



**CLARKSVILLE-MONTGOMERY COUNTY
REGIONAL PLANNING COMMISSION**

329 MAIN STREET; CLARKSVILLE TN 37040

PHONE: 931-645-7448 FAX: 931-645-7448

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APR 11 AM 9:49

TENNESSEE
ETHICS COMMISSION

April 3, 2007

Tennessee Ethics Commission
ATTN: Ann Turner
Sun Trust Bank Building
201 4th Avenue North, Suite 1820
Nashville TN 37243

Dear Ms. Turner:

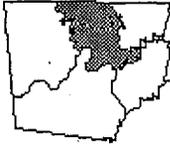
Enclosed is a copy of the Ethics Policy for our agency, which was adopted at our regular Planning Commission meeting on Wednesday, March 28, 2007.

Please let us know if further information or action is required. Thank you.

Sincerely,

Judy H. Burkhart
Office Manager

Enclosures



**CLARKSVILLE-MONTGOMERY COUNTY
REGIONAL PLANNING COMMISSION**

329 MAIN STREET; CLARKSVILLE TN 37040

PHONE: 931-645-7448 FAX: 931-645-7481

ACTION OF COMMISSION

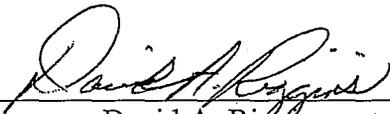
The Clarksville-Montgomery County Regional Planning Commission,
meeting in regular session on Wednesday, March 28, 2007,
adopted the attached

ETHICS POLICY

to cover the Commission members and its employees

Duly passed and approved this 28th day of
March, 2007.

ATTEST:



David A. Riggins,
Director of Planning

**CODE OF ETHICS
CLARKSVILLE-MONTOMERY COUNTY
REGIONAL PLANNING COMMISSION**

The maintenance of high standards of honesty, integrity, impartiality, and conduct by members and employees of the Clarksville-Montgomery County Regional Planning Commission is essential to ensure the proper performance of Commission business and the maintenance of confidence by citizens in the Commission. The avoidance of misconduct and conflicts of interest on the part of Planning Commission members and employees is indispensable to the maintenance of these standards.

Definitions:

- (1) "Members and employees" means and includes any person appointed to or employed by, whether compensated or not, the Clarksville-Montgomery County Regional Planning Commission.
- (2) "Personal interest" means, for the purpose of disclosure of personal interests in accordance with this Code of Ethics, a financial interest of the member or employee, or a financial interest of the member's or employee's spouse or child living in the same household, in the matter to be voted upon, regulated, supervised, or otherwise acted upon in an official capacity.

Member and Employee Responsibilities:

Each member and employee shall avoid any action, whether or not specifically prohibited by statute, regulation, or this policy, 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;
- (5) Making a government decision outside official channels;
- (6) Affecting adversely the confidence of the public in the integrity of the agency.

Disclosure of Personal Interest in Voting Matters:

A member or employee with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and to be included in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the member's or employee's vote on the measure. In addition, the member or employee may, to the extent allowed by law, recuse himself or herself from voting on the measure.

Disclosure of Personal Interest in Non-Voting Matters:

A member 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 the attached disclosure form and file the disclosure form with the Director of Planning. In addition, the official or employee may, to the extent allowed by law, recuse himself or herself from the exercise of discretion in the matter.

Acceptance of Gifts and Other Things of Value:

A member or employee, or a member's or employee's spouse or child living in the same household, may not accept, directly or indirectly, any gift, money, gratuity, or other consideration or favor of any kind from anyone other than the City of Clarksville, Montgomery County government, or the Regional Planning Commission:

- (1) For the performance of an act, or refraining from the performance of an act, that he/she would be expected to perform, or refrain from performing, in the regular course of his/her duties; or
- (2) That a reasonable person would understand was intended to influence the vote, official action, or judgment of the member or employee in executing Planning Commission business.

