

ORDINANCE NO. 2026-36

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE III, DIVISION 5, CODE OF ETHICS, OF THE CODE OF ORDINANCES BY ADDING A NEW SECTION 2-219, SOCIAL MEDIA AND ONLINE CONDUCT, AND BY RENUMBERING EXISTING SECTIONS 2-219, 2-220, AND 2-221 AS SECTIONS 2-220, 2-221, AND 2-222, RESPECTIVELY; PROVIDING A REPEALER CLAUSE; PROVIDING FOR SEVERABILITY; MAKING FINDINGS OF FACT; PROVIDING FOR ENFORCEMENT; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR OTHER RELATED MATTERS.

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WHEREAS, the City of Tomball, Texas (the “City”) is a home-rule municipality pursuant to Section 5, Article XI of the Texas Constitution, and as such is vested with the power of local self-government; and

WHEREAS, the City recognizes that social media and online platforms are important tools for civic engagement, community outreach, and public communication; and

WHEREAS, the digital presence of the City’s elected and appointed officials and employees carries public-trust obligations comparable to conduct in official meetings and proceedings; and

WHEREAS, the City desires to establish standards for the responsible use of social media and online platforms by city officials in order to ensure accurate public communication, protect public trust in the City’s governance, and support compliance with the Texas Open Meetings Act (Government Code Chapter 551) and the Texas Public Information Act (Government Code Chapter 552); and

WHEREAS, the City Council intends that these standards be applied and enforced consistent with the constitutional rights of elected and appointed officials to speak on matters of public concern under the First Amendment to the United States Constitution and Article I, Section 8 of the Texas Constitution; and

WHEREAS, the City Council desires to codify these standards by adding a new Section 2-219 to Chapter 2, Administration, Article III, Division 5, Code of Ethics, of the Code of Ordinances, and to renumber existing Sections 2-219, 2-220, and 2-221 accordingly; and

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. Renumbering of Existing Sections. The following sections of Chapter 2, Administration, Article III, Division 5, Code of Ethics, of the Code of Ordinances, as they existed immediately before the effective date of this Ordinance, are hereby renumbered as set forth below, with no change to the text of those sections. The catchlines are shown for identification only:

- (a) Existing Section 2-219 (Council Approval of Individual Council Member Non-Routine Requests for Information or Investigations by City Staff) is renumbered as Section 2-220.

- (b) Existing Section 2-220 (New Orientation & Continuing Education for Members of the City Council) is renumbered as Section 2-221.
- (c) Existing Section 2-221 (Acknowledgment) is renumbered as Section 2-222.
- (d) The reserved designation “Secs. 2-222—2-238. Reserved.” is renumbered “Secs. 2-223—2-238. Reserved.”

All internal cross-references within the renumbered sections, and any cross-references elsewhere in the Code of Ordinances to the renumbered sections, shall be deemed to refer to the sections as renumbered by this Ordinance.

Section 3. Addition of New Section 2-219. Chapter 2, Administration, Article III, Division 5, Code of Ethics, of the Code of Ordinances is hereby amended by adding a new Section 2-219 to read as follows:

Sec. 2-219. Social media and online conduct.

- (a) ***Purpose.*** The city recognizes that social media and online platforms are important tools for civic engagement, community outreach, and public communication. At the same time, the digital presence of the city’s officials carries public-trust obligations comparable to conduct in official meetings and proceedings. The purpose of this section is to protect the integrity and credibility of the city and its boards, commissions, and committees; to ensure consistent and accurate communication with the public; to help prevent misunderstandings or violations of the Texas Open Meetings Act through online interactions; to maintain public trust in the city’s governance processes; and to provide clear guidance for responsible communication in a digital environment. This section does not restrict a city official’s personal freedom of expression, but provides guidance for responsible communication when the official is acting in, or is reasonably perceived by the public to be acting in, an official or quasi-official capacity.
- (b) ***Scope.*** This section applies to all city officials whenever they:
 - (1) Post, comment, share, or otherwise interact online in a manner related to city business, city projects, or the official’s role;
 - (2) Engage in online discussions that could reasonably be interpreted as representing the city or any city board, commission, or committee;
 - (3) Are reasonably perceived by the public as speaking in their official capacity; or
 - (4) Use city resources, equipment, or official channels to communicate online.

This section applies across all social media platforms and online channels, including but not limited to Facebook, X (formerly Twitter), Instagram, LinkedIn, Nextdoor, YouTube, online comment sections, email listservs, and private online group messaging platforms.

(c) ***Official representation online.***

- (1) ***No unauthorized representation.*** A city official shall not speak on behalf of any city board, commission, or committee, or on behalf of the city, unless formally authorized to do so by the City Council, the City Manager, or the presiding officer of the relevant body.

A city official shall not imply that personal views or opinions are the official positions of any board, commission, committee, or the city.

- (2) **Clarifying personal opinions.** When a city official posts online about matters related to city business or the official's role, the official should clearly and prominently indicate that the views expressed are personal and do not represent the position of the city or of any board, commission, or committee. A clarifying statement such as "My personal view — not an official position of the City of Tomball" is recommended.
- (3) **Use of official communication channels.** All official information, updates, and public announcements relating to the work of any city board, commission, or committee shall be issued through authorized city communication channels, including the city's official website, official city social media accounts, and city staff communications. City officials should direct the public to these official channels for authoritative information.

