

CITY OF
ALAMO

74 East Park Street - Alamo, Tennessee 38001 - Phone 731-696-4515 - Fax 731-696-4045

Mayor ✓
Tommy Green

Aldermen
Ira Burrow
Roe Nell Hughes
Joe Jones
Jimmy Wheeler

Recorder
Sharon Kail

7-3-07

Ms. Becky Bradley
Tennessee Ethics Commission
201 4th Ave. N., Suite 1820
Nashville, Tn. 37243

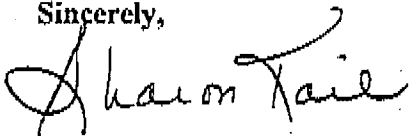
I spoke with the lady in your office today and she verified that you had received the Town of Alamo's adopted Ethics Policy. Would you please destroy that one and replace it with this one?

The first copy you received was only passed with one reading when I mailed it to you. I was not aware that there had to be two readings.

This is done correctly and the one that should be on file.

Thanks for your help.

Sincerely,



Sharon R. Kail, Recorder
Town of Alamo

/s

ORDINANCE NO. 05-08-07

AN ORDINANCE ENACTING AN ETHICS POLICY FOR THE OFFICERS, EMPLOYEES, AND ADVISORY BOARD MEMBERS OF THE TOWN OF ALAMO, TENNESSEE.

WHEREAS, Public Chapter No. 1 of the Extraordinary Sessions of the 2006 Tennessee General Assembly requires municipalities to adopt a code of ethics.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN TOWN OF ALAMO, TENNESSEE.

Section 1. Applicability. This ordinance is the code of ethics for personnel of the municipality. 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.

Section 2. Definitions. For the purposes of interpreting this Ordinance, the following words, terms, and phrases shall have the meanings ascribed to them in this section:

- (a) "Town" means the municipality of Alamo, Tennessee.
- (b) "Gift" means the transfer or conveyance of anything of economic value, regardless of form, without adequate and lawful consideration.
- (c) "Immediate family" means parents, spouse and children.
- (d) "Personal interest" means:
 - (1) The holding or acquisition of any financial or ownership interest of either ten thousand dollars (\$10,000.00) or five percent (5.00%) or greater in a business entity that has or is negotiating a contract of one thousand dollars (\$1,000.00) or more with the Town, or is regulated by any agency of the Town, or
 - (2) The ownership of any real estate having a value of one thousand dollars (\$1,000.00) or greater which the Town has or is negotiating an acquisition, leasehold, or easement agreement, or
 - (3) Any such financial or ownership interest as defined in Section 2(d)(1) and 2(d)(2) of this Ordinance by the officer or employee's spouse or immediate family member.

Section 3. Gift ban. Except as permitted in Section 4 of this Ordinance, no official or employee, nor any immediate family member of such official or employee for whom this Ordinance is applicable, shall intentionally or knowingly solicit or accept any gift as defined herein.

Section 4. Gift ban exceptions. Section 3 of this Ordinance is not applicable to the following:

- (a) Opportunities, benefits, and services that are available on the same conditions as for the general public.

- (b) Anything for which the officer or employee, or a member of his or her immediate family, pays the fair market value.
- (c) Any contribution that is lawfully made to the officer or employee's political campaign fund, or to that of his or her immediate family, including any activities associated with a fundraising event in support of a political organization or candidate.
- (d) Educational materials provided for the purpose of improving or evaluating municipal programs, performance, or proposals.
- (e) A gift from a relative, meaning those persons related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiancé or fiancée.
- (f) Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse or immediate family member and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as:
 - (1) the history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals; and
 - (2) whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and
 - (3) whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other officers or employees, or their spouses or immediate family members.
- (g) Food or refreshments not exceeding fifty dollars (\$50.00) per person in value on a single calendar day; provided that the food or refreshments are:
 - (1) consumed on the premises from which they were purchased or prepared; or
 - (2) catered.

For the purposes of this Ordinance, "catered" means food or refreshments that are purchased ready to consume which are delivered by any means.

- (h) Food, refreshments, lodging, transportation, and other benefits resulting from the outside business or employment activities (or outside activities that are not connected to the official duties of an officer or employee), if the benefits have not been offered or enhanced because of the official position or employment of the officer or employee, and are customarily provided to others in similar circumstances.

- (i) Intra-governmental and inter-governmental gifts. For the purpose of this Ordinance, "intra-governmental gift" means any gift that is given to an officer or employee from another officer or employee, and "inter-governmental gift" means any gift given to an officer or employee by an officer or employee of another governmental entity.
- (j) Bequests, inheritances, and other transfers at death.
- (k) Ceremonial gifts or awards which have insignificant monetary value.
- (l) Unsolicited gifts of nominal value or trivial items of informational value.

