

CHAPTER 7: CODE OF ETHICS

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Editor's note:

This chapter was amended during the February 12, 2008, "Change 1".

Statutory reference:

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

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

Conflict of interests disclosure statements, see T.C.A. §§ 8-50-501 et seq.

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

Crimes involving public officials (bribery, soliciting unlawful compensation, buying and selling in regard to office), see T.C.A. §§ 39-16-101 et seq.

Crimes of official misconduct, official oppression, misuse of official information, see T.C.A. §§ 39-16-401 et seq.

Ouster law, see T.C.A. §§ 8-47-101 et seq.

§ 1-701 APPLICABILITY.

(A) This chapter is the code of ethics for personnel of the city.

(B) 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 city.

(C) The words "municipal" and "city" or "City of Crossville" include these separate entities.

(Ord. 1131, passed 6-12-2007)

§ 1-702 DEFINITIONS.

(A) For purposes of §§ 1-703 and 1-704, **PERSONAL INTEREST** means:

(1) Any financial, ownership or employment interest in the subject of a vote by a municipal board not otherwise regulated by state statutes on conflicts on interests;

(2) Any financial, ownership or employment interest in a matter to be regulated or supervised;
or

(3) Any financial, ownership or employment interest of the official's or employee's spouse, parent(s), step parent(s), grandparent(s), siblings(s), child(ren) or step child(ren).

(B) 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.

(C) 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.

(Ord. 1131, passed 6-12-2007)

§ 1-703 DISCLOSURE OF PERSONAL INTEREST BY OFFICIAL WITH VOTE.

(A) 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.

(B) In addition, the official may recuse himself or herself from voting on the measure.

(Ord. 1131, passed 6-12-2007)

§ 1-704 DISCLOSURE OF PERSONAL INTEREST IN NON-VOTING MATTERS.

(A) 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 Clerk.

(B) In addition, the official employee may, to the extent allowed by law, charter, ordinance or policy, recuse himself or herself from the exercise of discretion in the matter.

(Ord. 1131, passed 6-12-2007)

§ 1-705 ACCEPTANCE OF GRATUITIES AND THE LIKE.

(A) 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 or she would be expected to perform, or refrain from performing, in the regular course of his or her duties;
or

(2) Might reasonably be interpreted as an attempt to influence his or her action, or reward him or her for past action, in executing municipal business.

(B) Notwithstanding any provision or interpretation of this section to the contrary, an official or employee may accept, directly or indirectly, money, gifts, gratuities or other consideration in amounts not to exceed \$100 per instance, but only so long as the acceptance of the gift, money, gratuity or consideration is not in exchange for the performance of an act, or the refraining from the performance of an act, that he or she would be expected to perform, or refrain from performing, in the regular course of his or her duties. Gifts, gratuities, money and consideration in amounts of \$100 or less per instance are hereby deemed to be too nominal to be interpreted reasonably as an attempt to influence, as contemplated in division (A)(2) above; an interpretation is hereby deemed to be unreasonable with regard to gifts, money, gratuity and consideration in an amount of \$100 or less per instance, and the same shall not be interpreted as an attempt to influence, and shall be treated as an exception to division (A)(2) above.

(Ord. 1131, passed 6-12-2007)

§ 1-706 USE OF INFORMATION.

(A) An official or employee may not disclose any information obtained in his or her official capacity or position of employment that is made confidential under state or federal law, except as authorized by law.

(B) An official or employee may not use or disclose information obtained in his or her official capacity or position of employment with the intent to result in financial gain for himself or herself or any other person or entity.

(Ord. 1131, passed 6-12-2007)

§ 1-707 USE OF MUNICIPAL TIME, FACILITIES AND THE LIKE.

(A) 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 or herself.

(B) 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.

(Ord. 1131, passed 6-12-2007)

§ 1-708 USE OF POSITION OR AUTHORITY.

(A) An official or employee may not make or attempt to make private purchases, for cash or otherwise, in the name of the municipality.

(B) An official or employee may not use or attempt to use his or her position to secure any privilege or exemption for himself or herself or others that is not authorized by the charter, general law or ordinance or policy of the municipality.

(Ord. 1131, passed 6-12-2007)

§ 1-709 OUTSIDE EMPLOYMENT.

An official or employee may not accept or continue any outside employment without written

authorization from the department head.

(Ord. 1131, passed 6-12-2007)

§ 1-710 ETHICS COMPLAINTS.

(A) The City 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.

(B) (1) Except as otherwise provided in this division (B), 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 or her own initiative when he or she 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.

(2) The City Attorney may request the City Council to hire another attorney, individual or entity to act as ethics officer when he or she has or will have a conflict on interests in a particular matter.

(3) When a complaint of a violation of any provision of this chapter is lodged against a member of the City Council, the City 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 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 City Council.

(C) The interpretation that a reasonable person in the circumstances would apply shall be used in interpreting and enforcing this code of ethics.

(D) 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.

(Ord. 1131, passed 6-12-2007)

§ 1-711 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 City Council. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action.

(Ord. 1131, passed 6-12-2007)