Adopted By-Laws

By-Laws
of the
Southwest Georgia Regional Commission

By authority of HB 1216, the Governor's coordinated planning legislation, we do hereby ordain and establish this Constitution and Bylaws to organize and promote our interests in this area by creating and establishing a regional Commission to succeed the previously established Southwest Georgia Regional Development Center. The Commission is a public agency established pursuant to the Official Code of Georgia Annotated (O.C.G.A.) §50-8-30 et. al., as amended. The Commission is a public agency and an instrumentality of its member jurisdictions.

ARTICLE I
Name, Headquarters, Purpose

Section 1.1 This organization shall be known as the Southwest Georgia Regional Commission, hereinafter called the “Commission.”

Section 1.2 The Commission headquarters shall be located at a site within the area to be selected by the Commission members.

Section 1.3 The object of this Commission shall be to develop, promote, and assist in establishing coordinated and comprehensive land use, environmental, transportation, historic preservation and human resource planning in the state;
to assist local governments to participate in an orderly process for coordinated and comprehensive planning;
to assist local governments to prepare and implement comprehensive plans which will develop and promote the essential public interests of the state and its citizens and advance positive governmental relations among the state, regional, and local levels;
to prepare and implement comprehensive regional plans which will develop and promote the essential public interests of the state and its citizens;
to provide technical and management assistance as requested;
to provide technical assistance with the development of a local information data base and network;
to serve as a comprehensive source of information;
to review and comment on plans submitted by local governments and to make recommendations and mediate conflicts between local governments;
to manage such non-profit corporations created in accordance with Georgia law as directed by the membership;
to provide any and/or all powers authorized under statute;
and to perform other duties and responsibilities as may be provided for or authorized from time to time by law and/or the membership.

Whether enumerated here or not, this Commission may undertake, as its budget and personnel capabilities allow, any and all activities provided for in Official Code of Georgia Annotated Section 50-8-35.

It shall also be the purpose of this organization to provide a forum and mechanism for the joint discussion of multi-jurisdictional problems and opportunities and to assist in affecting joint solutions and programs for the common good.

Section 1.4 Effective July 1, 2009, the territorial service area shall be the limits of Baker, Calhoun, Colquitt, Decatur, Dougherty, Early, Grady, Lee, Miller, Mitchell, Seminole, Terrell, Thomas, and Worth Counties. The territorial areas of the Southwest Georgia Regional Commission may be changed from time-to-time by the Georgia Department of Community Affairs Board of Directors as promulgated in O.C.G.A 50-8-32.

ARTICLE II
Membership and Dues

Section 2.1 The members of this Center shall be those counties encompassed in boundaries specified by the Department of Community Affairs and approved by the Georgia Legislature.

Section 2.2 Each member municipality and county shall pay dues for membership based on the population within their political boundaries at the rate of one (1) dollar ($1.00) per capita based upon the most recent estimate of population approved by the Georgia Department of Community Affairs.

Section 2.3 Population estimates used for calculation of dues shall be adjusted no less than annually at the beginning of the Commission's fiscal year or as authorized by O.C.G.A § 50-8-33(b)(2).

ARTICLE III
Council Composition

Section 3.1 The Council shall be comprised of elected county representatives, elected municipal representatives, and non-public representatives. All members of the Council shall serve without compensation.

Section 3.2 Members of the Council shall include the following:

a. County Elected Official: Pursuant to O.C.G.A. 50-8-34(b)(1), the council shall include the chief elected official of each county governing body in the region for a period of time concurrent with each such elected official’s term of
elected office. If the chief elected official for a county is unable to serve on the council, he or she shall appoint another elected county official. In the case of a consolidated government where there is not another municipality located within the boundaries of the county, a second member of such consolidated government shall be appointed to the board;

b. Municipal Elected Official: Pursuant to O.C.G.A. 50-8-34(b)(2), the council shall include one elected official from one municipality in each county in the region for a period of time concurrent with each such elected official’s term of elected office; the municipal representative shall be selected in accordance with a procedure established and agreed to by the municipalities within that county.

