

ORDINANCE NO. 2026-09

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS REPEALING AND REPLACING ARTICLE I IN GENERAL, ARTICLE II CITY COUNCIL DIVISION 1, AND ARTICLE III DIVISION 5 CODE OF ETHICS OF CHAPTER TWO, ADMINISTRATION OF THE CODE OF ORDINANCES, DESIGNATED; PROVIDING FOR SEVERABILITY, MAKING FINDINGS OF FACT; PROVIDING FOR PENALTY CLAUSES; AND PROVIDING FOR OTHER RELATED MATTERS.

* * * * *

WHEREAS, the City of Tomball, Texas (the “City”) is a home-rule municipality pursuant to sect 5, article 11 of the Texas constitution and as such, is vested with the power of local self-government; and

WHEREAS, the City desires to amend Article I In General, Article II City Council Division 1, and Article III Division 5 Code of Ethics, the Code of Ordinances;

WHEREAS, the City Council finds it to be in the best interest of the health, safety and welfare of its residents to amend its code of ordinances as set forth herein; now therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS:

Section 1. The findings contained in the preamble of this Ordinance are hereby found to be true and correct and are hereby adopted as part of this Ordinance.

Section 2. Article I In General, Article II City Council Division 1, and Article III Division 5 Code of Ethics, of Chapter Two, Administration, is hereby repealed and replaced with the language contained hereto:

ARTICLE I. IN GENERAL

Sec. 2-1. Organization

The governing body of the City shall consist of the Mayor and five (5) members of the city council ("Council"). The Mayor is elected in the city at large, and the members of the city council are elected at large by positions 1,2, 3, 4, and 5. The Mayor shall be the presiding officer for the Council meetings and, pursuant to the City's Charter, shall only vote in the event of a tie.

Secs. 2-2—2-18. Reserved.

ARTICLE II. CITY COUNCIL

DIVISION 1. GENERALLY

Sec. 2-19. Compensation of elected officials.

In accordance with the city Home Rule Charter, section 6.04, compensation, effective October 1 of each year, beginning November 6, 2007, the stipend/compensation for the mayor and members of city council shall be, as follows:

- (1) The monthly stipend for the mayor shall be \$750.00 per month.
- (2) The mayor and each member of the city council shall receive compensation, per person, of \$100.00 per regular, special or workshop meetings attended each month. Should any such meetings be scheduled back-to-back, they shall be construed to be one meeting.
- (3) The mayor and members of the city council shall also be reimbursed for actual expenses incurred while on official city business.
- (4) Compensation shall be reviewed annually for budget adjustments and figures shall be indexed to the Bureau of Labor Statistics, Consumer Price Index for Houston, or a similar index during the budget process.

Sec. 2-20. Conflict of interest.

No member of the city council shall be the surety of any person having any contract, work or business with the city, for the performance of which security may be required, nor be security on the official bond of any officer of the city.

Sec. 2-21. Removal.

Any member of the city council may be expelled or removed from office in the manner prescribed by law by the concurrent vote of two-thirds of all the members elected.

Sec. 2-22. Rules of procedure.

- (a) *Adopted.* The following rules of procedure (the "rules") are adopted by the city council (the "council") in accordance with section 6.13 of the city Charter. These rules shall govern all meetings and proceedings of the city council, the order of business, and the conduct of city councilmembers and persons in attendance at such meetings. Additionally, these principles, parliamentary procedures and rules for citizen participation shall be adhered to by all city commissions, boards and committees, to the extent such rules of procedure are not inconsistent with the public business to be conducted by such a body.
- (b) *Purpose and guiding principles.* These rules are simple and meant to be kept simple. Strict technical rules tend to impede rather than advance the legislative process. Reason, common sense and cooperation must prevail in the conduct of city business. Dissent and debate are essential and beneficial elements of our system of free and open government, but rules should not

be used to hinder the process, however the ultimate outcome is viewed by an individual or group.

(c) **Meetings.** The following types of meetings may be held:

(1) **Regular meetings.** The Council shall hold no less than two regular meetings per month in accordance with Section 3.08 of the City Charter. Regular meetings shall be held at dates and times adopted by City Council Resolution and shall generally be on the 1st and 3rd Monday of each month at a time agreeably set by a consensus of the City Council. Unless designated otherwise, meetings of the City Council shall take place in the Council Chambers of City Hall, and the public is invited to attend the meetings. If the Council meets at a place or time other than its regular meeting place, then public notice to such effect shall be posted in accordance with the Texas Open Meetings Act.

(2) **Special meetings.** A special meeting may be called upon written request of the Mayor or any two (2) council members. Notice of special meetings must be posted in accordance with the Texas Open Meetings Act.

(3) **Workshop meetings.** In accordance with section 6.12 of the Charter, additional workshop meetings may be called upon written request of the mayor or any three councilmembers. If a majority of the city councilmembers at a public meeting request a subsequent workshop meeting, a workshop meeting shall be scheduled at the earliest

practical time as requested. The council meeting minutes reflecting the request to call a workshop meeting shall also reflect the scheduled date and time of such workshop meeting.

- a. The purpose of a workshop meeting is to give council the opportunity to discuss in depth or explore in detail subjects of interest to the city.
- b. No action items shall be placed on the agenda for a workshop meeting.
- c. Workshop meetings shall begin promptly at the time designated and may precede a regular or special meeting. If circumstances reasonably require a different starting time or a different date, such circumstances shall be stated on the meeting agenda.
- d. As circumstances require, public hearings may be held at workshop meetings for the convenience of the public.
- e. Except in unusual circumstances, which shall be stated on the meeting agenda, workshop meetings will be held at the city hall.

