

RESOLUTION 23-232

A RESOLUTION TO ADOPT AN INVESTIGATING ETHICAL COMPLAINTS

WHEREAS, the City of Spring Hill is committed to upholding the highest ethical standards in its government operations and ensuring the public's trust in the integrity of its elected and appointed officials and employees; and

WHEREAS, it is imperative that the City of Spring Hill establish a comprehensive Code of Ethics and Ethical Conduct Policy to govern the actions of all its officials and employees; and

WHEREAS, the purpose of this policy is to address ethical violations under two distinct categories, namely "Personal Interest" and "Employment Interest," and to provide a framework for the investigation and disciplinary actions in cases of ethical violations; and

WHEREAS, the current ethic investigation policy is included in the Harassment and Discrimination Investigations and has resulted in confusion; and

WHEREAS, legal counsel has suggested that the policies are separated.

NOW, THEREFORE, BE IT RESOLVED by the Board of Mayor and Alderman of the City of Spring Hill that Policy 2.03.08 – Investigating Ethical Complaints is hereby adopted effective immediately.

Passed and adopted this 6th day of November, 2023.



Jim Hagaman, Mayor

ATTEST:

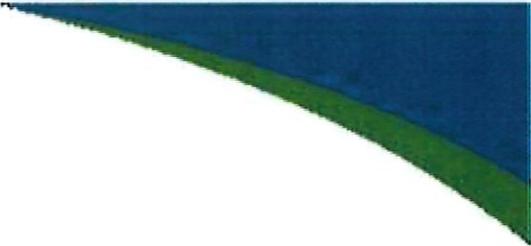


April Goad, City Recorder

LEGAL FORM APPROVED:



Patrick Carter, City Attorney



MEMORANDUM

TO: Board Of Mayor And Aldermen
CC:
FROM: Richard L. Stokes, HR Director, City of Spring Hill
RE: Rationale for Adopting the Ethical Investigation Policy
DATE: 10/30/2023

The Code of Ethics and Ethical Conduct Policy is a critical and essential document that the City of Spring Hill must adopt to ensure transparency, integrity, and accountability within its municipal government. This rationale serves to explain the necessity and significance of adopting the policy.

1. Promoting Ethical Conduct:

- The primary aim of this policy is to promote ethical conduct among all officials and employees of the City of Spring Hill. It establishes clear guidelines on personal and employment interests, as well as other ethical violations, ensuring that all individuals working within the municipality are held to the highest standards of integrity.

2. Inclusivity:

- The policy explicitly extends its applicability to all full-time and part-time elected or appointed officials and employees, regardless of compensation. Additionally, it encompasses those serving on separate boards, commissions, committees, authorities, corporations, or other instrumentalities appointed or created by the municipality. This inclusive approach guarantees that ethical standards apply uniformly to all individuals involved in the city's governance.

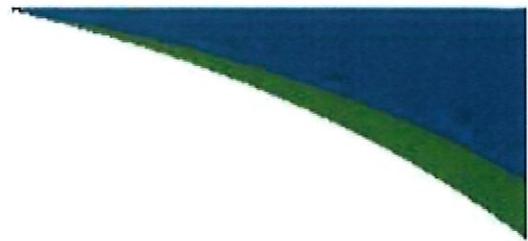
3. Categorization of Ethical Violations:

- The policy distinguishes between "Personal Interest" and "Employment Interest," providing clarity on what constitutes ethical violations within each category. This differentiation allows for a precise and systematic approach to addressing diverse ethical issues.

4. Transparency in Handling Complaints:

- The policy establishes a structured process for handling complaints of ethical violations. Complaints will be thoroughly and promptly investigated, ensuring transparency and accountability. Maintaining confidentiality, while respecting the client-attorney





relationship, safeguards the rights of all parties involved.

5. Designated Ethics Officer:

- Appointing the City Attorney as the Ethics Officer responsible for investigating ethical complaints ensures that inquiries into ethical violations are conducted by a knowledgeable and impartial authority.

6. Accountability for Governing Body Members:

- The policy outlines a clear procedure for addressing complaints lodged against members of the municipality's governing body. This step demonstrates the municipality's commitment to holding public officials accountable for their actions and ensuring that complaints are rigorously examined.

7. Respect for Existing Personnel and Civil Service Policies:

- Recognizing that certain ethical violations may also fall under existing personnel or civil service policies, this policy clarifies that such violations will be addressed accordingly, in line with the appropriate provisions, promoting consistency and fairness.

