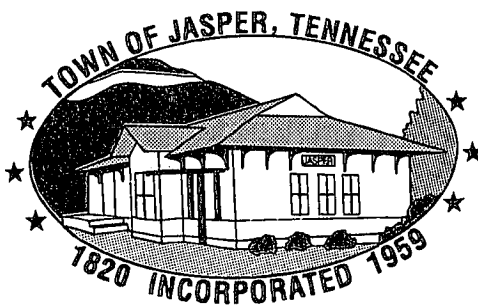


BILLY SIMPSON - MAYOR

4460 MAIN STREET
JASPER, TN 37347

423/942-3180

423/942-3110
FAX



ALDERMEN:

PAUL W. EVANS
STEVE LOONEY
LEON RASH
MELVIN TURNER

May 31, 2007

Tennessee Ethics Commission
SunTrust Building
Suite 1820
201 4th Avenue North
Nashville, Tennessee 37243

Dear Sir/Madam:

Enclosed herewith please find a copy of ORDINANCE NUMBER 314 entitled "AN ORDINANCE ADOPTING A CODE OF ETHICS FOR ALL FULL TIME AND PART TIME ELECTED AND APPOINTED OFFICIALS OF THE TOWN OF JASPER, TENNESSEE". Said ordinance was adopted by the Board of Mayor and Aldermen on final reading in regular meeting held March 12, 2007 and a copy of ordinance has been distributed to all personnel, officials, and board members.

If additional information is needed, please feel free to contact me at the above number.

Sincerely,

A handwritten signature in cursive script that reads "Jo Ann Jones".

Jo Ann Jones,
Recorder

S/

Enclosure

RECEIVED
2007 JUN -4 AM 10:18
TENNESSEE
ETHICS COMMISSION

ORDINANCE NUMBER 314

AN ORDINANCE ADOPTING A CODE OF ETHICS FOR ALL FULL TIME AND PART TIME ELECTED AND APPOINTED OFFICIALS OF THE TOWN OF JASPER, TENNESSEE

WHEREAS, by adoption of Public Chapter No. 1 of the Extraordinary Session of the 2006 General Assembly, all municipalities within the State of Tennessee are required to adopt a code of ethics by ordinance; and

WHEREAS, the Municipal Technical Assistance Service has developed model ethical standards for municipalities, and it is the desire of the Board of Mayor and Aldermen of the Town of Jasper to adopt same.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Mayor and Aldermen of the Town of Jasper, Tennessee as follows:

SECTION 1. Applicability. This chapter is the Code of Ethics¹ for personnel of the Town of Jasper. 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 "Town of Jasper", "municipal" and "municipality" include these separate entities.

SECTION 2. Definition of "personal interest."

(1) For purposes of Sections 3 and 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

¹State statutes dictate many of the ethics provisions that apply to municipal officials and employees. For provisions relative to the following, see the *Tennessee Code Annotated* (T.C.A.) sections indicated:

Campaign finance—T.C.A. Title 2, Chapter 10.

Conflict of interests—T.C.A. §§ 6-54-107, 108; 12-4-101, 102.

Conflict of interests disclosure statements—T.C.A. § 8-50-501 and the following sections.

Consulting fee prohibition for elected municipal officials—T.C.A. §§ 2-10-122, 124.

Crimes involving public officials (bribery, soliciting unlawful compensation, buying and selling in regard to office)—T.C.A. § 39-16-101 and the following sections.

Crimes of official misconduct, official oppression, misuse of official information—T.C.A. § 39-16-401 and the following sections.

Ouster law—T.C.A. § 8-47-101 and the following sections.

- 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 the 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 chapter.

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 that would lead a reasonable person to infer that it affects the official's vote on the measure. In addition, the official may recuse himself² from voting on the measure.

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 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 Town of Jasper:

(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.

²Masculine pronouns include the feminine. Only masculine pronouns have been used for convenience and readability

(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 governing body to be in the best interests of the Town of Jasper.

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 Town of Jasper.

(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 Town of Jasper.

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 of Jasper's charter or any ordinance or policy.

SECTION 10. Ethics complaints.

(1) The Town's 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)(a) 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.

(b) The Town's attorney may request that the governing body hire 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 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 Town's attorney or another individual or entity chosen by the governing body.

(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 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.

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 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.

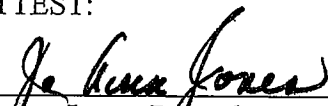
SECTION 12. Should any part of this Ordinance be held invalid by a court of competent jurisdiction, the remaining parts shall be severable and shall continue to be in full force and effect.

SECTION 13. This Ordinance shall take effect from and after second and final reading.

Passed and approved by the Board of Mayor and Aldermen of the Town of Jasper, Tennessee, on second and final reading on the 12th day of March, 2007.


Billy Simpson, Mayor

ATTEST:


Jo Ann Jones, Recorder

Passed on 1st reading: February 12, 2007

Passed on 2nd reading: March 12, 2007