



CODE OF CONDUCT AD HOC COMMITTEE

Wednesday, April 14, 2021 – 5:00 p.m.

Conference Call#: 1-929-205-6099; Access Code: 85770273827

https://www.youtube.com/channel/UCxDws_o-1voXBNOAZ17gZxw

AGENDA:

1. Presentation of an ordinance (attached) for review and discussion by Chip McQueeney, Assistant Corporation Counsel.
2. Discussion of ordinance by committee members, which may include proposed amendments.
3. After discussion, the Committee will vote on whether to recommend approval of the ordinance, as drafted or as amended.

In accordance with the Americans with Disabilities Act, people who need alternative formats, ASL (American Sign Language) Interpretation or other accommodation please contact Janet Schumacher at (843) 577-1389 or email to schumacherj@charleston-sc.gov three business days prior to the meeting.

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”)~~, which provides as follows:

I do solemnly swear that I am duly qualified, according to the Constitution of this State, to exercise the duties of the office to which I have been appointed, and that I will, to the best of my ability, discharge the duties thereof, and preserve, protect and defend the Constitution of this State and of the United States.

As Councilmember (or Mayor) of the municipality of Charleston, I will equally, fairly and impartially, to the best of my ability and skill, exercise the trust reposed in me, and I will use my best endeavors to preserve the peace and carry into effect according to law, the purposes for which I have been elected. So help me God.

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 (11th 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.
3. The member accused and/or charged with conduct constituting a violation of the Oath shall not be entitled to vote on the motion to set a public disciplinary hearing, the motion to determine whether the member violated the Oath, or any sanctions.

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 **and shall apply prospectively**.

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