

Mayor
BOB SHUTT
Vice Mayor
PHILIP LAY
Commissioners
BOB ADKISSON
BLAKE WHITE
HENRY E. WILLIAMS, JR.



City Manager
GARRY WELCH
City Recorder
JUDY GANT
City Attorney
JAMES A. HOPPER

May 24, 2007

Mr. Bruce A. Androphy
Executive Director
Tennessee Ethics Commission
Suntrust Building
201 4th Avenue North Suite 1820
Nashville, TN 37243

Re: City of Savannah Ethics Ordinance

Mr. Androphy,

Enclosed, please find a copy of the Ethics Ordinance passed by the Savannah City Commission on May 3, 2007.

If additional information is needed, please feel free to contact me at (731) 925-3300, ext. 100.

Sincerely,

A handwritten signature in cursive script that reads "Bobbie L. Matlock".

Bobbie L. Matlock
Administrative Assistant
City of Savannah

RECEIVED
2007 MAY 25 PM 1:13
ETHICS COMMISSION

**ORDINANCE NO. 705-3-2007
(AS AMENDED)**

**AN ORDINANCE ENACTING AN ETHICS POLICY FOR THE OFFICERS, EMPLOYEES,
AND ADVISORY BOARD MEMBERS OF THE CITY OF SAVANNAH, 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

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND COMMISSIONERS OF THE CITY OF SAVANNAH, TENNESSEE.

Section 1. Applicability. This ordinance 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. Definitions. For the purposes of interpreting this Ordinance, the following words, terms, and phrases shall have the meanings ascribed to them in this section:

- (a) "City" means the municipality of Savannah, Tennessee.
- (b) "Gift" means the transfer or conveyance of anything of economic value, regardless of form, without adequate and lawful consideration.
- (c) "Immediate family" means parents, spouse or child living in the same household.
- (d) "Personal interest" means:
 - (1) The holding or acquisition of any financial or ownership interest of either ten thousand dollars (\$10,000.00) or five percent (5.00%) or greater in a business entity that has or is negotiating a contract of one thousand dollars (\$1,000.00) or more with the City, or is regulated by any agency of the City, or
 - (2) The ownership of any real estate having a value of one thousand dollars (\$1,000.00) or greater which the City has or is negotiating an acquisition, leasehold, or easement agreement.
 - (3) Any such financial or ownership interest as defined in Section 2(d)(1) and 2(d)(2) of this Ordinance by the officer or employee's spouse or immediate family member.

Section 3. Acceptance of gifts and other things of value. An official or employee, or an official's or employee's spouse or child living in the same household, may not accept, directly or indirectly, any gift, money, gratuity, or other consideration or favor of any kind from anyone other than the city:

- (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 a reasonable person would understand was intended to influence the vote, official action, or judgment of the official or employee in executing city business.

Section 4. Gift ban exceptions. Section 3 of this Ordinance is not applicable to the following:

(a) Opportunities, benefits, and services that are available on the same conditions as for the general public.

(b) Anything for which the covered officer or employee, or a member of his or her immediate family, pays the fair market value.

(c) Any contribution that is lawfully made to the covered officer or employee's political campaign fund, or to that of his or her immediate family, including any activities associated with a fund-raising event in support of a political organization or candidate.

(d) Educational materials provided for the purpose of improving or evaluating municipal programs, performance, or proposals.

(e) A gift from a relative, meaning those persons related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great-uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiancé or fiancée.

(f) Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse or immediate family member and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as:

(1) the history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals; and

(2) whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and

(3) whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other officers or employees, or their spouses or immediate family members.

(g) Food or refreshments not exceeding twenty-five dollars (\$25.00) per person in value on a single calendar day; provided that the food or refreshments are:

(1) consumed on the premises from which they were purchased or prepared; or

(2) catered.

For the purposes of this Ordinance, "catered" means food or refreshments that are purchased ready to consume which are delivered by any means.

(h) Food, refreshments, lodging, transportation, and other benefits resulting from the outside business or employment activities (or outside activities that are not connected to the official duties of an officer or employee), if the benefits have not been offered or enhanced because of the official position or employment of the officer or employee, and are customarily provided to others in similar circumstances.

