



**JIM STRICKLAND
MAYOR**

TENNESSEE

BY THE MAYOR
No. 1-2016

AN ORDER ESTABLISHING HIGH ETHICAL STANDARDS FOR CITY EMPLOYEES
REGARDING THE ACCEPTANCE OF GIFTS AND CONFLICT OF INTEREST

WHEREAS, it is essential that the highest ethical standards be maintained by City employees to ensure the proper performance of government business and instill confidence in the citizenry regarding the operation of their government; and

WHEREAS, it is important to provide clear guidance to employees at every level of government about the standards to which they should adhere regarding the acceptance of gifts and conflicts of interest; and

WHEREAS, this Order is intended to support and offer guidance to the provisions set forth within the City Ethics Ordinance, Section 2-4-12 of the City Code of Ordinances or any other governing state or federal laws.

NOW THEREFORE, I, Jim Strickland, Mayor of the City of Memphis, Tennessee by virtue of the executive and administrative authority vested in me by the Charter of the City of Memphis and statutes and law of Tennessee, do hereby direct and order as follows:

- 1) Executive Order No. 2-2009, which was effective January 10, 2010, is hereby rescinded in its entirety.
- 2) Persons covered. This Order shall apply to all City employees with the exception of the members of the Memphis City Council and their staff.
- 3) Employee responsibilities. Each employee shall avoid any action, whether or not specifically prohibited by statute, regulation or this Order, which would result in impropriety adversely affecting the confidence of the public in the integrity of the government.
- 4) Gifts. An 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:
- 5)
 - a) For the performance of an act, or refraining from performance of an act, that he/she would be expected to perform, or refrain from performing, in the regular course of his/her duties; or
 - b) That might reasonably be interpreted as an attempt to influence his/her actions, or reward him/her for past actions, in executing business of the city.
- 6) Exceptions. The prohibition on accepting gifts in paragraph 4 does not apply to:
 - a) A gift given by a member of the 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 friendship;
 - b) Informational materials, such as books, periodicals, audio or video, or sample merchandise helpful as a part of the employee's duties in determining the appropriateness of the product for use as a part of City business;
 - c) 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 into cash;
 - d) Food, refreshments, foodstuffs, entertainment or beverages provided as part of a meal or other event if the value of such items does not exceed reasonable customary value and is not given for the performance of an act, or for refraining from performance of an act, that the employee would be expected to perform or refrain from performing in the regular course of his or her duties, or that might reasonably be interpreted as an attempt to influence such employee's actions, or reward the employee for past action, in executing City business.

- e) Food, refreshments, foodstuffs, beverages, admissions, or entertainment provided as part of a meal or other event the employee is attending or at which the employee is a speaker or part of a panel discussion at a scheduled meeting of an established or charitable event or recognized membership organization;
 - f) Loans from established financial institutions made in the ordinary course of business on usual and customary terms; and
 - g) Voluntary, legally disclosed political campaign contributions given in accordance with applicable federal and state statutes to an individual covered by the provisions of this Order who has announced his or her intention to seek elected office.
- 7) Financial Interests. No employee shall enter into or derive any benefit, directly or indirectly, from any contractual arrangement with the City or its agencies. The normal employment compensation of a spouse whose regular, ongoing employer or business has a contractual arrangement with the City shall not be considered a benefit to the employee provided the employee did not assist his or her spouse in securing the contract with the City.
- 8) Use of Information or Property. No employee shall directly or indirectly:
- a) Use, disclose or allow the use of official information which was obtained through or in connection with his or her City employment and which has not been made available to the general public for the purpose of furthering the private interest or personal profit of any person, including the employee; or
 - b) Engage in a financial transaction as a result of, or primarily relying upon, information obtained through his or her City employment; or
 - c) Make use of City facilities, equipment, personnel or supplies for private use or gain, except to the extent that the use is incidental or *de minimus* or is lawfully available to the general public.
- 9) Disclosure of Financial Interests. Certain positions of employment appointed by the Mayor shall be required to file a disclosure of financial interests annually. This disclosure requirement shall apply to the Mayor, Chief Operations Officer or Chief Administrative Officer, Chief Legal Officer, Chief Financial Officer, Chief Human Resources Officer, Chief Communications Officer, Division Directors, Deputy Division Directors, and appointees who report directly to the Mayor.
- 10) Compliance. The Chief Ethics Officer, or the City Attorney when serving as Chief Ethics Officer, shall take steps on an annual basis to create and disseminate the annual disclosure forms, and prepare and deliver training to all employees with regard to the standards set forth in this Order.
- 11) This Order shall be implemented consistent with applicable law and is not intended to, and does not create, any right, benefit, or privilege, substantive or procedural, enforceable at law or in equity by any party against the City of Memphis, its divisions, departments, agencies or any other person.
- 12) This Order shall be recorded by the Comptroller along with any subsequent orders issued by the Office of the Mayor in a hard-bound volume to be maintained by the Office of Council Records. The Office of Council Records shall also maintain each executive order online for electronic access.

Upon signature, this Order shall become effective on June 1, 2016.

A handwritten signature in black ink, appearing to read "Jim Strickland".

Jim Strickland
Mayor

Executed this 23rd day of May, 2016.