

ORDINANCE 72-2006-07

AN ORDINANCE AMENDING ORDINANCE 7-2006-07 RELATIVE TO THE ETHICS POLICY OF THE CITY OF CLARKSVILLE

*BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE TENNESSEE:*

That Ordinance 7-2006-07 is amended by deleting all of the language after the enacting clause, and by substituting instead the following:

The *Official Code* of the City of Clarksville, Tennessee, Title 1, "Administration, Officers, and Personnel," is hereby amended by adding the following as Chapter 6 (currently reserved), "Code of Ethics:"

SECTION 1. Applicability

This chapter serves as the code of ethics for employees of the City of Clarksville Tennessee, (herein City): Employees, in the context of this Ordinance, includes all full time and part time elected or appointed officials and employees, whether compensated or not, including those of any separate board, council, commission, committee, authority, corporation, or other instrumentality appointed or created by the City,

Whereas, the maintenance of high standards of honesty, integrity, impartiality, and conduct by employees and agents of the City of Clarksville is essential to ensure the proper performance of Government business and the maintenance of confidence by citizens in their Government; and Whereas, the avoidance of misconduct and conflicts of interest on the part of employees of the City is indispensable to the maintenance of these standards.

All employees will review this ordinance annually and be briefed on any issues of interest related to this ordinance. Employees will sign a form of understanding and agreement (to be provided) during the annual review. The signed form will be retained in employee records. New employees will review and sign the form as part of their Human Resources in-processing. The city attorney and Human Resources will coordinate and develop the review/signature/filing processes.

SECTION 2. Employee Responsibilities

Each employee shall avoid any action, whether or not specifically prohibited by statute, regulation, or this Ordinance, which might result in or create the appearance of:

- (1) Using public office for private gain;
- (2) Giving preferential treatment to any person or organization;
- (3) Impeding government efficiency or economy;
- (4) Losing complete independence or impartiality;

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- (5) Making a government decision outside official channels or;
- (6) Affecting adversely the confidence of the public in the integrity of the government
- (7) Elected Officials being in joint business ownership or in a joint consultant/management of a business with any other city employees
- (8) Elected Officials, including any immediate family member, and City Employees, including any immediate family member, Co-Owning or otherwise being principal stockholders in a business.

### SECTION 3. Gifts and Gratuities,

No employee shall solicit or accept, directly or indirectly, on behalf of himself or herself or any member of the employee's household, any gift, including but not limited to any gratuity, service, favor, food, entertainment, lodging, transportation, loan guarantee or any other item of monetary value, from any person or entity that:

- (1) Has, or is seeking to obtain, contractual or other business or financial relations with any Department of City Government
- (3) Conducts operations or activities with the City of Clarksville
- (4) Has interests that may be substantially affected by the performance or non performance of the employee's official duties.

### SECTION 4. Exceptions,

The prohibition on accepting gifts in paragraph 3 does not apply to;

- (1) A gift given by a member of the employee's immediate family, or by an individual if the gift is given for a non business purpose and is motivated by a close personal friendship and not by the position of the employee.
- (2) Informational materials in the form of books, articles, periodicals, other written materials, audio tapes, video tapes, or other forms of communication.
- (3) Sample merchandise, promotional items, and appreciation tokens, if they are routinely given to customers, suppliers, or potential customers or suppliers in the ordinary course of business;
- (4) Unsolicited tokens or awards of appreciation, honorary degrees, or bona fide awards in recognition of public service in the form of a plaque, trophy, desk item, wall memento or other similar items; provided, that any such item shall not be in a form which can readily be converted to cash;
- (5) Food, refreshments, foodstuffs, entertainment, or beverages provided as part of a meal or other event, if the value of such item does not exceed fifty dollars (\$50.00) per occasion; provided further that the value of a gift made pursuant to this subsection may not be reduced below the monetary limit by dividing the cost of the gift among two or more persons or entities identified in paragraph 3;

- (6) There may be circumstances where refusal or reimbursement of a gift or dining with a value exceeding fifty (\$50) dollars may be awkward and contrary to the larger interests of the City. In such circumstances, the employee shall disclose the gift/dinner, including a description, estimated value, the person or entity providing the gift/dinner and additional explanations as needed within fourteen (14) calendar days of the occurrence to the Internal Auditor or Director of Finance and Administration. A form for this purpose will be provided;
- (7) Food, refreshments, meals, foodstuffs, entertainment, beverages or intrastate travel expenses that are provided in connection with an event where an employee is a speaker or part of a panel discussion at a scheduled meeting of an established or recognized membership organization which has regular meetings; and
- (8) Loans from established financial institutions made in the ordinary course of business on usual and customary terms, so long as there are no guarantees or collateral provided by any person described in paragraph 3;
- (9) Money, goods or any other commodity donated to any employee, as defined in Section 1, for the distribution to any segment of the general public. For example, money donated to the Fraternal Order of Police by private retailers for the purpose of selecting identified under privileged children, transporting them to area stores and buying them Christmas gifts.