(4) ***Public meetings.*** All meetings of the city council are open to the public, in compliance with the Texas Open Meetings Act. Further, the city council may conduct executive sessions in compliance with the Texas Open Meetings Act.

(5) ***Joint meetings.*** The Council may hold Joint Meetings with various Boards, Commissions, and/or various governmental entities that share a community interest with the City. Such meetings shall be scheduled for a specific purpose or goal, agreed to by the City and the other board or entity prior to the meeting and posted in accordance with the Texas Open Meetings Act.

(6) ***Executive sessions.*** Pursuant to the Texas Open Meetings Act, the Council may conduct closed meetings that are not open to the public when the following matters are considered:

- a. Consultation with an attorney regarding pending or contemplated litigation; a settlement offer; or to receive advice on legal matters not associated with litigation;
- b. Deliberations associated with the sale, purchase or exchange of real property;
- c. Personnel matters;
- d. Deliberations regarding security matters;
- e. Deliberations regarding economic development

negotiations; or

- f. Any other purpose permitted by the Texas Open Meetings

Act.

The purpose of an executive session shall be stated in the motion to call the closed session. Any action taken on a matter discussed in executive

session shall occur in an open meeting following the deliberation in closed session.

- (d) ***Attendance.*** Serving on the City Council is a privilege that carries with it the responsibility to represent constituents through participation in Council meetings. Attendance at council meetings is critical to fulfillment of this responsibility and accountability to public. Therefore, Council members unable to attend a Council meeting shall be required to contact the City Secretary's Office no less than two (2) hours prior to the meeting, stating the reason for such absence. The City Secretary shall inform the Council of the reason for the member's absence prior to the City Council meeting. For Regular meetings of the City Council, an agenda item shall be placed on the next Regular meeting agenda following the Council members absence for City Council to consider whether the absence is excused or unexcused. Failure to comply with the notification provisions of this section, except in cases of emergency, may result in an unexcused absence.

An excused absence from a council meeting is when a council member notifies the council in advance and provides a valid reason for their inability to attend. The definition of an excused absence is typically outlined in the council's bylaws, rules of procedure, or local government policies.

Common Reasons for Excused Absences:

- (1) Illness or medical emergency (personal or immediate family)
- (2) Family emergencies or obligations

- (3) Pre-approved travel for official government business or personal reasons
- (4) Unavoidable work commitments
- (5) Military service
- (6) Other reasons deemed acceptable by the council

An unexcused absence from a council meeting occurs when a council member fails to attend without providing prior notice or a valid reason as defined by the council's bylaws, rules of procedure, or local government policies.

Common Reasons for an Unexcused Absence:

- (1) Failure to notify the Mayor, Chair, or City Secretary in advance
- (2) No valid reason provided under council guidelines
- (3) Repeated or chronic absences without justification
- (4) Skipping a meeting for personal convenience without approval

- (e) ***Agenda.*** The City Manager and the City Secretary, with consultation and concurrence of the Mayor, shall prepare an agenda for business to be considered at each regular Council meeting. It shall be the practice of the City to include on any regular Council meeting agenda all items that are deemed appropriate by the City Manager, the Mayor, or any two (2) Members of the City Council.

Members of the City Council desiring to make individual presentations or sharing of information, outside of material provided in the agenda packet, regarding any posted agenda items shall submit the additional presentation material to the City Manager by noon on the day of the meeting.

For the Mayor or any two (2) Councilmembers to have an item placed on the regular meeting agenda, the request shall be in writing and shall be filed with the City Manager no later than noon on the 7th business day before the regular meeting at which it is requested for consideration. If the filing is later than noon on the 7th business day before the regular meeting, the item shall be placed on the agenda of the next regular meeting, unless the Mayor and/or City Manager determine that delaying the requested item would be contrary to the City's best interest. The Agenda for the City Council Regular Meetings shall be developed by the City Manager and published by the City Secretary in the manner generally prescribed as follows:

- (1) Call to Order
- (2) Invocation
- (3) Pledges of Allegiance to the United States of America flag
and Texas flag
- (4) Public Comments
- (5) Recognition and Awards (if required) *
- (6) Reports & Announcements
- (7) Old Business Consent Agenda
- (8) Matters Removed from Old Consent Agenda

- (9) New Business Consent
- (10) Matters Removed from New Consent Agenda
- (11) New Business
- (12) Executive Session (if required)
- (13) Adjournment

*At the discretion of the Mayor, special recognitions and awards may be presented prior to the Call to Order for a City Council meeting.

- (f) ***Quorum.*** Four (4) members of the Council, one of whom may be the Mayor, shall constitute a quorum for conducting business, unless otherwise prescribed by law. A quorum for conducting business can be achieved with the presence of the Mayor and three (3) councilmembers; or, in the absence of the Mayor, four (4) councilmembers. **Outside of posted meetings, three (3) members of Council shall be considered a quorum for the purposes of determining a “Walking Quorum” under Section 551.143 of the Open Meetings Act.**
- (g) ***Parliamentary procedure.*** In all council meetings, Robert's Rules of Order Newly Revised shall, to the extent feasible, govern the proceedings of Council.
 - (1) **Vote.** The presiding officer shall call for a vote. The presiding officer or any other member may request a roll call vote at any time, including immediately after a voice vote. Except for the "majority vote of the members present"

provided for in applying these procedural rules, any action by council shall require the affirmative vote of three or more members of the council (the mayor has a binding vote only in the case of a tie), in accordance with section 6.13 of the Charter. A councilmember shall state the reason for an abstaining vote, in accordance with section 6.13 of the Charter.

