

Ethics Committee

Anderson County Courthouse
100 N. Main Street, Room 118A Clinton, TN
Tuesday, November 19, 2024
10:00 a.m.

AGENDA

1. Call to Order by Chairman Dr. Tim Parrott
2. Public Comment Period
3. Approval of Minutes from October 22, 2024-attached
4. Ethics Committee Revision per motion from 10/22/24 Ethics Committee Meeting-DRAFT prepared by Special Counsel Jamie Brooks- attached
5. Unfinished Business
6. New Business
7. Adjourn

Ethics Committee

Anderson County Courthouse
100 N. Main Street, Room 118A Clinton, TN
Tuesday, October 22, 2024 10:00 a.m.

MINUTES--DRAFT

Members in attendance: Tyler Mayes, Jeff Cole, Russell Barker, Tim Shelton, Regina Copeland, Tim Parrott, Rex Lynch, Johnny Alley, Terry Frank, Hal Cousins

Others in Attendance: Jamie Brooks

1. The meeting was called to order by Dr. Parrott at approximately 10:06 a.m.
2. Election of Chairman: Motion by T. Mayes, second by R. Lynch to nominate Tim Parrott as Chairman. There being no other nominees, T. Mayes made a motion that nominations cease, and Dr. Parrott be elected by acclamation, second by R. Lynch. Motion carried unanimously.
3. Election of Secretary: Motion by T. Shelton, second by J. Alley to nominate Terry Frank as Secretary. Motion carried unanimously.
4. Motion by R. Lynch, second by T. Shelton to enter the correspondence from Judge Ryan Spitzer regarding judiciary appointments to the Ethics Committee, into the minutes. Motion carried unanimously.
5. Following the review and discussion of prior meeting minutes, updates to statute, and information in the agenda packet, a motion was made by T. Mayes, second by T. Shelton for Anderson County Special Counsel Jamie Brooks to prepare an updated Ethics Policy DRAFT for review by the Ethics Committee that sunsets the existing Ethics Committee, and names the Law Director as the point of contact for any ethics complaint. Motion carried unanimously. Once the DRAFT is prepared and distributed, an Ethics Committee meeting will be called to review, and if approved, forward to the Anderson County Board of Commissioners with a recommendation of approval.
6. Unfinished Business: None
7. New Business: None
8. Adjourn: Meeting was adjourned without objection at 10:55 a.m.

*Agenda and supporting documents from discussion are included in minutes packet.

Fw: Revision to Ethics Policy

From Terry Frank <tfrank@andersoncountyttn.gov>
Date Tue 11/5/2024 3:11 PM
To Leean Tupper <ltupper@andersoncountyttn.gov>

 2 attachments (90 KB)

Code of Ethics Draft 2024.docx; Code of Ethics. 071717.doc;

From: James Brooks <jbrooks@andersoncountyttn.gov>
Sent: Thursday, October 31, 2024 4:38 PM
To: Terry Frank <tfrank@andersoncountyttn.gov>; tparrott@acs.ac <tparrott@acs.ac>
Subject: Revision to Ethics Policy

Mayor Frank & Dr. Parrott,

I have attached a discussion draft of the revised Ethics Policy. The only material changes are contained in Section 5. The changes address the procedure for setting up a five person ethics committee, outline changes to the procedure for handling complaints and attempt to consolidate Sections 5-8 of the current policy. The current policy is attached for comparison. Please email your questions to me.

Sincerely,

James Brooks, Jr.

Code of Ethics

Anderson County, Tennessee

Section 1. Definitions.

- (1) "County" means Anderson County Tennessee, which shall include all boards, committees, commissions, authorities, corporations, or any other instrumentalities appointed or created by the county, and specifically includes the county School Board, the county Election Commission, the county Health Department, and Utility Districts of the county.
- (2) "Officials and employees" means and includes any official, whether elected or appointed, officer, employee or servant, or any member of any board, agency, commission, authority or corporation (whether compensated or not), or any officer, employee or servant thereof, of the county.
- (3) "Personal interest" means, for the purpose of disclosure of personal interests in accordance with this Code of Ethics, a financial interest of the official or employee, or a financial interest of the official's or employee's spouse or child living in the same household, in the matter to be voted upon, regulated, supervised, or otherwise acted upon in an official capacity.

Section 2. Disclosure of Personal Interest in Voting Matters.

An official or employee with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and to be included 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 or employee may, to the extent allowed by law, recuse himself or herself from voting on the measure.

Section 3. 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; including but not limited to, managing, supervising, or awarding any contract, 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 discretion shall disclose, before the exercise of discretion, when possible, the interest on the attached Disclosure Form and file that form with the County Clerk. In addition, the official or employee may, to the extent allowed by law, recuse himself or herself from the exercise of discretion in the matter.

Section 4. Acceptance of Gifts and Other Things of Value.

An official or employee, or an official's or employee's spouse or child living in the same household, may not accept, directly or indirectly, any gift money, gratuity, or other consideration or favor of any kind from anyone other than the county:

- (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 their duties; or
- (2) That a reasonable person would understand was intended to influence the vote, official action, or judgment of the official or employee in executing county business.

It shall not be considered a violation of this policy for an official or employee to receive entertainment, food, refreshments, meals, health screens, immunizations, vaccines, amenities, or items necessary to the performance of the official or employees' duties that are provided by the County, or in connection with a conference, meeting, or employee fair sponsored by the County, other governmental entity, or an established and recognized state-wide association of county government officials or by an umbrella or affiliate organization of such state-wide association of county government officials, or professional organization, association, licensing board or Chamber of Commerce sponsored event.

Nothing contained within this policy shall prevent employees from obtaining secondary employment for off-duty time, provided that such employment is approved by the supervising department director or elected official.

Section 5. Ethics Complaints

Proposed new section five (5) eliminates existing sixteen (16) person committee, and consolidates Section 5 with Sections 6,7 and 8 of our existing Code.

A County Ethics Committee (the "Ethics Committee") consisting of five members shall be appointed to one-year terms by the county mayor with confirmation by the county legislative body, to be appointed each year at the same time as internal committees of the county legislative body. At least three members of the committee shall be members of the county legislative body; one member shall be a constitutional county officer or, should no constitutional county officer be willing to accept appointment, an additional member of the county legislative body; and the remaining member may either be a member of a board, committee, commission, authority, corporation, or other instrumentality governed by this policy, or an additional member of the county legislative body. The Ethics Committee shall convene as soon as practicable after their appointment and elect a chair and a secretary. The records of the Ethics Committee shall be maintained by the secretary and shall be filed in the office of the county clerk, where they shall be open to public inspection.

Questions and complaints regarding violations of this Code of Ethics will be directed to the County Law Director, who shall serve as Ombudsman, at the following address:

Anderson County Law Director
101 South Main Street, Suite 310
Clinton, TN 37716

Complaints shall be in writing, signed by the person making the complaint, and shall set forth in reasonable detail the provisions of the Ethics Code alleged to be violated. Complaints shall be based on personal knowledge, not second hand (hearsay) allegations which will not be considered to be facts supporting a complaint.

