

ORDINANCE NO. 07.004

AN ORDINANCE OF THE TOWN OF SOMERVILLE,
TENNESSEE, PROVIDING FOR A CODE OF ETHICS
FOR PERSONNEL OF THE TOWN.

BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE
TOWN OF SOMERVILLE, TENNESSEE AS FOLLOWS:

SECTION 1. Applicability. This Ordinance is the code of ethics for personnel of the Town of Somerville, 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 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 financial, ownership, or employment interest of the official's or employee's spouse, or child(ren) living at home.

(2) The words "employment interest" includes 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 provision 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.

RECEIVED
2007 JUL -2 AM 10:27
TOWN OF SOMERVILLE
ETHICS COMMISSION

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 that exceeds fifty dollars (\$50.00):

(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 of 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) 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 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.

(2) (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 interest in a particular matter.

(2) (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. 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.

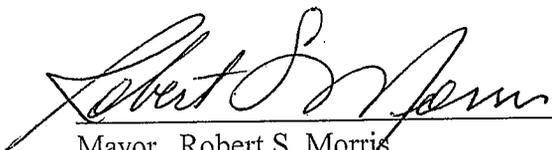
(4) When a violation of this code of ethics also constitutes a violation of a personnel policy, rule, or regulation or a civil service policy, rule, or regulation, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than as a violation of this code of 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. Effective Date. This ordinance shall take effect upon final passage, the public welfare requiring it.

Passed First Reading: May 29, 2007

Passed Second Reading: June 11, 2007



Mayor, Robert S. Morris



City Administrator Vivian L. England

TOWN OF SOMERVILLE
BOARD OF MAYOR & ALDERMEN
SPECIAL CALLED MEETING
MINUTES
MAY 29, 2007

MAYOR MORRIS CALLED THE MEETING TO ORDER AT 7:00 P.M.

PRESENT WERE MAYOR ROBERT MORRIS, ALDERMAN MIKE WHITE, ALDERPERSON SANDRA MYERS, ALDERMAN ALTON FEATHERS, ALDERMAN JOHN DAVID DOUGLAS, ALDERMAN RONNIE NEILL, ALDERMAN LAND MIDDLECOFF, CITY ATTORNEY TOM MINOR, AND CITY ADMINISTRATOR VIVIAN ENGLAND.

OTHERS PRESENT WERE MEMBERS OF THE PRESS.

ALDERMAN FEATHERS INFORMED THE BOARD THAT IT HAD BEEN TOO DRY THIS LATE WINTER AND SPRING TO CONDUCT THE FLOW METER TESTS TO THE SEWER MAINS. ALDERMAN FEATHERS MADE A MOTION TO POSTPONE THE FLOW METER PROJECT UNTIL THE RAINY SEASON IN THE FALL OR EARLY WINTER AND PLACE THE PROJECT ON THE CAPITAL OUTLAY REQUESTS FOR SEWER FOR THE 2007-08 BUDGET. ALDERMAN WHITE SECONDED THE MOTION. THE MOTION CARRIED.

ALDERMAN WHITE MADE A MOTION TO APPROVE, ON FIRST READING, AN ORDINANCE PROVIDING FOR A CODE OF ETHICS. ALDERMAN FEATHERS SECONDED THE MOTION. THE MOTION CARRIED.

ALDERMAN FEATHERS MADE A MOTION TO ADJOURN AT 7:10 P.M. ALDERPERSON MYERS SECONDED THE MOTION. THE MOTION CARRIED.

TOWN OF SOMERVILLE
BOARD OF MAYOR AND ALDERMEN
MINUTES
JUNE 11, 2007

MAYOR MORRIS CALLED THE MEETING TO ORDER AT 7:00 P.M.

PRESENT WERE MAYOR ROBERT MORRIS, ALDERMAN MIKE WHITE, ALDERPERSON SANDRA MYERS, ALDERMAN ALTON FEATHERS, ALDERMAN LAND MIDDLECOFF, MANAGER ROBERT GLOVER, OFFICER RICKY HOSKINS, CITY ATTORNEY TOM MINOR, AND CITY ADMINISTRATOR VIVIAN ENGLAND.

A QUORUM WAS PRESENT.

ALDERMAN JOHN DAVID DOUGLAS AND ALDERMAN RONNIE NEILL WERE ABSENT.

OTHERS PRESENT WERE MS. JULIE PERRINE AND MEMBERS OF THE PRESS.

MAYOR MORRIS LED THE MEETING IN AN OPENING PRAYER AND PLEDGE OF ALLEGIANCE TO THE FLAG.

ALDERMAN FEATHERS MADE A MOTION TO APPROVE THE MINUTES OF THE REGULAR MEETING OF MAY 14, 2007 AND THE SPECIAL CALLED MEETING OF MAY 29, 2007. ALDERPERSON MYERS SECONDED THE MOTION. THE MOTION CARRIED.

THERE WERE NO COMMENTS FROM THE COMMUNITY.

