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ORDINANCE NO. 10-238

**AN ORDINANCE ENACTING AN ETHICS POLICY FOR THE OFFICERS, EMPLOYEES,
AND ADVISORY BOARD MEMBERS OF THE TOWN OF SAMBURG, TENNESSEE.**

WHEREAS, Public Chapter No. 1 of the Extraordinary Sessions of the 2006 Tennessee General Assembly requires municipalities to adopt a code of ethics; and

WHEREAS, as provided in said Public Chapter No. 1, the Samburg Board of Mayor and Aldermen has chosen to adopt model ethical standards as promulgated by the University of Tennessee's Municipal Technical Advisory Service (MTAS).

**NOW, THEREFORE, BE IT ORDAINED BY THE SAMBURG, TENNESSEE, BOARD OF
MAYOR AND ALDERMEN.**

SECTION 1. Applicability. This ordinance is the code of ethics for personnel of the Town of Samburg, Tennessee. 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. The words "municipal" and "municipality" include these separate entities.

SECTION 2. Definition of "personal interest."

- (1) For the purpose of Sections 3 and 4, "personal interest" means:
 - (a) Any financial 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 a 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 Ordinance.

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 would lead a

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reasonable person to infer that it affects the official's vote on the measure. In addition, the official may recuse himself¹ 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 Town 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 Board of Mayor and Aldermen to be in the best interests of the Town of Samburg.

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.

¹ Masculine pronouns include the feminine. Only masculine pronouns have been used for convenience and readability.

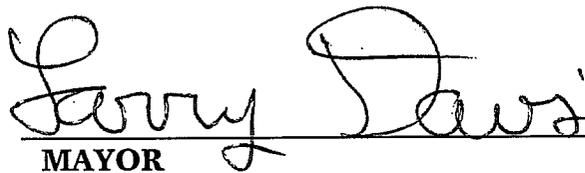
Commission in writing that the ethics policy promulgated by the Municipal Technical Advisory Service (MTAS) was adopted by the Town of Samburg and the date such action was taken.

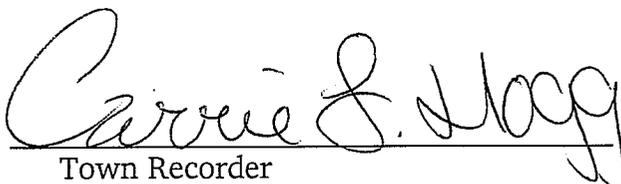
SECTION 13. Effective date. This Ordinance shall become effective from and after its date of adoption, the public welfare requiring it.

SECTION 14. Severability. Should any section, paragraph, sentence, clause, or phrase of this Ordinance or its application to any person or circumstances be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by State or Federal law or regulation, such decision or legislation shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

SECTION 15. Repealer. All ordinances and parts of ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

PASSED AND APPROVED THIS 2nd DAY OF October, 2007 BY A ROLL CALL VOTE OF THE SAMBURG BOARD OF MAYOR AND ALDERMEN.


MAYOR

ATTEST: 
Town Recorder