The following will be the procedure for handling complaints alleging violations of the Anderson County Code of Ethics:

1. All complaints will be reviewed by The County Law Director who will determine whether the complaint meets the criteria set out above and submit determination to the Chairperson of the Ethics Committee within ten (10) business days after receipt of the complaint.
2. The Ethics Committee shall investigate any credible complaint against an official or employee charging a violation of this Code of Ethics. Additionally, the Ethics Committee may undertake an investigation on its own initiative when it acquires information indicating a possible violation, and make recommendations for action to end or seek retribution for any activity that, in the Committee's judgment, constitutes a violation of this Code of Ethics. If a member of the Committee is the subject of a complaint, such member shall recuse himself or herself from all proceedings involving such complaint.
3. If the Ethics Committee conducts a hearing, it will be their task to determine only the following:
 - A. Did the official/employee or their spouse or child living in the same household, have a financial interest in the matter to be voted upon, regulated, supervised, or otherwise acted upon in an official capacity?
 - B. Did the official/employee corruptly use or attempt to use his or her official position or any property or resource which may be within his or her trust, or perform his or her official duties, to secure a special privilege, benefit, or exemption for himself, herself, or others?
 - C. Did the official/employee disclose or use information gained by reason of his or her position not available to the general public for his or her own personal gain or benefit or for the personal gain or benefit of any other person or business entity?
 - D. Did the official/employee on behalf of themselves or any member of their household, solicit or accept, directly or indirectly "anything of value" including a gift, loan, reward, gratuity, service, favor, food, entertainment, lodging, transportation, or promise of future employment, based upon any understanding that the vote, official action or judgment of the public.
4. After the committee finishes its review or hearing, it may:
 - A. Refer the matter to the county attorney for a legal opinion and/or recommendation for action;
 - B. In the case of an official, refer the matter to the county legislative body for possible public censure if the county legislative body finds such action warranted;
 - C. In the case of an employee, refer the matter to the official responsible for supervision of the employee for possible disciplinary action if the official finds discipline warranted;
 - D. In a case involving possible violation of state statutes, refer the matter to the district attorney for possible ouster or criminal prosecution;

The interpretation that a reasonable person in the circumstances would apply shall be used in interpreting and enforcing this Code of Ethics. When a violation of this Code of Ethics also constitutes a violation of a personnel policy, a civil service policy, or criminal act the violation shall be dealt with as a violation of the personnel or civil service provisions or criminal violation

rather than as a violation of this Code of Ethics and reported to the appropriate department or legal authority.

Section 6. Applicable State Laws

In addition to the ethical principles set out in this Code of Ethics, state laws also provide a framework for the ethical behavior of county officials and employees in the performance of their duties. Officials and employees should familiarize themselves with the state laws applicable to their office or position and the performance of their duties. To the extent that an issue is addressed by state law (law of general application, public law of local application, local law option, or private act), the provisions of that state law, to the extent they are more restrictive, shall control. Following is a brief summary of selected state laws concerning ethics in county government. For the full text of these statutes, see the Tennessee Code Annotated (T.C.A.) and Rules of the Supreme Court sections indicated.

Campaign Finance – T.C.A. Title 2, Chapter 10. Part 1 (campaign financial disclosure) requires candidates for public office to disclose contributions and contributors to their campaigns. **Part 3** (campaign contribution limits) limits the total amount of campaign contributions a candidate may receive from an individual and sets limits on the amount a candidate may receive in cash.

Conflict of Interest Disclosure Statements – T.C.A. §§8-50-501 et seq. and the following sections require candidates and appointees to local public offices to file a disclosure statement with the state ethics commission listing major sources of income, investments, lobbying activities, professional services provided, bankruptcies, certain loans, and other information, and to keep these statements up to date.

Conflict of Interest – T.C.A. §12-4-101 is the general conflict of interest statute that applies in all counties. It prohibits anyone who votes for, lets out, or in any manner supervises any work or contract from having a direct financial interest in that contract, purchase, or work, and it requires disclosure of indirect financial interests by public acknowledgment.

Conflict of Interest – T.C.A. §49-6-2003 applies to the department of education or School Board in all counties and prohibits the direct and indirect conflict of interest in the sale of supplies for use in public schools.

Conflict of Interest – T.C.A. §5-1-125 applies in all counties and prohibits county officials and employees from purchasing surplus county property except where it is sold by public bid.

Conflict of Interest – T.C.A. §54-7-203 applies in all counties that are governed by the County Uniform Highway Law. It prohibits officials and employees in the highway department and members of the county legislative body from having any personal interest in purchases of supplies, materials, machinery, and equipment for the highway department.

Conflict of Interest – T.C.A. §5-14-114 applies in counties that have adopted the County Purchasing Law of 1957. It prohibits the purchasing agent, members of the county purchasing commission, members of the county legislative body, and other officials of the county from having a direct interest in a contract or purchase order for supplies, materials, equipment, or contractual services used by or furnished to a department or agency of the county government.

Conflict of Interest – T.C.A. §5-21-121 applies in counties that have adopted the County Financial Management System of 1981. It prohibits the director, purchasing agent, members of the committee, members of the county legislative body, other officials of the county, members of the board of

education, members of the highway commission, and employees of the finance department and purchasing department from having a direct interest in the purchase of supplies, materials, equipment, or contractual services for the county. In addition, it requires the disclosure of indirect financial interests by public acknowledgement.

Conflict of Interest – T.C.A. §5-5-112 governs conflict of interests of members of the county legislative body who are also employees of the county or whose spouse is an employee of the county.

Gifts – T.C.A. §5-14-114 applies in counties that have adopted the County Purchasing Law of 1957. It prohibits the purchasing agent, members of the county purchasing commission, members of the county legislative body, and other officials of the county from accepting or receiving, directly or indirectly, from a person, firm, or corporation to which a contract or purchase order may be awarded, by rebate, gift, or otherwise, money or anything of value whatsoever, or a promise, obligation, or contract for future reward or compensation.

Gifts – T.C.A. §5-21-121 applies in counties that have adopted the County Financial Management System of 1981. It prohibits the finance director, purchasing agent, and employees in those departments from accepting anything of value, directly or indirectly, from anyone who furnishes supplies, materials or equipment to the county.

Honoraria – T.C.A. §2-10-116 prohibits elected officials from accepting an honorarium, (including money or anything of value, but not including reimbursement for actual expenses) for an appearance, speech, or written article in their official capacity.

Private Use of Public Property – T.C.A. §54-7-202 applies in counties that are governed by the County Uniform Highway Law. It prohibits the private use of equipment, rock, and other highway materials.

Court Sales – T.C.A. §39-16-405 prohibits judges, clerks of the court, court officers, and employees of court from bidding on or purchasing any property sold through the court for which such person discharges official duties.

