

City of Dyersburg



**JOHN HOLDEN
MAYOR**

TENNESSEE

731-288-7600

jholden@dyersburgtn.gov

June 27, 2007

Tennessee Ethics Commission
Suntrust Building
201 - 4th Avenue North Suite 1820
Nashville, TN 37243

Re: Ethics Code Adoption – City of Dyersburg

Dear Sirs:

On June 26, 2007, we may have inadvertently mailed the wrong copy of the Dyersburg City Ordinance BB-591 adopting an ethics code to your office. The correct copy is enclosed.

The Ethics Code that was adopted June 18, 2006 shows the City Attorney designated as the ethics officer, not the legal firm of Jones, Hamilton and Lay PLC.

We apologize for this error.

Sincerely,

A handwritten signature in black ink that reads "John Holden". The signature is written in a cursive, flowing style.

John Holden
Mayor

enclosure

JH:dg

RECEIVED
2007 JUN 29 PM 1:45
TENNESSEE
ETHICS COMMISSION

ORDINANCE NO. BB591

AN ORDINANCE TO ADOPT THE CITY OF DYERSBURG'S ETHICS CODE

WHEREAS, a public hearing was held by the Mayor and Aldermen of the City of Dyersburg, Tennessee on June 18, 2007, in compliance with the Notice of Public Hearing published according to law in the Dyersburg State Gazette, a newspaper of general circulation in Dyersburg, Dyer County, Tennessee.

WHEREAS, no person has objected to said proposed adoption of the City of Dyersburg Ethics Code and the same is deemed necessary for the welfare of the citizens, residents and property owners of the City of Dyersburg; and

NOW, THEREFORE, be it ordained by the Board of Mayor and Aldermen of the City of Dyersburg that the City of Dyersburg Ethics Code codified as Title 1, Chapter 5 Sections 1-501 through 1-511, of the Dyersburg Municipal Code, shall be and is hereby adopted in its entirety to read as follows:

Title 1
Chapter 5
Code of Ethics

Section

1-501	Applicability
1-502	Definitions
1-503	Conflict of Interest
1-504	Disclosure of Personal Interest
1-505	Acceptance of Gifts and Other Things of Value
1-506	Use of Information
1-507	Use of Municipal Time, Facilities, etc.
1-508	Use of Position or Authority
1-509	Outside Employment
1-510	Ethic's Complaints
1-511	Violations

1-501 Applicability. This chapter 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.

1-502 Definitions. Unless from the context a different meaning is apparent as used in these regulations, the terms hereinafter used shall be defined as follows:

- (1) "municipal" and "municipality" means the City of Dyersburg, Tennessee which includes all boards, committees, commissions, authorities, corporations or other instrumentalities appointed or created by the City or an official of the City of Dyersburg and specifically including the Dyersburg Board of Education, the Dyersburg Electric System and the Dyersburg Housing Authority.

- (2) "Nominal Amount" means the sum of \$100 per event and the sum of \$250 per source per calendar year, which amounts are stated in 2007 dollars and shall be adjusted annually to reflect changes in the consumer price index of the United States Government.
- (3) "Officials and Employees" means and includes any official, whether elected or appointed, officer, employee or servant, or any member of any board, agency, commission, authority or corporation (whether compensated or not), or any officer, employee or servant thereof, of the Municipality.
- (4) "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 or child living at home.
- (5) "Employment Interest" includes 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 the vote or that is to be regulated or supervised.

1-503 Conflict of interest. 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.

1-504 Disclosure of personal interest. Any official or employee who must exercise discretion relative to any matter, whether it is a voting matter or a non-voting matter, 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 when possible, should disclose the personal interest on the disclosure form and file it with the Recorder. 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.

1-505 Acceptance of gifts and other items of value. An official or employee or an official'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 Municipality:

- (1) 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
- (2) That a reasonable person would understand was intended to influence the vote, official action, or judgment of the official or employee in executing Municipal business.

- (3) It shall not be considered a violation of this policy for an official or employee to receive entertainment, food, refreshments, meals, health screenings, amenities, foodstuffs, or beverages that are provided in connection with a conference sponsored by an established or recognized statewide association of Municipal government officials or by an umbrella or affiliate organization of such statewide association of municipal government officials.
- (4) It shall not be considered a violation of this policy for an official or employee to receive entertainment, food, refreshments, meals, health screening, amenities, foodstuffs, beverages or other non-monetary items that are provided or sponsored by an organization or person if the value of such items is reasonably determined not to exceed the nominal amount; provided further, if the value of such items received is reasonably determined to exceed the nominal amount, an official or employee does not violate this policy as long as such official or employee discloses receipts of such items on the disclosure form and files the disclosure form with the Recorder prior to exercising discretion relative to the matter.

1-506

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.

1-507

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 governing body to be in the best interests of the municipality.

1-508

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 general law, or ordinance or policy of Municipality.

1-509 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 Municipality's charter or any ordinance or policy.

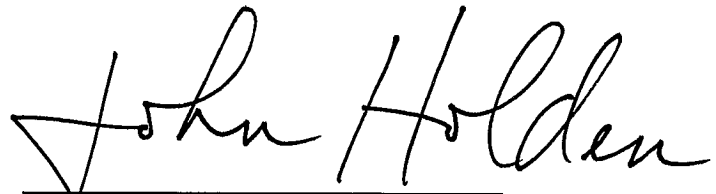
1-510 Ethics complaints.

- (1) The city attorney is designated as the ethics officer of the Municipality. Upon the written request of an official or employee potentially affected by a provision of this chapter, the city attorney may render an oral or written advisory ethics opinion based upon this chapter and other applicable law.
- (2) Except as otherwise provided in this subsection, the city attorney shall investigate any credible complaint against an appointed official or employee charging any violation of this chapter, or may undertake an investigation on his own initiative when he acquires information indicating a possible violation and make recommendations for action to end or seek retribution for any activity that, in the attorney's judgment, constitutes a violation of this code of ethics.
- (3) The city attorney may request that the governing body hire another attorney, individual, or entity to act as ethics officer in a particular matter.
- (4) When a complaint of a violation of any provision of this chapter is lodged against a member of the Municipality's governing body, the governing body 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 governing body determines that a complaint warrants further investigation, it shall authorize an investigation by the city attorney or another individual or entity chosen by the governing body.
- (5) The interpretation that a reasonable person in the circumstances would apply shall be used in interpreting and enforcing this code of ethics.
- (6) 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.

1-511 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.

This ordinance shall take effect from and after its passage, the public welfare requiring it.

Passed June 18, 2007

A handwritten signature in black ink that reads "John Holden". The signature is written in a cursive style with a large, sweeping initial "J".

John Holden, Mayor