

EXHIBIT E—TCMA CODE OF ETHICS AND GUIDELINES

On April 27, 1984, the Texas City Management Association (TCMA) adopted the code of ethics, guidelines, and rules of procedure of the International City/County Management Association (ICMA). Further, TCMA believed it to be in the best interests of its members to not only clarify the applicability of the code for its members but, suggest types of behavior best conducive to truly professional relationships. Therefore, TCMA approved on June 7, 1987, the following language, which although not a part of the ICMA Code with Guidelines, is nonetheless considered important from TCMA's viewpoint for its members to be aware. In 1998, TCMA adopted a slightly different set of enforcement rules that apply to TCMA members only.

Preamble

Every member of the Texas City Management Association shall be *voluntarily governed* by the following ethical principles. These principles, which comprise the Code of Ethics, establish the fundamental ideals considered essential for professional conduct as a member of this profession. It is not intended that this Code or its related guidelines address every situation which may arise among its membership rather, it is envisioned that each member, *regardless of position*, will rely on the ideals embodied in this Code to lead them through uncertain situations.

Behavioral Guidelines to Professional Relationships

- * A member should strive, as appropriate opportunities arise, to enhance the credibility of a colleague with the colleague's council, staff, and community.
- * A member should share knowledge and expertise with a colleague that would aid the progress of the council policy development process.
- * A member should provide, whenever possible, important information to an associate so as to increase the likelihood of a sound decision.
- * A member should exercise discretion in using confidential information provided by a colleague.
- * A member should appropriately recognize another colleague's work.

- * Each member should take an interest in the career development of associates and subordinates and ensure sufficient opportunities are provided from which their professional needs can be met.
- * A member should advise, when appropriate, colleagues when approached about the colleague's performance by the city council.
- * A member should encourage, through appropriate organizational channels, that the city manager selection process within their community is undertaken in a professional manner.

Texas City Management Association Code of Ethics with Guidelines

TCMA and ICMA share the same code of ethics and guidelines. However, on February 6, 1998, the TCMA Board adopted a slightly different set of enforcement rules that apply to TCMA members only.

- 1. Be dedicated to the concepts of effective and democratic local government by responsible elected officials and believe that professional general management is essential to the achievement of this objective.**
- 2. Affirm the dignity and worth of the services rendered by government and maintain a constructive, creative, and practical attitude toward urban affairs and a deep sense of social responsibility as a trusted public servant.**

Guideline

Advice to Officials of Other Local Governments. When members advise and respond to inquiries from elected or appointed officials of other local governments, they should inform the administrators of those communities.

- 3. Be dedicated to the highest ideals of honor and integrity in all public and personal relationships in order that the member may merit the respect and confidence of the elected officials, of other officials and employees, and of the public.**

Guidelines

Public Confidence. Members should conduct themselves so as to maintain public confidence in their profession, their local government, and in their performance of the public trust.

Impression of Influence. Members should conduct their official and personal affairs in such a manner as to give the clear impression that they cannot be improperly influenced in the performance of their official duties.

Appointment Commitment. Members who accept an appointment to a position should not fail to report for that position. This does not preclude the possibility of a member considering several offers or seeking several positions at the same time, but once a *bona fide* offer of a position has been accepted, that commitment should be honored. *Oral acceptance of an employment offer is considered binding* unless the employer makes fundamental changes in the terms of employment.

Credentials. An application for employment should be complete and accurate as to all pertinent details of education, experience, and personal history. Members should recognize *that both omissions and inaccuracies must be avoided.*

Professional Respect. Members seeking a management position should show professional respect for persons formerly holding the position or for others who might be applying for the same position. Professional respect does not preclude honest differences of opinion; it does preclude attacking a person's motives or integrity in order to be appointed to a position.

Confidentiality. *Members should not discuss or divulge information with anyone about pending or completed ethics cases, except as specifically authorized by the Rules of Procedure for Enforcement of the Code of Ethics.*

Seeking Employment. Members should not seek employment in a community having an incumbent administrator who has not resigned or been officially informed that his or her services are to be terminated.

