



# Metropolitan Nashville and Davidson County, TN

## Legislation Text

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**File #:** BL2020-550, **Version:** 2

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An ordinance to amend Section 2.222.030 of the Metropolitan Code of Laws relative to required disclosures.

BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That Section 2.222.030, Subsection B.1, of the Metropolitan Code of Laws is hereby amended as follows:

B. Annual disclosures:

1. On or before January 31 of each year, each employee included in subsection A. of this section shall file with the metropolitan clerk an annual disclosure statement setting forth the information requested therein as of and for the year ended December 31 of the preceding year.

a. Said disclosure may be filed either electronically or in written paper form.

b. For disclosure statements filed in paper form, the statement must be personally signed by the employee and attested under penalty of perjury as being true to the best of that employee's information and belief.

c. For disclosure statements filed electronically, the disclosure statement must include the printed first and last name of the employee who shall indicate on the form under penalty of perjury that the information contained therein is true to the best of that employee's information and belief.

d. In completing the disclosure form, the employee should recognize that the purpose of the disclosure is to alleviate reasonable concerns, justified or not, of the public concerning possible conflicts and influences upon the employee's exercise of his or her official discretion. In situations involving ambiguity as to the application of the requested information to the facts of an employee's situation, the disclosure statement should be completed in all material respects, reasonably consistent with this intent.

Section 2. That Section 2.222.030, Subsection B.4.4, of the Metropolitan Code of Laws is hereby amended as follows:

Do you or your spouse have a direct or indirect financial interest in any real property located in Davidson County, excluding your primary residence? Indirect interests indicate interests of greater than 5% in Real Estate Investment Trusts, other trusts in which you hold a beneficial interest in excess of 5% and other legal entities whose primary business is real estate related.

\_\_\_\_\_ Yes    \_\_\_\_\_ No

If Yes:

Name and address of the real property: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Section 3. That Section 2.222.030 of the Metropolitan Code of Laws is hereby amended by adding a new Subsection B.5 as follows:

5. The metropolitan clerk is authorized to prescribe a form by which amendments may be submitted, both in written paper form and electronically.

Section 4. That Section 2.222.030, Subsection C, of the Metropolitan Code of Laws is hereby amended as follows amended by deleting the subsection in its entirety and substituting in lieu thereof the following:

C. Annual benefits disclosures. In addition to the foregoing, each employee included in subsection A of this section shall file a benefits report, in form and substance as attached below, with the metropolitan clerk on or before January 31 for the year ended December 31 of the preceding year. The benefits disclosure statement shall include anything of value received by the employee during the previous year other than donations in connection with political campaigns made and reported in compliance with Tennessee election laws.

1. Said benefits report may be filed either electronically or in written paper form. The metropolitan clerk, working with the department of information technology services, shall develop a method for electronic filing through the clerk's website.
2. For benefits reports filed in paper form, the report must be personally signed by the employee and attested under penalty of perjury as being true to the best of that employee's information and belief.
3. For benefits reports filed electronically, the report must include the printed first and last name of the employee who shall indicate on the form under penalty of perjury that the information contained therein is true to the best of that employee's information and belief.
4. The annual disclosure statement shall require the information set forth in the following form:

ANNUAL BENEFIT REPORTING STATEMENT

EMPLOYEE NAME: \_\_\_\_\_

For the year ending December 31 \_\_\_\_ (year).

Use additional sheets of paper as necessary.

Instructions:

List Anything of Value you have received, as defined in Chapter 2.222 of the Metropolitan Code of Laws.

Benefit type may be described by reference to the following abbreviations:

M = Meals, food, and beverage items

A = Admissions, tickets to events, or other access (including parking)

T = Travel expense

O = Other (describe)

Source: Date: Benefit Type and Description: Value:

\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Under penalty of perjury, the information contained herein is true to the best of my information and belief.

\_\_\_\_\_  
Signature of Employee

\_\_\_\_\_  
Date

II. I further move to amend Ordinance No. BL2020-550 by adding a new Section 5 and renumbering the remaining sections accordingly:

Section 5. That Section 2.222.030, Subsection B.4.8, of the Metropolitan Code of Laws is hereby amended as follows:

Do you or your spouse have any debts in excess of \$5,000 which are secured by a guarantee or collateral of any individual other than a family member or a relative by blood or marriage?

\_\_\_\_\_ Yes    \_\_\_\_\_ No

If Yes, describe each: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Under penalty of perjury, the information contained herein is true to the best of my information and belief.

\_\_\_\_\_  
Signature of Employee

\_\_\_\_\_  
Date

Section 5. This ordinance shall take effect from and after its adoption and shall apply to disclosures due by January 31, 2021 and thereafter, the welfare of The Metropolitan Government of Nashville and Davidson

County requiring it.

### Analysis

This ordinance makes changes to the ethics disclosure form requirements provided in Section 2.222.030 of the Metro Code. The Code provides that the following persons must file an annual ethics disclosure statement and benefit reporting statement: (1) the Mayor; (2) all employees in the Mayor's office; (3) the Metro Council Office; (4) the holders of all elected offices authorized or created by the Metropolitan Charter; and (5) all directors, executive directors, assistant directors, and associate directors of metropolitan government agencies, boards, and commissions, but not including Nashville Electric Service, the Metropolitan Nashville Airport Authority, the Metropolitan Development and Housing Agency and the Metropolitan Transit Authority. The Code provides that the purpose of the required disclosures is to "advance the favorable opinion of the public in the integrity of government."

First, the ordinance removes the requirement that a witness attest that the person entered the information on the electronic form in the presence of the witness. In place of the witnessing requirement, the person filing the disclosure form would attest under penalty of perjury that the information is accurate to the best of the person's knowledge.

Second, the ordinance also removes the requirement that a person's primary residence be listed as part of the disclosure of the person's or the person's spouse's direct or indirect financial interest in any real property located in Davidson County.