- (2) Recessed meetings. Recessing a meeting is not a favored practice. However, if circumstances require, any meeting of the council may be recessed to a later time, provided that no recess shall be for a longer period than until the next scheduled meeting. Prior to the recess the presiding officer shall announce the time, date and subjects of the meeting to be reconvened. A new agenda shall be posted for the reconvened meeting, making clear reference to the recessed meeting. The presiding officer may declare the meeting recessed without waiting for a motion. A member may move to recess under the same conditions. When the meeting is recessed, the meeting is immediately halted. The motion by a member is not debatable and a majority vote of the members present is required for passage.

(3) Motion to adjourn. If there is no further business to consider, the presiding officer may declare the meeting adjourned without a motion.

(4) *Voting.*

a. Unless otherwise provided by City Charter, law or ordinance, the affirmative vote of the majority of those councilmembers present shall be necessary to adopt any item on an agenda.

b. It is the duty of each councilmember who has an opinion on an item presented for consideration and vote to express it by a vote to approve or deny the item. It is recognized that parliamentary procedure affords members of the City Council the right to abstain from voting on an item instead of voting to approve or deny the item. To maintain public transparency, any councilmember abstaining from a vote on an item shall state the purpose for the abstention which shall be entered into the City's official record.

c. If any member of the city council abstains without a cause, the vote will be recorded as a nay vote.

d. Any councilmember who abstains from voting due to a conflict of interest shall recuse themselves and leave the room during the discussion and subsequent vote.

- (h) ***Members of the City Council decorum and debate.*** Robert's Rules of Order Newly Revised shall, to the extent feasible, govern the proceedings of Council. The City Attorney shall act as Parliamentarian for Council meetings.
- (i) ***Duties of mayor or presiding officer.*** At all meetings, it is the responsibility of the presiding officer to use the rules of procedure appropriately so that good order and reasonable decorum are maintained and the business of the meeting goes forward. The presiding officer's duties include:
- (1) Calling the meeting to order at the time set.
 - (2) Following the agenda and clarifying to the members what is being voted on at all times.
 - (3) Ensuring that the rules and procedures for the conduct of meetings are followed.
 - (4) Dealing firmly with whispers, commotion, disruptions and frivolous motions.
 - (5) Ensuring that debate is confined to the merits of the question and that personal comments are avoided.
 - (6) Ensuring that the rules for citizen participation are followed.
 - (7) Remaining calm and dealing fairly with all sides of an issue, regardless of personal opinion.
 - (8) Ensuring that city business is handled expeditiously during council meetings.

(j) ***Citizens' participation at meetings.*** Rules for speakers:

- (1) *Time limit.* The presiding officer, or the city council by majority vote of the councilmembers present, may set a reasonable time limit for any citizen or person in attendance who desires to address the council or speak at a meeting.
- (2) *Identification.* All members of the public speaking before council shall preface their statements with their name and home address for the record.
- (3) *Speaking from the podium.* All speakers must come to the podium, unless the presiding officer permits speakers to make their statements from their seat in the meeting room.
- (4) *Spokesperson.* Speakers with similar or common interests are encouraged to select someone to act as a spokesperson in order to move the proceedings along. The presiding officer may urge the implementation of this rule at any time.
- (5) *Public comments and receipt of petitions; public hearings.* Citizens will be allowed to speak at a meeting; however, before a member of the public may address city council or speak at a meeting, the presiding officer must first recognize the member of the public who wishes to speak and announce that the person may proceed. Any person desiring to be heard by the city council regarding an item on an agenda shall be heard during that part of the meeting reserved for

public comments and receipt of petitions, or as scheduled for a public hearing.

- a. All members of the audience addressing the Council ("Speaker") shall direct their remarks to the person in charge of the meeting ("Chair").
 - b. No Speaker shall address the Council unless recognized by the Chair for that purpose.
 - c. Remarks shall be limited to those pertaining to matters before the City Council, to City business or policy, or to issues of community concern or interest. Profane, vulgar or abusive language or personal attacks will not be tolerated. If not followed consequences include:
 - Verbal Warning – The presiding officer (e.g., the Mayor or Council Chair) may issue a warning to the individual, reminding them of decorum rules.
 - Removal from the Meeting – Law enforcement or security personnel may be asked to escort the disruptive individual out of the meeting.
- (a) Ban from Future Meetings – In some cases, repeat offenders may be prohibited from attending future Council meetings for a specified period.

- Legal Consequences – If the language includes threats or harassment, the individual may face criminal charges such as disorderly conduct or trespassing.

d. No Speaker shall continue to address the Council after being informed by the Chair that the Speaker's time for addressing the Council has expired.

e. The Speaker shall be limited to 3 minutes to address the Council. If a single individual has been designated, on behalf of a larger group, to speak for the group, then such individual shall be allowed a maximum of 5 minutes to speak. The Chair has the authority to grant additional time, if requested by a Speaker, for good cause. At the end of the Speaker's allotted time, the Chair shall direct the Speaker to wrap up and the Speaker shall not exceed 1 additional minute of speaking time.

f. Council shall not respond to Speakers

(7) *Scheduled speakers.* Speakers may request, in writing, an opportunity to be placed on the agenda to speak at a meeting concerning a specific matter, as identified in their written request. Written requests to be placed on the agenda to speak must be delivered to the city secretary, or the city secretary's

designee, by 12:00 noon on the 7th business day preceding the regular, special or workshop meeting of the city council. In the event that the number of speakers who request to be scheduled on the agenda indicates that the comments will be lengthy or repetitious, the presiding officer may schedule such matter for a public hearing or make other appropriate arrangements to ensure that the conduct of the city's business is not unduly impeded.

