

Ethics Counsel - New Tazewell adopted code of ethics 06/12/07

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Date: 10/9/2007 8:27 AM
Subject: New Tazewell adopted code of ethics 06/12/07

ORDINANCE NO. 2007- 260

AN ORDINANCE TO AMEND TITLE 1 AND
 REPEAL PORTIONS OF TITLE 4, CHAPTER 3
 OF THE NEW TAZEWELL MUNICIPAL CODE AND
TO ADOPT A CODE OF ETHICS
 FOR THE TOWN'S OFFICERS AND EMPLOYEES

BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN
 OF NEW TAZEWELL, TENNESSEE THAT:

SECTION 1 Title 1 of the New Tazewell Municipal Code is amended by adding the following as Chapter
4:CHAPTER 4 CODE OF ETHICS

1-401. Applicability. This chapter is the code of ethics for personnel of the Town of New Tazewell. 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 "municipal" and "Town" or "Town of New Tazewell" include these separate entities.

1-402. Definition of "personal interest."

(1) For purposes of Sections 1-403 and 404, "personal interest" means:

State 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. §§ 2-20-122, 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. A brief synopsis of each of these laws appears in the appendix of the municipal code.

1-406 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.

1-407 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 Town Council to be in the best interests of the Town.

1-408 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.
- (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.

1-409 Outside employment. A full-time employee of the Town may not accept any outside employment without written authorization from the mayor.

1-410 Ethics complaints.

- (1) The city 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 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 city attorney may request the Town Council to 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 Town Council, the Town Council 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 Town Council determines that a complaint warrants further investigation, it shall authorize an investigation by the city attorney or another individual or entity chosen by the Town Council
- (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 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 violator shall be dealt with as a violation of the personnel or civil service provisions rather than as a violation of this code of ethics.

1-411 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 Town Council. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action.

SECTION 2. The following sections of Title 4, Chapter 3 of the New Tazewell Municipal Code are hereby repealed:

Sections 4-301, 4-302, 4-305 and 4-306 in their entirety.

SECTION 3. This ordinance takes effect from and after its final passage, the public welfare requiring it.

Passed on first reading Passed on second reading

Attest: CITY RECORDER

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