

COUNCIL COMMUNICATION

Meeting Date: 12/04/2025

Item Title: Ordinance 25-O-41 Amendment to Ethics Code

Department: Legal

Presented by: Adam F. Tucker

Requested Council Action:

Ordinance	<input checked="" type="checkbox"/>
Resolution	<input type="checkbox"/>
Motion	<input type="checkbox"/>
Direction	<input type="checkbox"/>
Information	<input type="checkbox"/>

Summary

Consider Ordinance 25-O-41 amending the City's Ethics Code by clarifying the exceptions to the Code's general prohibition on the acceptance of gifts by City officials and employees.

Staff Recommendation

Approve Ordinance 25-O-41 on first reading.

Background Information

In September, the City Council adopted Ordinance 24-O-25 which established a new Ethics Code for City officials and employees. Section 321(C) of the Code establishes certain exceptions to the Ethics Code's general prohibition on the acceptance of gifts by City officials and employees. Some of the exceptions are established by reference to the "gifts, gratuities, honoraria, and other things listed in Tennessee Ethics Commission Act," including T.C.A. § 3-6-305(b). Referencing the Tennessee Ethics Commission Act instead of listing actual permissible exceptions to the general prohibition, however, has created uncertainty among some City employees as to the types of gifts that are permitted and those that are prohibited. Ordinance 25-O-41 seeks to add greater clarity to this part of the City's Ethics Code.

Council Priorities Served

Establish strong City brand

Improving clarity to foster public trust in government.

Attachments

Ordinance 25-O-41

ORDINANCE 25-O-41 amending the Murfreesboro City Code, Chapter 2. Administration, Article XV. Ethics Code, Section 2-321 regarding acceptance of gifts.

WHEREAS, the City of Murfreesboro's Ethics Code was adopted by City Council in September 2024 and is codified in Chapter 2, Article XV of the Murfreesboro City Code; and

WHEREAS, Section-321(C) of the Murfreesboro City Code establishes certain exceptions to the Ethics Code's general prohibition on the acceptance of gifts by City officials and employees; and

WHEREAS, some of the exceptions are established by reference to the "gifts, gratuities, honoraria, and other things listed in Tennessee Ethics Commission Act," including T.C.A. § 3-6-305(b); and

WHEREAS, referencing the Tennessee Ethics Commission Act instead of listing actual permissible exceptions to the general prohibition on the acceptance of gifts has created uncertainty among some City employees as to the types of gifts that are permitted and those that are prohibited; and

WHEREAS, in the interest of clarity, it is prudent to define more clearly the exceptions to the Ethics Code's general prohibition on the acceptance of gifts without reference to the Tennessee Ethics Commission.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MURFREESBORO, TENNESSEE, AS FOLLOWS:

SECTION 1. Section 2-321, Acceptance of gifts, gratuities, honoraria; etc.; exceptions, of the Murfreesboro City Code is hereby amended at subsection (C) to read as follows:

(C) The following are not subject to the prohibitions in subsections (A) and (B):

- (1) A gift or gratuity that is not cash or a cash equivalent (such as a check or gift card) and whose value does not exceed fifty dollars (\$50.00), unless the surrounding circumstances indicate by a preponderance of the evidence that the gift was given as an attempt to influence the action of the official or employee;
- (2) Informational materials in the form of books, articles, periodicals, other written materials, audio recordings, video recordings, or other forms of communication;
- (3) Sample merchandise, promotional items, and appreciation tokens, if such merchandise, items and tokens are routinely given to customers, suppliers or potential customers or suppliers in the ordinary course of business;
- (4) Unsolicited tokens or awards of appreciation, honorary degrees, or bona fide awards in recognition of public service in the form of a plaque, trophy, desk item, wall memento and similar items; provided that any such item shall not be in a form that can be readily converted to cash;

- (5) Entertainment, food, refreshments, meals, and beverages provided as part of a work-related meal or other work-related event, provided the total value of such items does not exceed fifty dollars (\$50.00) per occasion, per employee attending the event;
- (5) Entertainment, food, refreshments, meals, beverages, amenities, and intrastate travel expenses that are provided in connection with a regular meeting or event of an established membership organization, provided the official or employee is either a member of the organization or a speaker or part of a panel discussion at the meeting or event;
- (6) Entertainment, food, refreshments, meals, beverages, amenities, goody bags, exhibitor promotional items given in the exhibit hall to conference attendees, health screenings, lodging, or admission tickets that are provided in connection with, and are arranged or coordinated through the employees or designated agents of, a conference, if the conference is sponsored by an established and recognized organization of local government officials and employees;
- (7) Gifts of di minimis value that are shared equally by members of an office or department;
- (8) Gifts from the City itself, either directly or indirectly in connection with events and programs sponsored by the City; and
- (9) Gifts otherwise subject to the prohibitions set forth in subsections (A) and (B) that are given for a nonbusiness purpose and motivated by a close personal friendship, provided that any such gift whose value exceeds fifty dollars (\$50.00) is reported to the City Recorder, using the form provided by the City Recorder for the purpose. In determining whether a gift is motivated by a close personal friendship, the following factors are to be considered and given such weight as may be appropriate in the facts and circumstances of each case:
 - (a) Whether the gift was paid for from the giver's personal funds or account or from the funds or account of the giver's business or employer;
 - (b) Whether the cost of the gift is taken as a business deduction by the giver;
 - (c) Whether there has been a history of gift giving between giver, on the one hand, and the official, employee, or the official's or employee's family, on the other hand, along with the nature of the previous gift giving;
 - (d) Whether the official or employee has reciprocated with a gift to the giver in the past, and whether the value of the gift has been of similar value;
 - (e) Whether the giver provides similar gifts or items to individuals who are not close personal friends; and
 - (f) Whether the timing and circumstances of the gift are appropriate, e.g., the gift is given at a time when the giver has a matter that is currently before or will shortly be before the official or employee for consideration, approval, or other action by the City.

SECTION 2. Section 2-321, Acceptance of gifts, gratuities, honoraria; etc.; exceptions, of the Murfreesboro City Code is hereby amended by adding a new subsection (E) to read as follows:

- (E) An official or employee who accept a gift in violation of this Section shall

disclose the receipt of the gift, including a description, estimated value, the person or entity providing the gift and an explanation of why the individual accepted the gift, within fourteen (14) days of the receiving the gift to the City Recorder, using the form provided by the City Recorder for the purpose. Disclosure of the gift does not immunize the individual from discipline, sanction, or other corrective action; however, failure to report the acceptance of a gift in violation of this Section shall constitute a separate and independent basis for discipline, sanction, or other corrective action.

SECTION 3. That this Ordinance shall take effect fifteen (15) days after its passage upon second and final reading, the public welfare and the welfare of the City requiring it.

Passed:

Shane McFarland, Mayor

1st reading _____

2nd reading _____

ATTEST:

APPROVED AS TO FORM:

Erin Tucker
City Recorder

Signed by:
Adam F. Tucker
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Adam F. Tucker
City Attorney

SEAL