- (8) *Speaking during consideration of agenda items.* The presiding officer at his own discretion, or by majority vote of the councilmembers present, may recognize a person or persons in attendance and allow such persons to speak prior to consideration and discussion of an agenda item by the city council. Any further discussion of the same matter shall likewise be at the discretion of the presiding officer, or by majority vote of councilmembers present.
- (9) *Rules not to restrict the city.* These rules for speakers will not be construed or applied in such a manner that they restrict the ability of the mayor, or the city council by majority vote of the members present, to reasonably limit or expand the debate and discussion of any item, when necessary in the city's best interest.

Sec. 2-23. Investigative body.

The city council shall have the power to call special meetings of the city council and to conduct itself as an investigative body for the purpose of inquiring into the official conduct of any department, agency, office, officer, or employee of the city. The investigative body shall be chaired by the mayor and, in the absence of the mayor, by the mayor pro tem. The investigative body shall conduct itself in accordance with Robert's Rules of Order, Newly Revised as provided for all city council meetings.

Sec. 2-24. Powers.

- (a) The city council, when sitting as an investigative body, shall have the power to administer oaths, subpoena witnesses, compel the production of books, papers, and other evidence, material to the inquiry being conducted by the city. The city council shall have the power to issue subpoenas for witnesses and for evidence.
- (b) Subpoenas shall be served and returned in accordance with the Texas Criminal Procedure Code and Rules. A subpoena shall be served by reading the same in the hearing of the witness or by delivering a copy of the subpoena to the witness. The officer having the subpoena shall make due return thereof, showing the time and manner of service, if served, and, if not served, he shall show in his return the cause of his failure to serve it; and if the witness could not be found, he shall state the diligence he has used to find him and what information he has as to the whereabouts of the witness.
- (c) If a witness has in his possession any instrument of writing or other item desired as evidence or subpoenaed by the city council, the subpoena shall specify such evidence and direct that the witness bring the same with him

and produce it before the city council. All such subpoenas shall be issued by the city secretary, the city secretary shall sign the subpoena and indicate on it the date it was issued and the city secretary shall sign as attesting that the subpoena was issued at the insistence and request of the city council.

Sec. 2-25. Penalty for failure to obey subpoenas.

- (a) If a witness refuses to obey a subpoena, he shall be found to be in contempt. Upon a finding of contempt, he may be fined at the discretion of the city council in an amount not exceeding \$200.00 for each day in which the subpoena is not answered.
- (b) The witness shall be found guilty of contempt for refusing to obey the subpoena if the witness is not in attendance before the city council on the day set apart for taking up the matter specified in the subpoena or if he is not in attendance at any other time named in the subpoena or if he refuses, without legal cause, to produce evidence in his possession which he has been summoned to bring with him and produce.

Secs. 2-26—2-53. Reserved.

Article III – Officers and Employees

DIVISION 5. CODE OF ETHICS

Sec. 2-210. Declaration of policy.

- (a) It is hereby determined by the city council of the city, that the proper operation of government requires that public officers and employees be independent and impartial; that the government's decisions and policies be

made within the proper channels of the governmental structure; that a public office not be used for personal gain; and that the public have confidence in the integrity of its government and its governmental officials.

- (b) The purpose of this Code is to enumerate existing state laws which regulate the conduct and activities of city officers and employees, and to promulgate such additional minimum standards as are deemed necessary and appropriate to ensure the faithful and impartial administration of the city's government.

Sec. 2-211. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

City employee means any person employed by the city, including those individuals employed on a part-time basis.

City officer means the mayor, members of the city council, the city manager, city secretary, municipal court judge and clerk, alternate judges, and substitute judges, and each member and alternate member of all of the city boards, commissions and committees.

City official means a city officer or city employee.

Sec. 2-212. Ethical principals.

The following code of ethics for all city officers and employees is adopted. To further the objectives of this code of ethics, certain ethical principles shall govern the conduct of every officer or employee, who shall:

- (a) Be dedicated to the highest ideals of honor and integrity in all public and personal relationships in order to merit the respect and confidence of the citizens of the city;
- (b) Recognize that the chief function of local government at all times is to serve the best interests of all of the people;
- (c) Be dedicated to public service by being cooperative and constructive, and by making the best and most efficient use of available resources;
- (d) Refrain from any activity or action that may hinder one's ability to be objective and impartial on any matter coming before the council or the city. Do not seek or accept gifts or special favors; believe that personal gain by use of confidential information or by misuse of public funds or time is dishonest;
- (e) Recognize that public and political policy decisions, based on established values, are ultimately the responsibility of the city and city council; and
- (f) Conduct business in open, duly noticed meetings in order to be directly accountable to the citizens of the city. It is recognized that certain exceptions are made by the state for executive sessions; however, any action as a result of that type of meeting will be handled later in open session.

Sec. 2-213. Ethical standards.

In order to more fully effectuate the policy declared in this code of ethics, to ensure that all city officials act and conduct themselves both inside and outside the city's service so as to give no occasion for distrust of their integrity, and to avoid even the appearance of impropriety by any city official, the following standards of conduct are adopted.

