

Metropolitan Board of Ethical Conduct
Minutes of Meeting

Tuesday, November 8, 2022

The Board of Ethical Conduct held a meeting on this date in Metropolitan Council Committee Room 2 of the Second Floor of the Historic Courthouse in Nashville, Tennessee.

Persons in Attendance:

Diane DiIanni, Board Chair
Brigid Carpenter, Board Member
John Spragens, Board Member
Diamond Stewart, Board Member
Council Member Kyonzté Toombs, Board Member (Ex-Officio)

Nicki Eke, Assistant Metropolitan Attorney/Legal Counsel
Lora Fox, Assistant Metropolitan Attorney/Legal Counsel
Austin Kyle, Metropolitan Clerk
Shawn Reed, Deputy Clerk

Call to Order

The Chair called the meeting to order at 9:30 a.m.

Approval of Minutes of May 19, 2022

Ms. Carpenter moved to adopt the minutes of the May 19, 2022 meeting of the Board of Ethical Conduct. Mr. Spragens seconded the motion, which was approved by unanimous vote of the Board.

Announcement of Appeal Rights

The Clerk announced that parties who disagree with a final decision of the Board may appeal by filing a writ of certiorari with the Davidson County Chancery Court within sixty (60) days of entry of the Order, and parties are encouraged to seek independent legal advice to ensure that applicable procedures and deadlines are properly followed.

Summary and Discussion of Metro Legal Report re: Weatherspoon v. CM Styles

Ms. Eke presented a summary of the legal report and analysis, which report recommended dismissal of a portion of the complaint and that the Board should conduct a hearing for the other portion of the complaint. Ms. Eke explained that there was not enough alleged facts to support the claimed violations of the Standards of Conduct related to Metropolitan Code sections 2.222.020(d) and 2.222.020(k) and that the Law Department recommended dismissal of these allegations. Ms. Eke explained that, if true, the allegations of misuse of Council position and unauthorized exercise of official power could be deemed a violation of the Standards of Conduct set forth in Metropolitan Code sections 2.222.020(i) and 2.222.020(m). Chair DiIanni opened the floor for discussion and questions about the allegations and Report from the Law Department. After

discussion, Chair DiIanni recommended that the Board consider each alleged violation of the Standards of Conduct individually.

Ms. Carpenter moved to dismiss the allegation related to Metropolitan Code section 2.222.020(d) for the reasons stated in the Law Department's report, which motion was seconded by Ms. Stewart and approved by the following roll call vote: "Ayes" (4): DiIanni, Carpenter, Spragens, and Stewart; "Noes" (0); "Abstain" (0).

Ms. Carpenter moved to dismiss the allegation related to Metropolitan Code section 2.222.020(k) for the reasons stated in the Law Department's report, which motion was seconded by Ms. Stewart and approved by the following roll call vote: "Ayes" (4): DiIanni, Carpenter, Spragens, and Stewart; "Noes" (0); "Abstain" (0).

Ms. Carpenter moved that a hearing be held on the allegation related to Metropolitan Code section 2.222.020(i) for the reasons stated in the Law Department's report, which motion was seconded by Ms. Stewart and approved by the following roll call vote: "Ayes" (4): DiIanni, Carpenter, Spragens, and Stewart; "Noes" (0); "Abstain" (0).

Mr. Spragens moved that a hearing be held on the allegation related to Metropolitan Code section 2.222.020(m) for the reasons stated in the Law Department's report, which motion was seconded by Ms. DiIanni and approved by the following roll call vote: "Ayes" (4): DiIanni, Carpenter, Spragens, and Stewart; "Noes" (0); "Abstain" (0).

After the Board voted to conduct a hearing, Ms. Eke outlined the process for the hearing as well as the possible actions of the Board. The Board set the date of the hearing for Thursday, December 1, 2022. Ms. Eke explained that both parties will have the opportunity to submit additional materials as well as a list of witnesses for the hearing. Due to the Thanksgiving holiday occurring seven calendar days prior to the hearing, the deadline for submission of the materials and witness lists was set for Monday, November 28, 2022 by 4:30 p.m.

Administrative Items

The Metropolitan Clerk provided an update to the Board regarding potential updates to the Lobbyist Code. After some meetings and discussion with Council Member Murphy, who sponsored the most recent update to the Lobbyist Code and who has gathered some feedback from current lobbyists, she recommended that some changes to the annual lobbyist reports could be handled at a process level without necessitating the need to update the Code. The Clerk reported that he would be in discussion with the Metropolitan ITS Department to create online versions of the Annual Lobbying and Expense reporting forms as well as the Lobbyist Registration forms to make it easier and more convenient compared to the current version, which is only available as a PDF document. The Clerk reported that Council Member Murphy was not in favor of extending the deadline for the issuance of the Report from the Law Department when a lobbyist complaint is filed. Her concerns were related to the short amount of time some legislation can be moved through the Council, and the need to be informed if a lobbyist is in violation of the Code prior to any votes on pending legislation.

Chair DiIanni informed the Board of pending Council Ordinance BL2022-1450, related to legal representation and fees, sponsored by Council Member Allen. The Council Member has requested some feedback from the Board regarding the proposal and Chair DiIanni recommended that the Board have a discussion around this item at the next meeting.

Next Steps/Scheduling

The Board will meet on Thursday, December 1, 2022 at 9:00 a.m. to conduct a hearing on the matter Weatherspoon v. CM Styles.

Adjournment

Upon motion properly seconded, the meeting was adjourned at 10:26 a.m.