

**HARRIS COUNTY MUD NO. 304**

**RULES OF DECORUM AND CIVILITY POLICY**

**FOR DISTRICT OFFICIALS, EMPLOYEES, CONSULTANTS  
AND MEMBERS OF THE PUBLIC**

WHEREAS, across the nation, entities have adopted policies and rules to enhance civility at public meetings and in interactions with the public, including the United States Congress where uncivil and unparliamentary language, debate, and actions are prohibited; and

WHEREAS, in keeping with this national trend, many government entities have approved policies to promote civility at local public meetings and in the workplace; and

WHEREAS, Harris County Municipal Utility District No. 304 (the “District”) is committed to upholding the democratic process, individual rights of expression, robust debate, and tolerance for disparate views; and

WHEREAS, the District, its Board of Directors (the “Board”), various community groups and other entities, and members of the public convene at the District’s public meetings to address controversial issues that engender passionate and often conflicting opinions; and

WHEREAS, an atmosphere of impropriety, incivility, and disrespect at these public meetings can stifle participation and debate, threaten the quality of decisions, and undermine the local democratic process; and

WHEREAS, adopting rules of decorum and principles of civility applicable to all public meetings and all interactions involving the District will also help ensure that civic engagement and local democracy are restored and maintained.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of Harris County Municipal Utility District No. 304 to adopt the attached Rules of Decorum and Civility Policy for District Officials, Employees, Consultants, and Members of the Public (the “Civility Policy”).

A. PURPOSE

The purpose of the Rules of Decorum and Civility Policy is to promote mutual respect, civility, and orderly conduct among elected and appointed District officials, District staff/employees, consultants advising the District, and members of the public. This policy is not intended to deprive any person of their right to freedom of expression or speech but to promote, to the extent possible and reasonable, open dialogue and positive communications while discouraging intimidating, demeaning, volatile, hostile, vulgar, profane, or aggressive dialog and actions. The District expects locally elected and appointed officials, and District employees and consultants, to comply with this policy and also seeks cooperation from members of the public.

B. RULES OF DECORUM AND CIVILITY POLICY FOR DISTRICT OFFICIALS, EMPLOYEES, AND CONSULTANTS

The District holds numerous public meetings (“Public Meetings”), which are conducted by the Board. In order to safeguard participatory democracy in the District, all elected officials, appointed officials, District employees (“District Officials”), and District consultants are expected to adhere to the following standards of conduct:

- Treat everyone professionally;
- Listen to others respectfully;
- Exercise self-control;
- Give open-minded consideration to all viewpoints;
- Focus on the issues and avoid personalizing debate;
- Embrace respectful disagreement and dissent as democratic rights that are inherent components of an inclusive public process and tools for forging sound decisions;
- Allow all members of the Board, and District employees and consultants, to speak without intimidation or interruption;
- Provide fair and equal treatment for all persons and matters coming before the Board.

In furtherance of the preceding standards of conduct, the Rules of Decorum set forth below shall be followed:

1. District Officials shall treat all other District Officials with respect at all times during Public Meetings and shall not make belligerent, personal, impertinent, slanderous, threatening, intimidating, abusive, profane, or disparaging comments towards other District Officials, District employees or consultants, or members of the public. No shouting (or excessively elevated voices), profanity, or physical actions that could be construed as threatening or patently offensive will be tolerated by any person(s) who are attending Public Meeting, either in person or virtually.
2. District Officials shall make every effort to be fair and impartial, refrain from unnecessary interruption, and disallow any conduct in violation of this Civility Policy, while listening to and engaging in discussion with District employees and consultants who provide District reports or otherwise discuss and assist in the transaction of District business.
3. Members of the public also deserve an opportunity to influence the decision-making process of elected and appointed officials during the designated public comment period. Expressing a final opinion or passing judgment prior to the close of a Public Meeting casts doubt on the ability of members of the Board to conduct a fair review of the issue.