Sheriff Sales – T.C.A. §8-8-206 prohibits sheriffs and deputy sheriffs from purchasing, either directly or indirectly, any property sold through their own judicial sale no matter which court is involved.

Fee Statutes – T.C.A. §§8-21-101, 8-21-102, and 8-21-103 set out circumstances where fees are authorized, prohibit officials from requiring payment of fees in advance of performance of services except where specifically authorized and set penalties for charging excessive or unauthorized fees.**Rules of the Supreme Court – Rule 8** (Code of Professional Conduct), establishes ethical rules for Tennessee attorneys.

Rules of the Supreme Court – Rule 10 (Code of Judicial Conduct), establishes ethical rules for Judges and other court personnel when exercising judicial functions.

Consulting Fee Prohibition for Elected County Officials – T.C.A. §§2-10-122 and 2-10-124 prohibit officials from receiving compensation for advising or assisting a person or entity in influencing county legislative or administrative action.

Crimes Involving Public Officials – T.C.A. §§39-16-101 et seq. and the following sections prohibit bribery, soliciting unlawful compensation, and buying and selling in regard to offices.

Official Misconduct – T.C.A. §39-16-402 applies to public servants and candidates for office and prohibits the unauthorized exercise of official power acting in an official capacity exceeding the servant's

power, refusal to perform a duty imposed by law, violating a law relating to the servant's office or employment, and receiving a benefit not provided by law.

Official Oppression – T.C.A. §39-16-403 prohibits abuse of power by a public servant.

Bribery for Votes – T.C.A. §§2-19-121, 2-19-126, and 2-19-127 prohibit bribery of voters in elections.

Misuse of Official Information – T.C.A. §39-16-404 prohibits a public servant from obtaining a benefit or aiding another person in obtaining a benefit from information which was obtained in an official capacity and is not available to the public.

Ouster Law – T.C.A. §8-47-101 sets out conduct which is punishable by ouster from office, including misconduct in office and neglect of duty.

Code of Ethics

Anderson County, Tennessee

Section 1. Definitions.

(1) "County" means Anderson County Tennessee, which shall include all boards, committees, commissions, authorities, corporations, or any other instrumentalities of Anderson County Government appointed or created by the County, or an official of the County, and including the County School Board, the County Election Commission, the County Health Department, and Utility Districts of the County.

(2) "Official and employee" means and includes any Anderson County official, singular or plural, whether elected or appointed, officer, employee, or any member of any board, agency, commission, authority or corporation (whether compensated or not) or any person employed or appointed by Anderson County.

(3) "Personal interest" means, for the purpose of disclosure of personal interests in accordance with this Code of Ethics, a financial interest of the official or employee, or a financial interest of the official's or employee's spouse or child living in the same household, in the matter to be voted upon, regulated, supervised, decided or otherwise acted upon in an official capacity.

Section 2. Disclosure of Personal Interest in Voting Matters.

An official or employee with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and to be included in the minutes of the meeting, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's or employee's vote on the measure. In addition, the official or employee may, to the extent allowed by law, abstain from voting on the measure.

Section 3. 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; including but not limited to, managing, supervising, or awarding any contract, 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 discretion shall disclose, before the exercise of discretion when possible, the personal interest on the authorized Disclosure Form and file that form with the County Clerk. In addition, the official or employee may, to the extent allowed by law, recuse himself or herself from the exercise of discretion in the matter.

Section 4. Acceptance of Gifts and Other Things of Value.

An official or employee, or an official's or employee's spouse or child living in the same household, may not accept, directly or indirectly, any gift, money, gratuity, or other consideration or favor of any kind from anyone other than the County:

- (1) For the performance of an act, or refraining from performance from an act, that he or she would be expected to perform or refrain from performing in the regular course of his or her County duties; or
- (2) That a reasonable person would understand was intended to influence the vote, official action, or judgment of the official or employee in executing County business.

It shall not be considered a violation of this policy for an official or employee to receive entertainment, food, refreshments, meals, health screens, immunizations, vaccines, amenities, or items necessary to the performance of the official or employees' duties that are provided by the County, or in connection with a conference, meeting, or employee fair sponsored by the County, other governmental entity, or an established and recognized state-wide association of county government officials or by an umbrella or affiliate organization of such state-wide association of county government officials, or professional organization, association, licensing board or Chamber of Commerce sponsored event.

Nothing contained within this policy shall prevent employees from obtaining secondary employment for off-duty time, provided that such employment is approved by the supervising department director or elected official.

Section 5. County Ethics Commission.

A County Ethics Commission (hereinafter "Commission") consisting of sixteen (16) voting members shall be appointed to serve two (2) year terms, subject to the initial term provision recited below, with no term limits, and shall consist of the following membership:

- A) County Mayor, or designee;
- B) Chairman of the County Legislative Body, or designee;
- C) County Clerk, or designee;
- D) Circuit Court Clerk, or designee;
- E) Clerk and Master, or designee;
- F) Director of Schools, or designee
- G) Highway Superintendent, or designee;
- H) Member of the Judiciary – as selected by the Honorable Judges of the County and Seventh (7th) Judicial District, or designee;
- I) Assessor of Property, or designee;
- J) Register of Deeds, or designee;
- K) Sheriff, or designee;
- L) Trustee, or designee;
- M) Member of the County Legislative Body as selected by their membership, or designee;
- N) Member of the County School Board as selected by their membership, or designee;
- O) County Mayor Appointment;
- P) County Legislative Body Appointment; and
- Q) Ombudsman/Law Director, ex officio.

Designees and appointees can be selected from other County Officials, employees or citizens.

Initial Terms shall run from July 1, 2007 until September 30, 2010. Subsequent two (2) year membership terms shall begin on October 1, 2010.

The Commission shall convene as soon as practical after their appointment and elect a Chair and Secretary. All meetings, with the exception of executive sessions, shall be open to the public and publicly noticed in a newspaper of general circulation in the County for at least one time no less than five (5) days prior to the meeting. The Ethics Commission Secretary shall prepare an agenda for each meeting subject to approval by the Commission Chair. All meeting notices, agendas and supporting materials shall be mailed or hand-delivered to members no less than five (5) days prior to the scheduled meeting.

A majority of Commission members present shall constitute a quorum. The Commission shall act officially by majority vote of the entire membership. Death of a member and abstentions for stated cause shall reduce the needed majority vote accordingly.

The Commission shall have original jurisdiction to hear and decide all violations of this Code.

Unless specifically governed herein, or by state law, the Commission shall conduct all meetings in accordance with Robert's Rules of Order, most recent edition.

The official records, minutes and closed investigations of the Commission shall be maintained by the Secretary and filed in the Office of the Anderson County Clerk, where they shall be open for public inspection during reasonable business hours.

Section 6. Complaints.