c. Governor’s Appointments: Pursuant to O.C.G.A. 50-8-34(b)(3), the council shall include three residents of the region appointed by the Governor, each for a term of two years. One of such three appointees shall be a member of a school board located within the region or a superintendent of schools within the region, and two of such three appointees shall be nonpublic council members.

d. Lieutenant Governor’s Appointee: Pursuant to O.C.G.A. 50-8-34(b)(4), the council shall include one nonpublic council member appointed by the Lieutenant Governor for a term of two years.

e. Speaker of the House’s Appointee: Pursuant to O.C.G.A. 50-8-34(b)(4), the council shall include one nonpublic council member appointed by the Speaker of the Georgia House of Representatives for a term of two years.

f. Private Sector Representative: Each county shall have one (1) private sector Council member who shall reside within the limits of the county in which he/she represents. Each Private Sector appointee shall be selected in a manner agreed upon by the all the local governments in a County; aforementioned procedure shall be established with the approval of a majority of the local governments of the County, with the assistance of the Commission Executive Director, and shall serve for a term of one year, or until his/her successor is duly appointed.

Section 3.3 Appointment of Additional Council Members:

a. Member counties with population of 50,000 residents or more, according to the latest census, would be entitled, but not required, to appoint two (2) additional council members. These additional members shall be non-public individuals.
Section 3.4  The appointing authority shall be notified within five days by the Executive Director when a member misses three meetings in succession or at such time a member resigns, or is unable to serve. Appointing authorities should appoint a successor within 30 days of receipt of notification, and said successor shall be seated at the next regular or called session of the Council.

Section 3.5  The term of a member shall terminate immediately upon (O.C.G.A. § 50-8-34(c)):

a. Resignation by a member;

b. Death of a member or inability to serve as a member due to medical infirmity or other incapacity; or

c. Any change in local elective office or residence of a member which would cause the composition of the council not to comply with the requirements of subsection (b) of this Code section.

d. When a member is determined to be in violation of the ethics provisions of these bylaws under Section

Section 3.6  Appointment of members shall be solicited by the Executive Director of the Center annually beginning in November.

ARTICLE IV
Officers

Section 4.1  The Council shall elect a Chairperson, Vice-Chairperson, and a Treasurer from among the members of the Council duly appointed prior to the January meeting. At the November/December (November) meeting of the Council, the Chairperson shall name a
nominated committee comprised of not fewer than five (5) members of the Council, which committee shall present a slate of officers at the following February meeting for Council consideration. Officers and Executive Committee Members shall serve terms of one year beginning no later than the meeting of their election and terminating with the election of new officers at the February Meeting.

Section 4.2 The Executive Director will serve as Secretary of the Council in an ex-officio non-voting capacity.

Section 4.3 The Chairperson shall preside at all Council and Executive Committee meetings and shall serve as the chief spokesperson for the Commission. The Chairperson shall serve as an ex-officio member of all appointed committees.

Section 4.4 The Vice Chairperson shall fill the role of the Chairperson in the absence or incapacity of the Chairperson. Should for any reason the Chairperson and Vice-Chairperson be unable to preside at any meeting of the Council or Executive Committee, the line of succession for presiding shall be the Treasurer, and then any member of the Executive Committee chosen by those members present.

Section 4.5 The Treasurer shall see that all funds due the Commission are collected, all expenditures are within an approved budget, a record of accounts kept in a timely manner and an annual audit is performed and periodic reports made to the Council and Executive Committee.

Section 4.6 Vacancies in the office of Chairman, Vice-Chairman, Secretary/Treasurer, may be filled by the Council at any full Council meeting as outlined in Article IV, Section 1.

ARTICLE V
Executive Committee

Section 5.1 The Executive Committee shall be elected annually at the February meeting of the full Council, and shall have all the powers and authority of all the duties, responsibilities, and functions of the full Council and which may take any action which the full Council can take. However, the Executive Committee shall not employ an executive director without the consent of the full Council of Directors given by majority vote at a regular or called session, adopt the annual budget and work program for the Southwest Georgia Regional Commission, or elect officers or members of the Executive Committee. Without limiting the generality of the foregoing, the Executive Committee shall recommend (develop) a proposed annual budget and work program which shall be submitted to the Council for adoption.