4. Recognize that the chief function of local government at all times is to serve the best interests of all of the people.

Guideline

Length of Service. A minimum of two years generally is considered necessary in order to render a professional service to the local government. A short tenure should be the exception rather than a recurring experience. However, under special circumstances, it may be in the best interests of the local government and the member to separate in a shorter time. Examples of such circumstances would include refusal of the appointment authority to honor commitments concerning conditions of employment, a vote of no confidence in the member, or severe personal problems. *It is the responsibility of an applicant for a position to ascertain conditions of employment.* Inadequately determining terms of employment prior to arrival does not justify premature termination.

5. Submit policy proposals to elected officials; provide them with facts and advice on matters of policy as a basis for making decisions and setting community goals, and uphold and implement local government policies adopted by elected officials.

Guideline

Conflicting Roles. Members who serve multiple roles--working as both city attorney and city manager for the same community, for example--should avoid participating in matters that create the appearance of a conflict of interest. They should disclose the potential conflict to the governing body so that other opinions may be solicited.

6. **Recognize that elected representatives of the people are entitled to the credit for the establishment of local government policies; responsibility for policy execution rests with the members.**
7. **Refrain from all political activities which undermine public confidence in professional administrators. Refrain from participation in the election of the members of the employing legislative body.**

Guidelines

Elections of the Governing Body. Members should maintain a reputation for serving equally and impartially all members of the governing body of the local government they serve, regardless of party. To this end, they should not engage in active participation in the election campaign on behalf of or in opposition to candidates for the governing body.

Elections of Elected Executives. Members should not engage in the election campaign of any candidate for mayor or elected county executive.

Elections. Members share with their fellow citizens the right and responsibility to exercise their franchise and voice their opinion on public issues. However, in order not to impair their effectiveness on behalf of the local governments they serve, *they should not participate in any political activities (including but not limited to fundraising, endorsing candidates, and financial contributions) for representatives to city, county, special district, school, state, or federal offices.*

Elections on the Council-Manager Plan. Members may assist in preparing and presenting materials that explain the council-manager form of government to the public prior to an election on the use of the plan. If assistance is required by another community, members may respond. All activities regarding ballot issues should be conducted within local regulations and in a professional manner.

Presentation of Issues. Members may assist the government body in presenting issues involved in referenda such as bond issues, annexations, and similar matters.

8. **Make it a duty continually to improve the member's professional ability and to develop the competence of associates in the use of management techniques.**

Guidelines

Self-Assessment. Each member should assess his or her professional skills and abilities on a periodic basis.

Professional Development. Each member should commit at least 40 hours per year to professional development activities that are based on the practices identified by the members of ICMA.

9. **Keep the community informed on local government affairs; encourage communication between the citizens and all local government officers; emphasize friendly and courteous service to the public; and seek to improve the quality and image of public service.**

- 10. Resist any encroachment on professional responsibilities, believing the member should be free to carry out official policies without interference, and handle each problem without discrimination on the basis of principle and justice.**

Guideline

Information Sharing. The member should openly share information with the governing body while diligently carrying out the member's responsibilities as set forth in the charter or enabling legislation.

- 11. Handle all matters of personnel on the basis of merit so that fairness and impartiality govern a member's decisions, pertaining to appointments, pay adjustments, promotions, and discipline.**

Guideline

Equal Opportunity. Members should develop a positive program that will ensure meaningful employment opportunities for all segments of the community. All programs, practices, and operations should: (1) provide equality of opportunity in employment for all persons; (2) prohibit discrimination because of race, color, religion, sex, national origin, political affiliation, physical handicaps, age, or marital status; and (3) promote continuing programs of affirmative action at every level within the organization.

It should be the member's personal and professional responsibility to actively recruit and hire minorities and women to serve on professional staffs throughout their organizations.

