

TITLE 21

CODE OF ETHICS

CHAPTER 1

CODE OF ETHICS

SECTION

- 21-101. Applicability.
- 21-102. Definition of "personal interest."
- 21-103. Disclosure of personal interest by official with vote.
- 21-104. Disclosure of personal interest in nonvoting matters.
- 21-105. Acceptance of gratuities, etc.
- 21-106. Use of information.
- 21-107. Use of city time, facilities, etc.
- 21-108. Use of position or authority.
- 21-109. Outside employment.
- 21-110. Ethics complaints.
- 21-111. Violations.

21-101. Applicability. This chapter is the code of ethics for personnel of the city. 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, including but not limited to the Oak Ridge City Schools and its Board of Education. (as added by Ord. #7-07, May 2007)

21-102. Definition of "personal interest." The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) The word "censure" means an expression of severe criticism or reproach.

(2) The word "complaint" means a written, signed document setting forth the reason(s) for belief of an ethics violation. A complaint must contain the original signature of the complaining party and such person's contact information including but not limited to full name, address, and telephone number. Comments sent by email, facsimile or other electronic means are not original documents and shall not constitute a valid complaint.

(3) 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.

(4) The word "gift" means the transfer of anything of economic value, regardless of form, without reasonable consideration. "Gift" may include a subscription, membership, loan, forgiveness of debt, advance or deposit of money or anything of value, conveyed or transferred. "Gift" does not include political campaign contributions which are solicited or accepted in accordance with applicable laws and regulations.

(5) The word "official" means the members of city council, as well as members appointed thereby to city boards, commissions, committees, authorities, corporations or instrumentalities established by law or by this code. "Official" also includes the city judge.

(6) The words "personal interest" mean: (a) Any financial, ownership, or employment interest in the subject of a vote by a city 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) (including natural, step or adoptive, as well as inlaws), grandparent(s), sibling(s) (including natural, step or adoptive), child(ren) (including natural, step or adoptive, as well as grandchildren and inlaws), and any other individual residing within the employee's household who is a legal dependent of the employee or official for income tax purposes.

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. (as added by Ord. #7-07, May 2007)

21-103. 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 or herself from voting on the measure. (as added by Ord. #7-07, May 2007)

21-104. 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 city clerk. Copies of such forms filed with the city clerk shall be provided to the city manager and, in the case of an employee, filed in the employee's personnel file. In addition, the official or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse

himself or herself from the exercise of discretion in the matter. (as added by Ord. #7-07, May 2007)

21-105. 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 city:

(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) That might reasonably be interpreted as an attempt to influence his or her action, or reward him or her for past action, in executing city business.

This section does not apply to those items that are specifically covered by a separate policy and/or procedure established by the city manager pertaining to gifts and gratuities. (as added by Ord. #7-07, May 2007)

21-106. Use of information. (1) 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.

(2) 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. (as added by Ord. #7-07, May 2007)

21-107. Use of city time, facilities, etc. (1) An official or employee may not use or authorize the use of city time, facilities, equipment or supplies for private gain or advantage to himself or herself.

(2) An official or employee may not use or authorize the use of city 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 city manager or city council to be in the best interests of the city or as otherwise permitted by law. (as added by Ord. #7-07, May 2007)

21-108. Use of position of authority. (1) An official or employee may not make or attempt to make private purchases, for cash or otherwise, in the name of the city; provided, however, that this section shall not apply to reasonable amounts paid for:

(a) Food, transportation, lodging and other travel expenses incurred in accordance with the city's travel policy.

(b) Dues, registrations, meals and similar expenses incurred in conjunction with membership or participation in a professional or community organization to which the official or employee belongs in his or her official capacity.

(c) Meals purchased in the course of an official business meeting conducted on the city's behalf.

(2) 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 city. No officer shall intimidate, threaten, coerce, discriminate against, or give the appearance of or attempt to intimidate, threaten, coerce or discriminate against any employee for the purpose of interfering with that person's freedom of choice in the regular discharge of his or her official duties.

(3) No official or employee shall provide commercial or advertising endorsements in such a manner as to convey the city's approval of any private for-profit enterprise; provided, however, that an official or employee may respond to inquiries seeking information as to the city's experience with a vendor or other private enterprise. (as added by Ord. #7-07, May 2007)

21-109. 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 city's charter or any ordinance or policy. This section does not negate the requirement for employees to obtain prior approval before beginning any outside employment. (as added by Ord. #7-07, May 2007)

21-110. Ethics complaints. (1) The city attorney is designated as the ethics officer of the city. 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 the city attorney's own initiative when the city attorney 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 city manager or city council hire another attorney, individual, or entity to act as ethics officer when the city attorney 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 the city attorney, the city manager, or a member of city council, city council shall take the following action:

(i) Determine whether the complaint has merit and warrants further investigation, or determine if the complaint is frivolous and without merit.

(ii) If city council determines the complaint has merit and warrants further investigation, city council shall direct that the complaint be investigated by an independent person, group of persons, or firm chosen by the city manager and city attorney when the complaint is against a member of city council, and chosen by city council when the complaint is against the city manager or the city attorney.

(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 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. (as added by Ord. #7-07, May 2007)

21-111. Violations. An elected official or appointed member of a separate city board, commission, committee, authority, corporation, or other instrumentality who violates any provision of this chapter is subject to punishment as provided by the city's charter or other applicable law and in addition is subject to censure by city council. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action. (as added by Ord. #7-07, May 2007)