UNDER COMMENTS FROM THE MAYOR, MAYOR MORRIS INFORMED THE BOARD THAT CAPTAIN WILLIAMSON WAS NOT DOING WELL AND ASKED THE BOARD TO CONSIDER HONORING CAPT. WILLIAMSON BY NAMING HIGHWAY 76, IN FRONT OF THE ELEMENTARY SCHOOL "ARTHUR WILLIAMSON, JR. PARKWAY" AND PUT THAT IN THE FORM OF A MOTION TO DO SO. ALDERPERSON MYERS SECONDED THE MOTION. THE MOTION CARRIED.

ALDERMAN WHITE MADE A MOTION TO APPROVE HIRING ONE PERSON AS PART-TIME SUMMER HELP FOR THE CEMETERY AT MINIMUM WAGE. ALDERPERSON MYERS SECONDED THE MOTION. THE MOTION CARRIED.

ALDERMAN MIDDLECOFF MADE A MOTION TO APPROVE, ON FIRST READING, AN ORDINANCE AMENDING THE ANNUAL OPERATING BUDGET OF THE TOWN FOR

THE FISCAL YEAR 2006-07. ALDERPERSON MYERS SECONDED THE MOTION. THE MOTION CARRIED.

CITY ADMINISTRATOR ENGLAND REPORTED TO THE BOARD THAT SHE HAD CALLED THE REFERENCES GIVEN BY THE THREE AUDITING FIRMS SENT TO THE BOARD FOR CONSIDERATION AS THE TOWN'S AUDITING FIRM. SHE INFORMED THE BOARD THAT SHE HAD ASKED IF THE TOWNS WERE PLEASE WITH THEIR AUDITOR'S PERFORMANCE, HOW LONG THEY HAD PERFORMED THE AUDIT FOR THE TOWN, DID THEY ISSUE THE AUDIT REPORT IN A TIMELY MANNER, AND WERE THEY INFORMATIVE ABOUT FINANCIAL MATTERS TO THE BOARD. ADMINISTRATOR ENGLAND INFORMED THE BOARD THAT SHE HAD SPOKEN TO EARL GIBSON ABOUT THEIR PERFORMANCE ON THE SAS70 AUDIT. ADMINISTRATOR ENGLAND REPORTED THAT MR. GIBSON AND THE OTHER TOWNS HELD THE HIGHEST REGARDS FOR EACH OF THEIR AUDITORS. THERE WAS A BRIEF DISCUSSION ABOUT WHICH FIRM SHOULD BE USED. ALDERMAN FEATHERS MADE A MOTION TO KEEP THE AUDITOR THAT THE TOWN HAS NOW, WHICH IS YOUNG & GARRETT. ALDERMAN WHITE SECONDED THE MOTION. THE MOTION CARRIED.

ALDERMAN MIDDLECOFF MADE A MOTION TO APPROVE, ON FIRST READING, AN ORDINANCE OF THE TOWN OF SOMERVILLE APPROPRIATING FUNDS INCREASING EMPLOYEE RAISES FROM 3% TO 6% FOR THE FISCAL YEAR JULY 1, 2007 THROUGH JUNE 30, 2008 AND ESTABLISHING THE PROPERTY TAX RATE FOR THE FISCAL YEAR JULY 1, 2007 THROUGH JUNE 30, 2008. ALDERMAN FEATHERS SECONDED THE MOTION. THE MOTION CARRIED.

ALDERPERSON MYERS MADE A MOTION TO INCREASE ANY EMPLOYEE'S SALARY THAT MAKES BELOW \$10.00 PER HOUR TO \$10.00 AN HOUR UNLESS THE 6% RAISE WAS GREATER THAN \$10.00 PER HOUR, THEN, THE EMPLOYEE WOULD RECEIVE A 6% RAISE; AND, NO TOWN EMPLOYEE'S STARTING SALARY BE LESS THAN \$10.00 PER HOUR. ALDERMAN FEATHERS SECONDED THE MOTION. THE MOTION CARRIED.

ALDERMAN MIDDLECOFF MADE A MOTION TO APPROVE, ON SECOND READING, AN ORDINANCE OF THE TOWN OF SOMERVILLE, TENNESSEE, PROVIDING FOR A CODE OF ETHICS FOR PERSONNEL OF THE TOWN. ALDERMAN FEATHERS SECONDED THE MOTION. THE MOTION CARRIED.

ALDERMAN FEATHERS MADE A MOTION TO APPROVE THE HIRING OF ONE POLICE OFFICER. ALDERMAN MIDDLECOFF SECONDED THE MOTION. THE MOTION CARRIED.

ALDERMAN FEATHERS MADE A MOTION TO APPROVE THE ROUTING OF HIGHWAY 76 NORTH TRAFFIC ONTO NORTH WEST STREET FOR THE COTTON FESTIVAL. ALDERMAN WHITE SECONDED THE MOTION. THE MOTION CARRIED.