(d) **Prohibited online conduct.** A city official shall not engage in any of the following online conduct:

- (1) **Conducting official business online.** A city official shall not deliberate, debate, vote, or attempt to influence a decision of the City Council or of any city board, commission, or committee through social media or any other online platform. This prohibition includes direct messages, private group chats, comment threads, and any other electronic forum in which a quorum of the members of the body could be participating. Such interactions may constitute an unlawful meeting under the Texas Open Meetings Act. See subsection (e).
- (2) **Creating unauthorized pages or groups.** A city official shall not create or manage unofficial social media accounts, pages, groups, or online forums that purport to represent any city board, commission, committee, the city, or a city project, or that could reasonably be mistaken for an official city communication channel.
- (3) **Sharing non-public or confidential information.** A city official shall not post, share, or disseminate draft documents, internal working materials, confidential deliberations, attorney-client privileged communications, or any other information that has not been officially released to the public. This obligation continues after the official's service ends with respect to information received during service.
- (4) **Misrepresenting official work.** A city official shall not post misleading, incomplete, or inaccurate representations of the discussions, deliberations, or decisions of the City Council or of any city board, commission, or committee. A city official shall not present preliminary ideas, staff recommendations, or informal discussions as final outcomes or official decisions.
- (5) **Engaging in disrespectful or harmful conduct.** A city official shall not post discriminatory, inflammatory, harassing, or harmful content related to the official's service to the city. City officials should avoid personal attacks, online arguments, or any conduct that would reflect negatively on the integrity of the city or its boards, commissions, and committees. This standard is consistent with the code of ethics set forth in this division.

- (6) ***Using city resources for unauthorized communications.*** A city official shall not use city equipment, systems, email accounts, or other city resources to post personal social media content or to conduct unauthorized communications related to city business.

(e) ***Relationship to the Texas Open Meetings Act.*** The Texas Open Meetings Act (Government Code Chapter 551) requires that all deliberations of a governmental body be conducted in open, properly noticed public meetings. Online and electronic communications among the members of a governmental body may implicate this requirement, including as follows:

- (1) A series of direct messages, emails, or posts in which a quorum of the members of a governmental body discuss, deliberate, or exchange views on matters within the body's jurisdiction may constitute an unlawful "walking quorum" or serial meeting in violation of the Act.
- (2) A city official who is a member of a governmental body should avoid any chain of online communications, however informal, that involves a quorum of the body and concerns matters within the body's jurisdiction.
- (3) If a city official receives an electronic communication from another member of the same governmental body that appears to constitute deliberation, the official should decline to respond substantively and should notify city staff or the city attorney.

(f) ***Guidelines for appropriate online engagement.*** When engaging online about matters related to their service, city officials are encouraged to:

- (1) Maintain a factual, respectful, and professional tone consistent with the standards of public service;
- (2) Encourage the public to participate in city business through official engagement opportunities, such as public meetings, public comment periods, and the city's official website;
- (3) Direct public inquiries to city staff, the City Secretary's office, or official city communication channels;
- (4) Pause before posting to consider whether the post could be perceived as an official position, could undermine public confidence in a board, commission, committee, or the city, or could constitute deliberation under the Texas Open Meetings Act; and
- (5) When in doubt, consult the assigned city staff liaison or the city attorney before posting.

(g) ***Public information and media inquiries.***

- (1) Social media content posted by a city official in an official capacity, or content that relates to city business, may constitute a public record subject to disclosure under the Texas Public Information Act (Government Code Chapter 552).
- (2) City officials should refer media inquiries and detailed questions about city projects or decisions to city staff or the City Manager's office.

(3) A city official shall not make commitments, assurances, or representations online about project timelines, decisions, funding, or other matters that have not been officially approved or announced.

(4) The preservation of public records, including electronic records, is governed by the applicable Texas State Library and Archives Commission retention schedules. City officials should consult city staff regarding records obligations.

(h) ***Savings; constitutional construction.*** Nothing in this section shall be construed to prohibit, restrict, or penalize speech or expression protected by the First Amendment to the United States Constitution or Article I, Section 8 of the Texas Constitution, including a city official's personal freedom of expression when the official is not acting, and is not reasonably perceived to be acting, in an official or quasi-official capacity. This section shall be applied and enforced consistent with the constitutional rights of elected and appointed officials to speak on matters of public concern, and shall be construed, to the extent reasonably possible, to avoid any application that would violate those rights.

Section 4. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict only.

Section 5. 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 than the part declared to be invalid or unconstitutional; and the City Council of the City of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional.

Section 6. Enforcement. The provisions of new Section 2-219 shall be enforced as provided in the City's Code of Ethics (including Sections 2-216 and 2-217), and applicable state and federal law. Nothing in this Ordinance creates a criminal offense for, or authorizes a penalty to be imposed upon, speech or expression protected by the First Amendment to the United States Constitution or Article I, Section 8 of the Texas Constitution.

Section 7. This Ordinance shall take effect upon its passage on second and final reading and publication as required by the City Charter and applicable law.

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 [MONTH] 2026.

COUNCILMAN MICHNA

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 [MONTH] 2026.

COUNCILMAN MICHNA
COUNCILMAN GARCIA
COUNCILMAN DUNAGIN
COUNCILMAN COVINGTON
COUNCILMAN PARR

LORI KLEIN QUINN, Mayor

ATTEST:

THOMAS HARRIS III, City Secretary