



TOWN OF JONESBOROUGH

123 BOONE STREET
JONESBOROUGH, TN 37659
TELEPHONE (423) 753-1030
FAX (423) 753-1074

RECEIVED
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TOWN OF JONESBOROUGH
ETHICS COMMISSION

October 9, 2007

TN Ethics Commissions
312 8th Avenue N
8th Floor
Snodgrass Tower
Nashville, TN 37243

RE: Code of Ethics

Dear Sir:

Attached is a copy of the Code of Ethics Ordinance passed by the Board of Mayor and Aldermen of the Town of Jonesborough on May 15, 2007.

If you need anything else on this, please let me know.

Sincerely,

A handwritten signature in cursive script that reads "Bob Browning".

Bob Browning
Town Administrator

ORDINANCE NO. 2007-06

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE TOWN OF JONESBOROUGH, TENNESSEE AND ADOPTING A CODE OF ETHICS FOR THE TOWN OF JONESBOROUGH, TENNESSEE

WHEREAS, The Tennessee General Assembly required all municipalities to adopt a Code of Ethics by Ordinance in Public Chapter No. 1 of the Extraordinary Session of the 2006 General Assembly of the State of Tennessee;

WHEREAS, It is the intent of the Board of Mayor and Aldermen to adopt a Code of Ethics in accordance with said public act; now therefore,

BE IT ORDAINED by the Board of Mayor and Aldermen of the Town of Jonesborough, Tennessee, that the following language shall be added as Title 1 Chapter 6 to the Municipal Code of the Town of Jonesborough:

Chapter 6

Code of Ethics

Section 1. 1-601 Applicability. This chapter is the Code of Ethics for personnel of the Town of Jonesborough. 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 Town. The words "Town" "Municipal" and "Municipality" include these separate entities:

Section 2. 1-602 Definitions. The following words, terms and phrases, when used in this chapter shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) The word "complaint" means a written, signed document setting forth the reason(s) for belief of an ethics violation. A complaint must contain the original signature of the complaining party and such person's contact information including but not limited to full name, address, and telephone number. Comments sent by email, facsimile or other electronic means are not original documents and will not constitute a valid complaint.
- (2) The words "personal interest" mean:
 - (a) Any financial, ownership, or employment interest in the subject of a vote by a Town Board not otherwise regulated by state statutes on conflicts of interest; 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) (including natural, step or adoptive, as well as in-laws), grandparent(s), siblings(s) (including natural, step or adoptive), child(ren) (including natural, step or adoptive, as well as grandchildren and in-laws), and any other individual residing within the employee's household who is a legal dependent of the employee or official for income tax purposes.
- (3) 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.
 - (4) The word "gift" means the transfer of anything of economic value, regardless of form, without reasonable consideration. "Gift" may include a subscription, membership, loan, forgiveness of debt, advance or deposit of money or anything of value, conveyed or transferred. "Gift" does not include political campaign contributions which are solicited or accepted in accordance with applicable laws and regulations.
 - (5) The word "official" means the members of Board of Mayor and Aldermen, as well as members appointed thereby to Town boards, commissions, committees, authorities, corporations or instrumentalities established by law or by the Code. "Official" also includes the Town Judges.
 - (6) The word "censure" means an expression of severe criticism or reproach.

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. 1-603 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 himself/herself from voting on the measure.

Section 4. 1-604 Disclosure of personal interesting non-voting 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. Copies of such forms filed with the Recorder shall be provided to the Town Administrator and, in the case of an employee, filed in the employee's personnel file. In addition, the official or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse himself/herself from the exercise of discretion in the matter.

Section 5. 1-605 Acceptance of gratuities, etc. An official or employee may not accept, directly or indirectly, any money, gift, gratuity, or other consideration in favor of any kind from anyone other than the Town:

- (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 might reasonably be interpreted as an attempt to influence his/her action, or reward him/her for past action, in executing Town business.

Section 6. 1-606 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/her official capacity or position of employment with the intent to result in financial gain for himself/herself or any other person or entity.

Section 7. 1-607 Use of Town time, facilities, etc.

- (1) An official or employee may not use or authorize the use of Town time, facilities, equipment or supplies for private gain or advantage to himself/herself.
- (2) An official or employee may not use or authorize the use of Town 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, or as otherwise provided by law.

Section 8. 1-608 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; provided, however, that this section shall not apply to reasonable amounts paid for:

- (a) Food, transportation, lodging and other travel expenses incurred in accordance with the Town's travel policy.
 - (b) Dues, registrations, meals and similar expenses incurred in conjunction with membership or participation in a professional or community organization to which the official or employee belongs in his or her official capacity.
 - (c) Meals purchased in the course of an official business meeting conducted on the Town's behalf.
- (2) An official or employee may not use or attempt to use his position to secure any privilege or exemption for himself/herself or others that is not authorized by the Charter, general law, or ordinance or policy of the Town. No officer shall intimidate, threaten, coerce, discriminate against, or give the appearance of or attempt to intimidate, threaten, coerce or discriminate against any employee for the purpose of interfering with that person's freedom of choice in the regular discharge of his or her official duties.
- (3) No official or employee shall provide commercial or advertising endorsements in such a manner as to convey the Town's approval of any private for-profit enterprise; provided, however, that an official or employee may respond to inquiries seeking information as to the Town's experience with a vendor or other private enterprise.

Section 9. 1-609 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's Charter or any ordinance or policy. This section does not negate any personnel policy requirement for employees to obtain prior approval before beginning any outside employment.

Section 10. 1-610 Ethics complaints.

- (1) The Town Attorney is designated as the ethics officer for the municipality. Upon the written request of an official or employee potentially affected by a provision of this chapter, the Town 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 Town 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 Attorney may request the governing body to hire another attorney, individual, or entity to act as ethics officer when he has or will have a conflict of interest 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 Town Administrator or the Town Attorney, the governing body shall either determine that a 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 Attorney or, in the event the complaint is against the Town Attorney or he has a conflict of interest, 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 personal 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. 1-611 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 governing body. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action.

BE IT FURTHER RESOLVED THAT this ordinance shall become effective immediately after its passage on second and final reading.

Motion was made by Alderman Vest and seconded by Alderman Countermine that the preceding ordinance be adopted on first reading. Those voting for the adoption thereof were: Alderman Vest,
 Alderman Countermine, Alderman Fitzgerald, Alderman Gearhart
 Those voting against: _____

PASSED ON FIRST READING April 9, 2007

Tobie Bledsoe
TOBIE BLEDSOE, MAYOR

ATTEST:

Abbey Miller
ABBEY MILLER, RECORDER

APPROVED AS TO FORM

JAMES R. WHEELER, TOWN ATTORNEY

Motion was made by Alderman Gearhart and seconded by Alderman Countermine that the preceding ordinance be adopted on first reading. Those voting for the adoption thereof were: Alderman Gearhart, Alderman Countermine, Alderman Fitzgerald, Alderman Vest
Those voting against: _____

PASSED ON FIRST READING May 15, 2007
(Second)

Tobie Bledsoe
TOBIE BLEDSOE, MAYOR

ATTEST:

Abbey Miller
ABBEY MILLER, RECORDER

APPROVED AS TO FORM

James R. Wheeler
JAMES R. WHEELER, TOWN ATTORNEY