

Linda Kerley  
Mayor

Maureen Fraser, *Alderman*  
Stanley R. Joyner, *Alderman*  
Buddy Rowe, *Alderman*  
Tom Allen, *Alderman*  
Jimmy Lott, *Alderman*



James H. Lewellen  
Town Administrator

Lynn Carmack  
Town Clerk

## Town of Collierville

March 14, 2007

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

Certified Return Receipt Requested: 7006 0100 0004 4021 6346

Dear Mr. Androphy:

Enclosed please find the Town of Collierville Code of Ethics for Town officials and employees, adopted by Ordinance 2007-03 on February 26, 2007.

I was advised by our Town Attorney that your office would need to confirm that the policy adopted complies with the Governmental Ethics Reform Act of 2006.

Thank you very much for your consideration,

TOWN OF COLLIERVILLE

Lynn Carmack  
Town Clerk

enclosure (s)

RECEIVED  
2007 MAR 22 AM 8:43  
TENNESSEE  
ETHICS COMMISSION

ORDINANCE 2007 - 03

AN ORDINANCE TO ADOPT A CODE OF ETHICS FOR OFFICIALS AND EMPLOYEES OF THE TOWN OF COLLIERVILLE LOCATED IN CHAPTER 35, TOWN POLICIES, SECTION 35.10.

- WHEREAS, the foundation of all government in American society is the trust of the citizens in the integrity of public officials; and,
- WHEREAS, it is in the public interest to set forth clear standards of conduct for those who hold public office and exercise the prerogatives and powers of public trust; and,
- WHEREAS, the public welfare is served by having an articulated code of ethics so the general public may be informed about what is expected from Town officials and employees; and,
- WHEREAS, public awareness of the standards of conduct expected from Town officials and employees creates a level of assurance that the business of the public is being conducted fairly and without undue influence; and,
- WHEREAS, the Tennessee General Assembly has enacted Chapter 1 of the Public Acts of the Extraordinary Session of 2006 mandating the creation of ethical standards for all government officials and employees in Tennessee;

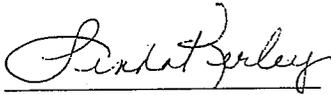
NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN FOR THE TOWN OF COLLIERVILLE, TENNESSEE THAT:

- Section 1. The Board of Mayor and Aldermen of Collierville hereby establishes the Code of Ethical Conduct for Officials of the Town of Collierville, attached hereto as ATTACHMENT 1, and for Town Employees, attached hereto as ATTACHMENT 2.
- Section 2. Resolution 2006-10, which established a Code of Ethics for town officials and employees shall be rescinded upon passage of this ordinance.
- Section 3. The proposed Code of Ethical Conduct for Employees of the Town of Collierville, enclosed herein, will replace the current employee code of ethics in its entirety, which is Chapter 18 of the Town's Personnel Policies and Procedures.
- Section 4. BE IT FURTHER ORDAINED that this ordinance shall become effective immediately after its passage on the third and final reading, in accordance with the Charter of the Town of Collierville, the public welfare requiring it.

Passed First Reading: January 22, 2007

Passed Second Reading: February 12, 2007

Passed Third Reading: February 26, 2007

  
Linda Kerley, Mayor

ATTEST:   
Town Clerk

RECEIVED  
2007 MAR 22 AM 1:43  
TOWN OF COLLIERVILLE  
ETHICS COMMISSION

ATTACHMENT 1

**CODE OF ETHICAL CONDUCT FOR OFFICIALS OF THE  
TOWN OF COLLIERVILLE**

**Section One-- Definitions**

For the purposes of this Code, the following words will have the meaning ascribed to them by this section:

1. Officer shall mean the Mayor and any member of the Board of Aldermen and any appointive member of a board, commission or committee established by ordinance, charter or state law.

**Section Two-- Standards of Conduct**

No Town officer shall knowingly:

1. Use such officer's public position or office to obtain personal financial gain or anything of substantial value that might reasonably tend to influence such officer to act improperly while discharging his or her official duties;

2. Take any official action substantially affecting a matter in which the officer, a family member, or an organization with which the officer is associated has a substantial financial interest, or use his or her office or position in a way that produces or assists in the production of a substantial benefit, direct or indirect, for the officer, a family member, or an organization with which the officer is affiliated;

3. Participate in making or influencing any Town governmental decision or action in which the officer knows that he or she or any member of his or her family have any material financial interest distinguishable from that of the public generally or from that of other Town officers generally;

4. Accept or solicit any promise of any benefit, direct or indirect, to the officer, family members, or his or her employer (in the case of an elected or appointed person) which the officer believes or should reasonably believe was intended to influence the officer's vote or other action taken in the officer's official capacity;

5. Receive or use for personal purposes any property, services or funds of the Town of Collierville;

6. Use for personal gain, or for the gain of any family member, information pertaining to the Town of Collierville, which is not a matter of common public knowledge;

7. Accept other employment or engage in outside activities, which might impair the officer's independent judgment in the performance of his or her public duty

