

ARTICLE 2. ETHICS REVIEW COMMISSION.**§ 2-7-26 CREATED; FUNCTIONS.**

An Ethics Review Commission is created. It shall have the duty and power, unless otherwise provided, to rule upon the appropriate disposition of allegations of violations of this chapter.

Source: 1992 Code Section 2-3-26; Ord. 031204-9; Ord. 031211-11.

§ 2-7-27 MEMBERS.

(A) The Ethics Review Commission shall consist of nine members plus those holdover members for pending complaints as provided in Subsection (F).

(B) The mayor and each member of the city council shall nominate a member to the commission. These nominations shall be confirmed by a two-thirds vote of the entire city council. In addition, the president of the Travis County Bar Association and the president of the Austin League of Women Voters shall each be asked to recommend three nominees, from which groups the city council shall select one commission member each. Nomination and confirmation of commission members shall be conducted in separate open meetings of the council.

(C) Commission members shall be appointed to two-year staggered terms with the terms of three members to expire July 1, 1988, with successive two-year terms, and the terms of four members to expire July 1, 1989, with successive two-year terms. No member shall serve for more than five consecutive years nor be appointed for more than two full terms. The commission members appointed pursuant to the recommendations of the Travis County Bar Association and the League of Women Voters shall take office after July 1, 1995, and shall initially serve one-year terms expiring on July 1, 1996. Thereafter, those commission members shall serve successive two-year terms.

(D) All members shall be residents of the City. No member shall hold any City elected office or be a candidate for any such office. A member may contribute to a City political campaign, but to the extent this prohibition is consistent with the Charter, no member shall participate in any City political campaign or in a campaign relating to a referendum or other ballot issue in the City.

(E) In addition to the city council's usual powers of removal, members of the commission may be removed by a majority of the city council for a violation of this chapter. In considering a complaint filed with the city clerk or on its own initiative, the Council may follow

the procedures hereinafter set forth regarding the disposition of alleged violations of this chapter.

(F) All vacancies shall be filled for the unexpired terms. A member shall hold office until his successor has been appointed by the city council and shall continue to hold office after his successor has been appointed by the city council for the limited purpose of the disposition of all complaints filed during that member's term or during that member's holdover term. No member may participate in a decision regarding a complaint initiated prior to their appointment. New members shall assume the duties of office with respect to all complaints initiated after their appointment. A commission member shall recuse himself from complaints involving the councilmember in his nominating council place or the councilmember who nominated him, or a member of any other commission of which he is also a member.

Source: 1992 Code Section 2-3-27; Ord. 031204-9; Ord. 031211-11.

§ 2-7-28 OFFICERS; QUORUM.

The Ethics Review Commission shall elect a chairperson and a vice-chairperson to one-year terms. The vice-chairperson shall act as chairperson in the absence of the chairperson or in the event of a vacancy in that position. Four or more members of the commission shall constitute a quorum, but no action of the commission shall be of any force or effect unless it is adopted by the favorable votes of four or more of the members.

Source: 1992 Code Section 2-3-28; Ord. 031204-9; Ord. 031211-11.

§ 2-7-29 MEETINGS.

The Ethics Review Commission shall have regular quarterly meetings and such other meetings as may be necessary to fulfill its responsibilities. The commission shall receive reports of briefings regarding this chapter of newly appointed and employed board and commission members and employees and copies of public opinions related to this chapter that have been issued by the city attorney since the last meeting. The chairperson or any four members of the commission may call a meeting provided that reasonable notice is given to each member and to any person who requests notice of such meetings.

Source: 1992 Code Section 2-3-29; Ord. 031204-9; Ord. 031211-11.

§ 2-7-30 DUTIES.

(A) The Ethics Review Commission shall, in addition to its other duties:

(1) prescribe forms for reports, statements, notices, and other documents

required by this chapter and Chapter 2-2 (*Campaign Finance*);

(2) prepare and publish materials explaining the duties of individuals subject to this chapter and Chapter 2-2 (*Campaign Finance*);

(3) review all statements and reports filed with the commission in order to obtain compliance with this chapter;

(4) accept and file any information voluntarily supplied that exceeds the requirements of this chapter;

(5) preserve statements and reports filed with the commission for a period of five years from the date of receipt;

(6) review this chapter and make appropriate recommendations to the city council concerning this chapter, and perform an annual review and evaluation of the dollar limits established in Chapter 2-2 (*Campaign Finance*) and make recommendations to the city council as to those limits;

(7) review all public opinions related to this chapter that are issued by the city attorney;

(8) conduct hearings in accordance with the provisions of this chapter and the commission's rules on sworn complaints alleging violations of Chapter 2-2 (*Campaign Finance*); and

(9) schedule and oversee the forums among candidates in City elections provided for in Chapter 2-2 (*Campaign Finance*).

(B) The commission may:

(1) prepare reports and studies to advance the purposes of this chapter;

(2) request the city council and city manager to provide such assistance as it may require in the discharge of its duties; and

(3) make recommendations to the city manager concerning the role of the ombudsman concerning this chapter.

Source: 1992 Code Section 2-3-30; Ord. 031204-9; Ord. 031211-11.

§ 2-7-31 STAFFING.

(A) The Ethics Review Commission shall be assigned staff by the city attorney to

assist in its duties.

(B) When complaints are filed related to the mayor, city councilmembers, city manager, city attorney, department heads and deputies, independent legal counsel shall be utilized to advise the commission and participate in hearings.

(C) (1) Any City official, employee or candidate for City elective office may request, and the city attorney shall thereupon promptly issue, a written opinion concerning the meaning or effect of any section, word, or requirement of this chapter as it affects such official, employee or candidate. At the request of such official, employee or candidate the city attorney shall render a confidential opinion, not subject to public disclosure.

(2) If a complaint is subsequently filed with the commission about any specific action, omission, or alleged conflict of interest which has been the subject, whole or in part, of a city attorney's opinion, the independent legal counsel shall act as commission attorney on said complaints.

(D) The city clerk shall make the reporting and complaint forms and information developed by the Commission available to the public and shall assist citizens in complying with filing procedures.

Source: 1992 Code Section 2-3-31; Ord. 031204-9; Ord. 031211-11; Ord. 20060209-003.

§ 2-7-32 RULES.

The Ethics Review Commission may adopt, amend, and rescind rules of procedure to carry out the provisions of this chapter. Such rules shall be consistent with this chapter and other applicable law.

Source: 1992 Code Section 2-3-32; Ord. 031204-9; Ord. 031211-11.

§ 2-7-1 DECLARATION OF POLICY.

(A) It is the policy of the City that the proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that governmental decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, a code of ethics for all City officials and employees is adopted.

(B) This code has the following four purposes:

(1) To encourage high ethical standards in official conduct by City officials and employees;

(2) To establish guidelines for ethical standards of conduct for all such officials and employees by setting forth those acts or actions that are incompatible with the best interests of the City;

(3) To require disclosure by such of official and employees of private financial or other interests in matters affecting the City; and

(4) To serve as a basis for disciplining those who refuse to abide by its terms.

(C) The provisions of this chapter shall not apply to political contributions, loans, expenditures, reports or regulation of political campaigns or the conduct of candidates in such campaigns.

Source: 1992 Code Section 2-3-1; Ord. 031204-9; Ord. 031211-11.