



CITY COUNCIL RULES OF PROCEDURE AND ETHICS POLICY

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39 **Section 1 – GENERAL**

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

48
49 **Section 2 – AUTHORITY**

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

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

61
62 **Section 3 – MEETINGS**

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

66
67 **3.01. Regular Meetings.**

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

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

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

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

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

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

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

101
102 **Section 4 - STANDARDS OF CONDUCT**

103
104 **4.01. City Councilpersons.**

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

110
111 **4.02. Council Relations with the Media.**

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

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

118
119 **5.01. Seating Arrangement.**

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

122
123 **5.02. Conflict of Interest.**

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

131
132 **5.03. Voting.**

133 (A) When a vote is called, every member present shall vote either "Aye" or "No" or shall abstain.
134

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

137 is announced, a member may not change a vote unless, before the adjournment of that
138 meeting, permission is given to change the vote by a majority vote of the members present.
139

140 **5.04 Rules for Attendance at Regular Meetings of the City Council**

141
142 Section 2.04 (b)(4) of the City Charter provides that a member of City Council shall forfeit his or
143 her office by failing “*to attend three consecutive regular Council meetings without being excused*
144 *by the Council*”.

145
146 A member of City Council who will not be able to attend a regular Council meeting shall make a
147 reasonable effort to notify the Mayor, the City Manager’s Office, or the City Secretary’s Office prior
148 to the meeting, and shall indicate the reason for his or her inability to attend.
149

150 Absences shall be considered excused if for personal illness, family illness, emergencies, funerals,
151 military service, family events including vacations, weddings, and graduations, business obligations,
152 official city business such as attendance at a conference for municipal officers, or for other good
153 cause as determined by the Council. At the next regular meeting following the meeting at which the
154 member was absent, the City Council shall consider a vote to determine whether the member’s
155 absence is deemed excused or unexcused.
156

157 Absence from a regular meeting shall be considered unexcused if the member fails to convey the
158 reason for his or her absence to the Mayor, City Manager or City Secretary or otherwise fails to give
159 sufficient information to the City Council to enable it to determine the reason for the absence.
160 Furthermore, absence due solely to the refusal of the member to participate in a meeting through
161 telephonic or video conference call, when such measures are legally available to the member in
162 accordance with state law, shall be considered unexcused when the member fails to show good cause
163 why the member could not participate through such methods.
164

165 If a member is absent for more than fifty (50) percent of a meeting without being excused by the
166 City Council in accordance with rules and procedures established herein, the member shall be
167 considered absent from such meeting.
168

169 **Section 6 - CHAIR AND DUTIES**

170
171 **6.01. The Presiding Officer - Duties.** The presiding officer of the Council shall be the Mayor. The
172 Presiding Officer shall preserve strict order and decorum at all regular and special meetings of the
173 Council. He/She shall state every question coming before the Council, announce the decision of the
174 Council on all subjects and decide all questions of order, subject, however, to an appeal to the
175 Council, in which event a majority vote of the Council shall govern and conclusively determine
176 such question of order. He/She shall be entitled to vote on all questions. He/She shall sign all
177 ordinances and resolutions adopted by the Council during his/her presence. In the event of the
178 absence of the Mayor, the Mayor Pro Tem shall sign ordinances or resolutions as then adopted.
179

180 **6.02. Call to Order - Presiding Officer.** The Mayor, or in his/her absence, the Mayor Pro Tem,
181 shall take the chair precisely at the hour appointed for the meeting, and shall immediately call the
182 Council to order. In the absence of the Mayor and the Mayor Pro Tem, the City Secretary, or his/her
183 Assistant, shall call the Council to order, whereupon a temporary chairman shall be elected by
184 members of the Council present. Upon arrival of the Mayor or the Mayor Pro Tem, the temporary
185 chairman shall immediately relinquish the chair upon the conclusion of the business immediately

186 before the Council.

