

ORDINANCE NO. 335

AN ORDINANCE OF THE TOWN OF ASHLAND CITY TO ESTABLISH A CODE OF ETHICS

WHEREAS, the Town of Ashland City desires to enact a Code of Ethics in compliance with Public Chapter No. 1 of the Extraordinary Session of the 2006 General Assembly; and

WHEREAS, the Town of Ashland City also desires to have a Code of Ethics that includes a reference to all other state statutes that deal with municipal officials and employees; and

WHEREAS, the Town of Ashland City has reference to some of the provisions of this Code of Ethics in it's current personnel policy and other miscellaneous ordinances but desires that this new Code of Ethics will replace any prior written ordinances or personnel policy on Ethics that contradicts with this Ordinance; and

NOW, THEREFORE, BE IT ORDAINED by the Town of Ashland City, Tennessee, as follows:

Applicability. This Title is the Code of Ethics for personnel of the Town of Ashland City. 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 municipality. The words "municipal" and "municipality" include these separate entities.

Definition of "Personal Interest". (1) For purposes of this Title, "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 of 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), sibling(s), child(ren), or step child(ren); or

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

(2) The words "employment interest" include:

(a) Any job, occupation, consultation, or other position for which the

employee or official is compensated, whether by a third party/entity or in a self-employed capacity, other than the Town of Ashland City; and

(b) Any 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 a vote of any Town of Ashland City board, committee, or commission, or that is to be regulated or supervised by the Town of Ashland City

(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.

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 himself or herself from voting on the measure.

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, or is in a reasonably apparent position of influence over such matter, shall disclose, before the exercise of the discretion or influence, 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 from the exercise of discretion in the matter.

Acceptance of 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 over the amount of \$50.00:

(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.

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.

Use of Municipal Time or Facilities.

False statements of fact may be subject to a perjury charge. The Mayor and City Council shall be advised that an ethics inquiry is occurring.

(2) Such ethics investigator shall be chosen from any one of three attorneys approved annually by resolution of the City Council as administrative law officers, and with whom the Town of Ashland City has entered into an agreement for compensation to act in such capacity.

(3) Such ethics investigator shall review all information provided by the city attorney and shall render a written advisory ethics opinion to the city attorney as to whether any violations have occurred based upon this ethics policy or other applicable law. Should the ethics investigator require additional information, the city attorney shall be responsible for coordinating any other information, witnesses, or statements and providing such information to the ethics investigator. The subpoena power of the City Council may be used to obtain information, if required. The ethics investigator shall report the findings to the City Attorney within sixty (60) days of the complaint, unless more time is required and approved by City Council action. Upon request, the ethics investigator may also be asked to issue a written advisory opinion about an ethics question or situation.

(4) Once the ethics investigator concludes an investigation and renders an opinion about a complaint or request, the city attorney shall forward such written opinion, along with any recommendations for action(s) to end or seek retribution for any activity that, in the ethics investigator's judgment, constitutes a violation of this code of ethics, to the Ashland City Council, the Mayor, and, if the subject of the investigation is an employee, to the employee and such employee's department head. The opinion shall also be sent to the person(s) that filed the request or complaint.

(5) When a complaint of a violation of any provision of this chapter is lodged against a member of the municipality's governing body, the investigation of such complaint shall proceed as heretofore described.

(6) Any complaint filed with malice or under false statements of fact or, in an obvious attempt to embarrass, shall be the subject of proper sanctions or disciplinary action. However, any city employee shall be able to file a valid complaint without fear of retaliation. Any supervisor, or any other employee, who harasses or retaliates against an employee filing a complaint shall be subject to disciplinary action, including dismissal.

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

(8) 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) 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. An official or employee may use a facility of the Town of Ashland City for his or her own personal use only upon express permission by the Mayor.

(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.

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.

Outside Employment or Other Position of Financial Interest.

(1) Outside employment, or other position of financial interest, shall be defined as any job, occupation, consultation, or other position for which the employee is compensated, whether by a third party/entity or in a self-employed capacity, other than the City of Lebanon.

(2) All positions of outside employment, or other position of financial interest, must be submitted on the Outside Employment form provided by the City and approved on an annual basis by the employee's respective department head prior to the acceptance, or continuance, of such outside employment, or other position of financial interest.

(3) No employee of the City of Lebanon shall be permitted to continue in, commence, or accept any position of outside employment, or other position of financial interest, if such outside employment, or other position of financial interest:

(a) Will unreasonably inhibit the performance of any affirmative duty of the City position or conflict with any provision of the City's charter or any ordinance or policy;

(b) Is likely to interfere with the employee's satisfactory performance of his or her duties and responsibilities; or

(c) Is incompatible with City employment in any way, including the appearance of any conflict of interest or impropriety.

Ethics Complaints. (1) The city attorney is designated as the ethics coordinator for the Town of Ashland City. Upon the written credible request or ethics complaint of an official or employee potentially affected by a provision of this chapter, the city attorney shall gather and organize any information required to fully investigate the written request and shall forward such information to an attorney designated by the Ashland City Council as an ethics investigator. In all respects, the city attorney shall act as the City's liaison to the ethics investigator during, and at the conclusion of such investigation. The written ethics request or complaint shall be delivered to the city attorney as a sworn statement of facts, under oath, before a notary public.

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 governing body. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action.

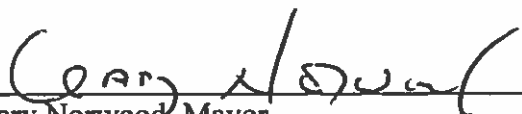
Appearance of Impropriety. At all times, every Town of Ashland City employee or official, whether elected or appointed, shall conduct himself or herself in a manner so as to avoid even the appearance of any impropriety.

This ordinance shall take effect twenty days after it's passage, the public welfare requiring the same.

1ST READING 5-8-07

PUBLIC HEARING 6-12-07

2ND READING 6-12-07



Gary Norwood, Mayor

Attest:



Phyllis Schaeffer, City Recorder