Section 5.2 The Executive Committee shall be comprised of the officers of the Council, plus four (4) other Council members. The composition of the Executive Committee shall be such that there shall be at least one (1) elected or appointed municipal government official, at least one (1) elected or appointed county government official and at least one (1) non-public member. The
four (4) at large members of the Executive Committee shall be selected at the February (January) Council meeting upon nominations from the officer nominating committee in the same manner as provided in Article IV, Section 1, above.

Section 5.3 Powers of the Executive Committee: With the exception of any future limitations specified by a majority vote of the Council, the Executive Committee shall function collectively as a committee for the following purposes and with the following authority:

1) Determine procedures, guidelines, and limitations for the Executive Director to follow in matters of staff salaries and otherwise provide supervision of the Executive Director in same; and
2) Set guidelines regarding capital expenditures and cash disbursement procedures; and
3) Set policies, procedures, and guidelines for personnel administration; and
4) Serve as the Grievance Committee to hear any employee grievances filed under the Commission’s policies and procedures; and
5) Oversee the completion of an annual assessment of the Commission’s Executive Director pursuant to O.C.G.A. 50-8-34.1(b) and submit its assessment to the Council at the June meeting of each year; and
6) Oversee the completion of an annual assessment of the activities of the Regional Commission pursuant to O.C.G.A. 50-8-34.1(b) and submit its assessment to the Council at the June meeting of each year; and
7) Seek input from the Council regarding the discharge of the above referenced powers; and
8) Discharge any other powers as delegated to them by the Council.
9) Act on behalf of the full Council at monthly meetings in between full Council meetings on matters requiring authorization prior to Commission action such as resolutions authorizing applications on behalf of the Commission; approval/disapproval of staff actions related to Intergovernmental Reviews (A-95s), Developments of Regional Impact (DRIs), and Regionally Important Resource (RIR) reviews; actions associated with the duties outlined herein as granted to the Executive Committee, provided that such actions shall not include those enumerated below and provided that such actions are reported to the full Council at its next regularly scheduled meeting for ratification.
10) Any other functions and/or authority delegated to the Executive Committee by the full Council.

Section 6. Actions Reserved for the full Commission Council: The following actions are reserved specifically for the full Council and can only be acted upon at a regularly scheduled meeting of the full Commission Council:
1) Approval of the Council’s operating budget and annual work program; and
2) Acceptance of the Annual Audit Report; and
3) Appointment and removal of the Executive Director by majority vote of all members of the Council as provided for in O.C.G.A. 50-8-34.1(a).
4) Acceptance/adopter of the annual performance review of the Commission and the Executive Director as provided for in O.C.G.A. 50-8-34.1(b).
5) Nominations of, and elections for officers of the Commission Council; and
6) Any other duties which may be specifically approved by a majority vote of the Council at a regularly scheduled meeting in which a quorum is present.

**ARTICLE V**
**MANAGEMENT**

Section 5.1  The Commission shall manage its affairs in accordance with its Constitution and By-Laws. It shall direct the investment and care of the funds of the Commission; make appropriations and disbursements for specific purposes directly connected with Commission activities; and generally direct its business. The Commission may exercise all its powers and authority as provided by law. The Executive Committee shall coordinate the activities of all Advisory Councils and submit to the Council for their approval plans of operations with cost estimates.

Section 5.2  The Chairman shall preside at the meetings of the Commission. Other duties of the Chairman shall include:

1) Appoint committees as necessary; and
2) Authenticate by signature, resolutions and other documents adopted by the Commission Council and/or Executive Committee; and
3) Serve as Chief Policy Advocate for the Commission; and
4) Countersign with the Executive Director on contracts between a regional commission and state or federal agencies (O.C.G.A. 50-8-35(a)(2)).

Section 5.3  The Vice-Chairman shall act as presiding officer in the absence of the Chairman at all meetings/functions of the Council.

