

CITY OF GERMANTOWN TENNESSEE

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CERTIFIED MAIL
RETURN RECEIPT
REQUESTED

December 15, 2006

Thomas J. Garland, Chairman
Tennessee Ethics Commission
312 8th Avenue North
8th Floor Snodgrass Tower
Nashville, TN 37243

Dear Chairman Garland:

On December 11, 2006, the Board of Mayor and Aldermen for the City of Germantown passed, on third and final reading, Germantown Ordinance 2006-7, adopting codes of ethics for officials and employees of the City of Germantown.

With this letter, as required by Public Chapter No. 1 of the Extraordinary Session of the 2006 General Assembly, I am transmitting to the Tennessee Ethics Commission a true copy of Germantown Ordinance 2006-7 with the attached codes of ethics for officials and employees of the City of Germantown.

The City Attorney for Germantown has opined that by the adoption of Ordinance 2006-7 the City of Germantown has met the requirements of the above-referenced Public Law, subject to filing same with your Commission. We would appreciate you confirming that opinion.

Sincerely,

Sharon Goldsworthy
Mayor

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TENNESSEE
ETHICS COMMISSION

ORDINANCE 2006-7

AN ORDINANCE TO ADOPT A CODE OF ETHICS FOR OFFICIALS AND EMPLOYEES OF THE CITY OF GERMANTOWN.

WHEREAS, the foundation of all government in American society is the trust of the citizens in the integrity of public officials; and,

WHEREAS, it is in the public interest to set forth clear standards of conduct for those who hold public office and exercise the prerogatives and powers of public trust; and,

WHEREAS, the public welfare is served by having an articulated code of ethics so the general public may be informed about what is expected from City officials and employees; and,

WHEREAS, public awareness of the standards of conduct expected from City officials and employees creates a level of assurance that the business of the public is being conducted fairly and without undue influence; and,

WHEREAS, the Tennessee General Assembly has enacted Chapter 1 of the Public Acts of the Extraordinary Session of 2006 mandating the creation of ethical standards for all government officials and employees in Tennessee;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN FOR THE CITY OF GERMANTOWN, TENNESSEE THAT:

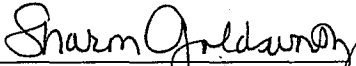
Section 1. The Board of Mayor and Aldermen of Germantown hereby establishes the Code of Ethical Conduct for Officials of the City of Germantown, attached hereto as Exhibit A, and for City Employees, attached hereto as Exhibit B.

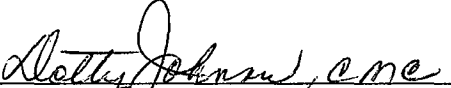
Section 2. BE IT FURTHER ORDAINED that this ordinance shall become effective immediately after its passage on the third and final reading, in accordance with the Charter of the City of Germantown, the public welfare requiring it.

Passed First Reading October 23, 2006

Passed Second Reading November 27, 2006

Passed Third Reading December 11, 2006


Sharon Goldsworthy, Mayor


Dotty Johnson, City Clerk/Recorder

**CODE OF ETHICAL CONDUCT FOR OFFICIALS OF THE
CITY OF GERMANTOWN**

Section One-- Definitions

For the purposes of this Code, the following words will have the meaning ascribed to them by this section:

1. Officer shall mean the Mayor and any member of the Board of Aldermen and any appointive member of a board, commission or committee established by ordinance, charter or state law.