Section 5. Disposition of Gifts. An officer or employee, his or her spouse or an immediate family member, does not violate this Ordinance if the recipient promptly takes reasonable action to return a prohibited gift to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered, or succeeded.

Section 6. Disclosure of personal interests 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 the official's vote on the measure. Additionally, the official may recuse himself or herself from voting on the measure.

Section 7. Disclosure of personal interests in nonvoting 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 the exercise of discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the Town 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 8. City Recorder to maintain disclosure file. The City Recorder shall keep and maintain all financial disclosure statements required to be filed herein as public records and shall retain them for a period of seven (7) years after which the statements shall be destroyed.

Section 9. Ethics complaints.

- (a) The Town attorney is designated as the ethics officer of the Town. Upon the written request of an official or employee potentially affected by a provision of this Ordinance, the Town attorney may render an oral or written advisory ethics opinion based upon this Ordinance and other applicable laws.
- (b) Except as otherwise provided in this Ordinance, the Town attorney shall investigate any credible complaint against an appointed official or employee charging any violation of this Ordinance, or may undertake an investigation on his own initiative when he acquires information indicating a possible violation and make recommendations to end or seek retribution for any activity that, in the attorney's judgment, constitutes a violation of this Ordinance. The Town attorney may request that the Board of Mayor and Aldermen retain another attorney, individual, or entity to act as ethics officer when he has or will have a conflict of interests in a particular matter.

- (c) When a complaint of a violation of any provision of this chapter is lodged against a member of the Board of Mayor and Aldermen, the Board of Mayor and Aldermen 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 Board of Mayor and Aldermen determines that a complaint warrants further investigation, it shall authorize an investigation by the Town attorney or another individual or entity chosen by the Board of Mayor and Aldermen.
- (d) When a violation of this Ordinance also constitutes a violation of the Town's personnel policies, rules, or regulations, the violation shall be dealt with as a violation of the personnel provisions rather than as a violation of this Ordinance.

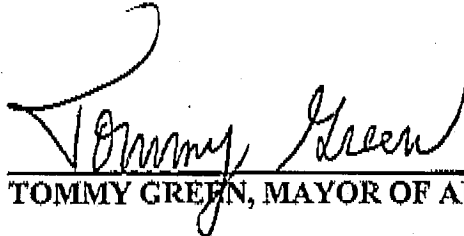
Section 10. Violations. An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, or other instrumentality who violates any provision of this ordinance is subject to punishment as provided by the Town charter or other applicable law and, in addition, is subject to censure by the Board of Mayor and Aldermen. An appointed official or employee who violates any provision of this Ordinance is subject to disciplinary action up to, and including, termination of employment.

Section 11. Repealer clause. All ordinances and parts of ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

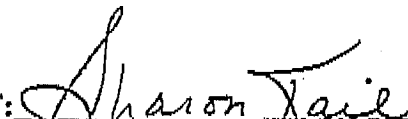
Section 12. City Recorder to file copy of Ordinance with Tennessee Ethics Commission. Upon adoption by the Board of Mayor and Aldermen, the Town Recorder is hereby directed to file a duly signed and attested copy of this Ordinance with the Tennessee Ethics Commission, in compliance with Section 49 of Public Chapter No. 1 of the Extraordinary Sessions of the 2006 Tennessee General Assembly.

Section 13. Effective date. This Ordinance shall become effective from and after its date of adoption, the public welfare requiring it.

PASSED AND APPROVED THIS 19th DAY OF June, 2007 BY A ROLL CALL VOTE OF THE ALAMO BOARD OF MAYOR AND ALDERMEN.



 TOMMY GREEN, MAYOR OF ALAMO

ATTEST: 

 SHARON KAIL, CITY RECORDER

DATE OF FIRST READING	DATE OF SECOND READING
May 8th, 2007	June 19th, 2007

ORDINANCE NO. 05-08-07 A

AN ORDINANCE ENACTING AN ETHICS POLICY FOR THE OFFICERS, EMPLOYEES, AND ADVISORY BOARD MEMBERS OF THE TOWN OF ALAMO, TENNESSEE.

WHEREAS, Public Chapter No. 1 of the Extraordinary Sessions of the 2006 Tennessee General Assembly requires municipalities to adopt a code of ethics; and

WHEREAS, as provided in said Public Chapter No. 1, the Alamo Board of Mayor and Aldermen has chosen to adopt model ethical standards as promulgated by the University of Tennessee's Municipal Technical Advisory Service (MTAS).