- 12. Seek no favor; believe that personal aggrandizement or profit secured by confidential information or by misuse of public time is dishonest.**

Guidelines

Gifts. Members should not directly or indirectly solicit any gift or accept or receive any gift --whether it be money, services, loan, travel, entertainment, hospitality, promise, or any other form --under the following circumstances: (1) it could reasonably be inferred or expected that the gift was intended to influence them in the performance of their official duties; or (2) the gift was intended to serve as a reward for any official action on their part.

It is important that the prohibition of unsolicited gifts be limited to circumstances related to improper influence. In *de minimus* situations, such as meal checks for example, some modest maximum dollar value should be determined by the member as a guideline. The guideline is not intended to isolate members from normal social practices where gifts among friends, associates, and relatives are appropriate for certain occasions.

Investments in Conflict with Official Duties. Members should not invest or hold any investment, directly or indirectly, in any financial business, commercial, or other private transaction that creates a conflict with their official duties.

In the case of real estate, the potential use of confidential information and knowledge to further a member's personal interest requires special consideration. This guideline recognizes that members' official actions and decisions can be influenced if there is a conflict with personal investments. Purchases and sales which might be interpreted as speculation for quick profit ought to be avoided (see the guideline on "Confidential Information").

Because personal investments may prejudice or may appear to influence official actions and decisions, members may, in concert with their governing body, provide for disclosure of such investments prior to accepting their position as local government administrator or prior to any official action by the governing body that may affect such investments.

Personal Relationships. Members should disclose any personal relationship to the governing body in any instance where there could be the appearance of a conflict of interest. For example, if the manager's spouse works for a developer doing business with the local government, that fact should be disclosed.

Confidential Information. Members should not disclose to others, or use to further their personal interest, confidential information acquired by them in the course of their official duties.

Private Employment. Members should not engage in, solicit, negotiate for, or promise to accept private employment nor should they render services for private interests or conduct a private business when such employment, service, or business creates a conflict with or impairs the proper discharge of their official duties.

Teaching, lecturing, writing, or consulting are typical activities that may not involve conflict of interest or impair the proper discharge of their official duties. Prior notification of the appointment authority is appropriate in all cases of outside employment.

Representation. Members should not represent any outside interest before any agency, whether public or private, except with the authorization of or at the direction of the appointing authority they serve.

Endorsements. Members should not endorse commercial products or services by agreeing to use their photograph, endorsement, or quotation in paid or other commercial advertisements, whether or not for compensation. Members may, however, agree to endorse the following, provided they do not receive any compensation: (1) books or other publications; (2) professional development or educational services provided by nonprofit membership organizations or recognized educational institutions; (3) products and/or services in which the local government has a direct economic interest.

Members' observations, opinions, and analyses of commercial products used or tested by their local government are appropriate and useful to the profession when included as part of professional articles and reports.

TCMA Rules of Procedure for Enforcement

TCMA and ICMA share the same Code of Ethics and Guidelines. However, in 1998, TCMA adopted a slightly different set of enforcement rules that apply to TCMA members only. If you are also a member of ICMA, you continue to be subject to the ICMA Rules of Procedure for Enforcement. TCMA and ICMA will cooperate with each other to insure coordination of the appropriate procedure.

I. General

- A.** These rules govern the procedures for enforcing the TCMA Code of Ethics as adopted by the TCMA membership.
- B.** All members of TCMA agree to abide by the Code of Ethics, as indicated by their signature for application to membership.
- C.** The purpose of these rules is to provide a reasonable process for investigating and determining whether a member has violated the code, and to afford each individual member who is the subject of an investigation (the "respondent") a full and fair opportunity to be heard throughout the process.
- D.** It is the intention of the TCMA membership that these rules be carried out carefully but expeditiously in order to minimize the time during which a member may be subject to possible disciplinary action. Accordingly, time limits stated in these rules are binding, subject to extensions which may be granted by the Ethics and Professional Standards Committee (EPSC), or the TCMA President, for reasonable cause, upon request.
- E.** No person may participate in any proceedings on a complaint brought under these rules if that person is or may be a witness or complainant in that case, or if his or her participation would otherwise create, or appear to create, a conflict of interests. The Chairman of the Ethics and Professional Standards Committee (EPSC) may select a replacement for any person who is unable to participate in a case for this reason.
- F.** Tenet 3 applies, which states within its guidelines "members should not discuss or divulge information with anyone about pending or completed ethics cases, except as specifically authorized by the Rules of Procedure for Enforcement of the Code of Ethics."
- G.** These rules of procedure apply strictly to TCMA members who are not members of ICMA. Members of ICMA will be expected to abide by the TCMA Code of Ethics, but suspected ethics violations will be processed according to ICMA Rules of Procedure for Enforcement.