Section Two-- Standards of Conduct

No City officer shall knowingly:

1. Use such officer's public position or office to obtain personal financial gain or anything of substantial value that might reasonably tend to influence such officer to act improperly while discharging his or her official duties;

2. Take any official action substantially affecting a matter in which the officer, a family member, or an organization with which the officer is associated has a substantial financial interest, or use his or her office or position in a way that produces or assists in the production of a substantial benefit, direct or indirect, for the officer, a family member, or an organization with which the officer is affiliated;

3. Participate in making or influencing any City governmental decision or action in which the officer knows that he or she or any member of his or her family has any material financial interest distinguishable from that of the public generally or from that of other City officers generally;

4. Accept or solicit any promise of any benefit, direct or indirect, to the officer, family members, or his or her employer (in the case of an elected or appointed person) which the officer believes or should reasonably believe was intended to influence the officer's vote or other action taken in the officer's official capacity;

5. Receive or use for personal purposes any property, services or funds of the City of Germantown;

6. Use for personal gain, or for the gain of any family member, information pertaining to the City of Germantown which is not a matter of common public knowledge;

7. Accept other employment or engage in outside activities which might impair such officer's independent judgment in the performance of his or her public duty;

8. Personally participate in a decision in a matter if the officer is in negotiation concerning or has an arrangement concerning prospective employment with a person or organization which has a financial interest in a matter under consideration by the board, commission or department for which the officer serves;

9. Fail or refuse to file in a timely manner all disclosure statements required to be filed under the applicable ordinance;

10. Accept any gift having a value of more than Twenty Five and 00/100 dollars (\$25) from a person or entity presently doing business with the City or seeking approvals from the City or a person or entity as to whom or which it might reasonably be anticipated would do business with the City or seek approvals from the City in the future, unless the recipient files, within ten (10) days of receipt of the gift, a written statement with the City Clerk/Recorder identifying the gift and the donor; provided, however, on occasion, citizens make gifts to groups of officials in gratitude for service. Such gifts are not deemed to be of the nature that would impact or appear to impact discretion, as governed by Tennessee Code Annotated §8-17-102, and may be accepted by such groups of officials so long as they are collectively shared. The receipt of any such gift shall be reported to the City Administrator, who shall file, within ten (10) days of receipt of any such gift, a written statement with the City/Clerk Recorder identifying the gift and the donor.

11. Vote on a measure, during a meeting at which a vote takes place, without disclosing, before the vote, any personal interest, defined as any financial, ownership or employment interest in the subject of a vote, that affects or that would lead a reasonable person to infer that it affects the officer's vote on the measure. In addition, the officer may recuse himself or herself from voting on the measure.

12. Exercise discretion relative to any matter that affects or that would lead a reasonable person to infer that it affects a personal interest, defined as any financial, ownership or employment interest in a matter to be regulated or supervised, without disclosing the personal interest before the exercise of the discretion, when possible, on a form provided by and filed with the City Clerk/Recorder. In addition, the officer may, to the extent allowed by law, charter, ordinance, or policy, recuse himself or herself from the exercise of discretion in the matter.

13. If it comes to the attention of the Mayor that a person subject to the provisions of this Ordinance may have violated same, the Mayor shall cause an appropriate investigation to be conducted or refer such matter to other appropriate authority and shall report same to the Board of Mayor and Aldermen.

14. If it comes to the attention of any Alderman that the Mayor may have violated the provisions of this Ordinance, the matter shall be reported to the Board of Mayor and Aldermen, which shall have the authority to cause an appropriate investigation to be conducted or refer such matter to other appropriate authority.

15. If an investigation reveals that further action shall be taken, the Board of Mayor

and Aldermen, after affording full due process rights, may issue a public censure of the offender, refer the matter to the City Attorney for prosecution in the City Court or refer the matter to other appropriate authority.

**CODE OF ETHICAL CONDUCT FOR CITY EMPLOYEES OF THE
CITY OF GERMANTOWN**

Section One -- Declaration of Policy

1. Statement of Purpose. The foundation of government depends upon public trust and confidence. It is the responsibility of government officials and employees to perform their job in a manner that fosters this public trust by providing quality service, selfless loyalty, and fair dealing.

The proper function of a municipal government requires employees to be impartial, and accountable to its citizens and avoid conflict of interest or use of position for personal gain. To ensure that City of Germantown citizens can have complete confidence in the integrity of City government, each City employee shall respect and adhere to these standards of ethical conduct.

2. Definitions. As used in this code of ethics, the following terms have the meanings indicated unless the context clearly requires a different meaning or a different definition is adopted for a particular provision.