Questions and complaints regarding violations of this Code of Ethics or any violation of state law governing ethical conduct should be directed to the Ombudsman for the Commission. Complaints shall be in writing and signed by the person making the complaint. At least one witness shall sign the complaint attesting to the authenticity of the signature only. All complaints shall be as specific as possible and shall set forth in reasonable detail the facts upon which the complaint is based. Complaints will be received by U.S. Mail only addressed to the following:

Anderson County Ethics Commission
101 South Main Street, Suite 310
Clinton, TN 37716

The Commission or Ombudsman shall investigate any credible complaint against an official or employee charging any violation of this Code of Ethics, or may undertake an investigation on its own initiative when it acquires information indicating a possible violation, and make recommendations for such action to end or seek retribution and/or restitution for any activity that, in the Commission's judgment constitutes a violation of this Code of Ethics. If a member of the Commission or the Ombudsman is the subject of a complaint, such member shall recuse himself or herself from all proceedings involving such complaint. If the Ombudsman is the subject of the complaint, the Chair of the Ethics Commission shall receive and investigate the complaint and otherwise serve and act in the role of Ombudsman.

Section 7. Ombudsman.

The County Law Director shall serve in the position of Ombudsman and shall receive and investigate all complaints regarding violations of this Code of Ethics. The Ombudsman shall make an initial inquiry to determine if the act complained of lies within the original jurisdiction of this Code and Commission, as defined herein. If the Ombudsman determines that jurisdiction is vested with the Commission then the alleged violation will be investigated and referred to the Commission for further action. The Ombudsman is charged with presenting evidence and prosecuting cases brought before the Commission for a requested hearing. The Ombudsman shall cause reasonable notice to be given to the affected official or supervising department head when an ethics complaint is received. All ethical violations defined herein will be referred the Commission.

After the investigation is complete, or within ninety (90) days of the postmark on the complaint, whichever comes first, the Ombudsman shall report the matter to:

- 1) The Commission, if the act complained of falls within the original jurisdiction of the Commission; and
- 2) The Department Head or Elected Official, Board, or Commission supervising the official or employee for additional action; and/or
- 3) Local law enforcement agency or the District Attorney General if criminal activity is suspected; and/or
- 4) State Ethics Commission or the State Election Commission if the act complained of falls within the appropriate jurisdiction; and/or
- 5) The District Attorney General or Law Director for ouster investigation and appropriate action; or
- 6) The Ombudsman shall dismiss the complaint for lack of reasonable supporting and corroborating evidence, lack of jurisdiction, lack of merit, lack of cooperation from the complainant, or complainant's unwillingness to testify before the Commission or Court of law, or withdrawal of the complaint by the complainant.

Section 8. Enforcement Options.

Prior to making a decision on any available enforcement options the Ethics Commission may, by majority vote, request a hearing to receive additional information regarding any ethics complaint noticed to the Commission by the Ombudsman. When Ethics Commission hearings are conducted the accused employee or official shall have the right to be represented by counsel, appear and be heard before the Commission and present all relevant evidence in support or defense of their alleged conduct. Accused employees or officials shall be notified by certified mail of the hearing date no less than five (5) days prior to the hearing. Continuances shall be granted for good cause only. Continuance requests shall be in writing and directed to the Commission Chair for decision.

The Commission may, upon majority vote:

- 1) Refer the matter to the Law Director for a legal opinion and/or recommendation for action; or

- 2) In the case of an official, refer the matter to the County Legislative Body for possible public censure by resolution of the County Legislative Body if such body finds such action warranted;
- 3) In the case of an employee, refer the matter to the official or department head responsible for supervision and control of that employee for possible disciplinary action if the official or department head finds such discipline warranted;
- 4) In a case involving possible violations of state statute, refer the matter to the District Attorney General for possible ouster or criminal prosecution.

When interpreting and enforcing the provisions of this Code the Commission and/or Ombudsman shall use the standard of what an objective reasonable person would have done, or would have perceived was done, under the facts and circumstances given. When a violation of this policy also constitutes a violation of a personnel policy or civil service policy, the violation shall be dealt with as a violation of the personnel or civil service policy provisions rather than a violation of this policy.

Section 9. Applicable State Laws.

In addition to the ethical principles set out in this Code, state law also provides a framework for the ethical behavior of County officials and employees in the performance of their duties. Officials and employees should familiarize themselves with state laws applicable to their office, position and the performance of their duties. To the extent that an issue is addressed by state law, (law of general application, public law of local application, local option law, or private act), the provisions of state law, to the extent they are more restrictive, shall control. The following is a brief nonexclusive survey of selected state laws concerning ethics in County government. For the full text of these statutes see the identified Tennessee Code Annotated (T.C.A.) sections.

Campaign Finance – T.C.A. Title 2, Chapter 10. Part 1 (Campaign Financial Disclosure) requires candidates for public office to disclose contributions and contributors to their campaigns. **Part 3** (Campaign Contribution Limits) limits the total amount of campaign contributions a candidate may receive from an individual and sets limits on the amount a candidate may receive in cash.

Conflict of Interest – T.C.A. §12-4-101 is the general conflict of interest statute that applies in all counties. It prohibits anyone who votes for, lets out, or in any manner supervises any work or contract from having a direct financial interest in that contract, purchase, or work, and it requires disclosure of indirect financial interests by public acknowledgment.

Conflict of Interest – T.C.A. §49-6-203 applies to the Department of Education or School Board in all counties and prohibits the direct and indirect conflict of interest in the sale of supplies for use in public schools.

Conflict of Interest – T.C.A. §5-1-125 applies in all counties and prohibits county officials and employees from purchasing surplus county property except where it is sold by public bid.

Conflict of Interest – T.C.A. §54-7-203 applies in all counties that are governed by the County Uniform Highway Law. It prohibits officials and employees in the Highway Department

and members of the County Legislative Body from having any personal interest in purchases of supplies, materials, machinery, and equipment for the Highway Department.

Conflict of Interest – T.C.A. §5-21-121 is part of the County Financial Management System of 1981, lawfully adopted and in effect in Anderson County. It prohibits the director, purchasing agent, members the committee, members of the county legislative body, or other officials, employees, or members of the board of education or highway commission from being financially interested or have any personal interest, either directly or indirectly, in the purchase of any supplies, materials or equipment for the county.

Conflict of Interest – T.C.A. § 12-4-101 govern disclosures and abstentions from voting due to conflicts of interest related to members of the County Legislative Body.

Conflict of Interest Disclosure Statements – T.C.A. §§8-50-501 et seq. requires candidates and appointees to local public offices to file a disclosure statement with the State Ethics Commission listing major sources of income, investments, lobbying activities, professional services provided, bankruptcies, certain loans, and other information, and to keep these statements up to date.

Gifts – T.C.A. § 5-21-121 provides that no firm, corporation, partnership, association or individual furnishing any such supplies, materials or equipment, shall give or offer not shall the director or purchasing agent or any assistant or employee accept or receive directly or indirectly from any person, firm, corporation, partnership or association to whom any contract may be awarded, by rebate, gift or otherwise, any money or other things of value whatsoever, or any promise, obligation or contract for future reward or compensation

Honorarium – T.C.A. §2-10-116 prohibits elected officials from accepting an honorarium, (including money or anything of value, but not including reimbursement for actual expenses) for an appearance, speech, or written article in their official capacity.

