

## **ORDINANCE NO. 2017-72**

### **AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF BOERNE, TEXAS, CHAPTER 2, ADMINISTRATION, ARTICLE V. ETHICS; SEC. 2.123 ETHICS REVIEW COMMISSION; AND PROVIDING AN EFFECTIVE DATE AND SAVINGS CLAUSE; AND RELATED MATTERS**

**WHEREAS**, the conduct of the public business should be accomplished by City Officials that have no personal financial interest in such business clearly separate from that of the general public; and

**WHEREAS**, it is important that City Officials be provided with a process and procedure to give notice and to then refrain from participation in any specific business of the City in which such official has a personal financial interest different from that of the general public; and

**WHEREAS**, some actions of a City Official in the conduct of City business may constitute, or have the appearance of constituting, a conflict of interest because these actions provide undue and inappropriate advantage to another person or organization closely related to the City Official by affinity; and

**WHEREAS**, a reasonable ethics ordinance with disclosure requirements will provide a basis for continuing public confidence in the conduct of the business and affairs of the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF BOERNE, TEXAS, THAT THE CODE OF ORDINANCES IS HEREBY AMENDED AS FOLLOWS:**

#### **Sec. 2.123. Ethics Review Commission**

##### **A. Created; purpose.**

There is created an Advisory Commission which shall assist and advise the City Council and the City Manager on matters pertaining to the City's Ethics Ordinance as amended. The Commission shall be known as the Ethics Review Commission (hereinafter referred to as the "Ethics Review Commission" or the "Commission") and shall have no rule-making or judicial authority, but shall be solely advisory in nature and not subject to the Texas Open Meetings Act. The City Council delegates its investigatory authority to the Ethics Review Commission in order to administer oaths and affirmations and to take evidence and issue subpoenas in fulfillment of the duties expressed in this Ordinance.

##### **B. Composition; term.**

1. The Ethics Review Commission shall consist of five members and two alternates who are citizens of the City of Boerne and who shall be appointed by the Mayor, subject to review and approval by the City Council and shall serve without compensation.

2. The terms of the persons appointed as members and alternates of the Ethics Review Commission shall be as follows:

- a. All members shall be appointed to serve three-year terms. ~~Subsequent terms of the members shall be for three year terms.~~
- b. The two alternates shall be appointed to serve three year terms.
- c. An alternate shall be appointed by the Mayor to fill any vacancy and shall serve for the unexpired term of the position to which the appointment is made.
- d. Appointments to the vacancy of any alternate position shall be for the unexpired term of the alternate position to which the appointment is made.
- e. Members shall serve until their successors have been appointed and qualified.
- f. ~~No person shall serve for more than six years or be appointed for more than two terms.~~

C. Officers of the Commission

The ~~Ethics Review Commission~~ Mayor shall elect ~~appoint~~ a Chair, the Ethics Review Commission shall elect a Vice-Chair and Secretary at its first meeting each year. The City Secretary shall serve as staff liaison and shall be responsible for taking the minutes of the meetings.

D. Legal Consultation

The Ethics Advisor shall furnish the Ethics Review Commission legal assistance necessary in carrying out its function.

E. Rules of Procedure

1. The Commission shall establish its own parliamentary procedure, provided that such is not in conflict with the specific provisions of State law, City Charter or City Ordinance.
2. Three members of the Commission shall constitute a quorum. The Chairperson shall be entitled to vote upon any question and shall have no veto power.
3. Written notice of the date, hour, place and subject of each meeting of the Commission shall be properly posted at least seventy-two hours in advance.
4. Any meeting of the Commission shall be open to the public.
5. The Chairperson of the Commission may administer oaths and compel the attendance of witnesses.
6. The Commission shall keep minutes of its proceedings, which shall be filed in the office of the City Secretary. All records of the Commission shall be maintained in accordance with the provisions of the Texas Public Information Act (Tex. Gov. Code Ch. 552).

F. Powers and Duties

The Ethics Review Commission shall have only those powers and duties provided in this ordinance as now or hereafter amended.

PASSED and APPROVED on first reading this the \_\_\_\_ day of August, 2017.

PASSED, APPROVED and ADOPTED on second reading this the \_\_\_\_ day of August, 2017.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Secretary

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