Section 5.4  The Treasurer shall serve as the Chairman of the Budget and Audit Review Committee, and he/she shall perform all other duties assigned to him/her by the Commission. He/she shall furnish such bond as the Commission may require, the premium to be paid by the Commission.
Section 5.5 The Regional Commission may make and enter into all contracts necessary or incidental to the performance of its duties and functions so long as the chairperson of the commission’s council and the executive director of the commission jointly execute any such contracts between a regional commission and state or federal agencies. (O.C.G.A. 50-8-35(a)(2)).

Section 5.6 The Executive Director may make and enter into all contracts, purchase orders, and/or agreements with organizations, persons, or entities except those reserved in Article V, Section 5. The Council must approve any such contracts/agreements that exceed $25,000.

Section 5.7 The Executive Director is authorized to file and sign grant applications on behalf of the Regional Commission as needed. Any grant applications where the Regional Commission’s cash match requirements are expected to exceed twenty-five thousand dollars ($25,000) must be approved by the Council.
ARTICLE VI
MEETINGS, QUORUM, AND VOTES

Section 6.1 The Council of the Commission shall hold meetings not less than ten (10) times each year beginning July 1 and continuing through the following June 30 at a date, time, and location to be determined by the Chairman or his/her designee.

Section 6.2 Special or Called Meetings: Special or called meetings may be called by the Chairman or, in his/her absence, the Vice-Chairman; provided at least 72 hours advance notice is given. Such call shall fix the agenda, date, time, and place of such special meeting.

Section 6.3 A quorum of the Board shall be defined as a majority of the counties being represented by at least one member at any meeting of not less than 12 members of the Board of Director after due notice. Written notice of special or called meetings shall be mailed through the United States Postal Service at least seven days prior to the meeting, however, for regularly scheduled meetings members are charged with knowledge thereof and deemed to have “due notice.”

For purposes of determining a quorum, members appointed by the Governor, Lieutenant Governor, or Speaker of the House shall be counted as representing the county in which they reside.

Section 6.4 For the purpose of hiring a new Executive Director or removing the current Executive Director, a majority vote of the members of the Council is required pursuant to O.C.G.A. 50-8-34.1(a). As a result, when such matters are before the Council, a majority of the members of the Council is required to constitute a quorum.

Section 6.5 All motions and resolutions properly before the Council must be approved by a majority vote.

Section 6.6 Parliamentary procedure in all meetings of the Commission, Council, and Committees shall be in accordance with Robert's Rules of Order.

Section 6.7 All meetings of the Council of the Commission shall be open to the public. However, the Commission may hold executive sessions to discuss and take action on any matter for which a specific exemption is provided for in the law.
ARTICLE VII
FINANCIAL MATTERS

Section 7.1 The Commission's fiscal year shall begin on July 1 and end on June 30.

Section 7.2 All funds of the Commission shall be deposited by the Treasurer into a bank account, such accounts shall be insured by FDIC as provided by law. Checks drawn against such funds shall require two signatures one being that of the Executive Director and the other being any one officer of the Council or a member designated by the Chairman.

Section 7.3 Funds not deemed necessary for the current business of the Commission may be deposited by the Treasurer in interest-bearing accounts.

Section 7.4 The Executive Committee shall cause an annual independent audit of the Commission's funds to be conducted as soon after the end of the fiscal year as is feasible as promulgated in O.C.G.A. 50-8-38.

Southwest GeorgiaSWGA

ARTICLE VIII
PERFORMANCE MEASUREMENT STANDARDS

Section 8.1 The Council shall designate a committee for the purpose of developing performance standards for measurement of the activities of the Commission. This committee shall also conduct an annual performance review of the Executive Director and the Regional Commission as measured by these performance standards (O.C.G.A. 50-8-34.1 (b)).

ARTICLE IX
ETHICS

Section 9.1 It is essential to the proper administration and operation of the Southwest Georgia Regional Commission that the members of its Council be, and give the appearance of being, independent and impartial; that their office not be used for private gain; and that there be public confidence in the integrity of the Council. The Council finds that the public interest requires that they protect against such conflicts of interest by establishing appropriate ethical standards with respect to the conduct of the members of the Council in situations where a conflict may exist.

Section 9.2 Definitions.

