

CHAPTER 14

CODE OF ETHICS FOR HENRY COUNTY AND CITY OF PARIS, TENNESSEE

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Preamble: This ordinance is adopted jointly by the City of Paris and Henry County Government (by resolution) in order to be consistent in the adoption of a Code of Ethics for all jointly appointed boards as required by Public Chapter 1 of the Extraordinary Session of the 2006 General Assembly.

1-1401. Definitions.

(1) "County" means Henry County, which includes all boards, committees, commissions, authorities, corporations or other instrumentalities appointed or created by the county or an official of the county, and specifically including the county school board, the county election commission, the county health department, and utility districts in the county.

(2) "Municipality or city" means City of Paris, which includes all boards, committees, commissions, authorities, corporations or other instrumentalities appointed or created by the City or an official of the City, and specifically including the city school board, and utility districts in the city.

(3) "Entity" means City or County according to context.

(4) "Officials and employees" means and includes 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 thereof, of the County or City.

(5) "Personal interest" means, for the purpose of disclosure of personal interest in accordance with this Code of Ethics, a financial interest of the official or employee, or a financial interest of the official's or employee's spouse or child living in the same household, in the matter to be voted upon, regulated, supervised, or otherwise acted upon in an official capacity.

1-1402. Disclosure of personal interest in voting matters. An official or employee with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and to be included in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's or employee's vote on the measure. In addition, the official or employee may, to the extent allowed by law, recuse himself or herself from voting on the measure.

1-1403. Disclosure of personal interest in non-voting 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 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 the attached disclosure form and file the disclosure form with the county clerk or city recorder. In addition, the official or employee may, to the extent allowed by law, recuse himself or herself from the exercise of discretion in the matter.

1-1404. Acceptance of gifts and other things of value. An official or employee, or an official's or employee's spouse or child living in the same household, may not accept, directly or indirectly, any gift, money, gratuity, or other consideration or favor of any kind from anyone other than the county or city:

(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 a reasonable person would understand was intended to influence the vote, official action, or judgment of the official or employee in executing city or county business.

It shall not be considered a violation of this policy for an official or employee to receive entertainment, food, refreshments, meals, health screenings, amenities, foodstuffs, or beverages that are provided in connection with a conference sponsored by an established or recognized statewide association of county government officials or by an umbrella or affiliate organization of such statewide association of city or county government officials.

1-1405. 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.

1-1406. Use of county or municipal time, facilities, etc. (1) An official or employee may not use or authorize the use of county or 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 county or 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 county or municipality.

1-1407. 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 charter, general law, or ordinance or policy of the municipality or county.

1-1408. Ethics complaints. (1) The Henry County Mayor and the Mayor of Paris shall jointly appoint an Ethics Officer to serve a term of five years commencing July 1, 2007 and said officer shall continue to service until the expiration of his term when a new appointment has been made by the Mayors, or in the event the Mayors have not agreed on an appointment, said officer shall continue to serve until replaced by a duly appointed successor.

(2) The Ethics Officer may request the assistance of the City Attorney and /or County Attorney as appropriate in order to properly apply the provisions contained herein.

(3) Questions and complaints regarding violations of this Code of Ethics or of any violation of state law governing ethical conduct should be directed to the Ethics Officers. Complaints shall be in writing and signed by the person making the complaint, and shall set forth in reasonable detail the facts upon which the complaint is based.

The Ethics Officer shall investigate any credible complaint against an official or employee charged with any violation of this Code of Ethics, or may undertake an investigation on its own initiative when it acquires information indicating a possible violation, and make recommendations for action to end or seek retribution for any activity that, in the Officer's judgment, constitutes a violation of this Code of Ethics.

The Officer may:

- (1) refer the matter to the City and /or County Attorney for a legal opinion and/or recommendations for action;
- (2) in the case of an official, refer the matter to the appropriate city or county legislative body for possible public censure if the legislative body finds such action warranted;
- (3) in the case of an employee, refer the matter to the official responsible for the supervision of the employee for possible disciplinary action if the official finds the discipline warranted;
- (4) in a case involving possible violation of state statutes, refer the matter to the district attorney for possible ouster or criminal prosecution;

The interpretation that a reasonable person in the circumstances would apply shall be used in interpreting and enforcing this Code of Ethics. When a violation of this Code of Ethics also constitutes a violation of a personnel policy or a civil service policy, 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.

1-1409. Violations. An elected official or appointed member of a separate municipal or county board, commission, committee, authority, corporation or other instrumentality who violates any provision of this chapter is subject to punishment as provided by the municipality and the county'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.

1-1410. Applicable State Laws. In addition to the ethical principles set out in this Code of Ethics, state laws also provide a framework for the ethical behavior of county and city officials and employees in the performance of their duties. Officials and employees should familiarize themselves with the state laws applicable to their office or position and the performance of their duties. To the extent that an issue is addressed by state law (law of general application, public law of local application, local option law, or private act), the provisions of that state law, to the extent they are more restrictive, shall control. (Ord. #1066, 2/01/07)