8. Swift Corrective Actions:

- The policy is designed to ensure that once an ethical violation is substantiated, corrective actions are taken promptly to address the problem and prevent its recurrence. This underscores the city's commitment to maintaining ethical standards and a professional working environment.

9. Consistency in Disciplinary Actions:

- Disciplinary actions under this policy are designed to be consistent with the nature and severity of the offense, the employee's rank, and other pertinent factors. The policy offers flexibility while maintaining fairness and efficiency in municipal governance.

10. Accountability for All:

- The policy emphasizes that all individuals, whether elected officials, appointed members of separate bodies, or employees, are subject to disciplinary action if they violate the Code of Ethics. This ensures that ethical standards apply uniformly to all within the municipal government.

11. Documentation of Disciplinary Actions:



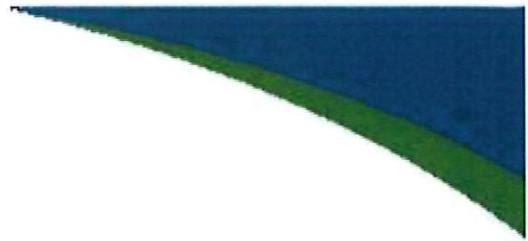
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- The requirement to maintain a written record of imposed disciplinary actions, including verbal reprimands, enhances accountability and transparency within the municipal government.

In conclusion, the adoption of this Code of Ethics and Ethical Conduct Policy is vital to maintaining the integrity and credibility of the City of Spring Hill's government. It underscores the commitment to ethical conduct, accountability, and transparency and provides a framework for addressing ethical violations comprehensively and fairly. By implementing this policy, the city can foster a culture of trust and professionalism, ensuring that the best interests of the community are upheld.



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2.03.08 Investigating Ethics Complaints

The Code of Ethics applies to all full-time and part-time elected or appointed officials and employees, whether compensated or not, including those of any separate board, commission, committee, authority, corporation or other instrumentality appointed or created by the municipality. Ethical violations fall into two (2) categories; personal interest and employment interest.

PERSONAL INTEREST means:

1. Any financial, ownership or employment interest in the subject of a vote by a municipal board not otherwise regulated by state statutes on conflicts of interests;
2. Any financial, ownership or employment interest in a matter to be regulated or supervised; or
3. Any such financial, ownership or employment interest of the official's or employee's spouse, parent(s), stepparent(s), grandparent(s), sibling(s), child(ren) or stepchild(ren)

EMPLOYMENT INTEREST includes a situation in which an official or employee or a designated family member is negotiating possible employment with a person or organization that is the subject of the vote or that is to be regulated or supervised.

Other violations include:

1. Acceptance of gratuities and the like,
2. Use of Information
3. Use of Municipal time, facilities and the like,
4. Use of position or authority
5. Outside employment

Complaints of ethical violations will be investigated in a thorough and timely manner. Confidentiality will be maintained to the extent possible without jeopardizing the thoroughness of the investigation, keeping in mind that the Board of Mayor and Alderman is the client of the City Attorney. The City Attorney (Ethics Officer) is the person designated as the investigator of ethics complaints.

When a complaint of a violation of any provision of this Code is lodged against a member of the municipality's governing body, the governing body shall either determine that the complaint has merit, determine that the complaint does not have merit or determine that the complaint has sufficient merit to warrant further investigation. If the governing body determines that a complaint warrants further investigation, it shall authorize an investigation by the City Attorney or another individual or entity chosen by the governing body. When a violation of this Code of Ethics also constitutes a violation of a personnel policy, rule or regulation or a civil service policy, rule or regulation, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than as a violation of this Code of Ethics.

Based upon the results of the investigation, the City Administrator or Board will take immediate and appropriate corrective action to address the problem and prevent its reoccurrence. Anyone

found guilty of engaging in unlawful ethical conduct will be subject to disciplinary action consistent with the City Administrator's or Board's authority under the municipal charter, ordinances, resolutions, or rules governing their authority to discipline employees.

An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation or other instrumentality who violates any provision of the Code of Ethics is subject to punishment as provided by the municipality's charter or other applicable law and, in addition, is subject to censure by the governing body. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action.

The disciplinary action will be consistent with the nature and severity of the offense, the employee's rank and any other factors the City Administrator or Board believes relate to fair and efficient administration of the municipal government. This includes, but is not limited to, the effect of the offense, and the light in which it casts the municipality. Disciplinary action may include, but is not limited to, demotion, warning, reprimand, censure or termination. A written record will be kept of imposed disciplinary actions, including verbal reprimands.