

**CITY OF MARBLE FALLS, TEXAS
ETHICS REVIEW COMMISSION**

BY-LAWS & PROCEDURES

The City of Marble Falls Ethics Review Commission (hereinafter referred to as "Commission" or "Ethics Commission") hereby adopts these by-laws and procedures to govern their own proceedings and carry out the purposes for which the Commission was created, not inconsistent with the charter and ordinances of the City. These by-laws shall be considered supplementary to the regulations adopted by the City Council regarding the creation and governance of the Commission.

A. The Commission and Selection of Officers.

The Commission shall consist of five members appointed by the City Council for terms of two years. A member serves at the pleasure of the City Council. In all cases heard by the Commission, a minimum of four members must be present. The officers of the Commission shall be a Chair, a Vice Chair, and a Secretary. The Chair, Vice Chair and Secretary shall be chosen by the Commission at the first meeting of the Commission in January of each year. No person shall hold the position of Chair for more than two consecutive one year terms.

B. Presiding Officer, Secretary, Minutes and Records.

The Chair shall preside over all meetings of the Commission. The Vice Chair shall preside in the absence of the Chair. In the absence of the Chair and Vice Chair, a Chair pro tem shall be appointed by the Commission. Upon the arrival of the Chair, the acting Chair shall immediately relinquish the chair upon the conclusion of the item of business then pending before the Commission. If a question over meeting procedures shall arise, Robert's Rules of Order, Newly Revised, shall apply, except when inconsistent with these bylaws or with special rules of order which the Commission or City Council may adopt.

The City Secretary will take and prepare minutes and keep records and perform other clerical duties for the Commission.

The minutes of each proceeding shall indicate the vote of each member on each question or the fact that a member is absent or fails to vote. The Commission shall keep records of its examinations and other official actions. These minutes and records shall be prepared as soon as practicable after each meeting and upon approval by the Commission shall be filed immediately in City Hall and shall be public records.

C. Consultants and Volunteer Assistance.

The Commission, by majority vote, may appoint from time to time, from within its membership one or more sub-committees to assist in the work of the Commission. The Commission may,

upon majority vote, recommend to the City Council appointment of consultants to assist in the work of the Commission. Such consultants shall be approved by the City Council in advance prior to commencing the performance of services to the Commission. The entire written work product of a consultant, committee, or volunteer relating to the business of the Commission shall become part of the records of the Commission. The Commission may not agree to pay the fees or expenses of any such persons without the prior approval of the City Council.

D. Quorum and Absences.

A quorum shall consist of three members of the Commission and shall be required to convene recess or adjourn any regular or special meeting. Motions shall carry by a simple majority vote for routine business or procedural matters of the Commission. The concurring vote of four (4) members shall be necessary to reverse an order, requirement, decision or determination of any administrative official, or to decide in favor of a complainant that has filed an ethics complaint.

Any commissioner who misses three (3) consecutive meetings within a twelve-month time period shall be deemed to have automatically vacated his/her position on the Commission. This section shall not apply to a member who applied for and received an excused absence from the Chair prior to the meeting(s) at issue. Attendance records shall be maintained by the City Secretary.

E. Vacancies.

Vacancies on the Commission shall be filled by the City Council for the unexpired term.

F. Meetings.

Meetings shall be held whenever an ethics complaint has been filed as required in the Ethics Code or meetings may be called on an as needed basis by the Chair or in the absence of the Chair by any three members of the Commission. When a meeting is requested by three members of the Commission, the call shall state the purpose of the meeting. All meetings shall be open to the public. Notice of all meetings shall be sent to each member at least seventy-two (72) hours prior to the time of the meeting. All meetings shall be posted for public review at least seventy-two (72) hours prior to the meeting date. No approval, disposal or final action shall be taken on any matter before the Commission unless all notice requirements mandated by state statute, these rule and procedures or any other ordinance pertaining to the application or notice requirements has been met.