II. Jurisdiction

- A.** All members of TCMA in active service with local government are subject to the Code of Ethics and are subject to sanctions for any violations thereof which occur during their membership. *However, elected officials are not subject to Tenet 7 and members not in service are not subject to Tenets 5, 7, 9, 11, and 12.*

A member may be subject to sanctions for a violation which continues while he or she is a member even though the conduct in question originated prior to admission to membership.

B. If a complaint is made against a person who was a member at the time the alleged violation occurred, but who is not a member at the time the complaint is made, the complaint will be processed under these procedures *only if the former member agrees in writing*. In no event shall a person be readmitted to membership if there is an outstanding and unresolved complaint against him or her for conduct while formerly a member.

C. The committee shall retain jurisdiction over an investigation of a respondent who, before the conclusion of the investigation, resigns from TCMA or otherwise allows his or her membership in TCMA to lapse.

D. If the individual whose actions are questioned is not a member, the chairman of the EPSC will notify the complainant, the individual accused of the alleged violation, and only if the City Council contacts the TML or TCMA, will the Chairman of the EPSC provide a written letter stating that the individual in question is not a member.

E. If an individual is a member of both TCMA and ICMA, TCMA relinquishes the right of investigation and actions to ICMA. All complaints concerning a member of ICMA or ICMA and TCMA will be processed by ICMA under the ICMA Rules of Procedure for Enforcement, and will not be subjected to an investigation by TCMA as long as that member is a member of ICMA.

III. Responsibilities

A. The TCMA Board is responsible for making the final decision on matters pertaining to the enforcement of the code, including, but not limited to sanctions for the violation thereof. No current or former member may be censured, expelled, or barred from membership without the approval of the TCMA Board.

B. The Ethics and Professional Standards Committee is the committee of TCMA responsible for assisting the TCMA Board in implementing these rules and has the specific duties set forth hereinafter.

1. The EPSC is responsible for appointing fact-finding committees.

2. The fact-finding committee (FFC) is a sub-committee of EPSC, appointed by the chairman of the EPSC, and is responsible for conducting the investigation of a complaint of a violation of the code in accordance with these rules. Members of a fact-finding committee shall serve until the conclusion of the investigation they were appointed to conduct, or until such later date as the chairman of the EPSC may request.

3. The fact-finding committee will be comprised of the chair or vice-chair and their designation of two (2) to four (4) others. Of this, at least

one (1) member, if possible, should be from the region where the alleged violation occurred. In an attempt to obtain a person from the region where the alleged violation occurred, a non-Ethics and Professional Standards Committee (EPSC) member may be chosen as long as the person is a TCMA member.

C. The Executive Secretary, as defined in the TCMA Constitution or his/her designee, shall assist the TCMA Board and the EPSC in enforcing the code and implementing these rules, and publicizing the existence and importance of the code.

1. The Executive Secretary may privately advise members on the ethical implications of their conduct under the code. However, the opinion or advice of the Executive Secretary shall not be binding on the Executive Board, the EPSC, or any fact-finding committee.

2. The Executive Secretary may designate a member of the TML staff to carry out any of the responsibilities assigned to the Executive Secretary under these rules.

