



AN ORDINANCE

TO AMEND DIVISION 1 OF ARTICLE II (CITY COUNCIL) OF CHAPTER 2 (ADMINISTRATION) OF THE CODE OF THE CITY OF CHARLESTON BY ADDING A NEW SEC. 2-29 (CODE OF CONDUCT), APPLICABLE TO MEMBERS OF CITY COUNCIL **(AS AMENDED)**.

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. That Division 1 of Article II (City Council) of Chapter 2 of the Code of the City of Charleston (Administration) is hereby amended by adding the following new Sec. 2-29 (Code of Conduct) thereto:

**Sec. 2-29. – Code of Conduct.**

- A. Code of Conduct. A member shall act at all times in accordance with the member's oath of office ~~when representing the City (the "Oath").~~
- B. Member. As used herein, the term "member" includes the mayor and individual members of council.
- C. Other Rules. This Section 2-29 applies in addition to the other substantive and procedural rules applicable to members contained in the City Code, and under state and federal laws, including, without limitation, state ethics laws. ~~Without limiting the foregoing, Section 61 of Robert's Rules of Order Newly Revised (11<sup>th</sup> ed.), as may be amended, shall apply to breaches of order by members in a meeting.~~
- D. Compliance and Enforcement. ~~Other members should point out to the offending member infractions of this Section 2.29. The matter should be referred to the mayor in private. If the mayor is the individual whose actions are being challenged, then the matter should be referred to the mayor pro tem in private. It is the responsibility of the mayor (or mayor pro tem) to initiate action if a member's behavior may warrant sanction. The mayor (or mayor pro tem) may take appropriate action, including without limitation the following: (a) discussing and counseling the individual on the violations; (b) recommending sanction to council to consider in a public meeting; or (c) forming an ad hoc committee of council to review the allegations, make an investigation, and present a recommendation to council. If no action is taken by the~~

~~mayor (or mayor pro tem), three (3) councilmembers may raise the issue to council in a public hearing. After a hearing, by a vote of three fourths (3/4) of members present and voting, council may reprimand, formally censure, or remove an offending member's seniority/committee status when the offending member (a) intentionally and repeatedly violates this Section 2-29; or (b) commits a serious infraction of this Section 2-29.~~

1. A public disciplinary hearing against a member for violation of the Oath may be held only upon resolution of council moved and adopted according to the following procedures: (1) a member must move to hold a public disciplinary hearing; (2) two additional members must second the motion; and (3) council must approve the motion by a vote of at least three-fourths (3/4) of members present and voting.
2. A member charged with conduct constituting a violation of the Oath in accordance with Sec. 2-29.D.1 shall be entitled to a public disciplinary hearing. Notice of such hearing shall be published in one or more newspapers of general circulation in the municipality at least one week in advance of the hearing. After the hearing, the question to be considered by council shall be: "Based on the evidence presented during the hearing, has the member (a) intentionally and repeatedly violated the Oath; and/or (b) committed a serious violation of the Oath?" If the question is answered in the affirmative by at least three-fourths (3/4) of the members present and voting, council shall proceed to consider one or more of the following sanctions, which shall be imposed by majority vote of the members present and voting: (a) censuring the member; and/or (b) removing the member's seniority/committee status.

E. Effect of Violation. A violation of this Section 2-29 shall not be considered a basis for challenging the validity of a council or committee decision, nor shall this Section 2-29 create additional rights in third parties or members of the public.

Section 2. This Ordinance shall take effect upon ratification.

Ratified in City Council this \_\_\_\_\_ day of \_\_\_\_\_ in the Year of Our Lord, 2021, and in the 245th Year of the Independence of the United States of America.

By: \_\_\_\_\_  
John J. Tecklenburg  
Mayor, City of Charleston

ATTEST: \_\_\_\_\_  
Jennifer Cook  
Clerk of Council