- (a) *City*. The City of Germantown.
- (b) *Employee*. Any paid employee of the City who is not an elected official.
- (c) *Supervisor*. Any employee who has been granted, by the City, authority to oversee the activities of other employees.
- (d) *Citizen*. Any member of the general public not employed by the City of Germantown.

3. Persons Covered by the Code. The provisions of the Code shall apply to all individuals employed by the City of Germantown either by appointment or through the hiring process.

Section Two -- Standards of Conduct

These standards are established pursuant to the City of Germantown's Personnel Procedures and Regulations Manual and should be referred to for any applicable guidelines. Employees should also rely on ethics policies of their individual professional organization when applicable.

1. Conflicts of Interest. City employees are prohibited from engaging in any conduct that could reflect unfavorably upon the City of Germantown. Employees must avoid any action that might result in or create the impression of using public office for private gain, giving preferential treatment to any person, or losing impartiality in conducting City business.

Conflicts of interest involve:

- (a) Receiving gifts and favors. City employees are prohibited from soliciting or accepting gifts in any form from any person who has or is seeking to obtain business from the City of Germantown or from any person whose interests may be affected by the employee's performance or non-performance of official duties. If returning is impossible, the gift should be given to the City Administrator's office for disposal as anonymous door prizes at an employee picnic, party or other employee function; provided, however, on occasion, citizens make gifts to groups of employees in gratitude for service. Such gifts are not deemed to be of the nature that would impact or appear to impact discretion, as governed by Tennessee Code Annotated §8-17-102, and may be accepted by such groups of employees so long as they are collectively shared. The head of the appropriate department shall file, within ten (10) days of receipt of any such group gift, a written statement with the City Clerk/Recorder identifying the gift and the donor.
- (b) Extraneous Fees. City employees will not accept any extraneous fee for work performed on behalf of the City.
- (c) Secondary Employment. Upon notification to, at the discretion of, and with written approval of the Department Director, an employee may engage in other outside employment. Employees may not engage in other employment that interferes with proper and effective job performance as a City employee or that may be considered conflict of interest, or may subject the City to any form of public criticism or embarrassment. Employees may not use their jobs with the City to further their interests on the second job. No employee shall engage in any business other than his/her regular duties during working hours.
- (d) Impartiality. Every employee shall perform his/her duties with impartiality and without prejudice or bias for the benefit of all citizens of the City of Germantown. No City employee may grant or make available to any person any consideration, treatment, advantage or favor beyond that which it is the general practice to grant or make available to all citizens. City employees must refrain from securing special privilege or exemption for themselves or their relatives beyond that which would be available to all citizens.

City employees may not exercise discretion relative to any matter that affects, or that would lead a reasonable person to infer that it affects, a personal interest, defined as any financial, ownership or employment interest, without disclosing the personal interest before the exercise, when possible, to his or her immediate supervisor. The immediate supervisor shall forward the disclosure to the designated ethics compliance officer

with the City Personnel Department who shall make such record as deemed appropriate.

2. Misuse of Public Assets. Certain employees of the City of Germantown are charged with the receipt, safekeeping, transfer or disbursement of public money in the course of their duty. No concise written policy can cover every ethical or legal issue that we may face. A good foundation for ethical behavior consists of individual conscience, common sense, good judgment and compliance with governmental laws and regulations.

- (a) Public Equipment. No City employee shall request, use or permit the use of any publicly owned property, vehicle, equipment, labor, service or supplies (new, surplus, scrap or obsolete) for the personal convenience or advantage of the employee or any other person except for that use which is generally available to the public.
- (b) Public Funds. No City employee without authority of law, shall appropriate any portion of monies designated to be paid to the City of Germantown or on behalf of the City of Germantown to his own use or to the use of another. Nor shall any City employee knowingly alter, falsify, conceal, destroy, obliterate, or make a false entry or erasure in an account with the intent to defraud or deceive the City of Germantown.
- (c) Payroll. No City employee shall attempt to defraud the City of Germantown by making false entries to payroll time sheets, cards, or request compensation for time not worked.