3. The Executive Secretary and TML Staff will not participate in the actual fact-findings.

IV. Sanctions

A. Sanctions may be imposed in accordance with these rules upon members who are found to have violated the code. In determining the kind of sanction to be imposed, the following factors may be considered: the nature of the violation, prior violations by the same individual, the willfulness of the violation, the level of professional or public responsibility of the individual, and any other factors which bear upon the seriousness of the violation.

B. The following sanctions may be imposed singly or in combination at the conclusion of an investigation and/or hearing under these rules:

1. Private Censure. A letter to the respondent, the TCMA Board's file, the complainant, and a report in the TCMA Newsletter without names of the City, person, etc. indicating that the respondent has been found to have violated the Code of Ethics, that TCMA disapproves of such conduct, and that, if it is repeated in the future, it may be cause for more serious sanctions. If the complainant is a nonmember, he or she shall be notified that the case was considered and the no action was taken.

2. Public Censure. Notification to the respondent, complainant, TCMA Board's file, appropriate local governing bodies, and TCMA Newsletter including the name of the City, person, etc. indicating that a violation of the code took place and that TCMA strongly disapproves of such conduct and the nature of the sanction(s) imposed.

3. Expulsion. A revocation of the respondent's membership privileges for a period of time. Notification to the respondent, complainant, TCMA Board's file, when appropriate, the local governing body, and TCMA

Newsletter including name of the City, person, etc.

4. Membership Bar. A prohibition against membership reinstatement of the respondent's membership in TCMA. Notification to the respondent, complainant, TCMA Board's File, when appropriate local governing bodies, and TCMA Newsletter including name of the City, person, etc.

C. Upon receiving documented evidence that a member has been found guilty after trial by a judge or a jury of criminal conduct, which constitutes a violation of the TCMA Code of Ethics and which occurred while the person was a member of TCMA, the TCMA President shall immediately issue a notice of suspension of membership to that person by registered mail and that person's membership shall be suspended as of the date of that notice. The TCMA President shall advise the EPSC of any such action and shall refer the case to the EPSC. The EPSC may commence an investigation in accordance with Part VI hereof, or it may defer proceedings until the person has exhausted all appeals or the time for appeal has expired. The suspension shall continue in effect until such time as sanctions provided under Part IV.B. are imposed, or the case is dismissed, in accordance with these Rules.

V. Initiation of Procedures

A. Proceedings against an individual for an alleged violation of the Code of Ethics may be initiated by the EPSC chair upon receiving a written complaint. A written complaint shall include the name of the complainant, which tenet(s) were violated, facts constituting alleged violation, and name of member(s) involved.

B. Upon receiving such a written complaint, the EPSC Chair will discover if the member is also a member of ICMA. If the member is a member of ICMA, the EPSC Chair will refer the complaint to ICMA and provide a reply to the complainant acknowledging the referral. If the member is solely a member of TCMA, the EPSC chair must ascertain whether it is sufficiently clear and complete to initiate proceedings, and, if so, whether it alleges conduct that may be a violation of the Code of Ethics. If the EPSC chair concludes that the complaint is not sufficiently clear or complete to initiate proceedings, he or she shall seek further clarification from the complainant or other source before taking any further action.

1. If the EPSC chair cannot determine whether the conduct alleged, if proven, might violate the Code of Ethics, he or she shall refer the question to the EPSC membership for a ruling. No further action shall be taken with respect to the complaint or information unless the EPSC rules that the conduct alleged, if true, may constitute a violation of the code.
2. If the EPSC chair concludes that the complaint is sufficiently clear and complete to initiate proceedings, and may, if proven, indicate a violation of the code, a copy of the complaint or information shall be forwarded by registered mail to the respondent named in the complaint or information. The respondent shall be informed at that time of the provisions of the code which he or she is alleged to have violated. The EPSC Chair may

also request that the respondent answer specific questions pertaining to the alleged violation. Also, the EPSC chair shall designate a fact-finding committee (FFC).

3. The respondent shall be given thirty (30) days within which to respond in writing to the complaint or information, to provide any further information or material he or she considers relevant to the allegations, and to answer any specific questions asked by the EPSC chair.