As used in this Article, the term:

(a) “Complaint” means a written sworn statement filed with the Chairman or Executive Director containing specific allegations of misconduct by a member of the Council; provided, however, such allegations must be filed within six (6) months of discovery of the alleged misconduct.
(b) “Interest” means any direct pecuniary benefit, which is not a remote interest held by or accruing to a member of the Council as a result of a contract or transaction that is or may be the subject of an official act or action by or with the Organization. A member of the Council shall be deemed to have an interest in transactions involving:

1. Any person in the member’s immediate family;
2. Any person with whom a contractual relationship exists whereby the member may receive any payment or other benefits unless the member is receiving a benefit for goods or services in the normal course of business for which the member has paid a commercially reasonable rate;
3. Any business in which the member is a director, officer, employee, agent, or shareholder, except as otherwise provided herein; or
4. Any person of whom the member is a creditor, whether secured or unsecured.

(c) “Council” or “member of the Council” includes all officers of the Organization and all members of the Council of the Organization.

(d) “Chairman” means the Chairman of the CSRA RDC Council;

(e) “Family” means, for the purposes of this Article, an employee’s spouse, mother, father, son, daughter, grandparent, or any “step-” and/or “half-” combinations of such relationships.

Section 9.3 Prohibitions.

No member of the Council shall:

(a) By conduct give reasonable basis for the impression that any person can improperly influence him/her or unduly enjoy his/her favor in the performance of official acts;
(b) Directly or indirectly request, exact, receive, or agree to receive a gift, loan, favor, promise, or thing of value for him/herself or another person if it could reasonably be considered to influence the member in the discharge of official duties;
(c) Disclose or otherwise use confidential information acquired by virtue of his/her official position for his/her or another person’s private gain;
(d) Use his/her official position to attempt to secure privileges that are not available to the general public;
(e) Engage in, accept employment with, or render services for any private business or professional activity when such employment or rendering of services is adverse to and incompatible with the proper discharge of official duties;
(f) Engage in any activity or transaction that is prohibited by law now existing or hereafter enacted which is applicable to him/her by virtue of being a member of the Council;

(g) Use his/her position to request or require an employee to:

   (1) Do clerical work on behalf of the member’s family, business, social, church or fraternal interest when such work is not furthering an Organization interest;
   (2) Perform any work outside the employee’s normal course of Organization employment;
   (3) Purchase goods or services to be used for personal, business, or political purposes; or
   (4) Work for the member personally without paying the employee just compensation;

(h) Use Organization property of any kind for other than officially approved activities, nor shall he/she direct employees to use such property for any purposes other than those officially approved;

(i) Use his/her position in any way to coerce, or give the appearance of coercing, another person to provide any financial benefit to himself/herself or persons having an interest.

Prohibition (b) of this Section shall not apply in the case of:

   (1) An occasional non-pecuniary gift of insignificant value;
   (2) An award publicly presented in recognition of public service;
   (3) A commercially reasonable loan or other financial transaction made in the ordinary course of business by an institution or individual authorized by the laws of Georgia to engage in the making of such a loan or financial transaction;
   (4) Campaign contributions made and reported in accordance with Georgia law.

Section 9.4 Disclosure of Conflicts of Interest.

A member of the Council who has an interest that he/she has reason to believe may be affected by his/her official acts or actions or by the official acts or actions of the Council shall disclose the precise nature of such interest by written or verbal statement 30 days prior to the Council taking official action on a matter affecting such interest and abstain from discussion and voting. Following any disclosure made pursuant to this section, the member shall refrain from all ex-parte communications with other members regarding the matter in which he/she has an interest.

Section 9.5 Disqualification.
A member of the Council shall disqualify himself/herself from participating in any official act or action of the Organization which results in a pecuniary benefit to the member or a business or activity in which he/she has an interest, when such benefit is not available to the public at large.

Section 9.6  Prohibited Contracts.