G. Hearings on Ethics Complaints.

No Commissioner may reveal information relating to the filing or processing of an ethics complaint except as required for the performance of official duties. All documents relating to a pending complaint shall be kept confidential, unless they are required to be disclosed under the

Texas Public Information Act (Tex. Gov. Code Ch. 552). Any Commissioner that receives a Public Information Request shall immediately forward the request to the City Secretary.

After an ethics complaint has been filed, and during the consideration of a complaint by the Commission, a member of the Commission may not communicate directly or indirectly with any party or person about any issue of fact or law regarding the complaint, except at a meeting of the Commission. This provision does not prevent a member of the Commission from consulting with the City Attorney regarding procedural and legal issues.

H. Public Comment.

A general public comment item will be a regular part of each meeting agenda for citizen remarks unrelated to other agenda items. Citizen remarks during the general public comment agenda item shall be limited to three minutes and the Commissioners shall not discuss public comment on items not included in the agenda other than to request that such topics be included for discussion on a subsequent agenda. Public comment will also be allowed on each specific agenda item. Public comment during discussions of a specific agenda item shall be limited to three minutes unless the Commissioners have questions.

I. Motions and Discussions.

The Chair shall not make motions. Any motion by a member shall require a second. After a motion has been made and duly seconded, discussion of the motion may be had for a reasonable time. Discussion by members, and opponents and proponents, of a question before the Commission shall terminate whenever the Chair shall so rule.

J. Voting on Motions.

Voting on matters concerning an ethics complaint shall be by rotating roll-call vote with the Chair always voting last. Voting on administrative matters may be by voice, provided that a roll-call vote shall be taken upon demand of the public or any member of the Commission.

All actions taken by the Commission shall be in accordance with the City's Ethics Ordinance.

K. Reconsideration of Decisions.

Reconsideration of a finding of the Commission shall be granted by the Chair when any interested party for the reconsideration provides documentation sufficient to demonstrate to the Chair that essential facts were not brought to the attention of the Commission. One Motion for Reconsideration shall be permitted per matter considered and must be filed in writing with the City Secretary no later than ten (10) calendar days after the decision of the Commission. A Motion for Reconsideration is automatically denied, if not granted by the Chair within five (5) calendar days from the date the Motion is filed with the City Secretary. The decision of the Commission is final if a Motion for Reconsideration is not timely filed or if not granted by the Chair in accordance with this subsection J.

L. Conflict of Interest.

A member shall not vote or deliberate in any matter before the Commission if the member has an interest that is direct, indirect, financial or otherwise, and such interest would violate the City Code of Ethics or state law. Any member of the Commission who has a Substantial Interest or an Economic Interest in a matter before the Commission as defined in the City's Ethics Code shall file an affidavit with the City Secretary, and if required by the Ethics Code, abstain from voting, before a vote on the matter is taken as required by the Ethics Code and state law. In any case, where the question of a member's interest is raised, the Chair shall rule on whether the member should be disqualified.

M. Staff Reports Required.

The Commission shall take no final action on any matter before it without first obtaining reports from the City departments concerned. Reports may be written or given orally.

N. Public Statements.

Releases and statements to the public and press in the name of the Commission shall be made only by the Chair or the Chair's designated representative. An individual Commission member may not act in an official capacity on behalf of the Commission, except through the action of the Commission.

O. Amendments to By-Laws.

These by-laws may be amended at any meeting of the Commission by an affirmative vote of a simple majority vote of the members of the Commission.

P. Rules of Procedure or Conduct.

The Commission may adopt rules of procedure or conduct by simple majority vote of the members of the Commission and may amend such rules from time to time.

Q. Validation.

No decision of the Commission otherwise valid pursuant to state law and the laws of the City of Marble Falls, Texas, shall be invalidated by failure to comply with these by-laws.

Adopted and approved by the Ethics Commission this 10th day of March, 2009.

RR 5/1/09
Chair: Ethics Commission

ATTEST:

ctt
Commission Secretary

Adopted and Approved by the Marble Falls City Council this 23 day of March 2009.



Raymond Whitman
Raymond Whitman, Mayor

[Signature]

ATTEST:

Christina Laine
Christina Laine, City Secretary