**V. ETHICS**

As of July 1, 2007 all Tennessee municipalities are required to adopt a Code of Ethics.

**MTAS Model Policy (OR insert City’s policy here)**

1 – APPLICABILITY

This chapter is the code of ethics for personnel of the municipality. It applies to all regular full time and regular 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.

2 – 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 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” includes 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. (3) 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.

3 – 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 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.

4 – 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.

5 – ACCEPTANCE OF GRATUITIES, ETC

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.

6 – 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.

7 – USE OF MUNICIPAL TIME, FACILITIES, ETC

(1) The city attorney is designated as the ethics office 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. (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 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 city 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 Human Resources policy, rule, or regulation or a civil service policy, rule, or regulation, the violation shall be dealt with as a violation of the Human Resources or civil service provisions rather than as a violation of this code of ethics.

8 – USE OF CITY PROPERTY/CITY VEHICLES

It is the policy of the City that certain positions require employee access to Municipal vehicles, either during the work shift or on a 24-hour on-call basis. City vehicles are not personal vehicles and are not for personal use. City vehicles should be viewed as belonging to the citizens of the City and are assigned solely for the purposes consistent with providing services to the citizen. Municipal vehicles and equipment are for municipal use only. No other person other than a city employee may operate a city vehicle or piece of equipment. Passengers may be carried only as part of official business. Drivers and/or operators must have a valid Tennessee Drivers License and other certifications as required for a particular vehicle or piece of equipment and be approved by the department head.

A. Reporting Vehicle or Equipment Accidents or Damage

All municipal employees that operate a municipal vehicle or a piece of equipment shall immediately report to their supervisor or department head any vehicle or equipment accidents or damage incurred while operating said vehicle or piece of equipment, and shall remain at the scene. A crash report is required for all accidents to be completed by law enforcement. An accident involving the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Police Department requires an accident report from another law enforcement agency. The employee will complete a Vehicle Accident Report that describes in sufficient detail how the accident occurred. The supervisor or department head will conduct an investigation of the accident and complete a Vehicle Investigation Report. These reports must be forwarded to the Safety Director and Human Resources Director within 24 hours if feasible.

Failure to properly report an accident or damage to equipment, regardless of fault or severity of damage to the vehicle or piece of equipment, will be subject to disciplinary action.

Management shall inspect or cause to be inspected all vehicles and pieces of equipment on a periodic basis. They will maintain a log of all reported damage and accidents incurred on each vehicle and piece of equipment within their respective department.

B. Damage to Third Party or Other Private or Public Property

In the event an accident or damage incurred involves another party or damage to private property or other public property, the employee will request an officer from the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Police Department or other appropriate law enforcement authority, to complete an accident report that describes in sufficient detail the accident incurred.

The employee will also complete a Property Damage/Loss Report that describes the incident. The supervisor or department head will conduct an investigation of the incident and complete a Supervisor’s Property Damage Investigation Report. These reports must be forwarded to the Safety Director and Human Resources Director within 24 hours

C. Employee Negligence While Operating Vehicle or Equipment

After investigation of an accident, if it can be demonstrated the employee operating the vehicle or piece of equipment was negligent in operation of the vehicle or piece of equipment or in violation of motor vehicle regulations, operational safety rules, departmental guidelines or city policy, the employee may be subject to disciplinary action.

D. Driving Records

Any employee who is required as an employment condition to possess and maintain a valid Tennessee Drivers or Commercial Driver’s License must immediately, before reporting for duty the next workday, inform his/her supervisor should his/her license become denied, expired, restricted, suspended, or revoked any time during employment with the City. Periodic review of employee’s driving records may be conducted by the City of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

9 – USE OF POSITION OR AUTHORITY

(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 attempt to use his position to secure any privilege or exemption for him or others that is not authorized by this charter, general law, or ordinance or policy of the municipality.

10 – 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.

11 – ETHICS COMPLAINTS

(1) 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. (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 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 city 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 Human Resources policy, rule, or regulation or a civil service policy, rule, or regulation, the violation shall be dealt with as a violation of the Human Resources or civil service provisions rather than as a violation of this code of ethics.

12 – VIOLATIONS

An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, or 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.