8. Fail or refuse to file in a timely manner all disclosure statements required to be filed under the provisions of this Ordinance;

9. Accept any gift having a value of more than Twenty Five and 00/100 dollars (\$25), or multiple gifts in any twelve month period having an aggregate value of more than One Hundred and 00/100 dollars (\$100), from a person or entity presently doing business with the Town or seeking approvals from the Town or a person or entity as to whom or which it might reasonably be anticipated would do business with the Town or seek approvals from the Town in the future, unless the recipient files, within ten (10) days of receipt of the gift, a written statement with the Town Clerk identifying the gift and the donor; provided, however, on occasion, citizens make gifts to groups of officials in gratitude for service. Such gifts are not deemed to be of the nature that would impact or appear to impact discretion, as governed by Tennessee Code Annotated §8-17-102, and may be accepted by such groups of officials so long as they are collectively shared. The receipt of any such gift shall be reported to the Town Administrator, who shall file, within ten (10) days of receipt of any such gift, a written statement with the Town Clerk identifying the gift and the donor.

10. Vote on a measure, during a meeting at which a vote takes place, without disclosing, before the vote, any personal interest, defined as any financial, ownership or employment interest in the subject of a vote, that affects or that would lead a reasonable person to infer that it affects the officer's vote on the measure. In addition, the officer may recuse himself or herself from voting on the measure.

11. Exercise discretion relative to any matter that affects or that would lead a reasonable person to infer that it affects a personal interest, defined as any financial, ownership or employment interest in a matter to be regulated or supervised, without disclosing the personal interest before the exercise of the discretion, when possible, on a form provided by and filed with the Town Clerk. In addition, the official may, to the extent allowed by law, charter, ordinance, or policy, recuse himself or herself from the exercise of discretion in the matter.

### **Section Three-- Enforcement**

1. When a complaint of a violation of any provision of this Ordinance comes to the attention of the Mayor or any Alderman, such shall be reported to all of the members of the Board of Mayor and Aldermen; and the Board of Mayor and Aldermen shall either determine that the complaint has sufficient merit to warrant further investigation or determine that the complaint does not have merit. If the Board of Mayor and Aldermen determines that the complaint has sufficient merit to warrant further investigation, the Board of Mayor and Aldermen shall cause an appropriate investigation to be conducted or refer such matter to other appropriate authority.

2. If an investigation reveals that further action should be taken, the Board of Mayor and Aldermen, after affording full due process rights, may, by a vote of no fewer than a majority of the entire Board of Mayor and Alderman (i.e. not fewer than four votes), issue a public censure of the offender, refer the matter to the Town Attorney for prosecution in the Town Court or refer the matter to other appropriate authority.

## ATTACHMENT 2

### CODE OF ETHICAL CONDUCT FOR EMPLOYEES OF THE TOWN OF COLLIERVILLE

#### **Section One - Preamble**

1. Statement of Purpose—The successful operation of a democratic government requires that employees observe the highest standards of morality and discharge faithfully their duties of office, recognizing that the public interest must be their primary concern. Their conduct in both their official and private affairs must be above reproach.

The proper function of a municipal government requires employees to be impartial, accountable to its citizens and avoid conflicts of interest or use of position for personal gain. To ensure that the citizens of the Town of Collierville can have complete confidence in the integrity of Town government, each Town employee shall adhere to the Code of Ethical Conduct.

2. Definitions – As used in this code of ethics, the following terms have the meanings indicated below unless the context clearly requires a different meaning or a different definition is adopted for a particular provision:
  - (a) Town – The Town of Collierville.
  - (b) Employee – Any paid employee of the Town who is not a member of the Board of Mayor and Alderman.
  - (c) Supervisor – Any employee who has been granted, by the Town, authority to oversee the activities of other employees.

#### **Section Two - Types of Conduct**

##### **A. Secondary Employment**

1. If an employee of the Town accepts secondary employment, while continuing to be an employee of the Town, such employee shall promptly notify his or her supervisor of the secondary employment.
2. Employees will not be granted sick leave as a result of an injury or illness sustained during secondary employment.
3. Town employees may not engage in secondary employment which interferes with proper and effective job performance as a Town employee, employment which could be considered a conflict of interest, or employment which may subject the Town to any form of public criticism or embarrassment.
4. Town employees may not work for an outside employer whose interests may conflict with those of the Town.

5. Town employees may not use their jobs with the Town to further their interests on the secondary job.
6. Town employees may not work for, or invest in, business concerns with whom they must deal in the course of their employment with the Town.
7. No employee shall engage in any business other than Town business during his or her working hours.
8. Secondary employment also refers to "outside employment" as described in Section 14.03 of the Personnel Rules and Regulations. Secondary employment also includes self-employment.

