



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 for
80 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 with the exception of an item that has previously been approved or denied, by City Council
85 vote, during a meeting which occurred within the 30-day period immediately before the date
86 of the proposed agenda. The written request shall include a clear description of the proposed action
87 by the Council (in the form of a proposed motion) or shall clearly state the item is for discussion

88 purposes only, shall be of sufficient detail to allow staff to contribute background information on
89 the topic, and shall be filed with the City Secretary by 5:00 p.m., Thursday, two weeks prior to the
90 Monday night City Council meeting (and a commensurate period for special meetings). Deviations
91 from the deadlines, or the submission of additional items either past the established deadlines or
92 once the agenda has been posted, should be exceedingly rare and of a clearly significant nature. All
93 reports, communications, ordinances, resolutions, contract documents, or other matters to be
94 submitted to the Council shall also be delivered to the City Secretary on the same schedule.
95

96 The City Secretary will coordinate the placement and content of items on the agenda with the City
97 Manager, who will resolve any conflicts with Mayor and Councilpersons. Agenda items may be
98 removed only by the person(s) who initially placed that item on the agenda.
99

100 Drafts of contracts, ordinances, resolutions, or other items requiring review should be submitted to
101 the City Attorney in a manner timely enough to allow for their review prior to this submittal deadline
102 above.
103

104 **Section 4 - STANDARDS OF CONDUCT**

105 **4.01. City Councilpersons.**

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

112 **4.02. Council Relations with the Media.**

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

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

119 **5.01. Seating Arrangement.**

120 The Mayor shall determine seating of the Council and Charter Officers.
121
122

123 **5.02. Conflict of Interest.**

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

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
136

137 (B) Any vote to which there is an objection shall be taken by counted vote; except that, on the
138 demand of a single Councilperson, a roll call vote shall be taken. After the result of a vote
139 is announced, a member may not change a vote unless, before the adjournment of that
140 meeting, permission is given to change the vote by a majority vote of the members present.
141

142 **5.04 Rules for Attendance at Regular Meetings of the City Council**

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

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

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

158
159 Absence from a regular meeting shall be considered unexcused if the member fails to convey the
160 reason for his or her absence to the Mayor, City Manager or City Secretary or otherwise fails to give
161 sufficient information to the City Council to enable it to determine the reason for the absence.
162 Furthermore, absence due solely to the refusal of the member to participate in a meeting through
163 telephonic or video conference call, when such measures are legally available to the member in
164 accordance with state law, shall be considered unexcused when the member fails to show good cause
165 why the member could not participate through such methods.
166

167 If a member is absent for more than fifty (50) percent of a meeting without being excused by the
168 City Council in accordance with rules and procedures established herein, the member shall be
169 considered absent from such meeting.
170

171 **Section 6 - CHAIR AND DUTIES**

172
173 **6.01. The Presiding Officer - Duties.** The presiding officer of the Council shall be the Mayor. The
174 Presiding Officer shall preserve strict order and decorum at all regular and special meetings of the
175 Council. He/She shall state every question coming before the Council, announce the decision of the
176 Council on all subjects and decide all questions of order, subject, however, to an appeal to the
177 Council, in which event a majority vote of the Council shall govern and conclusively determine
178 such question of order. He/She shall be entitled to vote on all questions. He/She shall sign all
179 ordinances and resolutions adopted by the Council during his/her presence. In the event of the
180 absence of the Mayor, the Mayor Pro Tem shall sign ordinances or resolutions as then adopted.
181

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

186 members of the Council present. Upon arrival of the Mayor or the Mayor Pro Tem, the temporary
187 chairman shall immediately relinquish the chair upon the conclusion of the business immediately
188 before the Council.

