

**ORDINANCE OF THE CITY COUNCIL OF JACKSON, MISSISSIPPI
INCREASING TRANSPARENCY WITH SUBCONTRACTORS**

WHEREAS, the City Council of Jackson, Mississippi is working to increase public trust, establish a system of transparency, public participation, and collaboration; and

WHEREAS, the City Council of Jackson, Mississippi believes that transparency promotes accountability and provides information for citizens about what their government is doing; and

WHEREAS, the City Council of Jackson, Mississippi is requiring the submission of a sworn affidavit listing all persons with an ownership interest in a contract and all persons natural or artificially retained by the contractor as a subcontractor in connection with the contract; providing that the listing shall be a public record; to provide for suspension of payments of invoices for contracts not in compliance with this section and to otherwise provide with respect thereto.

WHEREAS, the City Council of Jackson, Mississippi concludes there must be a level of transparency to ensure compliance, oversee spending, promote efficiency, eliminate conflict of interest, and increase accountability.

IT IS THEREFORE ORDERED the following shall take effect upon passage:

SECTION 1: THE COUNCIL OF THE JACKSON, MISSISSIPPI HERBY

- a. Except as otherwise dictated by state or federal law, qualifying contracts with the City of Jackson, Mississippi shall be subject to the following:
 - i. Every contract in excess of \$15,000.00, to which the City is a party, shall contain a provision that requires the contractor to submit to the City:
 1. A sworn affidavit listing all persons, natural or artificial, with an ownership interest in the contractor. An "ownership interest" shall not be deemed to include ownership of stock in a publicly traded corporation or ownership of an interest in a mutual fund or trust that holds an interest in a publicly traded corporation. This affidavit is a public record.
 2. A sworn affidavit stating there is no conflict of interest between subcontractor, public officials and fiduciaries.
 3. A sworn affidavit stating that no other person holds an ownership interest in the contractor via a counter letter.
 4. A list of all persons, natural or artificial, who are retained by the contractor at the time of the contract's execution and who are expected to perform work as sub-contractors in connection with the contractor's work for the City.
 5. Monthly reports that list the services provided and payments to subcontractors.

- ii. The contracts governed by this section shall contain a provision that requires the contractor provide thirty days written notice to the City of the contractor's intention to retain a subcontractor.
- iii. If the contractor fails to submit the affidavits and lists provided for in this ordinance, except as otherwise dictated or prohibited by state or federal law, the City may, after thirty (30) days written notice to the contractor, take such action as may be necessary to cause the suspension of any further payments until such affidavits, lists and monthly reports are submitted.

SECTION 2: EFFECTIVE DATE

- a. This ordinance shall become effective thirty days after the effective date of this ordinance.

Agenda Item #:
Date: December 15, 2015
By: Councilman Hendrix