(i) Entertainment, food, refreshments, meals, health screenings, amenities, foodstuffs, or beverages that are provided in connection with a conference sponsored by an established or recognized statewide association of city government

officials or by an umbrella or affiliate organization of such statewide association of city government.

(j) Intra-governmental and intergovernmental gifts. For the purpose of this Ordinance, "intra-governmental gift" means any gift that is given to an officer or employee from another officer or employee, and "intergovernmental gift" means any gift given to an officer or employee by an officer or employee of another governmental entity.

(k) Bequests, inheritances, and other transfers at death.

(l) Ceremonial gifts or awards which have insignificant monetary value.

(m) Unsolicited gifts of nominal value or trivial items of informational value.

Section 5. Disclosure of Gifts. Regardless of compliance with Section 4, employees shall on a monthly basis, submit to the City Recorder on a form provided by the City, disclosure of any gift or gratuity that is received from any entity or person which might be perceived as being provided because of official position or employment.

Section 6. Disclosure of personal interests by official with a 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 the official's vote on the measure. Additionally, the official may recuse himself or herself from voting on the measure.

Section 7. Disclosure of personal interests 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 the exercise of discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the City Recorder. In addition, the official or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse himself or herself from the exercise of discretion in the matter.

Section 8. Nepotism in Hiring Prohibited. The City of Savannah shall not show favoritism in the recruitment of municipal employees. The spouse, mother, father, brother, sister, children, grandparents, grandchildren, guardian, step-mother, step-father, step-brother, step-sister, half-brother, half-sister, child or step-child, uncle, aunt, nephew, niece of the Mayor, the Commissioners, City Manager, City Recorder, Utility Director, or a City Department Head, or any person having the same relationship with the Mayor's or a Commissioner's spouse, shall not be shown favoritism during the hiring process by the City of Savannah.

Section 9. City Recorder to maintain a disclosure file. The City Recorder shall keep and maintain all financial disclosure statements required to be filed herein as public records and shall retain them for a period of five (5) years after which the statements shall be destroyed.

Section 10. Ethics complaints. (a) The city attorney is designated as the ethics officer of the City. Upon the written request of an official or employee potentially affected by a provision of this Ordinance, the city attorney may render an oral or written advisory ethics opinion based upon this Ordinance and other applicable laws.

(b) Except as otherwise provided in this Ordinance, the city attorney shall investigate any credible complaint against an appointed official or employee charging any violation of this Ordinance, or may undertake an investigation on his own initiative when he acquires information indicating a possible violation and make recommendations to end or seek retribution for any activity that, in the attorney's judgment, constitutes a violation of this Ordinance. The city attorney may request that the city council retain 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 the mayor or a member of the city council, the city council 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. If the city council determines that a complaint warrants further investigation, it shall authorize an investigation by the city attorney or another individual or entity chosen by the city council.

(d) When a violation of this Ordinance also constitutes a violation of the City's personnel policies, rules, or regulations, the violation shall be dealt with as a violation of the personnel provisions rather than as a violation of this Ordinance.

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 ordinance is subject to punishment as provided by the City charter or other applicable law and, in addition, is subject to censure by the city council. An appointed official or employee who violates any provision of this Ordinance is subject to disciplinary action up to, and including, termination of employment.

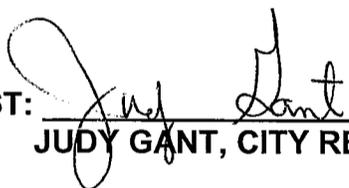
Section 12. City Recorder to file copy of Ordinance with Tennessee Ethics Commission. Upon adoption by the Mayor and City Commission, the City Recorder is hereby directed to file a duly signed and attested copy of this Ordinance with the Tennessee Ethics Commission, in compliance with Section 49 of Public Chapter No. 1 of the Extraordinary Sessions of the 2006 Tennessee General Assembly.

Section 13. Procedural Conflicts. Any part of this ordinance that is found to be in conflict with the City of Savannah Municipal Code or the City of Savannah Employee Handbook, this Ordinance shall take precedence.

Section 14. Effective date. This Ordinance shall become effective from and after its date of adoption, the public welfare requiring it.



BOB SHUTT, MAYOR

ATTEST: 

JUDY GANT, CITY RECORDER

1st Reading: 3/1/2007
2nd Reading: 4/5/2007
3rd Reading: 5/3/2007