3. Confidential Information. Members of the public have a right to security and privacy, and information obtained about them must not be improperly divulged. Whatever an employee sees, hears, or learns of which is of a confidential nature will be kept secret, unless the performance of duty or legal provision requires otherwise. The City of Germantown recognizes and makes every effort to comply with the Freedom of Information Act. There may be times where certain records or information may have to remain confidential, such as Police, Medical and Personnel information.

- (a) A City employee shall not use his/her position to obtain official information about any person or entity for any purpose other than the performance of official duties.
- (b) No employee shall, without proper authorization, disclose confidential information concerning the property, government, or affairs of the City.
- (c) Employees must not use privileged information for their own financial advantage or to provide friends and acquaintances with financial advantages or with information that could be used for financial advantage.

- (d) Each employee is charged with the responsibility of ensuring that he or she releases only information that should be made available to the general public.

4. Harassment. It is the policy of the City of Germantown to provide a work environment free from intimidation and harassment because of an individual's race, color, sex, religion, gender, national origin, age or disability.

The City prohibits any physical, verbal or other forms of harassment. An employee who believes he/she has witnessed or been subject to harassment must report it to his/her supervisor, Department Head or the Personnel Office. Such reports shall be kept as confidential as possible while still allowing the City to conduct a proper investigation. No one will be retaliated against for reporting harassment or participating in the investigation of a complaint. Any violation of this policy may result in discipline up to and including discharge.

Supervisors who witness harassment or receive complaints of harassment must report such incidents immediately to either the Personnel Director or the City Administrator, who, together with the City Attorney, will conduct a prompt and thorough investigation. The complaining party will be advised of the outcome of the investigation. If a decision is made to impose discipline, the Department Head(s) of the affected individual(s) will be notified.

Definitions of Sexual Harassment. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature or based on a person's sex, when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decision affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. Sexual harassment can include remarks, jokes or stories with sexual overtone as well as physical contact such as patting, pinching or deliberately brushing against another's body.

Section Three -- Reporting Possible Violations

A City employee who has knowledge of a violation of any of the provisions of this Ethics Code shall report this violation as provided below within a reasonable time after the person has knowledge of a violation. A City employee shall not delegate to, or rely on, another person to make the report.

1. Reporting Procedure. To report possible violations, an employee may, without fear of retaliation, contact his/her immediate supervisor, Department Director, Personnel Director, or the City Administrator. To ensure that the matter is properly documented and investigated, the reporting employee shall provide as many facts and details as possible in writing.

2. Disciplinary Action. Appropriate disciplinary action, up to and including termination, will be administered based on guidelines of the City of Germantown Personnel Policies. Disciplinary action will be taken against any employee who violates this Code, retaliates against another employee for reporting a possible violation of this Code, or deliberately makes a false report against another employee.

Section Four – Investigation of Possible Violations

The City of Germantown will treat each report seriously and any individual who reports or participates in an investigation of a report of a violation shall not be retaliated against. However, knowingly submitting a false complaint will subject that employee to discipline up to and including termination, will be administered based on guidelines of the City of Germantown Personnel Policies.

1. Upon receiving a complaint, the City will promptly conduct a thorough investigation. It is the obligation of all employees to cooperate in such investigation.

2. Those responsible for the investigation will maintain the confidentiality of the allegations of the complaint and the identity of the persons involved, subject to the need to conduct a full and impartial investigation, remedy any violations of the City's policies, or monitor compliance with or administer the City's policies.

3. The investigation generally will include, but will not be limited to, discussion with the complaining employee (unless the complaint was submitted on an anonymous basis), or the reporting party.

4. In the event that an investigation establishes that an employee has engaged in conduct or actions constituting a violation of this Policy, the City will take immediate and appropriate corrective action up to and including termination of that employee's employment, based on guidelines of the City of Germantown Personnel Policies.