THE BOARD DISCUSSED HAVING A CODE ENFORCEMENT OFFICER/BUILDING INSPECTOR. THE BOARD ASKED ADMINISTRATOR ENGLAND TO ACQUIRE AS MUCH INFORMATION ABOUT THE POSITION AS POSSIBLE AND PRESENT IT AT THE NEXT PUBLIC SAFETY COMMITTEE MEETING.

ALDERMAN MIDDLECOFF MADE A MOTION TO ADOPT A RESOLUTION AUTHORIZING THE PURCHASING OF GAS FROM THE TENNERGY CORPORATION. ALDERPERSON MYERS SECONDED THE MOTION. THE MOTION CARRIED.

ALDERMAN MIDDLECOFF MADE A MOTION TO APPROVE THE HIRING OF TWO PART-TIME EMPLOYEES FOR THE GAS DEPARTMENT AT MINIMUM WAGE. ALDERMAN FEATHERS SECONDED THE MOTION. THE MOTION CARRIED.

ALDERMAN MIDDLECOFF MADE A MOTION TO APPROVE THE HIRING OF TWO ELECTRIC LINEMAN IN A SALARY RANGE BETWEEN \$16.00 TO \$19.00 PER HOUR. ALDERMAN FEATHERS SECONDED THE MOTION. THE MOTION CARRIED.

ALDERMAN MIDDLECOFF MADE A MOTION TO APPROVE PAYING A LINEMAN WHO HAS WORKED FOR THE TOWN FOR SEVEN YEARS \$.50 MORE PER HOUR THAN THE NEW LINEMEN WHO THE TOWN WILL HIRE. ALDERMAN FEATHERS SECONDED THE MOTION. THE MOTION CARRIED.

THE BOARD ASKED ADMINISTRATOR ENGLAND AND MANAGER GLOVER TO INVESTIGATE FIRMS THAT PERFORM TREE TRIMMING SERVICES AND TO ACQUIRE ESTIMATES FOR THE SERVICE.

ALDERMAN MIDDLECOFF MADE A MOTION TO APPROVE THE WRITING OFF OF THE UTILITY BAD DEBT. ALDERMAN FEATHERS SECONDED THE MOTION. THE MOTION CARRIED.

UNDER OLD BUSINESS, THE BOARD DISCUSSED THE NUMBER OF OFFICERS THAT THE TOWN EMPLOYED. OFFICER HOSKINS INFORMED THE BOARD THAT THE TOWN ONLY HAS SIX OFFICERS, AN INVESTIGATOR, CAPTAIN WILLIAMSON, AND CHIEF FEATHERS. TWO OFFICER POSITIONS REMAIN UNFILLED. IF ANYONE IS OFF, ONE SHIFT HAS ONLY ONE OFFICER WORKING THE SHIFT. THE BOARD WAS VERY CONCERNED ABOUT ONLY ONE OFFICER WORKING ON A SHIFT. THE BOARD SUGGESTED THAT THE PUBLIC SAFETY HOLD A SPECIAL MEETING PRIOR TO THE SCHEDULED SPECIAL CALLED MEETING ON JUNE 25TH SO A

RECOMMENDATION AS TO WHETHER THE TOWN SHOULD HIRE MORE OFFICERS CAN BE CONSIDERED BY THE BOARD OR OTHER SOLUTIONS CAN BE PRESENTED FOR CONSIDERATION. ALSO, UNDER OLD BUSINESS, ALDERMAN MIDDLECOFF INFORMED THE BOARD THAT THE TOWN NEEDS TO HAVE A WATER DEPARTMENT WITH ITS OWN EMPLOYEES. ALDERMAN MIDDLECOFF INFORMED THE BOARD THAT THE WATER DEPARTMENT SHOULD HAVE AT LEAST TWO EMPLOYEES WHO WILL WORK ON WATER PROJECTS. THE BOARD SUGGESTED THAT THE LIGHT, GAS, AND WATER COMMITTEE HOLD A SPECIAL MEETING TO DISCUSS THE MATTER AND MAKE A RECOMMENDATION TO THE BOARD FOR THEIR CONSIDERATION AT THE JUNE 25TH MEETING. BOTH COMMITTEES' RECOMMENDATION COULD CHANGE THE BUDGET.

UNDER NEW BUSINESS, ALDERMAN MIDDLECOFF MADE A MOTION TO NOT REQUIRE A DEPARTMENT HEAD TO BRING TO THE BOARD A REQUEST TO REPLACE A BUDGETED POSITION OF AN EMPLOYEE THAT HAS BEEN TERMINATED, RETIRES, OR RESIGNS. ALDERMAN FEATHERS SECONDED THE MOTION. THE MOTION CARRIED.

ALDERMAN FEATHERS MADE A MOTION TO ADJOURN AT 8:00 P.M. ALDERPERSON MYERS SECONDED THE MOTION. THE MOTION CARRIED.