



# **CITY COUNCIL RULES OF PROCEDURE AND ETHICS POLICY**

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## **Section 1 – GENERAL**

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

## **Section 2 – AUTHORITY**

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

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

## **Section 3 – MEETINGS**

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

### **3.01. Regular Meetings.**

- (A) Time. The City Council will generally hold regular meetings on the second and fourth Monday of each month, at 6:00 p.m.
- (B) Place. All regular, special, and workshop meetings of the City Council shall be held in the Council Chambers, City Hall, 604 West Fairmont Parkway, in the City of La Porte, Texas, unless otherwise directed by City Council, or required by law.

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

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

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

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

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

## **Section 4 - STANDARDS OF CONDUCT**

### **4.01. City Councilpersons.**

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

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

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

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

### **5.01. Seating Arrangement.**

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

### **5.02. Conflict of Interest.**

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

### **5.03. Voting.**

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

(B) Any vote to which there is an objection shall be taken by counted vote; except that, on the

demand of a single Councilperson, a roll call vote shall be taken. After the result of a vote is announced, a member may not change a vote unless, before the adjournment of that meeting, permission is given to change the vote by a majority vote of the members present.

## **Section 6 - CHAIR AND DUTIES**

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

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

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

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

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

1. Call to Order
2. Invocation and Pledges of Allegiance
3. Proclamations and Presentations
4. Citizen Comment
5. Consent Agenda (Any member of the Council may remove any item from the Consent Agenda for discussion.) These items are typically routine in nature.
6. Statutory Agenda
7. Reports of City Officers and Staff
8. Administrative Reports
9. Items of Community Interest (in accordance with state law)

10. Executive and/or workshop sessions (as appropriate)
11. Reconvene in public session (as needed following executive sessions)
12. Adjournment

#### **6.06. Rules of Debate.**

- (A) Presiding Officer May Debate and Vote, Etc. The Mayor or Mayor Pro Tem, or such other member of the Council as may be presiding may move, second and debate from the chair, subject only to such limitations of debate as are by these rules imposed on all members and shall not be deprived of any of the rights and privileges of a Councilperson by reason of his/her acting as the Presiding Officer.
- (B) Getting the Floor - Improper References to be Avoided. Every member desiring to speak shall address the Chair, and, upon recognition by the Presiding Officer, shall confine himself to the question under debate, avoiding all personalities and indecorous language.
- (C) Interruptions. A member, once recognized, shall not be interrupted when speaking unless it be to call him to order, or as herein otherwise provided. If a member, while speaking, be called to order, he shall cease speaking until the question of order be determined, and, if in order, he shall be permitted to proceed.
- (D) Remarks of Councilperson-When Entered in Minutes. A Councilperson may request, through the Presiding Officer, the privilege of having an abstract of his/her statement on any subject under consideration by the Council entered in the minutes. If the Council consents thereto, such statement shall be entered in the minutes.
- (E) Synopsis of Debate - When Entered in Minutes. The City Secretary may be directed by the Presiding Officer, with consent of the Council, to enter in the minutes a synopsis of the discussion on any question coming regularly before the Council.

#### **6.07. Addressing the Council.**

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

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

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

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

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

There is not a form or sign up requirement for public hearings at City Council meetings. Each person addressing the Council shall step up to the podium and shall give his/her name and address for the record. All remarks shall be addressed to the Council as a body and not to any member thereof. No person, other than the Council and the person having the floor shall be permitted to enter into any discussion, either directly or through a member of the Council, without the permission of the Presiding Officer. No question shall be asked to a Councilperson except through the Presiding Officer. Any such question shall be referred by City Council to the City Manager for further handling.

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

**6.09. Decorum.**

- (A) By Councilpersons. While the Council is in session, the members must preserve order and decorum, and a member shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the Council nor disturb any member while speaking or refuse to obey the orders of the Council or its Presiding Officer, except as otherwise herein provided.
- (B) By Persons. Any person making personal, impertinent, or slanderous remarks or who shall become boisterous while addressing the Council shall be forthwith, by the Presiding Officer, subject to loss of speaking privileges unless permission to continue be granted by a majority vote of the Council.

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

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

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

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

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

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

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

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

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

**Section 7 – CITY COUNCIL COMMITTEES**

**7.01. Council Committees Established.**

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

- (1) Fiscal Affairs Committee
- (2) Drainage and Flooding Committee

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

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



### **7.03. Council Committee Meetings.**

- (A) Council standing committees shall meet as necessary. The quorum of Council committees will be a majority of the members serving. Except when serving during a meeting for an absent member, an alternate to the committee should not be seated at the dais, nor participate in discussion or vote.
- (B) The committee chair shall develop committee meeting agendas through coordination with fellow committee members and appropriate supporting staff members. The committee chair will coordinate with the City Secretary to ensure that the committee meeting agenda is posted as appropriate.

