

**ORDINANCE 07-04-01**

**AN ORDINANCE TO ADOPT A CODE OF ETHICS FOR OFFICIALS AND EMPLOYEES OF THE TOWN OF ATOKA, TENNESSEE.**

**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 Town officials and employees; and,

**WHEREAS,** public awareness of the standards of conduct expected from Town 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 TOWN OF ATOKA, TENNESSEE THAT TITLE I CHAPTER 4 OF THE ATOKA MUNICIPAL CODE BE CREATED USING THE FOLLOWING LANGUAGE:**

**CHAPTER 4**

**CODE OF ETHICS**

**SECTION**

- 1-401. Applicability.
- 1-402. Definition of "personal interest."
- 1-403. Disclosure of personal interest by official with vote.
- 1-404. Disclosure of personal interest in nonvoting matters.
- 1-405. Acceptance of gratuities.
- 1-406. Use of information.
- 1-407. Use of municipal time, facilities, etcetera.
- 1-408. Use of position or authority.
- 1-409. Outside employment.
- 1-410. Ethics complaints.

1-411. Violations.

SECTION 1-401. **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.

SECTION 1-402. **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
  - (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.

SECTION 1-403. **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 from voting on the measure.

SECTION 1-404. **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 1-405. Acceptance of gratuities, etcetera.**

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 municipality:

- (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 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.

**SECTION 1-407. Use of municipal time, facilities, etcetera.**

- (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.

**SECTION 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 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 charter, general law, or ordinance or policy of the municipality.

**SECTION 1-409. 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.

SECTION 1-410. **Ethics complaints.**

- (1) The town 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 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 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 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 the violation shall be dealt with as a violation of the personnel provisions rather than as a violation of this code of ethics.

SECTION 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 governing body. An appointed

official or an employee who violates any provision of this chapter is subject to disciplinary action.

**BE IT FURTHER ORDAINED that this ordinance shall become effective immediately after its passage on the second and final reading, in accordance with the Charter of the Town of Atoka, the public welfare requiring it.**

Passed First Reading: April 3, 2007

Public Hearing: May 1, 2007

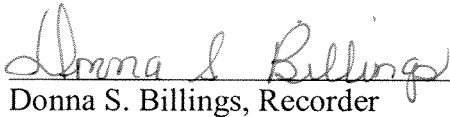
Passed Second Reading: April 3, 2007

Municipality:

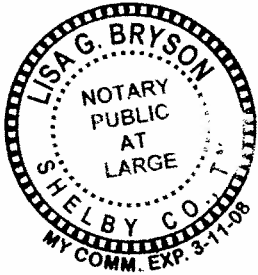


Charles L. Walker, Mayor

Attest:

  
Donna S. Billings, Recorder

2x2  
Public Notice  
Wednesday,  
April 18th



STATE OF TENNESSEE } SS  
COUNTY OF SHELBY

Personally appeared before me Lisa Bryson, a Notary Public,

of MEMPHIS PUBLISHING COMPANY, a corporation, publishers of The Commercial Appeal, morning and Sunday paper, published in Memphis, Tennessee, who makes oath in due form of

law, that he/she is Account Executive of the said Memphis Publishing Company, and that the accompanying and hereto attached notice was published in the following editions of The Commercial Appeal to-wit:

April 18, 2007  
.....20  
.....20  
.....20  
.....20

Subscribed and sworn to before me this 18th day of April 2007

Lisa Bryson Notary Public  
3-11 2008

My commission expires

### Public Notice

The Town of Atoka will hold a public hearing at Atoka Town Hall on Tuesday, the First day of May, 2007 at 6:45 p.m. The purpose of the hearing is to receive public input on a proposed Ethics Ordinance. The public is invited and encouraged to attend and participate.