

Tybee Island Ethics Commission Bylaws

Creation and Purpose

- A. Pursuant to [Ethics Ordinance Article B](#) there has been created the Ethics Commission, an agency of the City of Tybee Island. By creating the Commission, Council intends to: a) Enhance the public's confidence in the integrity of City government and management; and b) Provide a facilitative and advisory resource that assists the City Council and others to implement, administer and enforce the Ethics Ordinance.
- B. As used within these bylaws, "Commission" means "the Ethics Commission" or any subset of the Ethics Commission acting on behalf of the whole Commission.

Article I Membership

Section 1. Appointment of Members:

The Mayor and Council of the City of Tybee Island, Georgia shall appoint members.

Section 2. Membership:

The Ethics Commission is to composed of seven (7) Principal members and three (3) Auxiliary members who participate in Commission matters on an as-needed basis.

- (1) Upon appointment to the Commission, a person must have resided in the City of Tybee for at least one year, be registered to vote in city elections and have signed a Statement of Qualification
- (2) For the duration of service on the Commission a member must:
 - a) Reside in the City of Tybee Island; and
 - b) Be registered to vote in city elections; and
 - c) Not hold any other elected office or become a candidate for elected office of The United States, this state, this county, or this City;
 - d) Not be a city employee;
 - e) Exhibit strong moral character and good citizenship;
 - f) Be fit to serve as a public servant.
- (3) It is the responsibility of any appointed or prospective Commission member to disclose interests, business relationships or other memberships that may interfere with impartial participation in Commission work and activity.

Section 3. Terms of Service:

- (1) Council intends for Commission members to serve two-year "staggered" terms so that five (5) member terms expire during odd-numbered years and five (5) member terms expire during even-numbered years. To that end, there is to be associated with each of the ten Commission positions a permanent number. Principal member positions are to be numbered 4 through 10. Auxiliary member positions are to be numbered 1 through 3.
- (2) Members having odd position numbers are to serve terms expiring on the day before the annual meeting in odd-numbered years after 2007. Members having even-numbers are to serve terms expiring on the day before the annual meeting in even-numbered years after 2008.

Article II Meetings of the Members

Section 1. Location of Meetings:

All meetings of the Commission shall be held at a place within Tybee Island, Georgia as may be from time to time fixed by the Chair and shall be stated in the notice of the meeting posted at Tybee Island City Hall. All meetings shall comply with the Georgia Open Records and Meetings Law.

Section 2. Annual Meeting:

Annual meetings of the Commission shall be held in February. At each such meeting, the members shall, by a majority vote, elect officers.

Section 3. Special Meetings:

The presiding officer or a majority of the voting members may call additional meetings on an as-needed basis.

Section 4. Notice of Meetings:

Written notice of all regular meetings stating the place, day and hour shall be delivered not less than seven (7) or more than thirty (30) days before the date of the meeting and shall be posted at Tybee City Hall.

Section 5. Business of Meetings:

The business of the meeting shall be so stated in a meeting agenda. Members shall have an opportunity to modify the agenda by making a request to the chair at the opening of the meeting.

Section 6. Quorum:

A quorum shall constitute no less than four of the voting membership. The secretary shall call the roll to confirm the presence of a quorum as a regular part of the agenda.

Section 7. Majority:

If a quorum is present, the affirmative vote of a majority of the members entitled to vote and represented at the meetings shall be the act of the members.

Section 8. Voting:

The Ethics Commission shall conduct meetings by Robert's Rules of Order. A simple majority shall prevail except in the cases of bylaws amendments and removal.

Section 9. Participation:

In order to accommodate existing circumstances, the existing Commission can determine by majority vote how to allow participation of auxiliary members.

**Article III
Officers**

Section 1. Officers:

- (1) At each annual meeting the voting panel is to elect two (2) Principal members to serve as a chairperson and vice-chairperson of the Commission. These officers are to serve as such until the next annual meeting. If for some reason the voting panel fails to elect a chair or vice-chair at an annual meeting, the incumbent may remain in office until a successor is properly elected by the principal members.
- (2) An incumbent may be re-elected to serve as an officer.

(3) If the chair or vice-chair leaves office before the term of office expires but remains on the Commission, the voting panel is to elect a Principal member to serve in the office until the next annual meeting.

(4) If an office becomes vacant because of a principal position vacancy, the voting panel is to elect a replacement officer after the principal position is filled by Council appointment.