- (a) It is the official policy of the City that:
 - (1) City officials shall be independent, impartial, and responsible to the citizens of the City;
 - (2) City officials shall not have a financial interest, and shall not engage in any business, transaction, or professional activity, or incur any obligation that conflicts with the proper discharge of their duties for the city in the public interest;
 - (3) The principles of personal conduct and ethical behavior that should guide the behavior of city officials include:
 - a. A commitment to the public welfare
 - b. Respect for the value and dignity of all individuals;
 - c. Accountability to the citizens of the city;
 - d. Truthfulness; and
 - e. Fairness.
 - (4) Under such principles of conduct and ethical behavior, City officials should:
 - a. Conduct business with integrity and in a manner that merits the trust and support of the public;
 - b. Be responsible stewards of the taxpayers' resources; and
 - c. Take no official actions that would result in personal benefit in conflict with the best interests of the city.
 - (5) To implement the purpose and principles described herein, the Council has enacted rules of ethical conduct to govern city officials

(6) In order to adopt standards of disclosure and transparency in government, and to promote public trust in government, the City Council adopts the following guidelines regarding public disclosure of information related to Councilmember compliance with state and local law:

a. The City shall maintain a City Council Public Disclosure Webpage ("Public Disclosure Page"), with a direct link, visible from the City's homepage and individual Councilmember bio pages, containing public disclosure information for each City Councilmember; and

b. Each Councilmember Disclosure Page shall include public disclosure of the following information:

1. All campaign finance reports required by state law; and

2. All conflicts or ethical disclosures required by state or local law; and

a copy of awarded contracts for which the Councilmember was required, by local or state law, to file a conflicts affidavit and abstain from participation in discussion of and any vote related to the contract.

(b) ***Grant of special consideration.*** Council members shall not grant special treatment, consideration, or advantage to any individual, business, or group beyond what is available to all. Exceptions include specific programs or incentives, must be explicitly authorized by the City Council.

(c) ***Appearances on behalf of private interests.*** Council members shall not represent or advocate for private interests before a City body (Council,

boards, commissions) regarding matters over which they have discretionary authority. They shall also refrain from representing or participating in any litigation involving the City.

- (d) ***Securing special privileges.*** No city official shall use his official position to secure special privilege or exemption for himself or others.
- (e) ***Gifts.*** In accordance with state law, Council members shall not accept any gift, favor, or benefit that could reasonably influence their official duties or that is offered with the intent to influence or reward their official conduct.
- (f) ***Disclosure or use of confidential information.*** Council members must not disclose or use any confidential information gained through their position to further their personal interests or the interests of others.
- (g) ***Incompatible outside activities.*** No city official shall engage in any outside activity which will conflict with, or be incompatible with, the city office or employment.
- (h) ***Incompatible employment.*** No city official shall accept outside employment which is incompatible with the full and proper discharge of his duties and responsibilities with the city, or which might impair his independent judgment in the performance of his public duty.
- (i) ***Use of city property for personal use.*** No city official shall use city supplies, equipment, vehicles or facilities for any purpose other than the conduct of official city business, unless otherwise specifically provided for by law, ordinance or city policy.

- (j) ***Official Oppression.*** A City official may not knowingly mistreat, unlawfully arrest, detain, search, seize, dispossess, assess, or place a lien on someone. They also cannot intentionally deny or interfere with a person's rights, privileges, or protections, knowing their actions are unlawful, or subject anyone to sexual harassment. 39.02, Penal Code.
- (k) ***Nepotism.*** City officials may not appoint or vote to appoint a person related to them (within the second degree by affinity or third degree by consanguinity) or to another board member, if the position is paid with public funds. This does not apply if the related person has been continuously employed:
 - (1) at least thirty (30) days, if the officer or member is appointed, or
 - (2) at least six (6) months, if the officer or member is elected.

Sec. 2-214. State laws governing conduct.

- (a) ***Conflicts of interest.***
 - (1) Pursuant to V.T.C.A., Local Government Code, ch. 171, a local public official having a substantial interest in a business entity or piece of real property must file, before any vote or decision is made on any matter affecting the business entity or real property, an affidavit stating the nature and extent of the interest. The official must file the affidavit with the city secretary, and is required to abstain from any further participation in the matter if:

- a. The proposed action would have a special economic effect on the business entity that is distinguishable from the effect on the public; or
 - b. It is reasonably foreseeable that the action would have a special economic effect on the value of the real property which is distinguishable from its effect on the public. An exception to the abstention rule is provided in cases where a majority of members of the entity are likewise required to and do file affidavits.
- (2) A substantial interest in a business entity exists when the official:
- a. Owns ten percent or more of the voting stock or shares of the business entity;
 - b. Owns ten percent or more or \$5,000.00 or more of the fair market value of the business entity; or
 - c. Has received from the business entity funds which exceed ten percent of the official's gross income for the prior year.
- (3) A substantial interest in real property exists when the official has an equitable or legal interest in such property which has a fair market value of \$2,500.00 or more.
- (4) A local public official means a member of the city council or other official of the city, paid or unpaid, who exercises responsibilities which are more than advisory only. A business entity means any entity recognized by law.

- (5) It is an offense for a local public official to act as a surety for a business entity that is contracting with the city, or to act a surety on any official bond required of an officer of the city.

State law reference(s)—Similar provisions V.T.C.A., Local Government Code § 171.003.

- (6) A local public official is considered to have a substantial interest if a person related to the official in the first degree by consanguinity or affinity has a substantial interest.

State law reference(s)—Similar provisions, V.T.C.A., Local Government Code § 171.002(c).

