

Sponsor: Councilwoman  
Upshur

First Reading: 05/8/2024

Second Reading: 05/20/2024

Third Reading: 06/03/2024

Ord #: 005-24

**AN ORDINANCE TO AMEND CHAPTER 2 (ADMINISTRATION), ARTICLE II (TOWN COUNCIL), DIVISION 1 (GENERALLY) TO ESTABLISH REGULATIONS GOVERNING THE HIRING OF RELATIVES OF COUNCIL MEMBERS**

WHEREAS, the Mayor and Town Council of the Town of Smyrna seek to encourage transparency in the operations of its government and avoid the appearance of favoritism, conflicts of interest, and unfair advantage through the hiring of immediate family members of the Mayor and Town Council;

WHEREAS, in the opinion of the Mayor and Town Council, it is necessary for the public health, safety, and welfare to establish regulations governing the hiring of relatives of the Mayor and Council Members.

NOW THEREFORE, BE IT HEREBY ENACTED by the Mayor and Council of the Town of Smyrna, a majority thereof concurring in Council duly met, that the Smyrna Town Code be and hereby is amended as follows:

**Section 1.** Amend Chapter 2 (Administration), Article II (Town Council), Division 1 (Generally), by establishing a new Section 2-27 as follows:

Sec. 2-27. – Anti-nepotism policy.

- (a) No person who has an immediate family member serving as the Mayor or a member of the Town Council shall be hired, employed, or permitted to work for the Town for as long as that person has an immediate family member serving as Mayor or a member of the Town Council.
- (b) No person who has an immediate family member serving as the Mayor or a member of the Town Council shall be appointed to a board, committee, or commission of the Town for as long as that person has an immediate family member serving as Mayor or a member of the Town Council.
- (c) This Section 2-27 shall not apply to any person hired, employed, or otherwise working for the Town or appointed to a board, committee, or commission of the Town who, subsequent to the date of hiring or appointment, has an immediate family member elected as Mayor or as a member of the Town Council.
- (d) “Immediate family members” are defined as the following: spouse, parent, child, grandparent, aunt, uncle, niece/nephew, first cousin, brother, sister, grandchild, mother-in-law, father-in-law, daughter-in-law, son-in-law, sister-in-law, brother-in-law, stepmother or

stepfather, persons who are in a romantic relationship with the Mayor or Council Member, or domestic partners of the Mayor or a Council Member.

**Section 2. Severability.** The provisions of this Ordinance shall be severable. If any provisions of this Ordinance are found by any court of competent jurisdiction to be unconstitutional or void, the remaining provisions of this Ordinance shall remain valid, unless the court finds that the valid provisions of this Ordinance are so essentially and inseparably connected with, and so dependent upon, the unconstitutional or void provision that it cannot be presumed that Town Council would have enacted the remaining valid provisions without the unconstitutional or void provision; or unless the court finds that the remaining valid provisions, standing alone, are incomplete and incapable of being executed in accordance with Town Council's intent.

**Section 3. Effective Date.** This Ordinance shall become effective upon the date of its adoption.

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SYNOPSIS

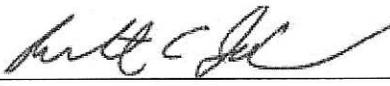
This ordinance establishes an anti-nepotism policy. A person may not be hired by the Town or appointed to a board, committee, or commission if that person has an immediate family member serving as Mayor or a member of the Town Council. This policy shall not apply to anyone employed by the Town or serving on a board, committee, or commission of the Town who subsequent to the hiring or appointment has an immediate family member elected as Mayor or as a member of the Town Council.

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This will certify that this is a true and correct copy of the Ordinance duly adopted by the Town Council of the Town of Smyrna at its regular Council meeting on June 3, 2024.

ATTEST:

  
\_\_\_\_\_  
Council Secretary

  
\_\_\_\_\_  
Mayor

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This shall certify that the title and synopsis of this Ordinance was published in a newspaper of general circulation within the Town on May 7, 2024 and posted at the Town Hall on May 7, 2024.

So Certifies:

  
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Town Clerk