public, in a manner prohibited as to the immediate family
497 member under state law; or

498 (3) Misuses, as the term “misuse” is defined in Texas Penal Code §39.01, any city
499 property, services, personnel or any other thing of value belonging to the city that
500 has come into the member's custody or possession by virtue of the office or
501 employment of the member's immediate family member who is a city officer or
502 employee.

503
504 (B) *Representation and appearance at meetings.* No city official or employee shall
505 knowingly:

506 (1) Appear before the body of which the officer or employee is a member, or otherwise
507 participate in any proceedings, as a representative for any private person, including
508 the officer or employee or any immediate family member, except that an official
509 or employee may represent their interests in their own property before a board,
510 agency, commission or department of the city.

511 (2) Participate in any proceedings, directly or indirectly, wherein the official or
512 employee represents the interests of any outside employer, business entity, group
513 or interest in any matter, action or proceeding against the interests of the city or in
514 any litigation in which the city or any department, agency, commission or board
515 thereof is a party;

516 (3) Accept other employment or engage in outside activities incompatible with the full
517 and proper discharge of city duties or that might impair independent judgment in
518 the performance of city duties; or

519 (4) Make a false statement of material fact at a public meeting. This subsection shall
520 not be construed to deprive an officer or employee of the right to due process under
521 the law, including the right to represent himself/herself in a court proceeding.

522
523 (C) *Representation by council members.* No city council member shall knowingly represent
524 any private person, including the city council member or any immediate family
525 member, or any outside employer, business entity, group or interest in any matter
526 before any department, agency, commission or board of the city, except that city
527 council members may represent their interests in their own property before a board,
528 agency, commission or department of the city.

529
530 (D) *Representation in municipal court.* In any action or proceeding in the municipal court
531 which is instituted by a city officer or employee in the course of official duties:

532 (1) No city council member shall knowingly represent any private person other than
533 himself or herself. If a city council member elects to have a trial in municipal court,
534 the city council, without the participation of the affected city council member, will
535 appoint a special judge to preside over the trial.

536 (2) No city officer or employee shall knowingly represent any private person other
537 than himself or herself, including any immediate family member, or any group or
538 interest.

539
540 (E) *Representation in land use and development matters.* A member of the planning and
541 zoning commission shall not knowingly represent the member or any other person,
542 group or interest in any matter before the zoning board of adjustments involving land
543 use or development, and a member of the zoning board of adjustments shall not
544 knowingly represent the member or any other person, group or interest in any matter

545 before the planning and zoning commission involving land use or development. This
546 subsection does not apply to members representing their interests in their own property.
547

548 (F) *Prohibited use of city position.* A city official or employee shall not use his or her
549 position to unfairly advance or impede private interests, or to grant or secure, or attempt
550 to grant or secure, for any person (including himself or herself) any form of special
551 consideration, treatment, exemption, or advantage beyond that which is lawfully
552 available to other persons. A city official or employee who represents to a person that
553 the official or employee may provide an advantage or impediment to the person based
554 on the official's or employee's office or position violates this rule.
555

556 **Section 5. Contracts with city; eligibility for appointment or election to office.**
557

558 (A) No member of the city council and no city employee shall have a financial interest in
559 the sale to the city of any land, materials, supplies or service, outside of the person's
560 position with the city. Any person having an interest shall be ineligible for election as
561 a city council member or appointment as a city employee, and any city council member
562 or city employee who acquires an interest shall forfeit the office or employment. Any
563 violation of this subsection with the actual or constructive knowledge of the city council
564 member or employee shall render the contract voidable by the city manager or the city
565 council.
566

567 (B) In subsection (a) of this section and in subsection 2.425(c), the term "sale to the city"
568 includes a sale to city-sponsored entities and organizations subject to substantial control
569 by the city in one or more of the following respects:

- 570 (1) All or a majority of the governing body of the entity or organization is appointed
571 by the city council;
- 572 (2) The city provides more than one-half of the operating funds of the entity or
573 organization;
- 574 (3) The city has approval authority over purchasing decisions made by the entity or
575 organization;
- 576 (4) The city has approval authority over bonds or other indebtedness issued by the
577 entity or organization; or
- 578 (5) The city has approval authority over the budget of the organization.
579

580 (C) This section does not apply to acquisition of property by the city as a result of eminent
581 domain proceedings or the threat of eminent domain proceedings.