- (7) The provisions of V.T.C.A., Local Government Code, ch. 171, are in addition to any other municipal charter provisions or municipal ordinances defining and prohibiting conflicts of interest.

(b) ***Bribery.*** It is unlawful for a city official to accept or agree to accept:

- (1) Any benefit as consideration for a decision, opinion, recommendation, vote or other exercise of discretion as a public servant;
- (2) Any benefit as consideration for a decision, vote, recommendation or other exercise of official discretion in a judicial or administrative proceeding; or
- (3) Any benefit as consideration for a violation of a duty imposed by law on a public servant.

State law reference(s)—Similar provisions, V.T.C.A., Penal Code § 36.02.

(c) ***Gifts to public servants.***

- (1) It is unlawful for a city official to solicit, accept or agree to accept any benefit from a person the official knows is subject to regulation, inspection or investigation by the official or the city.

State law reference(s)—Similar provisions, V.T.C.A., Penal Code § 36.08(a).

- (2) In the event of litigation involving the city, it is unlawful for any city official to solicit, accept or agree to accept any benefit from a person against whom the official knows litigation is pending or contemplated by the official or the city.

State law reference(s)—Similar provisions, V.T.C.A., Penal Code § 36.08(c).

- (3) It is unlawful for a city official who exercises discretion in connection with contracts, purchases, payments, claims or other pecuniary transactions of government to solicit, accept or agree to accept any benefit from a person the official knows is interested in or likely to become interested in any contract, purchase, payment, claim or transaction involving the exercise of his discretion.

State law reference(s)—Similar provisions, V.T.C.A., Penal Code § 36.08(d).

- (4) It is unlawful for a city official who has judicial or administrative authority, is employed by or in a tribunal having judicial or administrative authority, or who participates in the enforcement of the tribunal's decision, to solicit, accept or agree to accept any benefit from a person the official knows is interested in or likely to become interested in any matter before the official or tribunal.

State law reference(s)—Similar provisions, V.T.C.A., Penal Code § 36.08(e).

- (5) **Exceptions to gifts to public servants.** The provisions of V.T.C.A., Penal Code § 36.08, described in subsections (c)(1) thru (4) of this section, do not apply to:
- a. Fees prescribed by law to be received by the public official or any other benefit to which the official is lawfully entitled and for which the official has given legitimate consideration;
 - b. Gifts or other benefits conferred on account of kinship or personal, professional, or business relationships independent of the official's status with the city;
 - c. Certain honorariums in consideration of legitimate services;
 - d. Benefits consisting of food, lodging, transportation or entertainment accepted as a guest and reported as required by law; or
 - e. Benefits for which statements must be filed pursuant to V.T.C.A., Election Code §§ 251.011 and 251.012, if the benefit and source of any benefit exceeding \$50.00 is reported and the benefit is used solely to defray expenses which accrue in the performance of duties or activities in connection with the office which are nonreimbursable by the city.

State law reference(s)—Similar provisions, V.T.C.A., Penal Code § 36.10.

- (d) ***Tampering with governmental records.*** It is unlawful for any person to knowingly make a false entry in, or false alteration of, a governmental record, or to make, present, or use any record, document, or thing with knowledge of its falsity with the intent that it be taken as a genuine governmental record, or to intentionally destroy, conceal, remove or otherwise impair the verity, legibility or availability of a governmental record.

State law reference(s)—Similar provisions, V.T.C.A., Penal Code, § 37.10.

- (e) ***Impersonating public servant.*** It is unlawful for any person to impersonate a city official with intent to induce another to submit to his pretended official authority or to rely on his pretended official acts.

State law reference(s)—Similar provisions, V.T.C.A., Penal Code § 37.11.

- (f) ***Misuse of official information.*** It is unlawful for a city official, in reliance on information to which he has access as a result of his office and which has not been made public, to acquire or aid another in acquiring a pecuniary interest in any property, transaction or enterprise that may be affected by the information or to speculate or aid another in speculating on the basis of the information.

State law reference(s)—Similar provisions, V.T.C.A., Penal Code § 39.03.

- (g) ***Disrupting meeting or procession.*** It is unlawful for any person, with intent to prevent or disrupt a lawful meeting, to obstruct or interfere with the meeting by physical action or verbal utterance.

State law reference(s)—Similar provisions, V.T.C.A., Penal Code § 42.05.

- (h) ***Official oppression.*** It is unlawful for a city official to intentionally subject another to mistreatment or to arrest, detention, search, seizure, dispossession, assessment or lien that he knows is unlawful, to intentionally deny or impede another in the exercise or enjoyment of any right, privilege, power or immunity, knowing his conduct is unlawful, or to intentionally subject another to sexual harassment.

State law reference(s)—Similar provisions, V.T.C.A., Penal Code § 39.02.

- (i) ***Official misconduct.*** It is unlawful for a city official, with intent to obtain a benefit or with intent to harm another, to intentionally or knowingly violate a law relating to his office or employment or to misapply any thing of value belonging to the government that has come into his custody or possession by virtue of his office or employment.

State law reference(s)—Similar provisions, V.T.C.A., Penal Code § 39.01.

