



BILL HASLAM, MAYOR

CITY OF KNOXVILLE

LAW DEPARTMENT
MORRIS KIZER
SENIOR DIRECTOR

June 18, 2007

Tennessee Ethics Commission
201 Fourth Avenue North
Suite 1820
Nashville, Tennessee 37243

Ladies and Gentlemen:

Enclosed please find a certified copy of Ordinance No. O-128-07, passed on second and final reading by the Knoxville City Council on June 5, 2007.

This ordinance is the ethics code adopted by the City of Knoxville pursuant to Public Chapter No. 1 of the Extraordinary Session of the 2006 General Assembly. This ordinance is a modified version of the MTAS model provisions.

If you have any questions, please do not hesitate to contact me.

Sincerely yours,

W. Morris Kizer

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ETHICS COMMISSION

cc: Charles W. Swanson, Esq.
Sheppard, Swanson & Mynatt
P.O. Box 2149
Knoxville, Tennessee 37901-2149
(Without enclosure)

RECORDER'S CERTIFICATE

I, Cindy A. Mitchell, City Recorder for the City of Knoxville, Knox County, Tennessee, do hereby certify that the attached document is a true and correct copy of:

ORDINANCE NO. O-128-07

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF KNOXVILLE
TO AMEND THE KNOXVILLE CITY CODE BY ADDING SECTION 1-
17, ENTITLED "CODE OF ETHICS."**

which was adopted by City Council at their meeting held June 5, 2007, and is on file in the City Recorder's Office in Minute book 71.

WITNESS my hand and official seal of the City of Knoxville, Knox County, Tennessee, this the 18th day of June, 2007.

SEAL



City Recorder

ORDINANCE NO: 0-128-07

ORDINANCE

1
2 AN ORDINANCE OF THE COUNCIL
3 OF THE CITY OF KNOXVILLE TO
4 AMEND THE KNOXVILLE CITY
5 CODE BY ADDING SECTION 1-17,
6 ENTITLED "CODE OF ETHICS."

ORDINANCE NO: 0-128-07
REQUESTED BY: Law
PREPARED BY: Law
APPROVED AS TO FORM AND
CORRECTNESS: Director of Law
APPROVED ON 1ST
READING: 5-22-2007
APPROVED ON 2ND
READING: 6-5-2007
APPROVED AS
AN EMERGENCY
MEASURE:
MINUTE BOOK 71 PAGE

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16 WHEREAS, Public Chapter No. 1 of the Extraordinary Session of the 2006
17 General Assembly requires municipalities to adopt a code of ethics; and

18 WHEREAS, the Council of the City of Knoxville deems it appropriate to adopt a
19 code of ethics to apply to its full-time and part-time elected or appointed officials and
20 employees; whether compensated or not, including those of any separate board,
21 commission, committee, authority, corporation, or other instrumentality appointed or
22 created by the City;
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NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE
CITY OF KNOXVILLE AS FOLLOWS:

Section 1. Chapter 1 of the Knoxville City Code is amended by the addition of
the following Section 1-17:

Sec. 1-17. Code of ethics.

(a) Applicability.

This section 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. For the purposes of this section, the word "city" includes these separate entities. Notwithstanding the foregoing, any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the city may, by proper enactment, adopt its own code of ethics, provided the provisions of such code of ethics are at least as strict as those set forth herein and provided such code of ethics is approved in writing by the law director.

(b) Definition of "personal interest."

(1) For purposes of this section, "personal interest" means:

(A) Any financial, ownership, or employment interest in the subject of a vote by the council 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), stepparent(s), grandparent(s), sibling(s), child(ren), or stepchild(ren).

(2) 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.

(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 section.

(c) Disclosure of personal interest by official with a 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

1 official shall recuse himself or herself from voting on the measure if the
2 personal interest is that of the official (as opposed to a person described in
3 section 1-17(b)(1)(C)) unless, in the judgment of the law director, such
4 personal interest is deemed to be de minimis, in which case recusal from
5 voting on the measure is permissive rather than mandatory. In all other
6 instances of a personal interest, following the disclosure thereof, the official
7 may recuse himself or herself from voting on the measure.

8 (d) Disclosure of personal interest in nonvoting matters.

9 An official or employee who must exercise discretion relative to any matter,
10 other than casting a vote, and who has a personal interest in the matter that
11 affects or that would lead a reasonable person to infer that it affects the
12 exercise of the discretion shall disclose, before the exercise of the discretion
13 when possible, the interest on a form provided by and filed with the city
14 recorder. In addition, the official or employee may, to the extent allowed by
15 law, charter, ordinance, or policy, recuse himself or herself from the exercise
16 of discretion in the matter.

17 (e) Acceptance of money, gifts and gratuities.

18 An official or employee may not accept, directly or indirectly, any money,
19 gift, gratuity, or other consideration or favor of any kind from anyone other
20 than the city:

21 (1) For the performance of an act, or refraining from performance of an act,
22 that he or she would be expected to perform, or refrain from performing, in
23 the regular course of his or her duties; or

24 (2) That might reasonably be interpreted as an attempt to influence his or her
25 action, or reward him or her for past action, in executing city business;
26 provided, however, that a gift or gratuity that is not cash or a cash equivalent
27 (such as a check or gift card), and which has a value of twenty-five dollars
28 (\$25.00) or less, shall not be interpreted as an attempt to influence the action
of an official or employee.

(3) The senior director of any department may direct that no employee in his
or her department may accept a gift or gratuity, even though it may have a
value of twenty-five dollars (\$25.00) or less.

(f) 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.

(g) Use of municipal time, facilities, and other assets.

(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

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 approved in accordance with the provisions of this Code.

(h) 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 city.

(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.

(i) 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 city position or conflicts with any provision of the city's charter or any ordinance or policy.

(j) Ethics complaints.

(1) The law director 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 section, the law director may render an oral or written advisory ethics opinion based upon this section and other applicable law.

(2) (A) Except as otherwise provided in this subsection, the law director shall investigate any credible complaint against an appointed official or employee charging any violation of this section, 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 law director's judgment, constitutes a violation of this code of ethics.

(B) The law director may request that the council hire another attorney, individual, or entity to act as ethics officer when he or she has or will have a conflict of interests in a particular matter.

(C) When a complaint of a violation of any provision of this section is lodged against a member of the council, the 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 law director or another individual or entity chosen by the council.

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

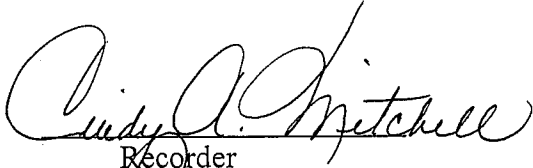
(4) When a violation of this code of ethics also constitutes a violation of a personnel policy, rule, or regulation or a civil service policy, rule, or regulation, the violation shall be dealt with as a violation of the personnel or

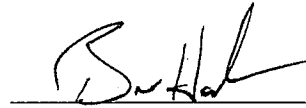
civil service provisions rather than as a violation of this code of ethics.

(k) Violations.

An elected official, or an appointed member of a separate city board, commission, committee, authority, corporation, or other instrumentality who violates any provision of this section is subject to punishment as provided by chapter 1, section 1-9 of this Code or any other applicable law, and in addition is subject to censure by the council. An appointed official or an employee who violates any provision of this section is subject to disciplinary action.

SECTION 2: The ordinance shall take effect from and after its passage, the public welfare requiring it.


Recorder


Presiding Officer of the Council