The prohibition on accepting gifts as described above does not apply to:

- (1) A gift given by an immediate family member, 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 member or 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 paragraph may not be reduced below the monetary limit by dividing the cost of the item among two or more persons or entities identified above.
- (6) There may be circumstances where refusal or reimbursement of a gift or dining with a value exceeding fifty (\$50.00) dollars may be awkward and contrary to the larger interests of the Planning Commission. In such circumstances, the member or 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 Planning Director, or in the case of the Planning Director the chairperson of the Planning Commission shall be notified. 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 a member or 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.
- (8) Loans from established financial institutions made in the ordinary course of business on usual and customary terms.
- (9) Money, goods or any other commodity donated to a member or employee for the distribution to any segment of the general public. For example, money donated for the purpose of distributing food baskets at Thanksgiving or Christmas.
- (10) Food, refreshments, meals, foodstuffs, entertainment, beverages or travel expenses that are provided in connection with a conference in conjunction with a legitimate planning related purpose.

Financial Interests:

No member or employee shall enter into or derive any benefit, directly or indirectly, from any contractual arrangements with the Planning Commission. In recognition of the fact that many spouses have separate careers, the normal employment compensation of a spouse whose regular ongoing employer or business has a contractual arrangement with the Planning Commission shall not be considered a "benefit" to the member or employee, provided the contract with the Planning Commission was procured without any participation, assistance, or influence by the member or employee, and that the member or employee disclose such contracts.

No member or 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 member or employee shall disclose any known financial interests related to any topic, subject, or program that has Planning Commission interest or involvement. If a possible conflict could arise, the member or 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 a parent, spouse, or minor child of the member or employee. This paragraph shall not apply to interests that have been placed into a "blind trust" arrangement pursuant to which the member or employee does not have knowledge of the retention or disposition of such interests. If, at the time the member or employee begins service with the Planning Commission, or at any subsequent time during such service, the member or employee acquires such direct or indirect financial interests prohibited by this part, that interest shall be disclosed to the Planning Director, or in the case of the Planning Director

shall be disclosed to the Chairperson of the Planning Commission within 14 calendar days.

Use of Information:

No member or employee shall, directly or indirectly use, disclose, or allow the use of official information which was obtained through or in connection with his or her Planning Commission membership or employment and which has not been made available to the general public for the purpose of furthering the private interest or personal profit of the member or employee.

No member or employee shall, directly or indirectly, engage in a financial transaction as a result of, or primarily relying upon, information obtained through his or her Planning Commission service.

Use of Planning Commission Property:

No member or employee shall make use of the facilities, equipment, personnel, or supplies of the Planning Commission for private use or gain, except to the extent that the use is incidental or is lawfully available to the general public.

Ethics Complaints:

Questions and complaints regarding violations of this ethics policy should be directed to the Planning Director. Complaints shall be in writing and signed by the person making the complaint, and shall set forth in reasonable detail the facts upon which the complaint is based.

The Planning Director shall investigate any credible complaint against a member or employee charged with violating provisions of this Ethics Policy, or may undertake an investigation on his own initiative when he acquires information indicating a possible violation, and take appropriate action. If the Planning Director is the subject of a complaint, the chairperson of the Planning Commission shall investigate the complaint and take appropriate action.

The Planning Director/Chairperson may:

- (1) refer the matter to the City or County attorney for a legal opinion and/or recommendations for action,
- (2) in the case of a complaint against a member of the Planning Commission, refer the matter to the full Commission which shall 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 Commission determines that a complaint warrants further investigation, it shall authorize an investigation by the City or County attorney, or another individual or entity chosen by the Planning Commission.

- (3) In the case of a complaint against an employee, refer the matter to the official responsible for supervision of the employee for possible disciplinary action if the supervisor finds discipline warranted;
- (4) In the case involving possible violation of state statutes, refer the matter to the district attorney for possible criminal prosecution.

The interpretation that a reasonable person in the circumstances would apply shall be used in interpreting and enforcing this Code of Ethics. 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.

Acknowledgement:

All members and employees will review this policy and be briefed on any issues of interest related to this policy. Members and employees will sign a form of understanding and agreement (to be provided) upon adoption of this policy. The signed form will be retained at the office of the Planning Commission. New members and employees will review and sign the form as part of their orientation.

This policy shall also be incorporated as Section 37 of the Personnel Policies and Procedures for employees of the Clarksville-Montgomery Regional Planning Commission.