4. The presiding officer and all members of the Board shall maintain the same level of respect and consideration of differing viewpoints deemed appropriate for Public Meetings, and shall not stifle or impede the expression of those viewpoints, unless necessary to proceed with routine conducting of business at the Public Meetings.
5. The professional and personal conduct of District Officials shall be above reproach and avoid even the appearance of impropriety. District Officials shall refrain from abusive conduct and speech, personal charges (e.g., accusatory or disparaging statements), or verbal or written attacks upon the character of other District Officials, District employees and consultants, and members of the public.
6. All District Officials shall promote the use of and adherence to these rules at all Public Meetings and shall conduct themselves accordingly outside Public Meetings as well, recognizing that decorum and civility are part of the District Officials' duties and are necessary to maintain the public trust.

C. RULES OF DECORUM AND CIVILITY POLICY FOR MEMBERS OF THE PUBLIC

Members of the public are expected to adhere to the following standards of conduct at Public Meetings and in interactions with District Officials, and District employees and consultants, in Public Meetings:

- Treat everyone courteously;
- Listen to District Officials, employees and consultants, and other members of the public respectfully;
- Exercise self-control and avoid threats of violence and loud, insulting, demeaning, or offensive communications;
- Give open-minded consideration to all viewpoints;
- Focus on the issues and, avoid personalizing debate;
- Embrace respectful disagreement and dissent as democratic rights that are inherent components of an inclusive public process and tools for forging sound decisions;
- Allow all members of the public to speak without intimidation or interruption;
- Recognize that applicable law allows the public to attend Public Meetings and allows the public a limited right to comment on District affairs but does not allow disruption of government meetings.

In furtherance of the preceding standards of conduct, the rules of decorum set forth below shall be followed:

1. No person attending a Public Meeting shall engage in disorderly or boisterous conduct, including, but not limited to, applause, whistling, stamping of feet, booing, or making any loud, threatening, profane, abusive, personal, impertinent, or slanderous utterance, that disturbs, disrupts, or otherwise impedes the orderly conduct of the meeting.
2. All remarks by members of the public shall be addressed to the entire Board and not to any individual member of the Board or any individual District employee, consultant, or other member of the public, unless in direct response to a question from the specific member of the Board (or District employee or consultant).
3. Signs, placards, banners, or other similar items shall not be permitted in the audience during a Public Meeting as the presence of such item disturb, disrupt, or otherwise impede the orderly conduct of the meeting.
4. All persons attending a Public Meeting shall obey any lawful order of the presiding officer, the Board, or other applicable District official or designee, intended to enforce the Rules of Decorum.
5. All persons attending a Public Meeting shall listen courteously and attentively to all public discussions at the meeting and avoid interrupting the meeting, others who have the floor for discussion, or the presentation of reports or items for Board consideration.
7. While attending a Public Meeting, members of the public shall refrain from abusive conduct and speech, personal charges (*e.g.*, accusatory or disparaging statements), or verbal or written attacks upon the character of other District Officials, District employees and consultants, and members of the public.
6. The presiding officer is responsible for monitoring public comments and enforcement of applicable public comment policies (including those beyond the scope of this Civility Policy), and the Board is responsible for ensuring public comments are and remain on topic during Public Meetings and meet the goals of this Civility Policy. Individuals should honor efforts by the presiding officer and the Board to focus discussion on current agenda items. If there is a disagreement about the agenda or the Board's actions with respect to public comments or discourse, those objections should be voiced during the public comment period.
7. Members of the media are considered members of the public. To allow for effective media participation at the District's Public Meetings, the Board is authorized by law to place reasonable limitations on the recording of meetings and similar matters. Accordingly, and as part of this Civility Policy, an individual who desires media presence at the Public Meetings should notify the presiding officer as well as the

District's attorney and applicable communications consultant(s) in advance of commencement of the meeting. Failure to do so will not preclude attendance at the Public Meetings but may result in disruptive activities as a result of recording devices and similar matters interfering with the conduct of business and others' opportunity to attend and participate in the Public Meetings—disruptions which the Board may curtail in order to maintain order. Furthermore, official District communications with the media must be coordinated with the District's attorney and communications consultant(s), in advance after appropriate discussion and approval by the Board. This policy is not intended to minimize or curtail individual's freedom of speech or expression or the freedom of the press; however, the Board recognizes and intends with this policy to ensure the orderly and open exchange of information, communications, and ideas and the accuracy of information regarding District matters. Accordingly, the disclosure of confidential District information or records or any other unauthorized disclosure of information pertaining to the District is considered a violation of this policy and should be deemed to be inaccurate and/or unsanctioned.

