

**RULES OF PROCEDURE FOR CITY COUNCIL HEARING
FOR REMOVAL ACTION UNDER THE CITY CHARTER
(Amended June 2, 2026)**

I. Parties

There shall be two parties to the proceeding: (1) Council Member subject to removal and (2) Petitioners. Each party shall be represented by no more than one person, who shall, on behalf of his/her respective party, make an opening statement, present evidence, examine witnesses, and make a final statement. The City Attorney's Office is not a party hereto, is not an advocate for either party hereto, and has no role in either prosecution or the defense of this case. The City Attorney's Office will advise the City Council in the hearing pursuant to the duties and responsibilities established by the City Charter, Article IV, Sec 10 (a). Legal advice includes, but is not limited to, advising the City Council on Charter and Ordinance requirements, procedural matters, and potential options.

II. City Council Members' Roles

The Mayor Pro Tern shall serve as the presiding officer and be solely responsible for rulings upon all pre-trial matters, admissibility of evidence, and how the proceedings are conducted, subject to objections of the City Council. The Mayor Pro Tern and other City Council Members shall serve to deliberate and vote upon a final decision upon conclusion of the presentation of evidence and closing arguments. The presiding officer, who may confer with legal counsel of his/her choosing, may advise the City Council in the hearing pursuant to the duties and responsibilities established by the City Council. Legal advice includes, but is not limited to, advising the City Council on Charter and Ordinance requirements, procedural matters, and potential options. Whether such legal advice is received in public or in executive session shall be at the sole discretion of the presiding officer.

III. Order of Appearance

- A. Each party will make an opening statement before any evidence is presented and may make a closing argument after all evidence has been presented.
- B. The Petitioners have the burden of proof and may make the first opening statement and the last closing argument. The Petitioners shall present their evidence prior to the presentation of evidence by the Council Member subject to removal. Rebuttal evidence by all parties shall be allowed.

IV. General Rules

- A. Except for the admission of hearsay evidence, the Texas Rules of Evidence and Texas Rules of Civil Procedure for court proceedings shall not apply. Hearsay evidence shall not be admissible.

- B. Irrelevant, immaterial, or incompetent evidence shall not be admitted. Unduly repetitious or cumulative evidence shall not be allowed.
- C. Evidence will be admitted if it is of the type commonly relied upon by prudent persons in the conduct of their affairs, including documentary evidence and sworn deposition testimony.
- D. Objections to evidence may be made by any party. The presiding officer shall rule upon the admissibility of evidence, but if any other member of the Council requests with regard to particular evidence, a vote of the Council shall determine whether the evidence will be admitted.
- E. Evidence may be stipulated by agreement of all parties.
- F. The burden of proof shall be on the Petitioners.

V. Evidence - Witnesses

- A. Oaths - All testimony (live or by deposition) shall be presented under oath. The oath may be administered by the presiding officer, or any person qualified to administer an oath in the State of Texas. Any attorney testifying to facts shall also take the oath. An attorney representing a party who does not testify does not take the oath.
- B. "The Rule" may not be invoked and witnesses will not be excluded from the hearing room during testimony of other witnesses, unless the presiding officer specifically orders otherwise.
- C. The witness offered by a party may be cross-examined by the other party.

VI. Evidence - Exhibits

- A. An exhibit shall be first marked for identification by the City Secretary or presiding officer and identified by the testimony of a witness or by affidavit. The exhibit may then be offered for admission into evidence.
- B. Every exhibit marked into evidence shall be retained by the City Secretary as a part of the record of the proceeding.
- C. A copy of any document may be used instead of the original, except where there appears to be a substantial reason to suspect the accuracy or authenticity of the copy.

VII. Record

The record of the proceedings shall consist of the minutes of the City Secretary and the exhibits admitted into evidence.

VIII. Burden of Proof

The burden of proof in this case is upon the Petitioners. The standard of persuasion is a mere preponderance of the evidence.

"PREPONDERANCE OF THE EVIDENCE" means the greater weight and degree of credible testimony or evidence introduced before you and admitted in evidence in this case.

IX. Deliberations

Following the presentation of evidence and the closing arguments of the parties, the Council may deliberate. The deliberations may be in public or in closed session at the sole discretion of the presiding officer. The Council may adopt findings of fact regarding the charges presented by Petitioners. An affirmative vote of a majority of all Council members holding office shall be required for the removal of the Council member challenged. The council shall additionally have the authority to reprimand or suspend a member for a period of not more than thirty days if removal is not warranted.