189
190 **6.03. Roll Call.** Before proceeding with the business of the Council, the City Secretary, or his/her
191 deputy shall note in the minutes the names of those present. Late arrivals or departures of Council
192 members shall be noted by the Presiding Officer and recorded by the City Secretary in the minutes.
193

194 **6.04. Quorum.** A majority of all of the members of City Council shall constitute a quorum at any
195 regular or special meeting of the Council, except where provided otherwise under state law. In the
196 absence of a quorum, the Presiding Officer shall, at the request of any three (3) members present,
197 compel the attendance of absent members.
198

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

- 205
206 1. Call to Order
207 2. Invocation and Pledges of Allegiance
208 3. Proclamations and Presentations
209 4. Citizen Comment
210 5. Consent Agenda (Any member of the Council may remove any item from the Consent
211 Agenda for discussion.) These items are typically routine in nature.
212 6. Statutory Agenda
213 7. Reports of City Officers and Staff
214 8. Administrative Reports
215 9. Items of Community Interest (in accordance with state law)
216 10. Executive and/or workshop sessions (as appropriate)
217 11. Reconvene in public session (as needed following executive sessions)
218 12. Adjournment
219

220 **6.06. Rules of Debate.**
221

222 (A) Presiding Officer May Debate and Vote, Etc. The Mayor or Mayor Pro Tem, or such other
223 member of the Council as may be presiding may move, second and debate from the chair,
224 subject only to such limitations of debate as are by these rules imposed on all members and
225 shall not be deprived of any of the rights and privileges of a Councilperson by reason of
226 his/her acting as the Presiding Officer.
227

228 (B) Getting the Floor - Improper References to be Avoided. Every member desiring to speak
229 shall address the Chair, and, upon recognition by the Presiding Officer, shall confine himself
230 to the question under debate, avoiding all personalities and indecorous language.
231

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

235 order, he shall be permitted to proceed.

236
237 (D) Remarks of Councilperson-When Entered in Minutes. A Councilperson may request,
238 through the Presiding Officer, the privilege of having an abstract of his/her statement on any
239 subject under consideration by the Council entered in the minutes. If the Council consents
240 thereto, such statement shall be entered in the minutes.

241
242 (E) Synopsis of Debate - When Entered in Minutes. The City Secretary may be directed by the
243 Presiding Officer, with consent of the Council, to enter in the minutes a synopsis of the
244 discussion on any question coming regularly before the Council.

245
246 (F) Length of Speeches. Speeches in debate are limited to five minutes in length, unless
247 otherwise permitted in accordance with the Council's adopted parliamentary authority.

248
249 **6.07. Addressing the Council.**

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

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

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

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

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

281
282 There is not a form or sign up requirement for public hearings at City Council meetings.
283 Each person addressing the Council shall step up to the podium and shall give his/her name

284 and address for the record. All remarks shall be addressed to the Council as a body and not
285 to any member thereof. No person, other than the Council and the person having the floor
286 shall be permitted to enter into any discussion, either directly or through a member of the
287 Council, without the permission of the Presiding Officer. No question shall be asked to a
288 Councilperson except through the Presiding Officer. Any such question shall be referred by
289 City Council to the City Manager for further handling.

290
291 **6.08. Silence Constitutes Affirmative Vote.** Unless a member of the Council states that he is not
292 voting, his/her silence shall be recorded as an affirmative vote.

293
294 **6.09. Decorum.**

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

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

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

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

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

323
324 **6.11. Special Committees.** The establishment of and appointment of members to all special
325 committees shall be decided by a majority vote of the Council, unless otherwise prescribed by the
326 City Charter or other action of the Council.

327
328 **6.12. Ordinances, Resolutions, and Contracts.**

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

333 administration involved.

334
335 (1) Ordinances, resolutions, and other matters or subjects requiring action by the Council
336 must initially be produced/written, introduced, and sponsored per the guidelines of
337 3.03 Agenda, above.

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

344
345 **6.13. Reports and Resolutions to be Filed with the City Secretary.** All reports and resolutions
346 shall be filed with the City Secretary and entered on the minutes.