D. ENFORCEMENT OF RULES OF DECORUM AND CIVILITY POLICY

1. The presiding officer, and any member of the Board or District designee(s), may ensure decorum and civility at Public Meetings and enforce the Rules of Decorum in a uniform and even-handed manner.
2. The presiding officer, and any member of the Board or District designee(s), may intervene to ensure that no District Officials, or District employees or consultants, unnecessarily interrupt members of the public while speaking (if during the public comment period) or others who have the floor.
3. Outside the designated public comment period, members of the public shall refrain from any disruptive conduct including, but not limited to, applause, whistling, stamping of feet, booing, or making any loud, threatening, profane, abusive, personal, impertinent, or slanderous utterance, which impedes the orderly conduct of the meeting (which behavior outside the public comment period shall automatically be deemed disruptive to the meeting and subject the responsible individual to automatic removal from the Public Meeting, *i.e.*, no tolerance for public disruptions to the conducting of District business).
4. District Officials, employees or consultants, or members of the public who do not adhere to these rules shall be reprimanded by the presiding officer, or in the absence of appropriate action then any member of the Board or District designee(s), and those individuals who do not heed such reprimand will be referred to law enforcement as necessary to carry out an order to enforce *Texas Penal Code Sec. 42.01 and/or Texas Penal Code Sec. 42.05*, among other statutory/enforcement rules as necessary.
5. District Officials who do not adhere to these rules shall be formally sanctioned

by the Presiding Officer, or in the absence of appropriate action then any member of the Board or District designee(s), and those individuals may be referred to law enforcement as necessary to carry out an order to enforce *Texas Penal Code Sec. 42.01 and/or Texas Penal Code Sec. 42.05*, among other statutory/enforcement rules as necessary.

6. Similarly, because elected and appointed officials are expected to be held to a higher standard of accountability and respect for the democratic process, public discourse, and application of the law, District Officials who do not adhere to these rules shall be formally sanctioned by the Presiding Officer, or in the absence of appropriate action then any member of the Board or District designee(s), and those District Officials may be referred to law enforcement as necessary to carry out enforcement of *Texas Penal Code Sec. 39.02 or 39.03*, among other rules as necessary.
7. As part of the enforcement under this Civility Policy, and as applicable under the Texas Penal Code and other rules, **any District Official, employee or consultant, or member of the public who engages in *any* prohibited conduct under this Civility Policy:**
  - a. **will be asked once to refrain from any further such conduct (noting no tolerance);**
  - b. **if such conduct occurs again, will be instructed to immediately leave the meeting and not return during the course of that meeting;**
  - c. **if such conduct occurs again or if the offending individual refuses the leave (or returns to that meeting), such conduct shall be deemed criminal in nature under the aforementioned Penal Code provisions (applicable excerpts attached as Exhibit “A”), and law enforcement (or other District designee(s)) will enforce this Civility Policy under penalty of criminal sanctions.**
8. Official sanctions with respect to District Officials may include, but are not limited to: (a) removal from Public Meetings; (b) verbal warnings or reprimands; (c) official written reprimands; (d) public apology requirements; (e) civil or criminal actions by the District or District designee(s) for violations of this Civility Policy; and (f) any other remedy provided by this Civility Policy or applicable law/equity. Sanctions or other enforcement of this policy against a District Official shall be considered a matter of open record. Any formal documentation of warnings, reprimands, sanctions, or other actions of enforcement (including the decisions and votes of the Board) shall be made publicly available.
9. This Civility Policy does not begin and end at the commencement or conclusion of Public Meetings or at the entrance to the location where the Public Meeting is occurring. **District Officials, employees or consultants, and members of the public are expected to conduct themselves in accordance with this Civility Policy leading up to, during, and after the Public Meetings at any location**

