

ORDINANCE 232

AN ORDINANCE TO ESTABLISH A CODE OF ETHICS FOR ALL OFFICIALS AND EMPLOYEES OF THE TOWN OF TAZEWELL, TENNESSEE.

WHEREAS, to comply with the laws of the State of Tennessee that requires all municipalities to adopt a code of ethics for all of their officials and employees, and

WHEREAS, the Municipal Technical Advisory Service (MTAS) has provided a guideline for such a code to adopt by municipalities, so

THEREFORE, BE IT ORDAINED that the Tazewell Municipal Code be amended to reflect the following to establish a "Code of Ethics" for all officials and employees of the Town of Tazewell, Tennessee by amendment to Title - 1, headed GENERAL ADMINISTRATION by adding a CHAPTER 4, CODE OF ETHICS and adding CHAPTER 4 CODE OF ETHICS as follows.

SECTION 1. Applicability. This chapter is the code of ethics for the personnel of the Town of Tazewell, 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 appointed or created by the Town. 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, ownership, or employment interest in the subject of a vote by a municipal board not otherwise regulated by state statutes on conflicts of interest; or (b) Any financial, ownership or any employment interest in a matter to be regulated or supervised; or (c) Any financial, ownership, or employment interests 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 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 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 interests that effects or what would lead any reasonable person to infer that it affects the official vote on the measure. In addition the official may recuse himself (herself) from voting on the measure.

PAGE - TWO
ORDINANCE 232

SECTION 4. Disclosure of personal interest in nonvoting matters. An official or an employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that effects 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 (herself) 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 any act or refraining from performance of an act that he (she) would be expected to perform, or refrain from performing, in the regular course of his (her) duties; or (2) That might reasonably be interpreted as an attempt to influence his (her) action, or reward him (her) for past actions, in executing municipal business.

SECTION 6. Use of information. (1) An official or employee may not disclose any information obtained in his (her) 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 (her) official capacity or position of employment with the intent to result in financial gain for himself (herself) 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 (herself). (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 interest of the municipality.

SECTION 8. Use of position or authority. (1) An official or employee may not make any 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 (her) position any privilege or exemption for himself (herself) or others that is not authorized by the charter, general law, 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, 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 effected by a provision of this chapter, the city attorney may render an oral or written opinion based upon this chapter and other applicable law. (2) (a) Except 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 requires 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 (she) 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 has merit, determine that the complaint does not have merit, or determine that the complaint has sufficient merit to warrant 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 a violation of this code of ethics.

SECTION 11. Violations. An elected official or appointed member of a separate member of a 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 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.

THIS ORDINANCE SHALL TAKE EFFECT upon the final passage by the Board of Mayor and Aldermen of the Town of Tazewell, Tennessee upon it's final passage by the Board in regular session, any section of this Ordinance that conflicts with the Tazewell Municipal Code of Employee Manual will take precedence over them and any section that may conflict with State or Federal laws are to be considered void, the public welfare requiring it.

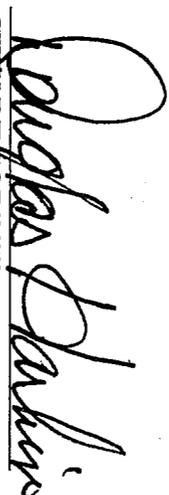
Passed on first reading the 8th day of May, 2007. 6 Aye 0 Nay

Passed on final reading the 12th day of June, 2007. 6 Aye 0 Nay

Public Hearing held on the 12th day of June, 2007


MAYOR

ATTEST:


CITY RECORDER