Private Use of Public Property – T.C.A. §54-7-202 applies to the Anderson County Highway Department. It prohibits the private use of equipment, rock, and other highway materials.

Court Sales – T.C.A. §39-16-405 prohibits judges, clerks of the court, court officers, and employees of court from bidding on or purchasing any property sold through the court for which such person discharges official duties.

Rules of the Supreme Court – Rule 10, Cannon 5, (Code of Judicial Conduct), establishes ethical rules for Judges and other court personnel when exercising judicial functions.

Rules of the Supreme Court – Tennessee Rules of Professional Conduct, establishes ethical rules for Tennessee attorneys.

Fee Statutes – T.C.A. §§8-21-101, 8-21-102, and 8-21-103 set out circumstances where fees are authorized, prohibit officials from requiring payment of fees in advance of performance of services except where specifically authorized and set penalties for charging excessive or unauthorized fees.

Consulting Fee Prohibition for Elected County Officials – T.C.A. §§2-10-122 and 2-10-124 prohibit officials from receiving compensation for advising or assisting a person or entity in influencing County legislative or administrative action.

Crimes Involving Public Officials – T.C.A. §§39-16-101 et seq. and the following sections prohibit bribery, soliciting unlawful compensation, and buying and selling in regard to offices.

Official Misconduct – T.C.A. §39-16-402 applies to public servants and candidates for office and prohibits the unauthorized exercise of official power acting in an official capacity exceeding the servant's power, refusal to perform a duty imposed by law, violating a law relating to the servant's office or employment, and receiving a benefit not provided by law.

Official Oppression – T.C.A. §39-16-403 prohibits abuse of power by a public servant.

Bribery for Votes – T.C.A. §§2-19-121, 2-19-126, and 2-19-127 prohibit bribery of voters in an election.

Misuse of Official Information – T.C.A. §39-16-404 prohibits a public servant from obtaining a benefit or aiding another person in obtaining a benefit from information which was obtained in his/her official capacity and is not available to the public.

Public Official Ouster Law – T.C.A. §8-47-101 sets out conduct that is punishable by ouster from office, including misconduct in office and neglect of duties. Ouster cases may be filed by either the Law Director or District Attorney General.

RE: ETHICS MEETING 10/22 10:00 AM

From Judge Ryan Spitzer <rspitzer@andersoncourts.org>

Date Thu 10/10/2024 11:36 AM

To Terry Frank <tfrank@andersoncountyttn.gov>; John Alley <John.Alley@cot.tn.gov>; James Brooks <jbrooks@andersoncountyttn.gov>; Commissioner Tyler Mayes <tmayes@andersoncountyttn.gov>; Jeff Cole <jcole@andersoncountyttn.gov>; Rex Lynch <rlynch@andersoncourts.org>; Harold Cousins <hcousins@andersoncountyttn.gov>; Tim Parrott <tparrott@acs.ac>; garylongachd@comcast.net <garylongachd@comcast.net>; Sally Darnell <sdarnell@andersoncountyttn.gov>; Tim Shelton <timshelton616@gmail.com>; rbarker@tnacso.net <rbarker@tnacso.net>; Regina Copeland <rcopeland@actrustee.com>

Cc Leean Tupper <ltupper@andersoncountyttn.gov>; chancellor.daniel.forrester@tncourts.gov <chancellor.daniel.forrester@tncourts.gov>; Matthew Tuck <mtuck@andersoncourts.org>; Victoria Bowling <vbowling@andersoncourts.org>; Brian Hunt <judgehunt@andersoncourts.org>

Dear Mayor Frank,

After consulting with some of the other judges, it appears that we should not participate in the Ethics Committee pursuant to Tenn. Supreme Court Rule 10 - Code of Judicial Conduct Rule Rule 3.4 and more generally to avoid any appearance of impropriety or possible recusal issues because ethics situations before the Committee might potentially be before us as cases as well.

Thank you for considering us and I hope you all have a great rest of the week.

Sincerely,
Judge Spitzer

From: Terry Frank <tfrank@andersoncountyttn.gov>

Sent: Thursday, October 10, 2024 11:07 AM

To: John Alley <John.Alley@cot.tn.gov>; James Brooks <jbrooks@andersoncountyttn.gov>; Commissioner Tyler Mayes <tmayes@andersoncountyttn.gov>; Jeff Cole <jcole@andersoncountyttn.gov>; Rex Lynch <rlynch@andersoncourts.org>; Harold Cousins <hcousins@andersoncountyttn.gov>; Tim Parrott <tparrott@acs.ac>; garylongachd@comcast.net; Sally Darnell <sdarnell@andersoncountyttn.gov>; Judge Ryan Spitzer <rspitzer@andersoncourts.org>; Tim Shelton <timshelton616@gmail.com>; rbarker@tnacso.net; Regina Copeland <rcopeland@actrustee.com>

Cc: Leean Tupper <ltupper@andersoncountyttn.gov>

Subject: ETHICS MEETING 10/22 10:00 AM

Good Morning, All--

An Ethics Committee meeting has been set for Tuesday, October 22, 2024 at 10:00 a.m. In Room 118A.

Our last elected Chairman was Dr. Parrott, and he will be in attendance.

Ethics Committee
Anderson County Courthouse
100 N. Main Street, Room 118A-Clinton, TN
Tuesday, October 22, 2024
10:00 a.m.

AGENDA

1. Call to Order by Chairman Dr. Tim Parrott
2. Election of Chairman
3. Election of Secretary
4. Notice by Judge Ryan Spitzer: request motion to accept correspondence and enter into the minutes. (See attached)
5. Ethics Committee
 - a. Minutes from last meetings in 2019
 - b. Opinion from Jamie Brooks (includes current policy)
 - c. Letter to TEC designating J. Brooks as Ombudsman until Dec. 1, unless contract is extended.
 - d. TEC guidance, CTAS Model Policy, TEC article, T.C.A.
6. Unfinished Business
7. New Business
8. Adjourn

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Cc: Leean Tupper <ltupper@andersoncountyttn.gov>

Subject: ETHICS MEETING 10/22 10:00 AM

Good Morning, All--

An Ethics Committee meeting has been set for Tuesday, October 22, 2024 at 10:00 a.m. In Room 118A.

Our last elected Chairman was Dr. Parrott, and he will be in attendance.

**Anderson County Ethics Commission
MINUTES
Anderson County Courthouse
Room 312
4:00 P.M.**

March 21, 2019

Members Present: Terry Frank, Tracy Wandell, Jeff Cole, Rex Lynch, Hal Cousins, Dr. Tim Parrott, Gary Long, Tim Shelton, Regina Copeland, Catherine Denenberg, Dail Cantrell, Shain Vowell and Jay Yeager

Members Absent: Johnny Alley, Russell Barker and Dusty Irwin

Meeting was called to order by the Law Director, Jay Yeager.

