



Legislation Details (With Text)

File #: 13-0350 **Version:** 1 **Name:** Ethics ordinance
Type: Ordinance **Status:** First Reading
File created: 10/3/2013 **In control:** City Council
On agenda: 11/12/2013 **Final action:** 11/12/2013
Title: Matters relative to Ethics Ordinance
Sponsors: Pete Souza
Indexes: Not applicable
Code sections: 1-710 - Ethics complaints
Attachments: 1. Ethics Ordinance - current, 2. Ethics Ordinance changes - proposed, 3. MTAS Ethics Report, 4. T.C.A. 8-17-103

| Date | Ver. | Action By | Action | Result |
|------------|------|--------------|--------|--------|
| 11/12/2013 | 1 | City Council | failed | Fail |

Matters relative to Ethics Ordinance

SUMMARY:

In 2007, the Tennessee General Assembly passed a law requiring that all cities adopt an Ethics Ordinance to apply to all elected and appointed boards and employees. MTAS was charged with developing a model ordinance for municipalities. This model ordinance is the basis for the code section in the Crossville Municipal Code.

Councilman Souza will lead a discussion of proposed changes to the Ethics Ordinance. As indicated in the city charter all ethics complaints either coming to the attention of the ethics officer (city attorney), or in written form may and that is the key word may be investigated.

Argument: It is inconceivable that the ethics officer will investigate the member or members that put him/her in a appointed position wherein that appointment monetarily increases his or her wealth. It is even more inconceivable that a ethics officer would investigate a member of council to whom he or she would have business relations with. It is also conceivable that in a small community that the city attorney would also represent vendors and real estate Interest. To insure that these situations do not exist the ethics officer should be independent of the the city attorney. Also citizens of Crossville should have the right to make an ethics complaint to the council for action. We have experienced this year a preponderance of perceived ethical violations that has adversely negatively affected the appearance of the city council. Gentlemen, what we have in place is an institutionalized charter amendment that is designed to protect the council and not give reasonable recourse for unethical behavior. A wise man once said that if you stick your head in the sand only one part of your anatomy is sticking up!

The proposed changes:

- (A) Allow citizens to file a written ethics complaint directly to the City Council for review and action. Currently any complaints from citizens are filed directly to the District Attorney General, Comptroller of the Treasury's Fraud Hotline, or the Tennessee Open Records Counsel.
- (B) The City Council directs the City Manager to hire an ethics lawyer to investigate. Currently, the City Attorney serves in that position, but may request the City Council to hire another

attorney, individual or entity if he has or will have a conflict of interest.

(C) The City Council will hold a public meeting and appoint an ethics lawyer within 30 days of receipt of a complaint. Currently, a similar process takes place, but there is no timeframe included.

BUDGET ACCOUNT: Not applicable

NECESSARY COUNCIL ACTION: Consider changes for passage on first reading.