#### SECTION 5. FINANCIAL INTERESTS,

- (1) No employee shall enter into or derive any benefit, directly or Indirectly, from any contractual arrangement with the city or any of its agencies. In recognition of the fact that many husbands and wives have separate careers, the normal employment compensation of a spouse whose regular ongoing employer or business has a contractual arrangement with the city shall not be considered a "benefit" to the employee, provided the contract with the city was procured without any participation, assistance, or influence by the employee, and that employee disclose such contracts.
- (2) No employee shall have a direct or indirect financial interest that conflicts substantially, or appears to conflict substantially, with his or her governmental duties or responsibilities. The employee will disclose any known financial interests related to any topic, subject, or program that has city government interest or involvement. If a possible conflict could arise, the employee will disclose these concerns and interests and abstain from any decision-making processes or votes. "Indirect financial interest" in this case includes a substantial interest on the part of parent, spouse, or minor

child of the employee. This subsection shall not apply to interests that have been placed into a "blind trust" arrangement pursuant to which the employee does not have knowledge of the retention or disposition of such interests. If, at the time the employee begins employment with the city or at any subsequent time during city employment, the employee acquires such direct or indirect financial interests prohibited by Subsection (1) or (2), that interests shall be disclosed to the Director of Finance within 14 calendar days.

#### SECTION 6. USE OF INFORMATION.

No employee shall, directly or indirectly;

- (1) Use, disclose, or allow the use of official information which was Obtained through or in connection with his or her government employment and which has not been made available to the general public for the purpose of furthering the private interest or personal profit of any person, including the employee; or
- (2) Engage in a financial transaction as a result of, or primarily relying upon, information obtained through his or her government employment.

#### SECTION 7. USE OF CITY PROPERTY.

- (1) No employee shall make use of the facilities, equipment, personnel, or supplies of the city or its agencies for private use or gain, except to the extent that the use is incidental or de minimus or is lawfully available to the general public.

#### SECTION 8. 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 laws.
- (2) Except as otherwise provided in this subsection, the city attorney shall investigate any credible complaint against any appointed official or employee charged with violating provisions 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.

- (2a) The city attorney may request the governing body to 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.
- (2b) When a complaint of a violation of any provision of this chapter is lodged against a member of the 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 would make 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, the violation shall be dealt with as a violation of the personnel policy provisions rather than as a violation of this code of ethics.

SECTION 9. VIOLATIONS

An employee, as defined in Section 1, 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 to by the governing body and, if warranted, prosecuted by the city.

*FIRST READING:* January 4, 2007  
*SECOND READING:* February 1, 2007  
*EFFECTIVE DATE:* February 6, 2007



## CITY OF CLARKSVILLE GIFT DISCLOSURE FORM

The City of Clarksville recognizes that there may be circumstances where refusal or reimbursement of a gift otherwise prohibited by the terms of ORDINANCE 72-2006-07 may be awkward and contrary to the larger interests of the city. In such circumstances, the employee is to use his best judgment and disclose receipt of the gift to the Commissioner of Finance & Revenue within fourteen (14) days.

PLEASE PROVIDE THE FOLLOWING INFORMATION REGARDING YOUR GIFT RECEIPT:

1. *Date of gift receipt:* \_\_\_\_\_

2. *Briefly describe the gift you received:*

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3. *Estimated value of gift*      \$ \_\_\_\_\_

4. *Person or entity providing gift:*

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5. *Please describe in detail the circumstances surrounding your acceptance of this gift and explain why refusing or reimbursing for this gift would have been awkward and contrary to the larger interests of the City of Clarksville. (Feel free to attach additional pages if necessary):*

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\_\_\_\_\_  
SIGNATURE OF EMPLOYEE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE OF DEPARTMENT HEAD

\_\_\_\_\_  
DATE