4. As soon as the respondent's response is received, but in no event more than thirty (30) days after written notice of the alleged violation has been given to the respondent, the EPSC chair shall refer the case to the FFC for proceedings in accordance with these rules.

5. Time limits are to facilitate prompt resolution. If time limits are not met it does not constitute grounds for dismissal. The EPSC chairman and respondent each may request a time waiver of the TCMA President. A waiver is a one time request for each side and should not exceed thirty (30) days.

VI. Fact-Finding

A. Upon receiving a case of an alleged violation of the Code of Ethics from the EPSC chair, the FFC shall commence an investigation into the allegations. However, no investigation by TCMA's FFC shall be required if (1) the respondent admits to the violation in his or her initial response, (2) the respondent has already entered a guilty plea, or has been found guilty and has exhausted all appeals, in a criminal case involving the same conduct, or (3) it is discovered the individual is current member of ICMA (If it is discovered that the member is a member of ICMA, the complaint will be referred to ICMA).

B. In all cases other than those in which an investigation is not required, the EPSC chair shall appoint the FFC with the following stipulation.

1. The fact-finding committee shall consist of not less than three (3) TCMA members, one of which is the chair or vice-chair of the EPSC. No one other than a TCMA member may serve on a TCMA fact-finding committee. At least one (1) member, if possible, should be from the region where the alleged violation occurred. In an attempt to obtain a person from the region where the alleged violation occurred, a non-Ethics and Professional Standards Committee (EPSC) member may be chosen as long as the person is a TCMA member.

2. A fact-finding committee must be appointed within fifteen (15) days of the request made by the EPSC chair.

3. A fact-finding committee shall afford the respondent an opportunity to meet with the committee in person and may, at its discretion, afford such an opportunity to the complainant as well. The respondent may appear at such a meeting personally and may be accompanied by a representative. Alternatively, the respondent may appear through a representative.

4. The fact-finding committee shall prepare and maintain notes of all meetings and interviews with the respondent, the complainant, and any witnesses, and may request any such person to sign a statement prepared on the basis of those notes. The respondent shall be entitled to review

these notes and statements, and any other documentary evidence gathered in the course of the investigation, and shall be afforded the opportunity to respond in writing thereto.

5. The fact-finding committee shall take all reasonable steps to ascertain the facts relevant to the case, including, but not limited to, interviews with witnesses, review of the respondent's submission(s), and examination of all published material judged to be relevant and reliable.

6. Within sixty (60) days of the respondent's reply to the EPSC chair, the investigation shall be concluded, and a written report of the FFC's proposed findings of fact shall be sent to the EPSC and the respondent. Each finding must be supported by reliable and relevant evidence which had been made available to the respondent for review.

VII. Decisions

A. The EPSC shall promptly review the fact-finding committee's proposed findings of fact and shall ascertain whether they are supported by sufficient reliable and relevant evidence.

1. If the evidence is not sufficient, the EPSC may either (a) dismiss the case; (b) return it to the fact-finding committee for further investigation in accordance with these rules; or (c) refer the case to the TCMA Board for a hearing in accordance with part VIII of these rules.

2. If the EPSC determines that the proposed findings are supported by the evidence, it shall determine whether they demonstrate that a violation of the Code of Ethics has occurred. If not, it shall dismiss the case and so advise the respondent, the complainant, the fact-finding committee, and the TCMA Board; and publish it in the TCMA Newsletter with the consent of the member cleared.

3. If the EPSC concludes on the basis of the fact-finding committee's report that a violation has occurred, it shall determine the appropriate sanction(s). The EPSC shall then notify the respondent of its intent to adopt the fact-finding committee's report as final, and to impose the specified sanctions for the reasons stated, unless the respondent can show that the findings of fact are erroneous, or that the proposed sanction(s) should not be imposed in light of certain mitigating factors which the EPSC did not previously consider. The respondent shall have fifteen (15) days in which to submit a written response to the EPSC and/or to request a hearing.

