

ORDINANCE NO. 12863

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 2, ARTICLE XIII, CODE OF ETHICS ORDINANCE FOR CITY OF CHATTANOOGA PERSONNEL BY DELETING SECTION 2-754 IN ITS ENTIRETY AND SUBSTITUTING A NEW SECTION 2-754 IN LIEU THEROF.

WHEREAS, a sentence was inadvertently left off in subsection C, page 2, of Ordinance No. 12804, and should state, "Except as provided in subsection C. above, an official or employee shall not accept any gift from anyone for any service or duty performed as an official or employee of the City without the express consent of the City Council."

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That

SECTION 1. Chattanooga City Code, Part II, Chapter 2, Article XIII, Section 2-754 be deleted in its entirety and the following be substituted in lieu thereof:

Sec. 2-754. Acceptance of gratuities, etc.

- A. 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 business of the City.
- B. No official or employee shall solicit or accept, directly or indirectly, on behalf of himself or any member of the employee's household, any gift, including but not limited to any gratuity, service, favor, food, entertainment, lodging, transportation, loan, loan guarantee or any other thing of monetary value from any person or entity that:

1. Has or is seeking to obtain contractual or other business or financial relations with the City;
 2. Conducts operations or activities that are regulated by the City; or
 3. Has interests that may be substantially affected by the performance or nonperformance of the official's or employee's duties.
- C. Exceptions. The prohibition of accepting gifts does not apply to:
1. A gift or gratuity that is not cash or a cash equivalent (such as a check or gift card), and which has a value of Fifty Dollars (\$50.00) or less, shall not be interpreted as an attempt to influence the action of an official or employee;
 2. A gift given by a member of an official's or employee's immediate family, or by an individual if the gift is given for a non-business purpose and is motivated by a close personal relationship;
 3. Informational materials, such as books, periodicals, audio or video, or sample merchandise helpful as a part of the employee's or official's duties in determining the appropriateness of the product for use as a part of city business;
 4. Unsolicited tokens or awards of appreciation, honorary degrees or bona fide awards in recognition of public service, provided that any such item cannot be readily converted to cash;
 5. Food, refreshments, foodstuffs, entertainment or beverages provided as a part of a meal or other event in which the employee or official is attending or is a speaker or part of a panel discussion at a scheduled meeting of an established or recognized membership organization;
 6. Loans from established financial institutions made in the ordinary course of business on usual and customary terms; and
 7. Voluntary, legally disclosed political campaign contributions given in accordance with applicable federal and state statutes to an individual covered by the provisions of this section who has announced his intention to seek elected office.

Except as provided in subsection C. above, an official or employee shall not accept any gift from anyone for any service or duty performed as an official or employee of the City without the express consent of the City Council.

SECTION 2. BE IT FURTHER ORDAINED, That this Ordinance shall take effect two
(2) weeks from and after its passage.

Passed on second and final reading: October 14, 2014



CHAIRPERSON

APPROVED: DISAPPROVED:



MAYOR

VLM/PAN/mem