187
188 **6.03. Roll Call.** Before proceeding with the business of the Council, the City Secretary, or his/her
189 deputy shall note in the minutes the names of those present. Late arrivals or departures of Council
190 members shall be noted by the Presiding Officer, and recorded by the City Secretary in the minutes.

191
192 **6.04. Quorum.** A majority of all of the members of City Council shall constitute a quorum at any
193 regular or special meeting of the Council, except where provided otherwise under state law. In the
194 absence of a quorum, the Presiding Officer shall, at the request of any three (3) members present,
195 compel the attendance of absent members.

196
197 **6.05. Order of Business.** All meetings of the Council shall be open to the public, in accordance
198 with the Texas Open Meetings Act. Promptly at the hour set on the day of each regular meeting as
199 posted as required by law, the members of the Council, the City Secretary, the City Attorney, the
200 Mayor, and the City Manager, shall take their regular stations in the Council Chambers, and the
201 business of the Council shall generally be taken up for consideration and disposition in the following
202 order:

- 203
- 204 1. Call to Order
 - 205 2. Invocation and Pledges of Allegiance
 - 206 3. Proclamations and Presentations
 - 207 4. Citizen Comment
 - 208 5. Consent Agenda (Any member of the Council may remove any item from the Consent
209 Agenda for discussion.) These items are typically routine in nature.
 - 210 6. Statutory Agenda
 - 211 7. Reports of City Officers and Staff
 - 212 8. Administrative Reports
 - 213 9. Items of Community Interest (in accordance with state law)
 - 214 10. Executive and/or workshop sessions (as appropriate)
 - 215 11. Reconvene in public session (as needed following executive sessions)
 - 216 12. Adjournment

217
218 **6.06. Rules of Debate.**

219
220 (A) Presiding Officer May Debate and Vote, Etc. The Mayor or Mayor Pro Tem, or such other
221 member of the Council as may be presiding may move, second and debate from the chair,
222 subject only to such limitations of debate as are by these rules imposed on all members and
223 shall not be deprived of any of the rights and privileges of a Councilperson by reason of
224 his/her acting as the Presiding Officer.

225
226 (B) Getting the Floor - Improper References to be Avoided. Every member desiring to speak
227 shall address the Chair, and, upon recognition by the Presiding Officer, shall confine himself
228 to the question under debate, avoiding all personalities and indecorous language.

229
230 (C) Interruptions. A member, once recognized, shall not be interrupted when speaking unless it
231 be to call him to order, or as herein otherwise provided. If a member, while speaking, be
232 called to order, he shall cease speaking until the question of order be determined, and, if in
233 order, he shall be permitted to proceed.

234

- 235 (D) Remarks of Councilperson-When Entered in Minutes. A Councilperson may request,
236 through the Presiding Officer, the privilege of having an abstract of his/her statement on any
237 subject under consideration by the Council entered in the minutes. If the Council consents
238 thereto, such statement shall be entered in the minutes.
239
- 240 (E) Synopsis of Debate - When Entered in Minutes. The City Secretary may be directed by the
241 Presiding Officer, with consent of the Council, to enter in the minutes a synopsis of the
242 discussion on any question coming regularly before the Council.
243
- 244 (F) Length of Speeches. Speeches in debate are limited to five minutes in length, unless
245 otherwise permitted in accordance with the Council's adopted parliamentary authority.
246

247 **6.07. Addressing the Council.**
248

- 249 (A) Citizen Comment - Before each meeting of City Council the City Secretary shall make
250 Citizen Comment forms available, on which any taxpayer or resident, or his/her authorized
251 representative, or any member of the public, may sign his/her name and address, and indicate
252 the subject matter on which he wishes to speak.
253

254 Individuals may address the Council by oral communication by completing all requested
255 information on the Citizen Comment form and placing it at the City Secretary's desk on the
256 dais, not later than five (5) minutes before commencement of the meeting.
257

258 Each person addressing the Council shall step up to the podium, shall give his/her name and
259 address for the record, and, unless further time is granted by the Council, shall limit his/her
260 address to five (5) minutes. All remarks shall be addressed to the Council as a body and not
261 to any member thereof. No person, other than the Council and the person having the floor
262 shall be permitted to enter into any discussion, either directly or through a member of the
263 Council, without the permission of the Presiding Officer. No question shall be asked to a
264 Councilperson except through the Presiding Officer. Any such question shall be referred by
265 City Council to the City Manager, for further handling.