(a) The Organization shall not enter into any contract involving services or property with a member of the Council or with a business in which a member of the Council has an interest. This section shall not apply in the case of:

1. The designation of a bank or trust company as a depository for Organization funds;
2. The borrowing of funds from any bank or lending institution which offers the lowest available rate of interest in the community for such loan;
3. Contracts entered into under circumstances that constitute an emergency situation, provided that the Chairman prepares a written record explaining the emergency.
4. Contracts entered into with a Member of the Council, or with a business in which a member of the Council has an interest, provided that such contract is the result of a competitive bid, disclosure of the nature of such member’s interest is made prior to the time any bid is submitted, and a waiver of the prohibition contemplated by this section is issued by the Executive Director following disclosure.
5. Contracts entered into with any member jurisdiction of the RDC in which a member of the Council is acting on behalf of the jurisdiction.

Section 9.7  Restrictions on Contracts with Former Members of the Council.

The Organization shall not enter into any contract with any person or business represented by such person, who has been within the preceding twelve-month (12) period a member of the Council, unless the contract is awarded by a competitive bid or a committee selection process.

Section 9.8  Restrictions on Contracts with Existing Employees

In accordance with the Official Code of Georgia Annotated (O.C.G.A.) section 50-8-62, “It shall be unlawful for any employee, any member of an employee's family, or any business in which such employee or member of his family has substantial interest, individually or collectively, to transact any business with either the Commission or nonprofit corporation by which such employee is employed or affiliated. Any person who knowingly violates this Code section shall be subject to the penalties provided for in [O.C.G.A.] Code Section 50-8-66.” This paragraph may be amended in accordance with changes to O.C.G.A. Section 50-8-62 as needed.

Section 9.9  Disclosure of Business Transactions with Local Governments
Adopted By-Laws

In accordance with the Official Code of Georgia Annotated (O.C.G.A.) section 50-8-63, the following shall apply:

(a) Except as provided in subsection (b) of this Code section [see below], any employee, any member of such employee's family, or any business in which such employee or any member of his family has a substantial interest, individually or collectively, who transacts business with any local government shall disclose such transactions annually. Such disclosures shall be submitted to the Council of the Commission and to the commissioner prior to January 31 each year on such forms as are prescribed by the commissioner. At a minimum, the disclosures shall include an itemized list of the previous year's transactions with the dollar amount of each transaction reported and totaled. Such disclosure statements shall be public records.

(b) The requirement to disclose certain transactions as provided in subsection (a) of this Code section shall not apply to any transaction when the amount of a single transaction does not exceed $100.00 and when the aggregate of all transactions does not exceed $2,000.00 per calendar year.

(c) Any member of a Council or advisory committee of the Commission or nonprofit corporation who plays a role in determining loan transactions or any member of such person's family who obtains a loan or loan packaging services from such Commission or nonprofit corporation shall disclose such transaction at the time of application for such loan or loan packaging services to the Council of the Commission and to the commissioner. Such disclosure statements shall be public records.

(d) Any person who fails to file a disclosure statement as required in subsections (a) and (c) of this Code section shall be subject to the penalties provided for in [O.C.G.A.] Code Section 50-8-66.”

This paragraph may be amended in accordance with changes to O.C.G.A. Section 50-8-63 as needed.

Section 9.10 Restriction on Employees’ Work with Vendors/Contractors/ Subcontractors

It shall not be permissible for any employee, any member of an employee's family, or any business in which such employee or member of his/her family has substantial interest, individually or collectively, to transact any business with a subcontractor or vendor providing any service to the RDC unless such business is the result of a competitive bid, disclosure of the nature of such employee’s interest is made prior to the time any bid is submitted, and a waiver of the prohibition contemplated by this section is issued by the Executive Director following such disclosures.

Section 9.11 Complaints
Any person having a complaint against any member of the Council or any employee of the RDC for an alleged ethics violation related to his/her official capacity as a member of the Council or employee of the RDC shall file, in writing, a verified complaint setting forth the particular facts and circumstances which constitute the alleged violation. The complaint shall be filed with the Executive Director, or in the event the complaint regards the Executive Director shall be filed with the Chairman of the Council. Upon receipt of a complaint, the Executive Director, or in the event the complaint regards the Executive Director, the Chairman shall immediately forward such complaint to the Ethics Committee.

Section 9.12 Ethics Committee.