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

### **Section 8 – RULES SUSPENSION**

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

## APPENDIX A ETHICS POLICY

### Section 1. Policy and purposes.

- (A) *General policy statement.* It is the policy of the city that all city officials and employees shall conduct themselves both inside and outside the city's service so as to give no occasion for distrust of their integrity, impartiality, or devotion to the best interest of the city and the public trust which the city holds.
  
- (B) *Appearance of impropriety.* Public service is a public trust. All city officials and employees are stewards of the public trust. They have a responsibility to the citizens of the city to administer and enforce the City Charter and city ordinances. To ensure and enhance public confidence in city government, each city official and employee must strive not only to maintain technical compliance with the principles of ethical conduct set forth in this article and in state law, but also to avoid the appearance of impropriety at all times.
  
- (C) This code of ethics has three purposes:
  - (1) To encourage ethical conduct on the part of city officials and employees;
  - (2) To encourage public service with the city;
  - (3) To establish standards for ethical conduct for city officials and employees by defining and prohibiting conduct that is incompatible with the interests of the city;
  
- (D) This code of ethics is not intended to be used as a political weapon or to intimidate or embarrass affected persons. The officials charged with administration of this code of ethics shall administer it in a manner that avoids any such use of this code of ethics.

### Section 2. Definitions.

In this policy:

*Benefit* means anything reasonably regarded as pecuniary gain or pecuniary advantage, including any money, real or personal property, purchase, sale, lease, contract, option, credit, loan, discount, service or other tangible or intangible thing of value. *Benefit* includes a pecuniary gain or pecuniary advantage to any other person in whose welfare the beneficiary has a direct and substantial interest.

*Business entity* means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, unincorporated association, or any other entity recognized by law, including a nonprofit organization or governmental entity.

*Economic interest* includes a legal or equitable interest in real property, personal property, or intangible property, or a contractual right, including but not limited to receipt of compensation and/or benefits. Service by a city official or employee as an officer, director, advisor, or other active participant in a nonprofit educational, religious, charitable, fraternal, or civic organization does not create for that city official or employee

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

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

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

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

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

- (A) *General rule.* It shall be a violation of this policy for a city official or employee to participate in any proceedings or take any official action that he or she knows is likely to:
- (1) Affect an economic interest of:
    - (a) The official or employee;
    - (b) His or her immediate family member;
    - (c) A member of his or her household;
    - (d) An outside employer of the official or employee or of his or her immediate family member;
    - (e) A business entity in which the official or employee or his or her immediate family member holds an economic interest;
    - (f) A business entity for which the city official or employee serves as an employee, officer or director, or otherwise functions in any policy making position; or
    - (g) A person or business entity from whom the official or employee, or his or her immediate family member, has solicited, received and not rejected, or accepted an offer of employment within the past twelve months; or
  - (2) Confer a benefit on the official or employee, or deprive the official or employee of a benefit, where the effect of the action on the official or employee is distinguishable from the effect of the action on other employees or officials, members of the public in general or a substantial segment of the public.
- (B) *Meaning of "affect".*
- (1) In subsection (a)(1) above, an action is likely to affect an official's or employee's economic interest if it meets all of the following:
    - (a) The action is likely to have an effect on that interest, either positive or negative, that is distinguishable from its effect on other employees or officials, members of the public in general or a substantial segment of the public.
    - (b) The effect of the action on that interest is direct, and not secondary or indirect.

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

- (c) The effect on the interest must be more than insignificant or de minimis in nature or value.
  - (2) In determining whether a person, entity or property is or was affected by an official's or employee's participation in proceedings, vote or decision, it will not be necessary to prove the actual existence or occurrence of an economic effect or consequence if the effect or consequence would be reasonably expected to exist or occur.
- (C) *Recusal and disclosure.* A city official or employee whose conduct would otherwise violate subsection (a), or state law if he/she participated in proceedings or took an action, must abstain from participation in the action in accordance with the following:
- (1) Immediately refrain from further participation in the matter, including discussions with any persons likely to consider the matter, from the time he or she discovers or reasonably should have discovered the matter triggering the recusal;
  - (2) Promptly file necessary documentation disclosing the nature and extent of the interest triggering the recusal with the city clerk, if the person is an official, or with the person's supervisor, if the person is an employee;
  - (3) Promptly notify the person's supervisor of the nature and extent of the interest triggering the recusal, if the person is a city employee, so that the supervisor can reassign responsibility for handling the matter to another person; and
  - (4) Promptly disclose the interest triggering the recusal, if the person is a member of the city council, a city board or commission, to other members of the city council, board or commission, and leave the room in which the city council, board or commission is meeting during the board or commission's discussion of or voting on, the matter.
- (D) No prohibition established in this section shall be construed to prevent members of city council, or the appointees to any board or commission of the city, or a city employee, from voting on or participating in a matter relating to the adoption of laws, rules and/or policies that apply generally to all employees, officials and/or members of the public and the effect of which does not confer a benefit on the official or employee that is distinguishable from the effect on other employees, officials or members of the public or a substantial segment of the public.