Membership appointments were selected by each member. Members present were sworn in by County Clerk, Jeff Cole.

Motion was made by Gary Long to elect Dr. Parrott as Chairman. Seconded by Terry Frank. Motion passed. Dr. Parrott was Voted Chairman by acclamation.

Motion was made by Catherine Denenberg, seconded by Terry Frank and passed to elect Annette Prewitt as secretary.

Motion was made by Tim Shelton for the Committee to take the time to redraft the Ethics Policy and not include an Ethics Committee and select a person to be the facilitator of the request of the complaints and forward to County Commission for approval. Motion was seconded by Shain Vowell. Motion carries.

Motion was amended by Jeff Cole for Tim Shelton to amend the policy and bring back to this committee. Motion carries as amended with one (1) No vote.

Next meeting will be on April 4, 2019 at 3:00 P.M.

Adjournment - There being no further business meeting was adjourned.

**Anderson County Ethics Commission
MINUTES
Anderson County Courthouse
Room 312
4:00 P.M.**

March 21, 2019

Members Present: Terry Frank, Tracy Wandell, Jeff Cole, Rex Lynch, Hal Cousins, Dr. Tim Parrott, Gary Long, Tim Shelton, Regina Copeland, Catherine Denenberg, Dail Cantrell, Shain Vowell and Jay Yeager

Members Absent: Johnny Alley, Russell Barker and Dusty Irwin

Meeting was called to order by the Law Director, Jay Yeager.

Membership appointments were selected by each member. Members present were sworn in by County Clerk, Jeff Cole.

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Next meeting will be on April 4, 2019 at 3:00 P.M.

Adjournment - There being no further business meeting was adjourned.

**Anderson County Ethics Commission
MINUTES
Anderson County Courthouse
Room 312
3:00 P.M.**

August 21, 2019

Members Present: Terry Frank, Hal Cousins, Dr. Tim Parrott, Tim Shelton,
Regina Copeland, Russell Barker, Catherine Denenberg,
Shain Vowell and Jay Yeager

Members Absent: Jeff Cole, Tracy Wandell, Dail Cantrell, Johnny Alley, Rex
Lynch, Gary Long, and Dusty Irwin

Meeting was called to order by Chairman Parrott.

Motion was made by Mayor Frank to recommend the original proposal with addition that if a citizen believes there has been a violation of the code of ethics they can go to the Law Director as a point of contact for guidance on where to direct the complaint.
Hal Cousins seconded the motion Motion failed

Adjournment – Mayor Frank moved to adjourn the meeting.

**Anderson County Ethics Commission
MINUTES
Anderson County Courthouse
Room 312
3:00 P.M.**

August 21, 2019

Members Present: Terry Frank, Hal Cousins, Dr. Tim Parrott, Tim Shelton, Regina Copeland, Russell Barker, Catherine Denenberg, Shain Vowell and Jay Yeager

Members Absent: Jeff Cole, Tracy Wandell, Dail Cantrell, Johnny Alley, Rex Lynch, Gary Long, and Dusty Irwin

Meeting was called to order by Chairman Parrott.

Motion was made by Mayor Frank to recommend the original proposal with addition that if a citizen believes there has been a violation of the code of ethics they can go to the Law Director as a point of contact for guidance on where to direct the complaint. Hal Cousins seconded the motion. Motion failed.

Adjournment – Mayor Frank moved to adjourn the meeting.

56.

**OFFICE OF THE COUNTY LAW DIRECTOR
ANDERSON COUNTY, TENNESSEE**

101 South Main Street, Suite 310
Clinton, Tennessee 37716

TELEPHONE: (865) 457-6291
FACSIMILE: (866) 457-3775

MEMORANDUM

TO: Tyler Mayes, County Commission Chairman
FROM: James Brooks Jr, Attorney
DATE: October 10, 2024
RE: Ethics Commission

Dear Chairman Mayes,

You have requested the opinion of this office with respect to the following matter:

QUESTION

Is the Ethics Commission of Anderson County currently compliant with the regulations of the Bureau of Campaign Ethics and Finance and with state law.

OPINION

The County is compliant with the Bureau of Campaign Ethics and Finance however there are a few recommendations and updates required in order to remain compliant.

ANALYSIS

Anderson County Government adopted a Code of Ethics in 2007 which was timely filed with the Bureau of Campaign Ethics and Finance (BCEF) as required by T.C.A. § 8-17-103. We are in compliance with the statute; however, the Code of Ethics has been revised periodically. The most recent version of our Code of Ethics, as I understand it, was adopted in 2019, see Exhibit "A". We need to file the current Code of Ethics with BCEF because the version approved in 2007 is out of date and must be replaced as required by T.C.A. § 8-17-104(a). Additionally, as the current ombudsman, I recommend we send the ethics commission and BCEF my contact information if the update has not already been submitted.

Additionally, I recommend that current conflict of interest statements be obtained from elected public officials and filed with the ethics commission in Nashville if the forms have not already been submitted.

T.C.A. § 8-50-502 requires the form be filed annually. A copy of our Conflict of Interest Disclosure is attached as Exhibit "B".

Finally, several amendments to current law were enacted this year which impact local government and elected officials. This summary is not exhaustive but includes the following:


- A. T.C.A. § 5-5-112 (Pub. ch. 798) adds additional procedural safeguards against conflicts of interest when the county legislative body is voting on a matter which increases pay or benefits of a commission member who is also a county employee or who's spouse is a county employee.
 - (1) The member is not permitted to vote.
 - (2) The vote must be recorded electronically.
 - (3) If the vote could involve a conflict, then prior to the vote being announced, the chair person shall ask the members of the legislative body if a member voted in violation of this statute.
 - (4) If the chairperson finds the member voted in violation, then that member's vote is void.
- B. T.C.A. § 5-5-113 (Pub. ch. 997) increases to eight (8) the number of hours of education required annually of members elected after April 1, 2018 until the official has completed eight (8) years of uninterrupted service.
- C. T.C.A. § 5-6-106 (Pub. ch. 580) added a sentence stating that the county mayor is not a member of the county legislative body for purposes of T.C.A. § 8-44-102. Consequently, the Mayor may

CONCLUSION

In conclusion it is my opinion that Anderson County must file the most recent Code of Ethics and Conflict of Interest Disclosures with the BCEF.

I hope this is responsive to your request. Do not hesitate to contact me if you have any questions.

Sincerely,



James Brooks Jr.
Attorney

Code of Ethics

Anderson County, Tennessee

Section 1. Definitions.

(1) "County" means Anderson County Tennessee, which shall include all boards, committees, commissions, authorities, corporations, or any other instrumentalities of Anderson County Government appointed or created by the County, or an official of the County, and including the County School Board, the County Election Commission, the County Health Department, and Utility Districts of the County.

(2) "Official and employee" means and includes any Anderson County official, singular or plural, whether elected or appointed, officer, employee, or any member of any board, agency, commission, authority or corporation (whether compensated or not) or any person employed or appointed by Anderson County.