NOW, THEREFORE, BE IT ORDAINED BY THE ALAMO, TENNESSEE, BOARD OF MAYOR AND ALDERMEN.

SECTION 1. Applicability. This ordinance is the code of ethics for personnel of the Town of Alamo, Tennessee. 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. The words "municipal" and "municipality" include these separate entities.

SECTION 2. Definition of "personal interest."

- (1) For the purpose of Sections 3 and 4, "personal interest" means:
(a) Any financial 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), stepparent(s), grandparent(s), sibling(s), child(ren), or stepchild(ren).
(2) 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 a vote or that is to be regulated or supervised.
(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 Ordinance.

SECTION 3. 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 would lead a reasonable person to infer that it affects the official's vote on the measure. In addition, the official may recuse himself from voting on the measure.

1 Masculine pronouns include the feminine. Only masculine pronouns have been used for convenience and readability.

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SECTION 4. Disclosure of personal interest in nonvoting 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 shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the Town 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.

SECTION 5. 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 municipality:

- (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.

SECTION 6. 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.

SECTION 7. Use of municipal time, facilities, etc.

- (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.
- (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 Board of Mayor and Aldermen to be in the best interests of the Town of Alamo.

SECTION 8. 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 Town charter, general law, or ordinance or policy of the Town of Alamo.

SECTION 9. 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 Town charter or any ordinance or policy.

SECTION 10. Ethics complaints.

- (1) The Town attorney is designated at the ethics officer of the Town. Upon the written request of an official or employee potentially affected by a provision of this Ordinance, the Town attorney may render an oral or written advisory ethics opinion based upon this Ordinance and other applicable law.
- (2)
 - (a) Except as otherwise provided in this subsection, the Town attorney shall investigate any credible complaint against an appointed official or employee charging any violation of this Ordinance, or may undertake an investigation on his own initiative when he acquires information indicating a possible violation and make recommendations to end or seek retribution for any activity that, in the attorney's judgment, constitutes a violation of this code of ethics.
 - (b) The Town attorney may request that the Town council retain another attorney, individual, or entity to act as ethics officer when he has or will have a conflict of interests in a particular matter.
 - (c) When a complaint of a violation of any provision of this chapter is lodged against a member of the Board of Mayor and Aldermen, the Board of Mayor and Aldermen 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 Board of Mayor and Aldermen determines that a complaint warrants further investigation, it shall authorize an investigation by the Town attorney or another individual or entity chosen by the Board of Mayor and Aldermen.
- (3) The interpretation that a reasonable person in the circumstances would apply shall be used in interpreting and enforcing this code of ethics.
- (4) When a violation of this Ordinance also constitutes a violation of the 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.

SECTION 11. 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 Town's charter or other applicable law and in addition is subject to censure by the Board of Mayor and Aldermen. An appointed official who violates any provision of this chapter is subject to disciplinary action.

SECTION 12. Notification to be sent to Tennessee Ethics Commission. Upon adoption by the Board of Mayor and Aldermen, the Town Recorder is hereby directed to notify the Tennessee Ethics Commission in writing that the ethics policy promulgated by the Municipal Technical Advisory Service (MTAS) was adopted by the Town of Alamo and the date such action was taken.

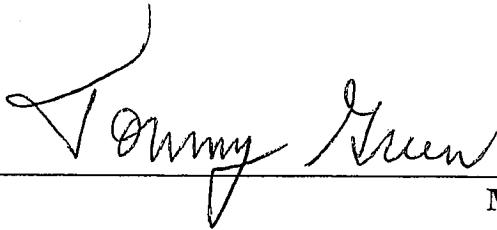
SECTION 13. Effective date. This Ordinance shall become effective from and after its date of adoption, the public welfare requiring it.

SECTION 14. Severability. Should any section, paragraph, sentence, clause, or phrase of this Ordinance or its application to any person or circumstances be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by State or Federal law or

regulation, such decision or legislation shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

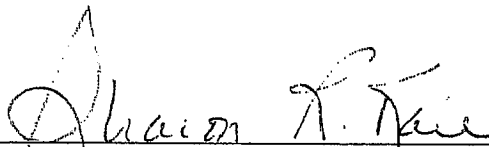
SECTION 15. Repealer. All ordinances and parts of ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

PASSED AND APPROVED THIS 8TH **DAY OF** May,
2007 BY A ROLL CALL VOTE OF THE ALAMO BOARD OF MAYOR AND
ALDERMEN.



MAYOR

ATTEST:


City Recorder