- (j) ***Nepotism.*** The following provisions shall apply:

- (1) It is unlawful for any city official to appoint, or vote for the appointment, to any office, employment or duty, of any person related within the second degree by affinity or within the third degree by consanguinity to the person so appointing or so voting, or to any other member of a board or governing body to which the person so voting or appointing may be a member, when the salary, fees or compensation of such appointee is to be paid out of public funds. An exception is provided for persons who have been continuously employed in such office, employment or duty for the

following periods prior to the election or appointment, as applicable, of the officer or member related to such employee in the prohibited degree:

- a. At least 30 days, if the officer or member is appointed; or
 - b. At least six months, if the officer or member is elected.
- (2) When a person is allowed to continue in an office, position or duty because of an exception above, the officer who is related to such person in the prohibited degree shall not participate in the deliberation or voting upon the appointment, reappointment, employment, confirmation, reemployment, change in status, compensation or dismissal of such person, if such action applies only to such person and is not taken with respect to a bona fide class or category of employees.

Charter reference(s)—Similar provisions, § 6.05.

State law reference(s)—Similar provisions, V.T.C.A., Government Code § 573.041.

- (k) ***Disclosure of interest in property.*** It is unlawful for a city official, or a person elected, appointed or employed as a city official but for which office such person has not yet qualified, to fail to make public disclosure of any legal or equitable interest he may have in property which is acquired with public funds, provided such official has actual notice of the acquisition or intended acquisition. The public disclosure required is the filing of an affidavit with the county clerks of all counties in which the property is

located and wherein the official resides at least ten days prior to the acquisition.

Charter reference(s)—Conflict of interest in city contracts, § 6.07.

State law reference(s)—Similar provisions, V.T.C.A., Government Code § 553.02.

Sec. 2-215. Complaints Against Officials.

(a) Officials and staff have a duty to report suspected violations of law or this article as set forth herein. All complaints or allegations of a violation of this code of ethics against an official shall be made in writing on a form provided by the city clerk, sworn to before a notary public, and filed on record with the city clerk. Such complaint shall describe in detail the act or acts complained of and the specific section(s) of this code of ethics alleged to have been violated. A general complaint lacking in detail shall not be sufficient to invoke the investigation procedures contained herein; and anonymous complaints shall not be considered.

(1) The city clerk shall provide a copy of the complaint to the implicated official and the city council, and immediately refer the complaint to the city attorney, who shall initially review the complaint to determine if the complaint contains sufficient detail and alleges a violation of the code of ethics.

(2) The affected official may file a written response to the complaint within seven (7) business days after the complaint is filed with the city clerk, who shall forward the response, if any, to the city attorney.

(3) The city attorney shall conduct an initial review to determine if the facts as alleged could constitute a violation of this code of ethics within five days of the initial or clarified complaint.

(A) When the city attorney receives a vague complaint or one lacking in detail, the city attorney shall contact the complainant to request a written clarification. If the complainant fails to provide the city attorney with written clarification within 5 business days of the request for written clarification, or if after written clarification is provided, it is the opinion of the city attorney that the complaint is insufficient in detail and/or fails to allege a prima facie violation of the code of ethics, a written report to that effect shall be submitted to the city council.

(B) The city attorney may contact the complainant, interview witnesses and examine any documents necessary for the initial review.

(C) If the city attorney determines that a criminal violation may exist, the city attorney shall refer the matter to the appropriate law enforcement agency in addition to proceeding with the process described herein.

- (b) If it is determined by the city attorney that the facts as alleged could constitute a violation of this code of ethics, then the city attorney shall immediately proceed to fully investigate the alleged improprieties. For purposes of this investigation, the city attorney shall have all of the powers of investigation as are given to the city council by reason of the city charter. The city attorney shall report back to the city council as soon as possible but in no event more than twenty (20) business days from the date of the complaint unless an extension is granted by the majority of the nonimplicated city council. The city manager or city clerk shall cause a meeting to convene, whether regular or special, within twenty (20) business days after being so notified by the city attorney to further consider said complaint in executive session. Said report shall be comprehensive and explain in detail all facts, findings and conclusions in support of the city attorney's opinion as to whether a violation of this code of ethics occurred.
- (c) The city council shall consider the complaint and the city attorney's report at an executive session of the city council unless the affected official requests that the complaint be considered in a public meeting. At such meeting, the city attorney shall present a written report to the city council describing in detail the nature of the complaint and the city attorney's findings and conclusions as to a possible violation of this code of ethics. The affected official shall have the right to a full and complete hearing before the city council with the opportunity to call and cross-examine witnesses and present evidence in such person's behalf. The nonimplicated

city council members in attendance shall conduct a hearing and review the complaint. Unless additional time is granted in writing by the mayor prior to the hearing, the hearing, including the presentation of witnesses is limited to two hours. The city council may reject the complaint or take action authorized under Section 2-216 Violations.

- (d) No action or decision with regard to the complaint shall be made except in a meeting which is open to the public.
- (e) The city council may appoint outside legal counsel, or may direct the city attorney to appoint outside legal counsel, or the city attorney in the city attorney's discretion, may appoint outside legal counsel, to perform any of the duties and responsibilities of the city attorney under this article and at any time in the investigative process.
- (f) A complaint or allegation of a violation of this article may only be made against an official while such person holds such position or office. A complaint made against an official pursuant to this section shall be processed and resolved even if such person resigns from, or ceases to hold such position or office, prior to resolution of the complaint.

Sec. 2-216. Violations.

- (a) Any person violating any standard contained in section 2-213 shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not to exceed \$500.00. Each day of violation shall constitute a separate offense.

- (b) Penalties for violations of conduct described in section 2-214 are as set forth in the applicable statutory provision.

Sec. 2-217. City Council Censure.