#### **Section 4. Standards of conduct.**

- (A) *Standards for immediate family members.* A city official or employee commits a violation of this policy if an immediate family member, with the official's or employee's knowledge, intentionally or knowingly:
- (1) Solicits, accepts or agrees to accept from another person any benefit that the member's immediate family member, who is a city officer or employee, is prohibited from soliciting, accepting or agreeing to accept under state law;
  - (2) Misuses any official information obtained from the member's immediate family member, who is a city officer or employee, to which the immediate family member has access by virtue of the immediate family member's office or employment and that has not been made public, in a manner prohibited as to the immediate family member under state law; or

- (3) Misuses, as the term “misuse” is defined in Texas Penal Code §39.01, any city property, services, personnel or any other thing of value belonging to the city that has come into the member's custody or possession by virtue of the office or employment of the member's immediate family member who is a city officer or employee.
- (B) *Representation and appearance at meetings.* No city official or employee shall knowingly:
- (1) Appear before the body of which the officer or employee is a member, or otherwise participate in any proceedings, as a representative for any private person, including the officer or employee or any immediate family member, except that an official or employee may represent their interests in their own property before a board, agency, commission or department of the city.
  - (2) Participate in any proceedings, directly or indirectly, wherein the official or employee represents the interests of any outside employer, business entity, group or interest in any matter, action or proceeding against the interests of the city or in any litigation in which the city or any department, agency, commission or board thereof is a party;
  - (3) Accept other employment or engage in outside activities incompatible with the full and proper discharge of city duties or that might impair independent judgment in the performance of city duties; or
  - (4) Make a false statement of material fact at a public meeting. This subsection shall not be construed to deprive an officer or employee of the right to due process under the law, including the right to represent himself/herself in a court proceeding.
- (C) *Representation by council members.* No city council member shall knowingly represent any private person, including the city council member or any immediate family member, or any outside employer, business entity, group or interest in any matter before any department, agency, commission or board of the city, except that city council members may represent their interests in their own property before a board, agency, commission or department of the city.
- (D) *Representation in municipal court.* In any action or proceeding in the municipal court which is instituted by a city officer or employee in the course of official duties:
- (1) No city council member shall knowingly represent any private person other than himself or herself. If a city council member elects to have a trial in municipal court, the city council, without the participation of the affected city council member, will appoint a special judge to preside over the trial.
  - (2) No city officer or employee shall knowingly represent any private person other than himself or herself, including any immediate family member, or any group or interest.
- (E) *Representation in land use and development matters.* A member of the planning and zoning commission shall not knowingly represent the member or any other person, group or interest in any matter before the zoning board of adjustments involving land use or development, and a member of the zoning board of adjustments shall not knowingly represent the member or any other person, group or interest in any matter

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

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

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

- (A) No member of the city council and no city employee shall have a financial interest in the sale to the city of any land, materials, supplies or service, outside of the person's position with the city. Any person having an interest shall be ineligible for election as a city council member or appointment as a city employee, and any city council member or city employee who acquires an interest shall forfeit the office or employment. Any violation of this subsection with the actual or constructive knowledge of the city council member or employee shall render the contract voidable by the city manager or the city council.
- (B) In subsection (a) of this section and in subsection 2.425(c), the term "sale to the city" includes a sale to city-sponsored entities and organizations subject to substantial control by the city in one or more of the following respects:
  - (1) All or a majority of the governing body of the entity or organization is appointed by the city council;
  - (2) The city provides more than one-half of the operating funds of the entity or organization;
  - (3) The city has approval authority over purchasing decisions made by the entity or organization;
  - (4) The city has approval authority over bonds or other indebtedness issued by the entity or organization; or
  - (5) The city has approval authority over the budget of the organization.
- (C) This section does not apply to acquisition of property by the city as a result of eminent domain proceedings or the threat of eminent domain proceedings.