## **B. Gifts**

1. Town employees are prohibited from soliciting or accepting gifts in any form from any person who has or is seeking to obtain business from the Town or from any person whose interest may be affected by the employee's performance or non-performance of official duties. Nothing in this section shall prevent a Town employee from accepting a gift valued at less than twenty-five dollars (\$25) or multiple gifts in any twelve month period having an aggregate value of less than one hundred dollars (\$100). If returning is impossible, the gift should be given to the Town Administrator's office for appropriate disposal thereof; provided, however, on occasion, citizens make gifts to groups of employees in gratitude for service. Such gifts are not deemed to be of the nature that would impact or appear to impact discretion, as governed by Tennessee Code Annotated 8-17-102, and may be accepted by such groups of employees so long as they are collectively shared. The head of the appropriate department shall file, within ten (10) days of receipt of any such group gift, a written statement with the Town Clerk identifying the gift and the donor.
2. Town employees shall not accept any fee or other consideration from any third party for work performed on behalf of the Town.

## **C. Impartiality**

1. Town employees may not exercise discretion relative to any matter that affects or that would lead a reasonable person to infer that it affects a personal interest, defined as any financial, ownership or employment interest in a matter to be regulated or supervised, without disclosing the personal interest before the exercise, when possible, to his or her immediate supervisor. The immediate supervisor shall forward the disclosure to the designated ethics compliance officer with the Town Personnel Department who shall make such record as deemed appropriate.
2. No Town employee may grant or make available to any person any consideration, treatment, advantage or favor beyond that which is the general practice to grant or make available to all citizens.
3. Town employees must refrain from securing special privileges or exemptions for themselves or their relatives beyond those which would be available to all citizens.

4. Town employee must not use privileged information for their own financial advantage or to provide friends and acquaintances with advantages or with information that could be used for financial advantage. Each employee is charged with the responsibility of ensuring that he or she releases only information that is available to the general public.

#### **D. Use of Public Property**

1. No Town employee shall use or permit the use of any publicly – owned property, vehicle, equipment, service, tool, or supplies (new, surplus, scrap, or obsolete) or the labor of services of any Town employee for the personal convenience or advantage of the employee or any other person except in connection with the performance of Town services which are generally available to the public.
2. If any employee determines that he or she has an outside interest that may be affected by Town plans or activities, or result in a conflict of interest, the employee shall immediately report the situation to his or her Department Head.

#### **E. Contracts with the Town**

Except for publicly-recorded salary and benefits, no employee may receive any additional personal financial benefit (income, goods or service, or increase in equity or other value) from any transaction of the Town, including contracts for construction and transactions for the sale or purchase of goods, services or real estate, except those indirect and incidental public benefits and conveniences accruing to all citizens under similar circumstances.

#### **F. Policy or Legislative Matters Before the Board of Mayor & Aldermen**

Any employee who has a financial or other private interest in any matter before the Board of Mayor and Aldermen (BMA) requiring a decision and vote by the Board or who contributes to the preparation, presentation or discussion of an official report or recommendation to the Board affecting such financial or other private interest shall disclose at the appropriate public meeting, verbally or in writing, duly recorded in the minutes thereof, the nature and extent of such interest. This disclosure shall be made prior to any vote by the Board.

#### **Section Three - Administration of the Code of Ethics.**

Where a question arises concerning the interpretation of any of the provisions of this Code of Ethical Conduct, the Town Administrator shall decide the question. The Town Administrator may, upon his or her discretion, refer questions to the Board of Mayor and Alderman for comment and advice.

#### **Section Four - Penalties.**

Town employees who violate the Code of Ethics may be disciplined in a fashion that ranges from formal disciplinary reprimand to discharge from employment.

TOWN OF COLLIERVILLE

REPORT OF EXERCISE OF DISCRETION

TO: Town of Collierville Town Clerk

Be advised that the undersigned will exercise or has exercised her or his discretion relative to a matter that affects or would lead a reasonable person to infer that it affects a personal interest, (which is defined as any financial, ownership, or employment interest).

The matter as to which such discretion will be or has been exercised is described as follows:

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This Report of Exercise of Discretion is being filed with the Town Clerk of the Town of Collierville in accordance with Ordinance No. 2007-03 of the Town.

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Position with Town of Collierville: \_\_\_\_\_

Date: \_\_\_\_\_

Received:

\_\_\_\_\_  
Town Clerk  
Date: \_\_\_\_\_

TOWN OF COLLIERVILLE

REPORT OF GIFT

To: Town of Collierville Town Clerk

Be advised that the undersigned Officer of the Town of Collierville ("Town") has accepted a gift having a value of more than twenty five dollars (\$25) from a person or entity doing business with the Town or seeking approvals from the Town or a person or entity as to whom or which it might reasonably be anticipated would do business with the Town or seek approvals from the Town in the future.

The gift was \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The donor of such gift was \_\_\_\_\_

This Report of Gift is being filed with the Town Clerk of the Town within ten (10) days of receipt of such gift in accordance with Ordinance No. 2007-02 of the Town.

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Position with Town of Collierville: \_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_

Received:

\_\_\_\_\_  
Town Clerk  
Date: \_\_\_\_\_