347
348 **Section 7 – CITY COUNCIL COMMITTEES**

349
350 **7.01. Council Committees Established.**

351
352 (A) The following standing committees of the City Council are established:

- 353
354 (1) Fiscal Affairs Committee
355 (2) Drainage and Flooding Committee

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

362
363 **7.02. Appointment.** Appointment to and composition of the committees has been established
364 through prior Council action and may be amended by such.

365
366 **7.03. Council Committee Meetings.**

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

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

377
378 **7.04. Council Ad Hoc Committees.** The Mayor may appoint ad hoc committees from time to time
379 to study and review specific issues. The Mayor shall determine the number of members and appoint
380 a chair of ad hoc committees. The ad hoc committees shall be established for a designated period of
381 time, which may be extended by the Mayor and shall meet as needed. The Mayor shall formally

382 announce the establishment of any ad hoc committee along with his/her appointments to that
383 committee in a session of Council prior to the committee convening to conduct business.

384

385 **Section 8 – RULES SUSPENSION**

386

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

389

390

391 **ADOPTIONS AND AMENDMENTS**

392

393 - February 13, 2023, by Ord. 2023-3918 – bringing back 2008 prohibition of decided items
394 to an agenda for 30 days

395 - July 26, 2021, by Ord. 2021-3841 – rules for approving Council attendance

396 - June 14, 2021, by Ord. 2021-3832 – amend length of speeches

397 - May 24, 2021, by Ord. 2021-3830 – remove face covering requirement from 6.09.
398 Decorum

399 - March 8, 2021, by Ord. 2021-3820 – add face covering requirement to 6.09. Decorum

400 - January 13, 2020, by Ord. 2019-3758 – update to Rules and incorporation of Ethics
401 Policy

402 - July 22, 2013, Ord. 2013-3489 establishes ethics and conflict of interest policy, which
403 was amended/readopted on October 9, 2017

404 - June 11, 2012 – Council considered an agenda policy for Council meetings

405 - September 13, 2010, by Ord. 2010-3274

406 - May 19, 2008, by Ord. 2003-2646-A

407 - July 23, 2003, by Ord. 2003-2646

408 - February 4, 1985, by Ord. 1435

409 - April 29, 1985, by Ord. 1435-A

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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

457 an *economic interest* in the property of the organization. Ownership of an interest in a
458 mutual or common investment fund that holds securities or other assets is not an *economic*
459 *interest* in the securities or other assets unless the person in question participates in the
460 management of the fund.

461
462 *Employee* means any person employed by the city, whether under civil service regulations
463 or not, including those individuals on a part-time basis, but not including any independent
464 contractor.

465
466 *Immediate family members* means the spouse, children, brothers, sisters, and parents
467 (including any such step- or half- relations) of an officer or employee.

468
469 *Officer or official* means the mayor or any member of the city council and any appointive
470 member of a city board, commission or committee established by ordinance, charter or
471 state law.

472
473 **Section 3. Prohibition against involvement in actions affecting economic interests.**

474
475 (A) *General rule.* It shall be a violation of this policy for a city official or employee to
476 participate in any proceedings or take any official action that he or she knows is likely
477 to:

- 478 (1) Affect an economic interest of:
 - 479 (a) The official or employee;
 - 480 (b) His or her immediate family member;
 - 481 (c) A member of his or her household;
 - 482 (d) An outside employer of the official or employee or of his or her immediate
483 family member;
 - 484 (e) A business entity in which the official or employee or his or her immediate
485 family member holds an economic interest;
 - 486 (f) A business entity for which the city official or employee serves as an
487 employee, officer or director, or otherwise functions in any policy making
488 position; or
 - 489 (g) A person or business entity from whom the official or employee, or his or her
490 immediate family member, has solicited, received and not rejected, or accepted
491 an offer of employment within the past twelve months; or
- 492 (2) Confer a benefit on the official or employee, or deprive the official or employee of
493 a benefit, where the effect of the action on the official or employee is
494 distinguishable from the effect of the action on other employees or officials,
495 members of the public in general or a substantial segment of the public.

