

ORDINANCE NO. _____

AN ORDINANCE TO REPLACE SECTIONS 1-410 AND 1-411 OF THE CODE OF ETHICS, WHICH WERE ADOPTED IN OCTOBER 2006 UNDER ORDINANCE NO. 2006038 AND ARE CODIFIED UNDER TITLE 1, CHAPTER 4 OF THE CODE OF ORDINANCES FOR THE CITY OF JACKSON, TENNESSEE.

PREAMBLE

WHEREAS, the General Assembly has passed, and the Governor has signed into law, the Comprehensive Governmental Ethics Reform Act of 2006, codified at Tennessee Code Annotated §§ 8-17-101 *et seq.*, which requires all municipalities in Tennessee to adopt an ethics policy for all municipal elected Officers and Employees, as well as any boards, commissions, authorities, corporations, or other instrumentalities appointed or created by the municipality, by June 30, 2007; and

WHEREAS, the Jackson City Council adopted an Ethics Code with its Ordinance No. 2006038 in October 2006, which is currently codified at Title 1, Chapter 4 of the Code of Ordinances for the City of Jackson, Tennessee;

WHEREAS, the Jackson City Council desires to amend the Ethics Code to bring Sections 1-410 and 1-411 in line with other municipal and county Ethics Codes; and

WHEREAS, the Jackson City Council desires the Amendments to Sections 1-410 and 1-411 to not only be in effect from the date of the passage of this Ordinance but also to apply retroactively to January 1, 2022.

NOW, THEREFORE, BE IT ORDAINED, by the Jackson City Council, that Sections 1-410 and 1-411 that were adopted by Ordinance No. 2006038 in October 2006 are now replaced with the following:

1-410. Ethics Complaints. A City Ethics Committee, consisting of seven (7) members, (the “Ethics Committee”), shall be established. Four (4) of the Ethics Committee members shall be appointed by the Mayor, with confirmation by the City Council. The remaining three (3) members shall be appointed by the City Council. Ethics Committee members shall serve terms of three (3) years; provided however, that the initial terms of the members shall be staggered. Two of the Ethics Committee members appointed by the Mayor shall serve initial terms of three (3) years. The other two Ethics Committee members appointed by the Mayor shall serve initial terms of two (2) years and one (1) year, respectively. The three (3) Ethics Committee members appointed by the City Council shall serve initial terms of three (3) years, two (2) years, and one (1) year respectively.

(1) Each member shall:

(a) have been a legal resident of the City of Jackson for one year immediately preceding selection;

- (b) be a registered voter;
 - (c) have an interest in promoting ethics in government;
 - (d) either not have been convicted of a felony or shall have completed the sentence for the felony more than ten (10) years before serving on the Ethics Committee; and
 - (e) not be an elected official, City employee, or member of any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the City.
- (2) The Ethics Committee should convene as soon as practical after their election and elect a chairperson, a vice-chairperson, and a secretary.
- (3) A two-thirds majority is required for any actions of the Ethics Committee.
- (4) A quorum to conduct any committee business will be five (5) members present.
- (5) The records of the Ethics Committee shall be maintained by the secretary and shall be filed in the office of the City Recorder, where they shall be open to public inspection.
- (6) Questions and complaints regarding violations of the Code of Ethics or of any violation of state law governing ethical conduct should be lodged with the Internal Auditor for the City of Jackson who shall then direct the questions and complaints to the Chairperson of the Ethics Committee.
- (7) Any citizen of the City of Jackson or any employee of the City of Jackson may submit a complaint. Complaints shall be in writing, signed by the person making the complaint, notarized by a notary public, and shall set forth in reasonable detail the facts upon which the complaint is based. The complaint must contain:
 - (a) The complainant's legal name and current mailing address;
 - (b) The name or names of any officers or employees who committed, or may have committed, the allegation violation;
 - (c) A summary of the facts giving rise to the complaint; and
 - (d) Some explanation of why those facts constitute or may constitute a violation of the Code of Ethics or other law.
- (8) Anyone filing a false complaint may be subject to applicable civil and criminal penalties.
- (9) During years in which the City holds municipal elections, the Internal Auditor shall not accept any complaints concerning or directed at a person running in such election during a period from the last day on which a person may qualify as a candidate until after 11:59 p.m. of the following election day.
- (10) The Ethics Committee shall investigate any credible complaint against an official or employee charging any violation of this Code of Ethics, or may undertake an investigation on its own initiative, when it acquires information indicating a possible violation.
- (11) If a member of the Ethics Committee is the subject of a complaint or has a close relationship with the subject of a complaint, such member shall recuse himself or herself from all proceedings involving such complaint.

- (12) This Section shall be effective as of the date of its passage and shall also apply retroactively to January 1, 2022.

1-411. Violations. If the Ethics Committee finds that there has been a violation of this Code of Ethics, it is empowered to take any one or more of the following actions:

- (1) In the case of an elected or appointed official, the Ethics Committee may make recommendations to the City Council for action to end or seek retribution for any activity that, in the Ethics Committee's judgment, constitutes a violation of this Code of Ethics. These recommendations could also include public censure or other actions. The City Council may take the recommended action, or other appropriate action, if it finds such action warranted.
- (2) In the case of an employee, the Ethics Committee may refer the matter to the official responsible for supervision of the employee for possible disciplinary action, and the responsible official may take such action or institute other discipline, if the official finds discipline warranted.
- (3) The Ethics Committee may also:
 - (a) Refer the matter to the City Attorney for a legal opinion and/or recommendations for action;
 - (b) In a case involving possible violation of state statutes, refer the matter to the district attorney for possible ouster or criminal prosecution; or
 - (c) In a case requiring appropriate civil action for restitution, ouster, or other such relief, refer the matter to the City Attorney with a request that such civil action be taken.
- (4) This Section shall be effective as of the date of its passage and shall also apply retroactively to January 1, 2022.