**where such meetings are occurring. Any actions, speech, or conduct in breach of this Civility Policy which occur on District property, or for which District property is used to perpetrate, shall be considered a violation of this Civility Policy, applicable Penal Code provisions, and other statutes as applicable.**

10. The Presiding Officer, or in the absence of appropriate action then any member of the Board or District designee(s), may take all reasonably necessary steps to enforce this Civility Policy as a rule and order of the District with equal authority and dignity as any other District rule (*i.e.*, fines, penalties, criminal sanctions, civil actions, or any other enforcement mechanism available at law or in equity). Appeal of any such remedial action shall be before the full Board, and appeal of any such decision by the Board shall be to the appropriate administrative or judicial authority.
11. The above-described remedies for noncompliance with the Rules of Decorum and Civility Policy are not exclusive, and they shall not preclude applying or using any other remedies provided by applicable law, code, policy, order, resolution, or lawful directive or equitable remedy available to the District.
12. A breach of the Rules of Decorum and Civility Policy shall in no event be a basis for the invalidation of any action taken by the Board.
13. Enforcement or non-enforcement by the Board, or applicable individual, shall not be deemed a waiver of the rules set out in this Civility Policy.
14. This Civility Policy shall remain in force and effect until amended, rescinded, or revoked by formal Board action, on record at a properly noticed Public Meeting.

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SIGNED AND SEALED the 27<sup>th</sup> day of September, 2023.

\_\_\_\_\_  
\_\_\_\_\_, Board of Directors

ATTEST:

\_\_\_\_\_  
\_\_\_\_\_, Board of Directors

[SEAL]



Exhibit "A"

TEXAS PENAL CODE, Title 9 (emphasis added)

**Sec. 42.01. DISORDERLY CONDUCT.**

(a) A person commits an offense if he intentionally or knowingly:

(1) *uses abusive, indecent, profane, or vulgar language in a public place, and the language by its very utterance tends to incite an immediate breach of the peace;*

(2) *makes an offensive gesture or display in a public place, and the gesture or display tends to incite an immediate breach of the peace;*

\* \* \*

(3) *abuses or threatens a person in a public place in an obviously offensive manner;*

(4) *makes unreasonable noise in a public place other than a sport shooting range, as defined by Section 250.001, Local Government Code, or in or near a private residence that he has no right to occupy;*

(5) *fights with another in a public place;*

\* \* \*

**Sec. 42.05. DISRUPTING MEETING OR PROCESSION.** (a) A person commits an offense if, with intent to prevent or *disrupt a lawful meeting, procession, or gathering, he obstructs or interferes with the meeting, procession, or gathering by physical action or verbal utterance.*

(b) An offense under this section is a Class B misdemeanor.

**Sec. 39.02. ABUSE OF OFFICIAL CAPACITY.** (a) A public servant commits an offense if, with intent to *obtain a benefit or with intent to harm or defraud another, he intentionally or knowingly:*

(1) *violates a law relating to the public servant's office or employment; or*

(2) *misuses government property, services, personnel, or any other thing of value belonging to the government that has come into the public servant's custody or possession by virtue of the public servant's office or employment.*

**Sec. 39.03. OFFICIAL OPPRESSION.** (a) A public servant acting under color of his office or employment commits an offense if he:

(1) *intentionally subjects another to mistreatment or to arrest, detention, search, seizure, dispossession, assessment, or lien that he knows is unlawful;*

(2) *intentionally denies or impedes another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing his conduct is unlawful;*

\* \* \*

(b) For purposes of this section, a *public servant acts under color of his office or employment if he acts or purports to act in an official capacity or takes advantage of such actual or purported capacity.*