496
497 (B) *Meaning of "affect".*

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

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

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

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

512
513 (C) *Recusal and disclosure.* A city official or employee whose conduct would otherwise
514 violate subsection (a), or state law if he/she participated in proceedings or took an
515 action, must abstain from participation in the action in accordance with the following:

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

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

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

525 (4) Promptly disclose the interest triggering the recusal, if the person is a member of
526 the city council, a city board or commission, to other members of the city council,
527 board or commission, and leave the room in which the city council, board or
528 commission is meeting during the board or commission's discussion of or voting
529 on, the matter.

530
531 (D) No prohibition established in this section shall be construed to prevent members of city
532 council, or the appointees to any board or commission of the city, or a city employee,
533 from voting on or participating in a matter relating to the adoption of laws, rules and/or
534 policies that apply generally to all employees, officials and/or members of the public
535 and the effect of which does not confer a benefit on the official or employee that is
536 distinguishable from the effect on other employees, officials or members of the public
537 or a substantial segment of the public.

538
539 **Section 4. Standards of conduct.**

540
541 (A) *Standards for immediate family members.* A city official or employee commits a
542 violation of this policy if an immediate family member, with the official's or employee's
543 knowledge, intentionally or knowingly:

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

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

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

557
558 (B) *Representation and appearance at meetings.* No city official or employee shall
559 knowingly:

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

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

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

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

576
577 (C) *Representation by council members.* No city council member shall knowingly represent
578 any private person, including the city council member or any immediate family
579 member, or any outside employer, business entity, group or interest in any matter
580 before any department, agency, commission or board of the city, except that city
581 council members may represent their interests in their own property before a board,
582 agency, commission or department of the city.

583
584 (D) *Representation in municipal court.* In any action or proceeding in the municipal court
585 which is instituted by a city officer or employee in the course of official duties:

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

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

593
594 (E) *Representation in land use and development matters.* A member of the planning and
595 zoning commission shall not knowingly represent the member or any other person,
596 group or interest in any matter before the zoning board of adjustments involving land
597 use or development, and a member of the zoning board of adjustments shall not
598 knowingly represent the member or any other person, group or interest in any matter

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

601
602 (F) *Prohibited use of city position.* A city official or employee shall not use his or her
603 position to unfairly advance or impede private interests, or to grant or secure, or attempt
604 to grant or secure, for any person (including himself or herself) any form of special
605 consideration, treatment, exemption, or advantage beyond that which is lawfully
606 available to other persons. A city official or employee who represents to a person that
607 the official or employee may provide an advantage or impediment to the person based
608 on the official's or employee's office or position violates this rule.

609

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

611
612 (A) No member of the city council and no city employee shall have a financial interest in
613 the sale to the city of any land, materials, supplies or service, outside of the person's
614 position with the city. Any person having an interest shall be ineligible for election as
615 a city council member or appointment as a city employee, and any city council member
616 or city employee who acquires an interest shall forfeit the office or employment. Any
617 violation of this subsection with the actual or constructive knowledge of the city council
618 member or employee shall render the contract voidable by the city manager or the city
619 council.

620
621 (B) In subsection (a) of this section and in subsection 2.425(c), the term "sale to the city"
622 includes a sale to city-sponsored entities and organizations subject to substantial control
623 by the city in one or more of the following respects:

- 624 (1) All or a majority of the governing body of the entity or organization is appointed
625 by the city council;
626 (2) The city provides more than one-half of the operating funds of the entity or
627 organization;
628 (3) The city has approval authority over purchasing decisions made by the entity or
629 organization;
630 (4) The city has approval authority over bonds or other indebtedness issued by the
631 entity or organization; or
632 (5) The city has approval authority over the budget of the organization.

633
634 (C) This section does not apply to acquisition of property by the city as a result of eminent
635 domain proceedings or the threat of eminent domain proceedings.