(a) Composition of the Ethics Committee:

(1) The ethics committee shall consist of three (3) persons, one appointed by the Chairman, one appointed by the Council, and the third appointed by the two members so appointed. Each member of the Ethics Committee shall serve for a term of two years. Initial terms will be staggered by randomly selecting one (1) member to serve a one (1) year term. The members of the Ethics Committee shall select one of the members of the Ethics Committee as chairman. Each member of the Ethics Committee shall have been a resident of the area served by the Organization for at least one (1) year immediately preceding the date of taking office and shall remain a resident of the area served by the Organization while serving as a member of the Ethics Committee. No person shall serve as a member of the Ethics Committee if the person has, or has had within the preceding one (1) year period, any interest in any contract, transaction, or official action of the Organization. No person shall serve as a member of the Ethics Committee if the person is a relative, employee, business partner or in a confidential relationship with a Member of the Council or an employee of the Organization. Employees of the Organization and Members of the Council shall not serve on the Ethics Committee.

(2) The members of the Council of Ethics shall serve without compensation. The Council shall provide meeting space for the Council of Ethics. Subject to budgetary procedures and requirements of the Organization, the Organization shall provide the Council of Ethics with such supplies and equipment as may be reasonably necessary for it to perform its duties and responsibilities.

(b) Receipt of Complaints

(1) Upon receipt of a complaint, the Ethics Committee shall review it to determine whether the complaint is unjustified, frivolous, patently unfounded or fails to state facts sufficient to invoke the disciplinary
jurisdiction of the Ethics Committee. The Ethics Committee shall be empowered to collect evidence and information concerning any complaint and to add the findings and results of its investigations to the file containing such complaint.

(2) Upon completion of its investigation of a complaint, the Ethics Committee shall be empowered to dismiss those complaints which are unjustified, frivolous, patently unfounded or which fail to state facts sufficient to invoke the disciplinary jurisdiction of the Ethics Committee. The complainant shall be notified of any complaint so dismissed and the reasons therefore.

(c) The constituted Ethics Committee shall have the following duties and powers:

(1) To establish procedures, rules and regulations governing its internal organization and conduct of its affairs;
(2) To hold a hearing within sixty (60) days after the receipt of complaint. Failure to hold a hearing within the specified time shall result in dismissal of the complaint as to the transaction and shall prevent refiling if a complaint arises in the same incident for at least a period of six (6) months;
(3) To prescribe forms, approved by legal counsel, for the disclosure required in this Article and to make available to the public information disclosed as provided in this section;
(4) To receive and hear complaints of violations of the standards required by this Article;
(5) To make such investigation and response to a complaint as it deems necessary to determine whether any person has violated any provisions of this Article.
(6) To hold such hearings and make such inquiries as deemed necessary to investigate and rule upon complaints;
(7) To report its findings to the Council for such action as the Council deems appropriate.

Section 9.13 Service of Complaint; Hearings and Disposition of Complaints.

The Ethics Committee as appointed herein set forth shall cause the complaint to be served on the member of the Council charged as soon as practicable. Service may be by personal service or by certified mail, return receipt requested. A hearing shall be held within sixty (60) days after filing of the complaint. The Ethics Committee shall conduct the hearing in accordance with the procedures and regulations it establishes but, in all circumstances, the hearing shall include the taking of testimony and the cross-examination of witnesses. The decision of the Ethics Committee shall be rendered to Council within five (5) days after completion of the hearing.
Section 9.14  Penalties and Appeals

A member of the Council found to be in violation of these policies by the Ethics Committee shall be subject to public reprimand or censure by the Council, including removal from membership on the Council where permitted by law.

(a) An employee of the Regional Commission found to be in violation of these policies by the Ethics Committee shall be subject to disciplinary action, up to and including termination of employment. The Committee shall issue its disciplinary action recommendation to the Executive Director who shall take into consideration the recommendation before taking disciplinary action. If the ethics complaint involves the Executive Director, the Committee shall issue its recommendation to the Council, which will take disciplinary action deemed appropriate.

(b) A member of the Council adversely affected by the findings of the Ethics Committee may request judicial review of such decision, as provided by state law.

A member of the staff of the Regional Commission adversely affected by the findings of the Ethics Committee may request review of such a decision through the RDC’s established grievance procedure.