- (a) Policy: The City Council places value on the characteristics of honesty, integrity, confidentiality, respect, and transparency. In furtherance of these leadership qualities and public accountability, the City Council adopts a censure policy to allow for Council disapproval or criticism of any of its members for actions unbecoming of their position.
- (b) Grounds: Council members may be subject to censure if they engage in the following:
 - (1) conduct found to impugn the character of a member of the public, another Council member, or staff member;
 - (2) conduct found to violate the Charter, these Rules, state and local conflicts disclosure laws, and council confidentiality including, but not limited to, the release of confidential information to unauthorized parties without approval of the City Council; or
 - (3) conduct found to cause embarrassment or damage to the reputation of the City.
- (c) Procedure: The following procedural rules shall apply to a censure request:

Any three (3) Members of the City Council, including the Mayor, may place a censure request on a regular meeting agenda. The request shall be in writing and shall be filed with the City Secretary no later than noon on the

Monday the week before the regular meeting at which it is requested for consideration.

- (1) All Council members shall be provided a copy a censure request on the same day the request is filed with the City Secretary.
- (2) A censure request shall include the name(s) of the alleged offending Council member(s) with a statement of the reasons for the censure.
- (3) All discussion shall be conducted in open session.
- (4) The alleged offending Council member(s) shall be provided an opportunity to respond to the allegations and present evidence in their defense except that City Council may proceed with the censure request in the absence of the alleged offending Council member(s); and
- (5) A two-thirds (2/3) vote of the City Council members present, excluding the Council member that is the subject of the Censure Request, shall be required to approve a censure request.

(d) Consequences: If sustained, a censure request shall serve as an official public statement of disapproval or criticism of a Council member(s) conduct subject to the following actions:

- (1) Minutes of the City Council's censure action shall be entered into the public record;
- (2) The official minutes shall be posted on the Council member(s) Public Disclosure Page; and

- (3) The censured Council member(s) may be removed from committee assignments within the city or with intergovernmental agencies.

Sec. 2-218. Use of City Computers/Tablets.

The City shall make computers and/or electronic tablets ("Device") available to Council to be used for City business and City related purposes. Personal use of a City-owned Device is discouraged and should be limited to intended City related uses of the Device. The following rules shall apply to Council members using a City issued Device:

- (a) The Device shall contain all associated hardware and software. Council members shall not install hardware or software on a Device without prior approval of the City's Information Technology Department.
- (b) The Device will be equipped to allow internet access and e-mail capabilities; however, Council members shall refrain from using such features to communicate with other Council members during Council meetings.
- (c) Council members shall have use of the Device during the member's term of office, and such right shall terminate at the same time the member's term of office ends, at which time the Device and all associated equipment shall be returned to the City.
- (d) Council members shall be responsible for maintaining the Device in good condition, and to reasonably protect it from theft, loss or damage.
- (e) Council Members may not use a Device in connection with election or re election efforts or campaigning, either for the member or any candidate for public office.

- (f) Council members shall not use the Device for any commercial or financial gain, and shall not use the Device to access, store or download inappropriate or obscene material.
- (g) Council should recognize that most information contained on a Device is subject to the Texas Public information Act or other means of discovery and that all public information shall be preserved in accordance with state law.
- (h) Council members shall not use the Device in a manner that would violate the terms of the Texas Open Meetings Act or Public Information Act.

Sec. 2-219. Council Approval of Individual Council Member Non-Routine Requests for Information or Investigations by City Staff.

Any Council members' request to the City Manager for the Manager or City staff to create reports or other information, other than routine requests (i.e., requests for existing information or new research that can be answered under 30 minutes), shall be added to a Council meeting agenda in the manner prescribed under section 6 of these Rules, considered under the New Business portion of the meeting, and thereafter considered for authorization to proceed by a majority of the Council.

Sec. 2-220. New Orientation & Continuing Education for Members of the City Council.

(a) Each new Council member shall, upon taking the oath of office, be provided various forms of vital information which shall include, but not be limited to, the following:

- (1) City Charter
- (2) Comprehensive Plan

- (3) Current Budget
- (4) Annual Comprehensive Financial Report for the last Fiscal Year
- (5) Council rules
- (6) Public Information Act and Open Meetings Act Training
- (7) Conflicts of Interest Training

Each new member of Council shall be offered an opportunity by the City Manager to tour various City facilities (i.e., City Hall, Police/Fire stations, Park facilities, Public Works facilities, etc.).

(b) Each Council member shall attend annually at least:

- (1) Two (2) board meetings of City boards of which they are not members;**
and
- (2) Two (2) training or continuing education seminars.**

Sec. 2-221. Acknowledgment.

All City Council members, Boards and Commissions are required to acknowledge receipt and understand this Ethics, Rules and Order of Business Policy by signing the acknowledgment form. By doing so, they commit to upholding its standards of conduct throughout their term in office.

Secs. 2-222—2-238. Reserved.

Section 3. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or

provision hereof other any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 4. Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in any sum not more than Five Hundred Dollars (\$500.00).

FIRST READING: READ, PASSED, AND APPROVED AS SET OUT BELOW AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE ____ DAY OF APRIL 2026.

COUNCILMAN FORD

COUNCILMAN GARCIA

COUNCILMAN DUNAGIN

COUNCILMAN COVINGTON

COUNCILMAN PARR

SECOND READING: READ, PASSED, AND APPROVED AS SET OUT BELOW AT A
REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON
THE _____ DAY OF APRIL 2026.

COUNCILMAN FORD

COUNCILMAN GARCIA

COUNCILMAN DUNAGIN

COUNCILMAN COVINGTON

COUNCILMAN PARR

LORI KLEIN QUINN, Mayor

ATTEST:

THOMAS HARRIS III, City Secretary