(3) "Personal interest" means, for the purpose of disclosure of personal interests in accordance with this Code of Ethics, a financial interest of the official or employee, or a financial interest of the official's or employee's spouse or child living in the same household, in the matter to be voted upon, regulated, supervised, decided or otherwise acted upon in an official capacity.

Section 2. Disclosure of Personal Interest in Voting Matters.

An official or employee with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and to be included in the minutes of the meeting, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's or employee's vote on the measure. In addition, the official or employee may, to the extent allowed by law, abstain from voting on the measure.

Section 3. 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, including but not limited to, managing, supervising, or awarding any contract, 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 discretion shall disclose, before the exercise of discretion when possible, the personal interest on the authorized Disclosure Form and file that form with the County Clerk. In addition, the official or employee may, to the extent allowed by law, recuse himself or herself from the exercise of discretion in the matter.

Section 4. Acceptance of Gifts and Other Things of Value.

An official or employee, or an official's or employee's spouse or child living in the same household, may not accept, directly or indirectly, any gift, money, gratuity, or other consideration or favor of any kind from anyone other than the County:

- (1) For the performance of an act, or refraining from performance from an act, that he or she would be expected to perform or refrain from performing in the regular course of his or her County duties; or
- (2) That a reasonable person would understand was intended to influence the vote, official action, or judgment of the official or employee in executing County business.

It shall not be considered a violation of this policy for an official or employee to receive entertainment, food, refreshments, meals, health screens, immunizations, vaccines, amenities, or items necessary to the performance of the official or employees' duties that are provided by the County, or in connection with a conference, meeting, or employee fair sponsored by the County, other governmental entity, or an established and recognized state-wide association of county government officials or by an umbrella or affiliate organization of such state-wide association of county government officials, or professional organization, association, licensing board or Chamber of Commerce sponsored event.

Nothing contained within this policy shall prevent employees from obtaining secondary employment for off-duty time, provided that such employment is approved by the supervising department director or elected official.

Section 5. County Ethics Commission.

A County Ethics Commission (hereinafter "Commission") consisting of sixteen (16) voting members shall be appointed to serve two (2) year terms, subject to the initial term provision recited below, with no term limits, and shall consist of the following membership:

- A) County Mayor, or designee;
- B) Chairman of the County Legislative Body, or designee;
- C) County Clerk, or designee;
- D) Circuit Court Clerk, or designee;
- E) Clerk and Master, or designee;
- F) Director of Schools, or designee;
- G) Highway Superintendent, or designee;
- H) Member of the Judiciary – as selected by the Honorable Judges of the County and Seventh (7th) Judicial District, or designee;
- I) Assessor of Property, or designee;
- J) Register of Deeds, or designee;
- K) Sheriff, or designee;
- L) Trustee, or designee;
- M) Member of the County Legislative Body as selected by their membership, or designee;
- N) Member of the County School Board as selected by their membership, or designee;
- O) County Mayor Appointment;
- P) County Legislative Body Appointment; and
- Q) Ombudsman/Law Director, ex officio.

Designees and appointees can be selected from other County Officials, employees or citizens.

Initial Terms shall run from July 1, 2007 until September 30, 2010. Subsequent two (2) year membership terms shall begin on October 1, 2010.

The Commission shall convene as soon as practical after their appointment and elect a Chair and Secretary. All meetings, with the exception of executive sessions, shall be open to the public and publicly noticed in a newspaper of general circulation in the County for at least one time no less than five (5) days prior to the meeting. The Ethics Commission Secretary shall prepare an agenda for each meeting subject to approval by the Commission Chair. All meeting notices, agendas and supporting materials shall be mailed or hand-delivered to members no less than five (5) days prior to the scheduled meeting.

A majority of Commission members present shall constitute a quorum. The Commission shall act officially by majority vote of the entire membership. Death of a member and abstentions for stated cause shall reduce the needed majority vote accordingly.

The Commission shall have original jurisdiction to hear and decide all violations of this Code.

Unless specifically governed herein, or by state law, the Commission shall conduct all meetings in accordance with Robert's Rules of Order, most recent edition.

The official records, minutes and closed investigations of the Commission shall be maintained by the Secretary and filed in the Office of the Anderson County Clerk, where they shall be open for public inspection during reasonable business hours.

Section 6. Complaints.

Questions and complaints regarding violations of this Code of Ethics or any violation of state law governing ethical conduct should be directed to the Ombudsman for the Commission. Complaints shall be in writing and signed by the person making the complaint. At least one witness shall sign the complaint attesting to the authenticity of the signature only. All complaints shall be as specific as possible and shall set forth in reasonable detail the facts upon which the complaint is based. Complaints will be received by U.S. Mail only addressed to the following:

Anderson County Ethics Commission
101 South Main Street, Suite 310
Clinton, TN 37716

The Commission or Ombudsman shall investigate any credible complaint against an official or employee charging any violation of this Code of Ethics, or may undertake an investigation on its own initiative when it acquires information indicating a possible violation, and make recommendations for such action to end or seek retribution and/or restitution for any activity that, in the Commission's judgment constitutes a violation of this Code of Ethics. If a member of the Commission or the Ombudsman is the subject of a complaint, such member shall recuse himself or herself from all proceedings involving such complaint. If the Ombudsman is the subject of the complaint, the Chair of the Ethics Commission shall receive and investigate the complaint and otherwise serve and act in the role of Ombudsman.

Section 7. Ombudsman.

The County Law Director shall serve in the position of Ombudsman and shall receive and investigate all complaints regarding violations of this Code of Ethics. The Ombudsman shall make an initial inquiry to determine if the act complained of lies within the original jurisdiction of this Code and Commission, as defined herein. If the Ombudsman determines that jurisdiction is vested with the Commission then the alleged violation will be investigated and referred to the Commission for further action. The Ombudsman is charged with presenting evidence and prosecuting cases brought before the Commission for a requested hearing. The Ombudsman shall cause reasonable notice to be given to the affected official or supervising department head when an ethics complaint is received. All ethical violations defined herein will be referred the Commission.

After the investigation is complete, or within ninety (90) days of the postmark on the complaint, whichever comes first, the Ombudsman shall report the matter to:

- 1) The Commission, if the act complained of falls within the original jurisdiction of the Commission; and
- 2) The Department Head or Elected Official, Board, or Commission supervising the official or employee for additional action; and/or
- 3) Local law enforcement agency or the District Attorney General if criminal activity is suspected; and/or
- 4) State Ethics Commission or the State Election Commission if the act complained of falls within the appropriate jurisdiction; and/or
- 5) The District Attorney General or Law Director for ouster investigation and appropriate action; or
- 6) The Ombudsman shall dismiss the complaint for lack of reasonable supporting and corroborating evidence, lack of jurisdiction, lack of merit, lack of cooperation from the complainant, or complainant's unwillingness to testify before the Commission or Court of law, or withdrawal of the complaint by the complainant.

Section 8. Enforcement Options.

