

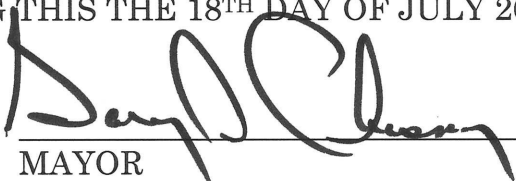
**ORDINANCE NO. 3585
BEING AN ORDINANCE OF THE CITY COUNCIL OF MORRISTOWN,
TENNESSEE REPEALING THE CURRENT ETHICS POLICY AND
REINSTATING THE PRIOR POLICY.**

Be it ordained by the City Council for the City of Morristown that the current Ethics Policy that was adopted by the City on February 21, 2012 is hereby repealed and the previous Ethics Policy adopted by the City on May 16, 2006 shall be reinstated as stated below:

Ethics Policy (Attached)

This ordinance shall take effect upon second and final reading, the public welfare requiring same.

PASSED ON FIRST READING THIS THE 18TH DAY OF JULY 2017.


MAYOR

ATTEST:


CITY ADMINISTRATOR

PASSED ON SECOND AND FINAL READING THIS THE 1ST DAY OF AUGUST 2017.


MAYOR

ATTEST:


CITY ADMINISTRATOR

“Ethics Policy

SECTION I. Declaration of Policy.

Our government is a representative democracy. Those who are elected, appointed, hired, volunteer or campaign to serve the public as representatives accept a public trust, which they share with those whom they elect, appoint, hire or otherwise enlist to help them serve the public. The public entrusts its power and resources to its servants to use only in the public interest. Public trust requires public servants to fulfill their public duties faithfully and honestly, and to subordinate any personal interest which conflicts with the public interest.

The maintenance of high standards of honesty, integrity, impartiality, and conduct by elected and appointed officials, employees and agents of the City of Morristown, Tennessee is essential to ensure the proper performance of government business and the maintenance of confidence by citizens in their government. The avoidance of misconduct and conflicts of interest on the part of elected and appointed officials, employees and agents of the City of Morristown is indispensable to the maintenance of these standards.

SECTION II. Purposes of Ordinance.

This Ordinance is adopted pursuant to the Tennessee Comprehensive Governmental Ethics Reform Act of 2006:

- (a) to state principles of ethics which are to be applied in public service; and
- (b) to identify minimum standards of ethical conduct for public officials; and
- (c) to require that public officials engage in ethical practices which always meet minimum standards; and
- (d) to encourage public officials to pursue the highest ethical ideals which they can achieve; and
- (e) to provide a process by which public officials may identify and resolve ethical issues; and
- (f) to inform public officials and the public of the minimum standards to which public servants must adhere; and
- (g) to promote public confidence in the integrity of public officials; and
- (h) to encourage members of the public to seek public office or employment, to serve on public boards, to assist public officials as volunteers, and to take pride in participating in the governmental process; and
- (i) to establish penalties, as appropriate, for public officials who violate the public trust; and
- (j) to provide for a just and reasonable balance among the rights of all individuals who are directly affected by the operation of this Ordinance.

NOW, THEREFORE, Be it ordained by the City Council for the City of Morristown, as follows:

SECTION III. The Ordinance.

101. Persons covered. This Ordinance shall apply to any official, whether elected or appointed, officer, employee or servant or any member of any board, agency, commission, authority or corporation (whether compensated or not), or any officer, employee or servant of the City, all collectively referred to herein as "public officials".

102. Public Official Responsibilities. Each public official of the City of Morristown shall avoid any action, whether or not specifically prohibited by this Ordinance or departmental codes of ethics, which might result in, or create the appearance of:

- (i) using public office for private gain;
- (ii) unfair or unequal treatment of any citizen;
- (iii) impeding government efficiency or economy;
- (iv) acting on behalf of the City, unless such person is the Mayor or member of City Council, by making any policy statement or representation, or by promising to authorize or to prevent any future action of any nature, when such public official is not authorized to make such a statement or representation;
- (v) conducting City business outside of official channels; or
- (vi) affecting adversely the confidence of the public in the integrity of the government.

103. Gifts, Entertainment and Favors. No public official shall solicit or accept, directly or indirectly, on behalf of himself, herself, or any member of the public official's household, any gift, gratuity, service, favor, entertainment, lodging, transportation, loan, guarantee or any other thing of monetary value exceeding an aggregate value of \$50.00 during any twelve month period, from any person who:

- (i) has, or is seeking to obtain, contractual or other business or financial relations with the department or agency of the City of Morristown by which the individual is employed; or
- (ii) conducts operations or activities that are regulated by the department or agency of the City of Morristown by which the employee is employed; or
- (iii) has interests that may be substantially affected by the performances or nonperformance of employee's official duties.

104. Exceptions: Gifts, Entertainment and Favors. The prohibitions on accepting gifts, entertainment or favors in (103) do not apply to:

- (i) family members or friends of long standing when the circumstances make it clear that it is the relationship, rather than the business of the persons concerned, which is the motivating factor, and where the value of the gift, entertainment or favor is appropriate to the circumstances and consistent with the parties' historical relationship. If such gift, entertainment or favor exceeds \$50.00 in value, the employee shall disclose the nature and value of the gift, entertainment or favor in a letter to the Finance Director.
- (ii) loans from established financial institutions made in the ordinary course of business on usual and customary terms, so long as there are no guarantees or collateral provided by any person described in (103);
- (iii) unsolicited advertising material of nominal value;
- (iv) food and refreshments of nominal value when they are part of the employee's participation in a charitable, civic, political or community event

which bears a relationship to the public official's office and the public official is attending in an official capacity.