266 Persons wishing to address the Council on more than one agenda item or topic in a single
267 meeting must speak on all such agenda items or topics during their presentation. Additional
268 time is not given for additional items (however, emailing, writing, calling, or visiting with
269 Councilpersons outside of meetings is, of course, unlimited). This requirement does not
270 restrict anyone from also speaking at any public hearing (see additional information below).
271 Subject to the foregoing, the City Council shall not place limits on discussion of specific
272 subject matter as it relates to any constitutionally guaranteed right of freedom of speech, or
273 otherwise discriminate against a particular point of view.
274

- 275 (B) Public Hearings - Public hearings provide municipal residents and affected parties an
276 opportunity to be heard, typically on certain land use items or the annual adoption of the
277 municipal budget and tax rate.
278

279 There is not a form or sign up requirement for public hearings at City Council meetings.
280 Each person addressing the Council shall step up to the podium and shall give his/her name
281 and address for the record. All remarks shall be addressed to the Council as a body and not
282 to any member thereof. No person, other than the Council and the person having the floor
283 shall be permitted to enter into any discussion, either directly or through a member of the

284 Council, without the permission of the Presiding Officer. No question shall be asked to a
285 Councilperson except through the Presiding Officer. Any such question shall be referred by
286 City Council to the City Manager for further handling.

287
288 **6.08. Silence Constitutes Affirmative Vote.** Unless a member of the Council states that he is not
289 voting, his/her silence shall be recorded as an affirmative vote.

290
291 **6.09. Decorum.**

292
293 (A) By Councilpersons. While the Council is in session, the members must preserve order and
294 decorum, and a member shall neither, by conversation or otherwise, delay or interrupt the
295 proceedings or the peace of the Council nor disturb any member while speaking or refuse to
296 obey the orders of the Council or its Presiding Officer, except as otherwise herein provided.

297
298 (B) By Persons. Any person making personal, impertinent, or slanderous remarks or who shall
299 become boisterous while addressing the Council shall be forthwith, by the Presiding Officer,
300 subject to loss of speaking privileges unless permission to continue be granted by a majority
301 vote of the Council.

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

307
308 No offensive, vulgar, or distracting placards, banners, signs, or apparel shall be permitted to
309 be erected or displayed by persons in attendance in the City Council chamber or in any other
310 room in which the City Council is holding a meeting. Exhibits, displays, and visual aids used
311 in connection with presentations to the City Council are permitted.

312
313 **6.10. Enforcement of Decorum.** The Chief of Police, or such member or members of the Police
314 Department as he may designate, shall be Sergeant-at-Arms of the Council meetings. He, or they,
315 shall carry out all orders and instructions given by the Presiding Officer for the purpose of
316 maintaining order and decorum at the Council meeting. Upon instructions of the Presiding Officer
317 unless otherwise directed by a majority vote of the Council, it shall be the duty of the designated
318 Sergeant(s)-at-Arms to remove any person who violates the order and decorum of the meeting.

319
320 **6.11. Special Committees.** The establishment of and appointment of members to all special
321 committees shall be decided by a majority vote of the Council, unless otherwise prescribed by the
322 City Charter or other action of the Council.

323
324 **6.12. Ordinances, Resolutions, and Contracts.**

325 (A) All ordinances, resolutions and contract documents shall, before presentation to the Council,
326 have been approved as to form and legality by the City Attorney or his/her authorized
327 representative, and shall have been examined and approved for administration by the City
328 Manager or his/her authorized representative, where there are substantive matters of
329 administration involved.

330
331 (1) Ordinances, resolutions, and other matters or subjects requiring action by the Council
332 must initially be produced/written, introduced, and sponsored per the guidelines of

333 3.03 Agenda, above.

