

ORDINANCE NO. 2007081402

AN ORDINANCE to amend Title 1 and repeal Title 1, Chapter 9 in its entirety of the Brighton Municipal Code and to adopt a Code of Ethics for the Town's officers and employees.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF BRIGHTON, TENNESSEE:

SECTION 1. Title 1 of the Brighton Municipal Code is amended by adding the following as Chapter 9:

CHAPTER 9

CODE OF ETHICS

1-401. Applicability. This chapter is the code of ethics for personnel of the Town of Brighton. 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 Town. The words "municipal" and "Town" or "Town of Brighton" include these separate entities.

1-402. Definition of "personal interest." (1) For purposes of Sections 4-103 and 104, "personal interest" means:

State statutes dictate many of the ethics provisions that apply to municipal officials and employees. For provisions relative to the following, see the Tennessee Code Annotated (T.C.A.) sections indicated:

Campaign finance – T.C.A. Title 2, Chapter 10.

Conflict of interests – T.C.A. §§ 6-54-107, 108; 12-4-101, 102.

Conflict of interests disclosure statements – T.C.A. § 8-50-501 and the following sections.

Consulting fee prohibition for elected municipal officials – T.C.A. §§ 2-10-122, 124.

Crimes involving public officials (bribery, soliciting unlawful compensation, buying and selling in regard to office) – T.C.A. § 39-16-101 and the following sections.

Crimes of official misconduct, official oppression, misuse of official information – T.C.A. § 39-16-401 and the following sections.

Ouster law – T.C.A. § 8-47-101 and the following sections.

A brief synopsis of each of these laws appears in the appendix of the municipal code.

- (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 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), step parent(s), grandparent(s), sibling(s), child(ren), or step child(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 chapter.

1-403. 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 himself² from voting on the measure.

1-404. 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 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.

1-405. 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 Town:

- (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.

1-406. 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.

² Masculine pronouns include the feminine. Only masculine pronouns have been used for convenience and readability.

1-407. Use of municipal time, facilities, etc. (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 authorize the use of 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 Board of Aldermen to be in the best interests of the Town.

1-408. 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 Town.

(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 the charter, general law, or ordinance or policy of the Town.

1-409. Outside employment. A full-time employee of the Town may not accept any outside employment without written authorization from the department head.

1-410. Ethics complaints. (1) The city attorney is designated as the ethics officer of the Town. 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 the Board of Aldermen to 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 Town's Board of Aldermen, the Board of Aldermen 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 Board determines that a complaint warrants further investigation, it shall authorize an investigation by the city attorney or another individual or entity chosen by the Board of Aldermen.

(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.

1-411. Violations. An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, or other 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 Board of Aldermen. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action.

SECTION 2. Section 4-207 of the Brighton Municipal Code is repealed.

SECTION 3. This ordinance takes effect from and after its final passage, the public welfare requiring it.

PASSED First Reading September 11, 2007.

PASSED Second Reading October 9, 2007.

Bonnie K. Baker
RECORDER

MAYOR

BRIGHTON TOWN MEETING

October 9, 2007

6:30 P.M.

PUBLIC HEARING

Mayor Scott announced that right now we are trying to memorialize Mr. Arnold Vandergrift for what he has done for the City of Brighton. It has been brought to us to change the name of a road or maybe a sign on the road that says in memory of Mr. Arnold Vandergrift. Several things have been brought to us so we want to get the public's opinion of what they would like to do. After the public hearing we are going to send everyone who lives on Old Highway 51 a letter with a ballot enclosed for a yes or no answer and room for a comment at the bottom of what the person would like for us to do. Mayor Scott asked to hear from the people now who are either for or against it. First speaker was Mrs. Mary Dell Boyd, 390 Kenwood who has lived there 20 years. Her husband James and she acquired a few acres on Old Highway 51. They feel that the address of having a highway on their property would enhance the market. If the real estate market sees the address as a highway rather than a street it would be more prone to check out the location. It is not a personal thing it is a financial thing. We feel it would be in our best interest to keep it as a highway. We have no objection to naming any other street after Mr. Arnold or memorializing him and we suggest Main Street because he spent most of his life right there in that little store. The second speaker was Mrs. Helen Goulder and she said she had lived at her place since 1956 so I am against naming the street Arnold Vandergrift Drive. If you want to put up a sign somewhere memorializing him on the highway, that is fine but I do not want my address changed. Mayor asked if anyone else wanted to say anything but had no response. Mayor Scott closed the public hearing at 7:00 P.M. and opened the Brighton Board of Mayor and Aldermen meeting.

BRIGHTON BOARD OF MAYOR AND ALDERMEN MEETING

October 9, 2007

7:00 P.M.

Meeting called to order by Mayor Jeff A. Scott
Allegiance to the Flag led by Alderman Mathis
Prayer by Alderman W. E. Blalack, Jr.
Roll Call:

PRESENT

Jeff A. Scott, Mayor
Judy Watkins, Alderman
Phillip Mathis, Alderman
W. E. Blalack, Jr., Alderman

ABSENT

Jim Wyatt, Alderman

Attending: Gary Pimmer, Police Chief
Chad Gatlin, Administrative Chief
Matalee Hall, Maintenance Supervisor
Bonnie Baker, Recorder

Guests: Ann Blackmon, Mrs. Helen Goulder, Mrs. Bobbie Goulder, Mr. Claude Hopper, Mrs. Mary Dell Boyd, David Rice, and Gwen Matheny, Reporter from the Covington Leader.

Alderman Watkins made a motion to approve the minutes from the last meeting as written. The motion was seconded by Alderman Blalack. The motion passed.

Alderman Mathis made a motion to pay our bills. The motion was seconded by Alderman Blalack. The motion passed.

Alderman Watkins made a motion to allow the "A Day In The Park" event to be held at the Brighton Community Center on Saturday, October 20, 2007. The motion was seconded by Alderman Mathis. The motion passed.

• Alderman Blalack made a motion to pass Ordinance #2007081402 to amend Title 1, Chapter 9 in its entirety of the Brighton Municipal Code and to adopt a Code of Ethics for the Town's officers and employees. The motion was seconded by Alderman Mathis. The motion passed on the second reading.

Alderman Blalack made a motion to pass Ordinance #20070911 to amend the 2006-2007 General, Water, Street and Drug Budgets on the second reading. The motion was seconded by Alderman Watkins. The motion passed on the second reading.

Alderman Blalack made a motion to pass a Resolution from Ken King, our city engineer to allow Mayor Jeff A. Scott to award the contract on the pumping station project. The motion was seconded by Alderman Mathis. The motion passed.

Alderman Blalack made a motion to adjourn. The motion was seconded by Alderman Watkins. The motion passed, we stand adjourned.

Bonnie Baker, Recorder