

ORDINANCE NO. 2007-23

**AN ORDINANCE PROVIDING A CODE OF ETHICS
FOR CITY OFFICIALS AND EMPLOYEES**

WHEREAS, Public Chapter No. 1 of the Extraordinary Session of the 2006 General Assembly requires municipalities to adopt a code of ethics by ordinance, and

WHEREAS, the City of Maryville currently has no code of ethics ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF
THE CITY OF MARYVILLE, TENNESSEE;**

Section 1. Applicability.

(a) This is the code of ethics for officials and employees of the city. It applies to all full-time and part-time elected or appointed officials and employees of the city, whether compensated or not, including those of any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the city including, but not limited to; Maryville City Council, Maryville Regional Planning Commission, Maryville Board of Zoning Appeals, Code Review Committee, Construction Board of Adjustments and Appeals, Maryville Public Building Authority, Maryville Parking Authority, Maryville School Board, Big Springs Industrial Park Design Review Board, Historical Zoning Commission and Design Review Board. The words "city" and "municipal" include these separate entities. As provided by Chapter 1, Section 49(d), Tennessee Public Acts of 2006, this code of ethics shall apply to the municipal board of education and its employees.

(b) In any situation in which a personal interest under this code of ethics is also a conflict of interest under state law, the provisions of the state law shall section 3 of this ordinance supersede.

Section 2. Definitions. As used in this ordinance:

- (a) "City" means the City of Maryville, Tennessee.
- (b) "City council" means the city council of the city.
- (c) "Municipal board" means any board, commission, committee, authority, corporation, or other instrumentality appointed or created by the city.
- (d) "Personal interest" means:

(1) Any financial, ownership, or employment interest which is the subject of a vote by a Municipal Board or City Council, not otherwise regulated by state statutes on conflict of interest; or

(2) Any financial, ownership, or employment interest in a matter to be regulated or supervised by City Council or a Municipal Board.

(3) Any such financial, ownership, or employment interest of the official's or employee's spouse, parent(s), step parent(s), grandparent(s), sibling(s), child(ren), or step child(ren).

(e) 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.

Section 3. Disclosure of personal interest.

(a) An official on City Council or any Municipal Board with the responsibility to vote on a matter 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 matter. In addition, the official may recuse himself or herself from voting on the matter.

(b) 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 or herself from the exercise of discretion in the matter.

Section 4. Prohibition of Acceptance of Gifts and Gratuities.

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:

(a) For the performance of an act, or refraining from 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; or

(b) That might reasonably be interpreted as an attempt to influence his action, or reward him or her for past action, in executing municipal business.

Section 5. Use of Information.

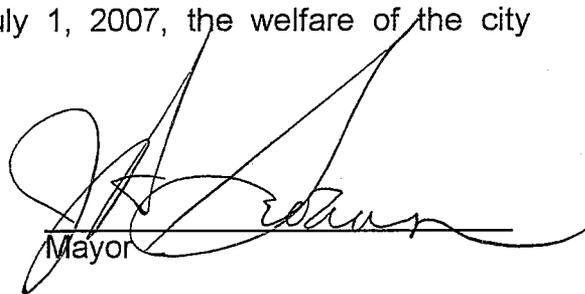
1. An official or employee may not disclose any information obtained in his official capacity or position of employment that is made confidential under state or federal law except as authorized by law.

2. An official or employee may not use or disclose information obtained in his or her official capacity or position of employment with the intent to result in financial gain for himself or herself or any other person or entity.

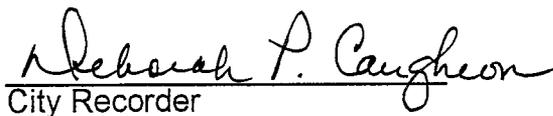
Section 6. Violation and Penalty

Violation of this chapter is punishable under the City's general penalty clause or other applicable laws.

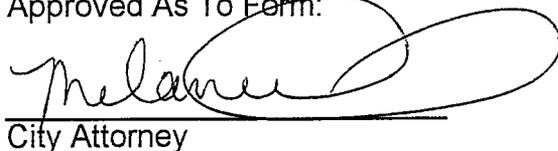
This Ordinance shall take effect July 1, 2007, the welfare of the city requiring it.

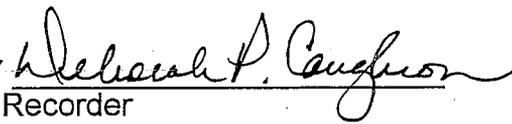

Mayor

ATTEST:


City Recorder

Approved As To Form:


City Attorney

Passed 1st Reading June 5, 2007 
City Recorder

Passed 2nd Reading June 26, 2007 
City Recorder