Section 2. Additional Officers and Agents:

The Ethics Commission may appoint other such officers, as it shall deem necessary. Such officers and agents shall hold their respective offices and perform such duties as shall be determined from time to time by the membership.

Section 3. Salaries and Expenses:

The officers shall receive no compensation. Should an officer(s) of the Ethics Commission be called upon by the City of Tybee Island to represent the Board at a conference, meeting, or other official occasions, the officer shall be reimbursed for expenses as defined in the City's personnel policy.

Section 4. Removal/Vacancies:

City Council may remove a member at any time, at will, with or without cause. Each vacated commission position is to be filled by City Council appointment based on majority vote or other method adopted by Council. (See Ethics Ordinance Section 4.4 for details)

Section 5. Chair:

The Chair shall be the chief executive officer of the Ethics commission and shall preside at all meetings of the members, shall have general and active management of the business of the Commission, and shall see that all orders and resolutions of the Commission are carried into effect. He/she shall be the liaison to the Tybee Island elected officials, the City Manager and represent the Island at-large.

Section 6 Vice- Chair:

The Vice-Chair, in the absence or disability of the Chair, shall perform the duties and exercise the powers of the Chair.

Article IV

Section 1. Duties and Powers:

The Ethics Commission has the duty and authority to:

- (1) Establish (and amend as needed) bylaws, policies and procedures consistent with the Ethics Ordinance that govern internal organization and conduct of Commission affairs;
- (2) Schedule and hold Commission meetings as needed to discharge duties;
- (3) Receive and consider complaints that this code was violated;
- (4) Interpret the Ethics Ordinance as it applies to violation and other issues in order to reach opinions as to whether certain actions, behaviors, or conduct constitute violation of this Ordinance;
- (5) Formally present or deliver the Commission's opinions to Council;
- (6) Publish opinions and other documents related to the Ethics Ordinance;
- (7) Make proposals or recommendations to the City Council for the adoption of any revisions or amendments to this Ethics Ordinance;
- (8) Engage in training activities;

- (9) Issue advisory opinions as provided in the Ethics Ordinance;
- (10) Initiate any investigation or perform any other function determined by the Commission to be essential to fulfilling its purpose or discharge duties established within the Ethics Ordinance

Section 2: Limitations:

- (1) The Ethics Commission is to be an advisory body with semi-judicial authority.
- (2) Each member of the Commission has a special responsibility to identify and acknowledge conflicting interests in Commission matters and abide by the rules of recusal when they have conflicting interests in a pending commission decision.
- (3) Members of The Board must not individually or collectively interfere with the performance of duties by city staff.

Section 3: Administration and Support:

The City Manager is to assign a capable staff member to serve as recording secretary and to make available appropriate and sufficient meeting space. The Clerk of Council or designee is to serve as the filing clerk for the Commission, receive complaints and publish notices of Ethics Commission meetings upon request of the Commission's presiding officer. The Clerk of Council and the City Manager are to provide other support requested by the Commission and approved by Council.

Section 4: Counsel:

- (1) The City Attorney is to serve as the Commission's legal advisor except in circumstances where doing so would result in the City Attorney's conflicting interests in a complaint involving a Council member as a respondent, complainant, or otherwise.
- (2) If the Commission requires legal services that the City Attorney cannot provide or is not available to provide, the Commission is to be represented and assisted in carrying out its responsibilities by an attorney appointed by the Ethics Commission with confirmation by City Council. A person serving as Commission attorney is subject to the Ethics Ordinance

**Articles V
General Provisions**

Section 1. Limitation of Liability:

To the fullest extent permitted by law, no member of the Ethics Commission, or any person acting on behalf of the Ethics Commission, is to be liable to any person for any damages arising out of the enforcement or operation of this Ethics Ordinance except in the case of willful or wanton misconduct. This limitation is to apply to the City, the members of the Ethics Commission and any person acting under the direction of the Ethics Commission.

Section 2. By-Law Amendments:

These by-laws may be altered, amended or repealed. New by-laws may be adopted by an affirmative vote of two-third of the members of the Ethics Commission after 30 days written notice of the meeting and notice stating the changes to the members. The changes shall also be filed with the Clerk of Council.

Approved: 04/21/2009

Chair

Recording Secretary

Date:

Revised 04/21/2009