A business lunch or dinner is not an "event" for the purposes of this exception. On those occasions, the public official must buy his or her own meal or refreshment. If the meal is held at a private club where the public official may not pay the establishment directly, the public official must reimburse the member of the establishment for the equivalent cost of the meal or refreshment.

(v) lawful campaign contributions made on behalf of elected officials.

105. Conflicts of Interest, Financial Interests.

Conduct of public officials shall be controlled and governed by the provisions of the Tennessee Comprehensive Governmental Ethics Reform Act of 2006, as may, from time to time, be amended. All public officials shall annually submit verified conflict of interest disclosure statements on forms provided by the Personnel Director.

106. Use of Information. No public official of the City of Morristown shall directly or indirectly:

(i) use, disclose, or allow the use of official information which was obtained through or in connection with his or her municipal office or employment, and which has not been made available to the general public, for the purpose of furthering the private interest or personal profit of any person, including the public official; or

(ii) engage in a financial transaction as a result of, or primarily relying upon, information obtained through his or her government office or employment.

107. Use of Government Property. No public official shall use the facilities, equipment, personnel, or supplies of the City of Morristown or its agencies for other than officially approved activities, except to the extent that they are lawfully available to the general public.

108. Questions on Interpretation of this Ordinance. When a public official is in doubt as to the proper interpretation of this Ordinance, he or she is expected to seek the advice of the City Attorney, if time permits, or to use good judgment and to report the gift, entertainment or favor to the Finance Director within 7 days.

109. Departmental Ethics Standards. This Ordinance does not supersede or revoke those portions of any existing departmental or agency policies regarding ethical standards which are stricter than, or cover areas additional to, the standards set out herein.

110. Ethics Guidelines Published by Personnel Director. The personnel director, or his assignee, shall inform each covered public official of the requirements of this Ordinance, shall distribute the Ordinance to covered public officials and have them sign a statement that they have received and read it, and shall modify personnel manuals to incorporate these standards as soon as practicable.

111. Penalties. Violation by any person of this Ordinance shall be punishable as, and subject to criminal and civil penalties as set forth in the Tennessee Comprehensive Governmental Ethics Reform Act of 2006. In addition, violation of this Ordinance may result in any one or combination of the following actions by the governing body: reprimand; suspension; demotion; forfeiture of or removal from office.

112. Indemnification. (i) The City may indemnify an individual against liability incurred, including reasonable legal expenses, who is made a party to a proceeding because the individual is or was a public servant if:

(a) The individual's conduct was in good faith; and

(b) The individual reasonably believed:

(1) In the case of conduct in the individual's official capacity with the City, that the individual's conduct was in its best interest; and

(2) In all other cases, that the individual's conduct was at least not opposed to its best interests; and

(3) In the case of any criminal proceeding, the individual had no reasonable cause to believe the individual's conduct was unlawful.

(ii) The termination of a proceeding by judgment, order, settlement, conviction, or upon a plea of nolo contendere or its equivalent is not, of itself, determinative that the public official did not meet the standard of conduct described in this section.

(iii) The City may not indemnify a public official under this section:

(a) In connection with a proceeding by or in the right of the City in which the public official was adjudged liable to the City; or

(b) In connection with any other proceeding charging improper personal benefit to the public official, whether or not involving action in the public official's official capacity, in which the public official was adjudged liable on the basis that the personal benefit was improperly received by the public official.

(iv) The City shall indemnify a public official who was wholly successful, on the merits or otherwise, in the defense of any proceeding to which the public official was a party because the public official is or was a public official of the City against reasonable expenses incurred, including attorney's fees, by the public official in connection with the proceeding.

113. Construction of Ordinance. The provisions of this Ordinance are to be construed liberally, to the end that the public interest be fully protected, and shall be construed in a manner consistent with all applicable federal and state laws and applicable provisions of the City Charter. In the event of a conflict between any provision of this Ordinance and any applicable federal, state or City charter provision which does not expressly provide otherwise, the federal, state or City charter provision shall control. To the extent permitted by law, all ordinances, resolutions or rules, and parts of ordinances, resolutions or rules inconsistent with this Ordinance are hereby repealed.

114. Less Restrictive. Any provision herein which is less restrictive than that provided for in the Tennessee Comprehensive Governmental Ethics Reform Act of 2006 shall be deemed invalid and in that event, the provisions of the Act shall apply. Any provision in the Act which applies to local government ethics requirements which is omitted herein shall be incorporated herein.

115. Severability. If any provision of this Ordinance is held by any court or by any federal or state agency of competent jurisdiction to be invalid as conflicting with any federal, state or City charter provision now or hereafter in effect, or is held by such court or agency to be modified in any way in order to conform to the requirements of any such provision, the conflicting provision of this Ordinance shall be considered a separate, distinct and independent part of this Ordinance, and such holding shall not affect the validity and enforceability of this Ordinance as a whole, or any part other than the part declared to be invalid."