



THE CITY OF BRISTOL, TENNESSEE
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Office of the City Attorney

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September 6, 2006

Mr. Bruce Androphy
Executive Director
Tennessee Ethics Commission
312 Eighth Avenue North
8th Floor, Snodgrass Tower
Nashville, Tennessee 37243

Re: City of Bristol – Adoption of Ethical Standards

Dear Mr. Androphy:

The city council of the City of Bristol has adopted ethical standards in accordance with Section 49 of Chapter 1 of the Tennessee Public Acts of 2006.

Enclosed for filing with the Commission is a copy of Ordinance 06-23 which adopts such standards for the City of Bristol.

Should you or the Commission have any questions, please let me know.

Very truly yours,

Jack W. Hyder, Jr.
City Attorney

Cc: Jeffrey J. Broughton, City Manager
Robert L. Wilson, Jr., City Recorder

Ordinance No. 06-23

**An Ordinance to Amend Chapter 2, Article III, Division 1, of the Code of Ordinances
by Providing a Code of Ethics for City Officials and Employees**

BE IT ORDAINED by the City of Bristol, Tennessee as follows:

That Chapter 2, Article III, Division 1, of the Code of Ordinances is amended by designating Division 1 as "Code of Ethics" and inserting the following new sections:

Section 2-51. Applicability.

(a) This division 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. 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 take precedence over the provisions of this division.

Section 2-52. Definitions. As used in this division:

- (a) "City" means the City of Bristol 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.
- (c) "Personal interest" means:
 - (1) Any financial, ownership, or employment interest in the subject of a vote by a city board not otherwise regulated by state statutes on conflicts of interests; or
 - (2) Any financial, ownership, or employment interest in a matter to be regulated or supervised; or
 - (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).

(d) 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 2-53. Disclosure of personal interest.

(a) An official 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 2-54. 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 city:

(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.

(c) Notwithstanding anything in this section to the contrary, gifts, gratuities, services or favors which are allowed under the city's Gift Acceptance Policy, or which are allowed under a similar a gift policy adopted by a municipal board, are not prohibited by this section.

Section 2-55. Use of Information.

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

(b) 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, herself or any other person or entity.

Section 2-56. Use of municipal time, facilities, etc.

(a) 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 or herself.

(b) 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 duly authorized for a public purpose or as otherwise permitted by law.

Section 2-57. Use of position or authority.

(a) An official or employee may not make or attempt to make private purchases, for cash or otherwise, in the name of the municipality.

(b) An official or employee may not use or attempt to use his or her position with the city to secure any privilege or exemption for himself, herself or others that is not authorized by the law, charter, ordinance or policy of the city

Section 2-58. 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 city charter or any ordinance or policy.

Section 2-59. Ethics complaints.

(a) The city attorney is designated as the ethics officer of the city. Upon the written request of an official or employee potentially affected by a provision of this division, the city attorney may render an oral or written advisory ethics opinion based upon this division and other applicable law. The city council may designate one or more other attorneys to act under this section in the event city attorney has or will have a conflict of interest in a particular matter.

(b) If a complaint of a violation of any provision of this division is lodged against a member of the city council, the mayor (or the vice mayor if the complaint is against the mayor), city manager and city attorney shall examine the same to determine whether the complaint appears to have sufficient merit to warrant further consideration. If at least two of those persons determine that the complaint warrants further consideration, the city council shall consider the complaint and determine whether (1) the complaint has merit, (2) the complaint does not have merit, or (3) the complaint has sufficient merit to warrant further investigation. If the city 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.

(c) If a complaint of a violation of any provision of this division is lodged against a member of the board of education, the chairperson (or the vice chairperson if the complaint is lodged against the chairperson), director of schools and board of education attorney shall examine the same to determine whether the complaint appears to have sufficient merit to warrant further consideration. If at least two of those persons determine that the complaint warrants further consideration, the board of education shall consider the complaint and determine whether (1) the complaint has merit, (2) the complaint does not have merit, or (3) the complaint has sufficient merit to warrant further investigation. If the board of education determines that a complaint warrants further investigation, it shall authorize an investigation by the board of education attorney or another individual or entity chosen by the board of education.

(d) If a complaint of a violation of any provision of this division is lodged against an official appointed by the city council (including members of municipal boards, but excluding the city manager), or against an employee appointed, hired by or working under the authority of the city manager, the city attorney shall examine the same to determine whether the complaint appears to have sufficient merit to warrant further investigation. If the city attorney determines that a complaint warrants further investigation, or if the city attorney otherwise acquires credible information indicating a violation, he or she may investigate the complaint and make recommendations for action to end or seek redress for any activity that, in the attorney's judgment, constitutes a violation of this code of ethics.

(e) If a complaint of a violation of any provision of this division is lodged against the city manager, the mayor (or a member of the city council designated by the mayor) and an outside attorney shall examine the same to determine whether the complaint appears to have sufficient merit to warrant further investigation and shall report their recommendations to the city council.

(f) If a complaint of a violation of any provision of this division is lodged against an employee appointed, hired by or working under the authority of a municipal board, the attorney for that board shall examine the same to determine whether the complaint appears to have sufficient merit to warrant further investigation. If such attorney determines that a complaint warrants further investigation, or if the attorney otherwise acquires credible information indicating a violation, he or she may investigate the complaint and make recommendations for action to end or seek redress for any activity that, in the attorney's judgment, constitutes a violation of this code of ethics. If the complaint is lodged against the chief executive or administrative officer hired by such board, the attorney for the board shall advise the city attorney of any investigation which he or she undertakes and the results of that investigation.

(g) The city attorney, or the attorney representing a municipal board, may request the hiring of another attorney, individual, or entity to act under this section when it appears he or she has or will have a conflict of interest in a particular matter.

(h) Complaints lodged under this section should be in writing and signed by the person or persons making the same.

(i) The interpretation that a reasonable person in the circumstances would apply shall be used in interpreting and enforcing this code of ethics.

(j) 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 provisions rather than as a violation of this code of ethics.

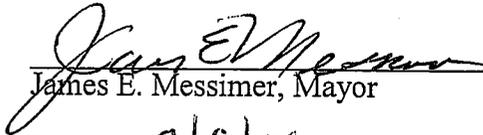
(k) Any attempt by an official or employee to improperly influence the consideration, investigation or resolution of a complaint lodged under this section shall constitute a violation of this code of ethics.

Section 2-60. 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 division is subject to punishment as provided by the city 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.

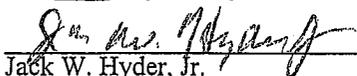
This Ordinance shall take effect seventeen (17) days from and after its final passage, the welfare of the city requiring it.

WHEREUPON, Mayor Messimer declared the Ordinance adopted, affixed his signature and the date thereto, and directed that the same be recorded.


James E. Messimer, Mayor
Date: 9/5/06


Robert L. Wilson, Jr., City Recorder

Approved as to Form and Legality
this 20 day of July 2006


Jack W. Hyder, Jr.
City Attorney

Passed on 1st Reading: 8/1/06
Passed on 2nd Reading: 9/5/06