4. In the event the respondent makes no submission, and does not request a hearing, the EPSC shall promptly adopt or amend and adopt the proposed findings and recommend sanction(s) to the TCMA Board.

5. In the event the respondent makes a written submission, but does not request a hearing, the EPSC shall review the submission and may either adopt, or revise and adopt as revised, the proposed findings and/or recommend sanction(s), as it deems appropriate. The EPSC shall promptly notify the TCMA Board of its decision.

6. In the event the respondent requests a hearing, the EPSC shall refer the case, including its recommended sanction(s), for a hearing before the

TCMA Board. Hearings shall be conducted in accordance with part VIII of these rules. No sanction(s) shall be imposed before the hearing is concluded.

7. If no hearing is requested the TCMA Board shall have thirty (30) days from the time it is referred to them to render a final decision.

B. Upon receiving notice from the EPSC of its determination that a private censure is the appropriate sanction, and that the respondent has not requested a hearing, the TCMA Board shall send a letter of private censure to the respondent, with copies to the complainant, and copies sent to the TCMA Board's file. The case shall then be closed. No other notification of the private censure shall be made. However, TCMA may publish the fact that certain kinds of conduct have resulted in the issuance of private censures, provided that no names or identifying details are disclosed.

C. Upon receiving notice from the EPSC of its determination that a public censure, expulsion, or membership bar is the appropriate sanction, and that the respondent has not requested a hearing, the TCMA Board may vote to adopt the recommended decision of the EPSC, to modify said decision, or to dismiss the case without imposing sanctions. The respondent shall be immediately notified of the decision of the TCMA Board and the sanction, if any, shall be implemented.

VIII. Hearings

A. These procedures shall govern all hearings conducted pursuant to these rules.

B. No board member may hear any case if his or her participation in that case would create an actual or apparent conflict of interest.

C. Within ten (10) days of receiving a request for a hearing, the Executive Secretary shall notify the respondent by registered or certified mail that a hearing has been scheduled before the TCMA Board. The hearing date shall be at least fifteen (15) days after the date the notice is postmarked. The notice shall also state that the respondent has the following rights:

1. To appear personally at the hearing;
2. To be accompanied and represented at the hearing by an attorney or other representative;
3. To review all documentary evidence, if any, against him or her, in advance of the hearing;
4. To cross-examine any witness who testifies against him or her at the hearing; and
5. To submit documentary evidence, and to present testimony, including the respondent's, in his or her defense at the hearing.

D. The TCMA Board shall not be bound by any formal rules of evidence but may accord appropriate weight to the evidence based on its relevance and reliability.

1. The fact-finding committee's report shall be admissible evidence at the hearing.
2. The TCMA Board may not hear evidence of any alleged ethics violation by the respondent that was not the subject of the initial investigation.

E. At any hearing conducted under these rules, the EPSC shall first present evidence in support of its recommended decision. Upon conclusion of its presentation, the respondent shall have the opportunity to present evidence in his or her defense.

F. Within five (5) working days of the conclusion of the hearing, the TCMA Board shall render a decision in the case.

1. The decision shall be in writing and shall include a statement of the reasons therefore. Only evidence that was put before the TCMA Board may be considered as a basis for the decision.
2. The TCMA Board's decision may be to:
 - a. Dismiss the case;
 - b. Adopt the findings and sanction(s) recommended by the EPSC; or
 - c. Revise, and adopt as revised, the findings and/or sanction(s) recommended by the EPSC unless new evidence, not previously available to the EPSC, is disclosed at the hearing, which indicates that the respondent's violation was more serious. No sanction may be imposed for any violation of which the respondent had no prior notice without going through the above process.
3. A copy of the written decision of the TCMA Board shall be sent immediately by registered mail to the respondent, the TCMA Board's file, the EPSC, the Executive Secretary, the complainant, and published in the TCMA Newsletter including names of the City, person, etc.
4. Promptly after receiving a copy of the written decision, the Executive Secretary shall implement the sanction(s), if any, imposed by the TCMA Board in accordance with the Rules.