



# Metropolitan Nashville and Davidson County, TN

## Legislation Details (With Text)

**File #:** BL2024-477

**Type:** Bill (Ordinance)      **Status:** Passed

**File created:** 7/26/2024      **In control:** Metropolitan Council

**On agenda:** 9/3/2024      **Final action:** 9/3/2024

**Title:** An ordinance to amend Section 2.222.040 regarding actions of the board of ethical conduct.

**Sponsors:** Erin Evans, John Rutherford, Zulfat Suara, Terry Vo

**Indexes:**

**Code sections:**

**Attachments:** 1. Amendment No. 1 to BL2024-477

Date	Ver.	Action By	Action	Result
9/4/2024	1	Mayor	approved	
9/3/2024	1	Metropolitan Council	passed on third reading	
8/20/2024	1	Metropolitan Council	passed on second reading as amended	
8/20/2024	1	Metropolitan Council	amended	
8/20/2024	1	Rules, Confirmations, and Public Elections Committee	approved with an amendment	
8/6/2024	1	Metropolitan Council	passed on first reading	
7/30/2024	1	Metropolitan Council	filed	

An ordinance to amend Section 2.222.040 regarding actions of the board of ethical conduct.

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

Section 1. That Section 2.222.040 of the Metropolitan Code of Laws is hereby amended by deleting Subsection C.3 and replacing it with the following:

3. Action of the board:

- (a) If, after a hearing, the board decides that a metropolitan government elected official or member of a board or commission violated the standards of conduct or current executive order which regulates the ethical standards of conduct, then the board shall take one or more of the following actions, as decided by affirmative vote of at least four of its members:
  - i. Issue a warning to the elected official or member of the board or commission, as well as to the vice mayor or the executive director and chair of the applicable board or commission. Such warning should include the violation that occurred and any remedy the board requests be taken by the elected official or member of the board or commission;
  - ii. Issue a public censure of the elected official or member of the board or commission;

- iii. Recommend to the council that the elected official or member of the board or commission be censured;
- iv. Recommend to the violating elected official or member of a board or commission resign his or her respective position;
- v. Refer the matter to the district attorney general for appropriate action; and/or,
- vi. Refer the matter to the director of law with a request that appropriate civil action be instituted by the metropolitan government for restitution or other relief.

Section 2. This Ordinance shall take effect from and after its final passage, the welfare of the Metropolitan Government of Nashville and Davidson County requiring it.

### Analysis

This ordinance amends Section 2.222.040 of the Metropolitan Code of Laws regarding the actions that may be taken by the Board of Ethical Conduct.

Currently, the Board of Ethical Conduct must take one of the following actions if it determines that a Metropolitan Government elected official or board or commission member violated the standards of conduct or a current executive order related to the standards of conduct: (1) Recommend to the council that the elected official or member of the board or commission be censured; (2) Recommend to the violating elected official or member of a board or commission resign his or her respective position; (3) Refer the matter to the district attorney general for appropriate action; and/or, (4) Refer the matter to the director of law with a request that appropriate civil action be instituted by the metropolitan government for restitution or other relief.

The ordinance under consideration, as amended, would provide two alternate actions that the Board of Ethical Conduct could take. It would allow for the Board of Ethical Conduct to take the following actions:

- (1) Issue a written warning to the elected official or member of the board or commission, with a copy sent to the vice mayor or the executive director and chair of the applicable board or commission when appropriate. This warning would include the violation that occurred and any remedy the board requests be taken by the elected official or member of the board or commission; and/or
- (2) Issue a public censure of the elected official or member of the board or commission.

These two new actions would be available in addition to the actions that are currently available to the board.