

CITY OF CROSSVILLE

99 MUNICIPAL AVE.

CROSSVILLE, TENNESSEE 38555~4477

TEL (931) 456~5680

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OFFICE OF THE
CITY CLERK

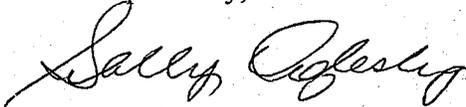
Tennessee Ethics Commission
Suntrust Building
201 4th Avenue North, Suite 1820
Nashville, TN 37243

To Whom It May Concern:

Please find enclosed a certified copy of the Code of Ethics Ordinance adopted by the City Council of Crossville, Tennessee on June 12, 2007. We trust that this ordinance meets the requirements of Public Chapter No. 1 of the Extraordinary Session of the 2006 General Assembly.

If you need additional documentation or information, please feel free to contact me.

Respectfully,



Sally Oglesby, MMC
City Clerk

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ETHICS COMMISSION

ORDINANCE NO. 1131

An Ordinance to amend the Crossville Municipal Code by adding Title 9, Chapter 7 to be entitled "Code of Ethics".

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CROSSVILLE, TENNESSEE AS FOLLOWS:

SECTION I. That Title 9, Chapter 7 be added to the Crossville Municipal Code as follows:

CHAPTER 7

CODE OF ETHICS¹

SECTION

- 1-701. Applicability
- 1-702. Definition of "personal interest"
- 1-703. Disclosure of personal interest by official with vote
- 1-704. Disclosure of personal interest in non-voting matters
- 1-705. Acceptance of gratuities, etc.
- 1-706. Use of information
- 1-707. Use of municipal time, facilities, etc.
- 1-708. Use of position or authority
- 1-709. Outside employment
- 1-710. Ethics complaints

1-701. Applicability. This chapter is the code of ethics for personnel of the City of Crossville. 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 City. The words "municipal" and "City" or "City of Crossville" include these separate entities.

1-702. Definition of personal interest." (1) For purposes of Section 1-703 and 1-704, "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 on 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), step parent(s), grandparent(s), siblings(s), child(ren), or step child(ren).

¹ State statutes dictate many of the ethics provisions that apply to municipal officials and employees. For provisions relative to the following, see the Tennessee Code Annotated (T.C.A.) sections indicated:

Campaign finance – T.C.A. Title 2, Chapter 10.

Conflict of interests – T.C.A. §§ 6-54-107, 108; 12-4-101,102.

Conflict of interests disclosure statements – T.C.A. §8-50-501 and the following sections.

Consulting fee prohibition for elected municipal officials – T.C.A. §§ 2-10-122, 124.

Crimes involving public officials (bribery, soliciting unlawful compensation, buying and selling in regard to office) – T.C.A. §039-16-101 and the following sections.

Crimes of official misconduct, official oppression, misuse of official information – T.C.A. § 39-16-401 and the following sections.

Ouster law – T.C.A. § 8-47-101 and the following sections.

A brief synopsis of each of these laws appears in the appendix of the municipal code.

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TENN. ETHICS COMMISSION

(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 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 chapter.

1-703. 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 himself² from voting on the measure.

1-704. Disclosure of personal interest in non-voting 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 clerk. In addition, the official employee may, to the extent allowed by law, charter, ordinance, or policy, recuse himself from the exercise of discretion in the matter.

1-705. 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.

Notwithstanding any provision or interpretation of § 1-705 to the contrary, an official or employee may accept, directly or indirectly, money, gifts, gratuities, or other consideration in amounts not to exceed \$100.00 per instance, but only so long as such acceptance of said gift, money, gratuity or consideration is not in exchange for the performance of an act, or the refraining from the performance of an act, that he or she would be expected to perform, or refrain from performing, in the regular course of his or her duties. Gifts, gratuities, money and consideration in amounts of \$100.00 or less per instance are hereby deemed to be too nominal to be interpreted reasonably as an "attempt to influence" as contemplated in sub-paragraph (2) hereinabove; such an interpretation is hereby deemed to be unreasonable with regard to gifts, money, gratuity and consideration in said amount of \$100.00 or less per instance, and the same shall not be interpreted as an "attempt to influence," and shall be treated as an exception to said sub-paragraph (2).

1-706. 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.

1-707. 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.

² Masculine pronouns include the feminine. Only masculine pronouns have been used for convenience and readability.

1-708. 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.

(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.

1-709. Outside employment. An official or employee may not accept or continue any outside employment without written authorization from the department head.

1-710. 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.

(b) The city attorney may request the City Council to hire another attorney, individual, or entity to act as ethics officer when he has or will have a conflict on 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 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 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.

(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.

1-711. 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 City Council. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action.

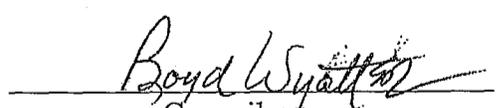
SECTION II. This ordinance shall take effect upon and after its final date of passage, the public welfare requiring it.



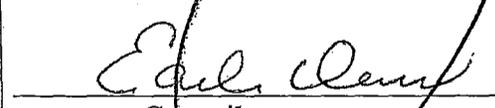
Mayor



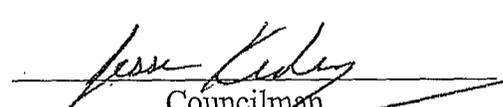
Councilman



Councilman

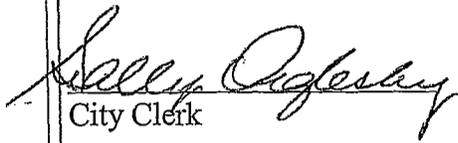


Councilman

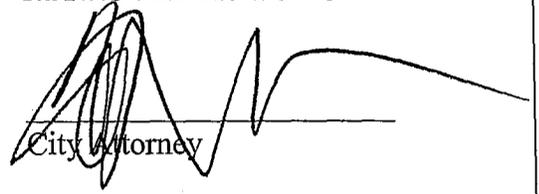


Councilman

ATTEST:


City Clerk

APPROVED AS TO FORM:


City Attorney

Passed 1st Reading: April 10, 2007
Passed 2nd Reading: May 8, 2007
Passed 3rd Reading: June 12, 2007

STATE OF TENNESSEE)
)
COUNTY OF CUMBERLAND)

I, Sally Oglesby, hereby certify that I am the duly qualified and acting Clerk of the City of Crossville, Tennessee and as such official, I further certify that attached hereto is a copy of Ordinance No. 1131 adopting a Code of Ethics; adopted by the City Council on June 12, 2007, of record in Ordinance Book 6, Pages 313-316; that I have compared said copy with the original record in my official custody; and that said copy is a true, correct and complete copy from said original record of said municipality.

Witness my official signature and seal of said municipality on this the 14th day of June, 2007.



City Clerk

(SEAL)