

CITY COUNCIL ETHICS, RULES AND ORDER OF BUSINESS

City of Tomball, Texas

ORGANIZATION

The governing body of the City shall consist of the Mayor and five (5) council members ("Council"). The Mayor is elected in the City at large, and the Council members are elected at large by positions 1, 2, 3, 4 and 5. The Mayor shall be the presiding officer for Council meetings and, pursuant the City's Charter, shall only vote in the event of a tie vote. These Rules shall serve as guidelines for the organization and conduct of Council to ensure that the City is governed in an orderly and consistent manner.

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 6:00 P.M. 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. 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.

4. 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.

5. 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:

- **Illness or medical emergency (personal or immediate family)**
- **Family emergencies or obligations**
- **Pre-approved travel for official government business or personal reasons**
- **Unavoidable work commitments**
- **Military service**
- **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:

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

6. 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) Councilmembers.

Councilmembers 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 Monday the week before the regular meeting at which it is requested for consideration. If the filing is later than noon on the Monday 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:

- A. Call to Order
- B. Invocation
- C. Pledges of Allegiance to the United States of America flag and Texas flag
- D. Public Comments
- E. Recognition and Awards (if required) *
- F. Reports & Announcements
- G. Old Business Consent Agenda
- H. Matters Removed from Old Consent Agenda
- I. New Business Consent
- J. Matters Removed from New Consent Agenda
- K. New Business
- L. Executive Session (if required)
- M. 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.**

7. PUBLIC COMMENT RULES

- 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.
 - **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

8. 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.

9. 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 councilmember 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 vote on the matter.

10. DEBATE AND DECORUM

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.

CODE OF ETHICS City of Tomball

1. ETHICAL STANDARDS

It is the official policy of the City that:

- A. City officials shall be independent, impartial, and responsible to the citizens of the City;
- B. 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;
- C. The principles of personal conduct and ethical behavior that should guide the behavior of city officials include:
 - 1. A commitment to the public welfare
 - 2. Respect for the value and dignity of all individuals;
 - 3. Accountability to the citizens of the city;
 - 4. Truthfulness; and
 - 5. Fairness.
- D. Under such principles of conduct and ethical behavior, City officials should:
 - 1. Conduct business with integrity and in a manner that merits the trust and support of the public;
 - 2. Be responsible stewards of the taxpayers' resources; and
 - 3. Take no official actions that would result in personal benefit in conflict with the best interests of the city.
- E. To implement the purpose and principles described herein, the Council has enacted rules of ethical conduct to govern city officials

F. 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:

1. 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
2. Each Councilmember Disclosure Page shall include public disclosure of the following information:
 - (a) All campaign finance reports required by state law; and
 - (b) All conflicts or ethical disclosures required by state or local law; and
 - (c) 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.

2. GRANT OF SPECIAL CONSIDERATION

- A. 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.

3. APPEARANCES ON BEHALF OF PRIVATE INTERESTS

- A. 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.

4. GIFTS

- A. 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.

5. Use of Confidential Information

- A. Council members must not disclose or use any confidential information gained through their position to further their personal interests or the interests of others.

6. OFFICIAL OPPRESSION

- A. 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.

7. NEPOTISM

- A. 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.

8. 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) Councilmembers, 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.

9. 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.

10. 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.

10. NEW COUNCIL MEMBER ORIENTATION

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:

- A. City Charter
- B. Comprehensive Plan
- C. Current Budget
- D. Comprehensive Annual Financial Report for the last Fiscal Year
- E. Council rules
- F. Public Information Act and Open Meetings Act Training
- G. 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.).

11. 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.