

From: Becky Bradley <becky_bradley@bellsouth.net>
To: <rebecca.bradley@tn.gov>
Date: 11/16/2010 6:39 PM
Subject: Fwd: Kimball Ethics Ordinance
Attachments: Kimball Ethic Ordinance.PDF

--- On Tue, 11/16/10, Drew Rawlins <Drew.Rawlins@tn.gov> wrote:

From: Drew Rawlins <Drew.Rawlins@tn.gov>
Subject: Fwd: Kimball Ethics Ordinance
To: "Becky Bradley" <becky_bradley@bellsouth.net>
Date: Tuesday, November 16, 2010, 10:21 AM

>>> Tonia May <tmay@townofkimball.com> 11/16/2010 10:04 AM >>>

Mr. Rawlins,

The Town of Kimball approved their ethics ordinance in April 2007. Attached is a copy of our ordinance. Please let me know if you need additional information.

Thanks

Tonia May
Town of Kimball
675 Main Street
Kimball, TN 37347
423-837-7040

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ORDINANCE 181

AN ORDINANCE TO ADOPT A CODE OF ETHICS FOR THE TOWN OF KIMBALL, TENNESSEE

BU... ETHICS
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WHEREAS, the State of Tennessee adopted legislation requiring all governmental entities in the state to adopt rules of ethics to govern their activities to prevent personal conflicts of interest from effecting government actions; and

WHEREAS, MTAS was given the authority to draft a standard Ethics Code that would be sufficient to meet the state requirements; and

WHEREAS, each municipality was allowed to adopt their own Ethics Code or adopt the standard code drafted by MTAS; and

WHEREAS, the Mayor and Board of Alderman believe that the code drafted by MTAS is sufficient for the Town of Kimball and desire to adopt it, as set forth below, to govern its actions as well as all employee actions, and any board or committee set up to conduct the business of the Town.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Mayor and Alderman of the Town of Kimball, Tennessee, that the Kimball Municipal Code shall be amended by the adoption of Title _____, to be titled "Ethics Code" being set forth as follows:

SECTION 1. Applicability. This chapter is the code of ethics for personnel of the municipality. It applies to all full-time and part-time elected or appointed officials and employees, whether compensated or not, including those of any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the municipality. The words "municipal" and "municipality" include these separate entities.

SECTION 2. Definition of "personal interest". (1) For purposes of Sections 3 and 4, "personal interest" means:

- (a) Any financial, ownership, or employment interest in the subject of a vote by a municipal board not otherwise regulated by state statutes on conflicts of interests; or
 - (b) Any financial, ownership, or employment interest in a matter to be regulated or supervised; or
 - (c) Any such financial, ownership, or employment interest of the official's or employee's spouse, parent(s), stepparent(s), grandparent(s), sibling(s), child(ren), or stepchild(ren).
- (2) The words "employment interest" include a situation in which an official or employee or a designated family member is negotiating possible employment

with a person or organization that is the subject of the vote or that is to be regulated or supervised.

- (3) In any situation in which a personal interest is also a conflict of interest under state law, the provisions of the state law take precedence over the provisions of this chapter.

SECTION 3. Disclosure of personal interest by official with vote. An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's vote on the measure. In addition, the official may recuse himself from voting on the measure.

SECTION 4. Disclosure of personal interest in nonvoting matters. An official or employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the recorder. In addition, the official or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse himself from the exercise of discretion in the matter.

SECTION 5. Acceptance of gratuities, etc. An official or employee may not accept, directly or indirectly, any money, gift, gratuity, or other consideration or favor of any kind from anyone other than the municipality:

- (1) For the performance of an act, or refraining from performance of an act, that he would be expected to perform, or refrain from performing, in the regular course of his duties; or
- (2) That might reasonably be interpreted as an attempt to influence his action, or reward him for past action, in executing municipal business.

SECTION 6. Use of information.

- (1) An official or employee may not disclose any information obtained in his official capacity or position of employment that is made confidential under state or federal law except as authorized by law.
- (2) An official or employee may not use or disclose information obtained in his official capacity or position of employment with the intent to result in financial gain for himself or any other person or entity.

SECTION 7. Use of municipal time, facilities, etc.

- (1) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself.
- (2) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to any private person or entity, except as authorized by legitimate contract or lease that is determined by the governing body to be in the best interests of the municipality.

SECTION 8. Use of position or authority.

- (1) An official or employee may not make or attempt to make private purchases, for cash or otherwise, in the name of the municipality.
- (2) An official or employee may not use or attempt to use his position to secure any privilege or exemption for himself or others that is not authorized by the charter, general law, or ordinance or policy of the municipality.

SECTION 9. Outside employment. An official or employee may not accept or continue any outside employment if the work unreasonably inhibits the performance of any affirmative duty of the municipal position or conflicts with any provision of the municipality's charter or any ordinance or policy.

SECTION 10. Ethics complaints.

- (1) The city attorney is designated as the ethics officer of the municipality. Upon the written request of an official or employee potentially affected by a provision of this chapter, the city attorney may render an oral or written advisory ethics opinion based upon this chapter and other applicable law.
- (2) (a) as otherwise provided in this subsection, the city attorney shall investigate any credible complaint against an appointed official or employee charging any violation of this chapter, or may undertake an investigation on his own initiative when he acquires information indicating a possible violation and make recommendations for action to end or seek retribution for any activity that, in the attorney's judgment, constitutes a violation of this code of ethics.
(b) The city attorney may request that the governing body hire another attorney, individual, or entity to act as ethics officer when he has or will have a conflict of interests in a particular matter.
(c) When a complaint of a violation of any provision of this chapter is lodged against a member of the municipality's governing body, the governing body shall either determine that the complaint does not have merit, or determine that the complaint has sufficient merit to warrant further investigation. If the governing body determines that a complaint warrants further investigation, it shall authorize an investigation by the city attorney or another individual or entity chosen by the governing body.
- (3) The interpretation that a reasonable person in the circumstances would apply shall be used in interpreting and enforcing this code of ethics.
- (4) When a violation of this code of ethics also constitutes a violation of a personnel policy, rule, or regulation or a civil service policy, rule, or regulation, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than as a violation of this code of ethics.

SECTION 11. Violations. An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, or other instrumentality who violates any provision of this chapter is subject to punishment as provided by the municipality's charter or other applicable law and in addition is subject to censure by the governing body. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action.

SECTION 12: Should any provision of this Ordinance be held invalid by a Court of competent jurisdiction, the remaining provisions are severable and shall remain in full force and effect.

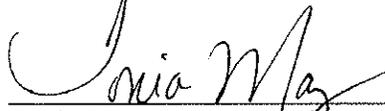
SECTION 13: This Ordinance shall take effect upon its second and final reading, the public welfare requiring it.

PASSED AND APPROVED by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee on the second and final reading on the 4 day of April, 2007.



DAVID JACKSON, Mayor

ATTEST:



Tonia May, Town Recorder

APPROVED AS TO FORM:



Kevin L. Featherston
Attorney for the Town of Kimball