334
335 (2) No ordinance shall relate to more than one subject, which shall be clearly expressed in
336 its title, and no ordinance, or section thereof, shall be amended or repealed unless the
337 new ordinance contains the title of the ordinance or section amended or repealed, and
338 when practical all ordinances shall be introduced as amendments to existing ordinances
339 or sections thereof.

340
341 **6.13. Reports and Resolutions to be Filed with the City Secretary.** All reports and resolutions
342 shall be filed with the City Secretary and entered on the minutes.

343
344 **Section 7 – CITY COUNCIL COMMITTEES**

345
346 **7.01. Council Committees Established.**

347
348 (A) The following standing committees of the City Council are established:

- 349
350 (1) Fiscal Affairs Committee
351 (2) Drainage and Flooding Committee

352
353 (B) Each standing committee shall review matters in its area of responsibility that are
354 referred to it by the City Council or the City Manager. A standing committee may,
355 by majority vote, recommend action to the City Council, but committee
356 recommendation is not necessary for a matter to be placed on the City Council
357 agenda. The committee chair may make a statement on behalf of the committee on
358 an item in a meeting of the Council.

359
360 **7.02. Appointment.** Appointment to and composition of the committees has been established
361 through prior Council action and may be amended by such.

362
363 **7.03. Council Committee Meetings.**

364
365 (A) Council standing committees shall meet as necessary. The quorum of Council committees
366 will be a majority of the members serving. Except when serving during a meeting for an
367 absent member, an alternate to the committee should not be seated at the dais, nor participate
368 in discussion or vote.

369
370 (B) The committee chair shall develop committee meeting agendas through coordination with
371 fellow committee members and appropriate supporting staff members. The committee chair
372 will coordinate with the City Secretary to ensure that the committee meeting agenda is posted
373 as appropriate.

374
375 **7.04. Council Ad Hoc Committees.** The Mayor may appoint ad hoc committees from time to time
376 to study and review specific issues. The Mayor shall determine the number of members and appoint
377 a chair of ad hoc committees. The ad hoc committees shall be established for a designated period of
378 time, which may be extended by the Mayor and shall meet as needed. The Mayor shall formally
379 announce the establishment of any ad hoc committee along with his/her appointments to that
380 committee in a session of Council prior to the committee convening to conduct business.

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Section 8 – RULES SUSPENSION

Any provision of these rules not governed by the City Charter, City Code, or state law may be 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

433 an *economic interest* in the property of the organization. Ownership of an interest in a
434 mutual or common investment fund that holds securities or other assets is not an *economic*
435 *interest* in the securities or other assets unless the person in question participates in the
436 management of the fund.

437
438 *Employee* means any person employed by the city, whether under civil service regulations
439 or not, including those individuals on a part-time basis, but not including any independent
440 contractor.

441
442 *Immediate family members* means the spouse, children, brothers, sisters, and parents
443 (including any such step- or half- relations) of an officer or employee.

444
445 *Officer or official* means the mayor or any member of the city council and any appointive
446 member of a city board, commission or committee established by ordinance, charter or
447 state law.

448
449 **Section 3. Prohibition against involvement in actions affecting economic interests.**

450
451 (A) *General rule.* It shall be a violation of this policy for a city official or employee to
452 participate in any proceedings or take any official action that he or she knows is likely
453 to:

- 454 (1) Affect an economic interest of:
- 455 (a) The official or employee;
 - 456 (b) His or her immediate family member;
 - 457 (c) A member of his or her household;
 - 458 (d) An outside employer of the official or employee or of his or her immediate
459 family member;
 - 460 (e) A business entity in which the official or employee or his or her immediate
461 family member holds an economic interest;
 - 462 (f) A business entity for which the city official or employee serves as an
463 employee, officer or director, or otherwise functions in any policy making
464 position; or
 - 465 (g) A person or business entity from whom the official or employee, or his or her
466 immediate family member, has solicited, received and not rejected, or accepted
467 an offer of employment within the past twelve months; or
- 468 (2) Confer a benefit on the official or employee, or deprive the official or employee of
469 a benefit, where the effect of the action on the official or employee is
470 distinguishable from the effect of the action on other employees or officials,
471 members of the public in general or a substantial segment of the public.

472
473 (B) *Meaning of "affect".*

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

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

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

484 (2) In determining whether a person, entity or property is or was affected by an official's
485 or employee's participation in proceedings, vote or decision, it will not be necessary
486 to prove the actual existence or occurrence of an economic effect or consequence if
487 the effect or consequence would be reasonably expected to exist or occur.
488

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

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

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

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

501 (4) Promptly disclose the interest triggering the recusal, if the person is a member of
502 the city council, a city board or commission, to other members of the city council,
503 board or commission, and leave the room in which the city council, board or
504 commission is meeting during the board or commission's discussion of or voting
505 on, the matter.
506

507 (D) No prohibition established in this section shall be construed to prevent members of city
508 council, or the appointees to any board or commission of the city, or a city employee,
509 from voting on or participating in a matter relating to the adoption of laws, rules and/or
510 policies that apply generally to all employees, officials and/or members of the public
511 and the effect of which does not confer a benefit on the official or employee that is
512 distinguishable from the effect on other employees, officials or members of the public
513 or a substantial segment of the public.
514

515 **Section 4. Standards of conduct.** 516

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

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

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

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

533
534 (B) *Representation and appearance at meetings.* No city official or employee shall
535 knowingly:

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

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

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

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

552
553 (C) *Representation by council members.* No city council member shall knowingly represent
554 any private person, including the city council member or any immediate family
555 member, or any outside employer, business entity, group or interest in any matter
556 before any department, agency, commission or board of the city, except that city
557 council members may represent their interests in their own property before a board,
558 agency, commission or department of the city.

559
560 (D) *Representation in municipal court.* In any action or proceeding in the municipal court
561 which is instituted by a city officer or employee in the course of official duties:

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

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

569
570 (E) *Representation in land use and development matters.* A member of the planning and
571 zoning commission shall not knowingly represent the member or any other person,
572 group or interest in any matter before the zoning board of adjustments involving land
573 use or development, and a member of the zoning board of adjustments shall not
574 knowingly represent the member or any other person, group or interest in any matter

575 before the planning and zoning commission involving land use or development. This
576 subsection does not apply to members representing their interests in their own property.
577

578 (F) *Prohibited use of city position.* A city official or employee shall not use his or her
579 position to unfairly advance or impede private interests, or to grant or secure, or attempt
580 to grant or secure, for any person (including himself or herself) any form of special
581 consideration, treatment, exemption, or advantage beyond that which is lawfully
582 available to other persons. A city official or employee who represents to a person that
583 the official or employee may provide an advantage or impediment to the person based
584 on the official's or employee's office or position violates this rule.
585

586 **Section 5. Contracts with city; eligibility for appointment or election to office.**
587

588 (A) No member of the city council and no city employee shall have a financial interest in
589 the sale to the city of any land, materials, supplies or service, outside of the person's
590 position with the city. Any person having an interest shall be ineligible for election as
591 a city council member or appointment as a city employee, and any city council member
592 or city employee who acquires an interest shall forfeit the office or employment. Any
593 violation of this subsection with the actual or constructive knowledge of the city council
594 member or employee shall render the contract voidable by the city manager or the city
595 council.
596

597 (B) In subsection (a) of this section and in subsection 2.425(c), the term "sale to the city"
598 includes a sale to city-sponsored entities and organizations subject to substantial control
599 by the city in one or more of the following respects:
600 (1) All or a majority of the governing body of the entity or organization is appointed
601 by the city council;
602 (2) The city provides more than one-half of the operating funds of the entity or
603 organization;
604 (3) The city has approval authority over purchasing decisions made by the entity or
605 organization;
606 (4) The city has approval authority over bonds or other indebtedness issued by the
607 entity or organization; or
608 (5) The city has approval authority over the budget of the organization.
609

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