Prior to making a decision on any available enforcement options the Ethics Commission may, by majority vote, request a hearing to receive additional information regarding any ethics complaint noticed to the Commission by the Ombudsman. When Ethics Commission hearings are conducted the accused employee or official shall have the right to be represented by counsel, appear and be heard before the Commission and present all relevant evidence in support or defense of their alleged conduct. Accused employees or officials shall be notified by certified mail of the hearing date no less than five (5) days prior to the hearing. Continuances shall be granted for good cause only. Continuance requests shall be in writing and directed to the Commission Chair for decision.

The Commission may, upon majority vote:

- 1) Refer the matter to the Law Director for a legal opinion and/or recommendation for action; or

- 2) In the case of an official, refer the matter to the County Legislative Body for possible public censure by resolution of the County Legislative Body if such body finds such action warranted;
- 3) In the case of an employee, refer the matter to the official or department head responsible for supervision and control of that employee for possible disciplinary action if the official or department head finds such discipline warranted;
- 4) In a case involving possible violations of state statute, refer the matter to the District Attorney General for possible ouster or criminal prosecution.

When interpreting and enforcing the provisions of this Code the Commission and/or Ombudsman shall use the standard of what an objective reasonable person would have done, or would have perceived was done, under the facts and circumstances given. When a violation of this policy also constitutes a violation of a personnel policy or civil service policy, the violation shall be dealt with as a violation of the personnel or civil service policy provisions rather than a violation of this policy.

Section 9. Applicable State Laws.

In addition to the ethical principles set out in this Code, state law also provides a framework for the ethical behavior of County officials and employees in the performance of their duties. Officials and employees should familiarize themselves with state laws applicable to their office, position and the performance of their duties. To the extent that an issue is addressed by state law, (law of general application, public law of local application, local option law, or private act), the provisions of state law, to the extent they are more restrictive, shall control. The following is a brief nonexclusive survey of selected state laws concerning ethics in County government. For the full text of these statutes see the identified Tennessee Code Annotated (T.C.A.) sections.

Campaign Finance – T.C.A. Title 2, Chapter 10, Part 1 (Campaign Financial Disclosure) requires candidates for public office to disclose contributions and contributors to their campaigns. Part 3 (Campaign Contribution Limits) limits the total amount of campaign contributions a candidate may receive from an individual and sets limits on the amount a candidate may receive in cash.

Conflict of Interest – T.C.A. §12-4-101 is the general conflict of interest statute that applies in all counties. It prohibits anyone who votes for, lets out, or in any manner supervises any work or contract from having a direct financial interest in that contract, purchase, or work, and it requires disclosure of indirect financial interests by public acknowledgment.

Conflict of Interest – T.C.A. §49-6-203 applies to the Department of Education or School Board in all counties and prohibits the direct and indirect conflict of interest in the sale of supplies for use in public schools.

Conflict of Interest – T.C.A. §5-1-125 applies in all counties and prohibits county officials and employees from purchasing surplus county property except where it is sold by public bid.

Conflict of Interest – T.C.A. §54-7-203 applies in all counties that are governed by the County Uniform Highway Law. It prohibits officials and employees in the Highway Department

and members of the County Legislative Body from having any personal interest in purchases of supplies, materials, machinery, and equipment for the Highway Department.

Conflict of Interest - T.C.A. §5-21-121 is part of the County Financial Management System of 1981, lawfully adopted and in effect in Anderson County. It prohibits the director, purchasing agent, members the committee, members of the county legislative body, or other officials, employees, or members of the board of education or highway commission from being financially interested or have any personal interest, either directly or indirectly, in the purchase of any supplies, materials or equipment for the county.

Conflict of Interest - T.C.A. § 12-4-101 govern disclosures and abstentions from voting due to conflicts of interest related to members of the County Legislative Body.

Conflict of Interest Disclosure Statements - T.C.A. §§8-50-501 et seq. requires candidates and appointees to local public offices to file a disclosure statement with the State Ethics Commission listing major sources of income, investments, lobbying activities, professional services provided, bankruptcies, certain loans, and other information, and to keep these statements up to date.

Gifts - T.C.A. § 5-21-121 provides that no firm, corporation, partnership, association or individual furnishing any such supplies, materials or equipment, shall give or offer nor shall the director or purchasing agent or any assistant or employee accept or receive directly or indirectly from any person, firm, corporation, partnership or association to whom any contract may be awarded, by rebate, gift or otherwise, any money or other things of value whatsoever, or any promise, obligation or contract for future reward or compensation.

Honorarium - T.C.A. §2-10-116 prohibits elected officials from accepting an honorarium, (including money or anything of value, but not including reimbursement for actual expenses) for an appearance, speech, or written article in their official capacity.

Private Use of Public Property - T.C.A. §54-7-202 applies to the Anderson County Highway Department. It prohibits the private use of equipment, rock, and other highway materials.

Court Sales - T.C.A. §39-16-405 prohibits judges, clerks of the court, court officers, and employees of court from bidding on or purchasing any property sold through the court for which such person discharges official duties.

Rules of the Supreme Court - Rule 10, Cannon 5, (Code of Judicial Conduct), establishes ethical rules for Judges and other court personnel when exercising judicial functions.

Rules of the Supreme Court - Tennessee Rules of Professional Conduct, establishes ethical rules for Tennessee attorneys.

Fee Statutes - T.C.A. §§8-21-101, 8-21-102, and 8-21-103 set out circumstances where fees are authorized, prohibit officials from requiring payment of fees in advance of performance of services except where specifically authorized and set penalties for charging excessive or unauthorized fees.

Consulting Fee Prohibition for Elected County Officials – T.C.A. §§2-10-122 and 2-10-124 prohibit officials from receiving compensation for advising or assisting a person or entity in influencing County legislative or administrative action.

Crimes Involving Public Officials – T.C.A. §§39-16-101 et seq. and the following sections prohibit bribery, soliciting unlawful compensation, and buying and selling in regard to offices.

Official Misconduct – T.C.A. §39-16-402 applies to public servants and candidates for office and prohibits the unauthorized exercise of official power acting in an official capacity exceeding the servant's power, refusal to perform a duty imposed by law, violating a law relating to the servant's office or employment, and receiving a benefit not provided by law.

Official Oppression – T.C.A. §39-16-403 prohibits abuse of power by a public servant.

Bribery for Votes – T.C.A. §§2-19-121, 2-19-126, and 2-19-127 prohibit bribery of voters in an election.

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Public Official Ouster Law – T.C.A. §8-47-101 sets out conduct that is punishable by ouster from office, including misconduct in office and neglect of duties. Ouster cases may be filed by either the Law Director or District Attorney General.

Anderson County Code of Ethics

Conflict of Interest Disclosure Statement

Instructions: This form is for reporting *personal interests*, as defined by the Anderson County Code of Ethics. Officials and employees are required to disclose *personal interests* in matters that affect or would lead a reasonable person to infer that it would affect the exercise of discretion by an official or employee.

1. Date of Disclosure: _____
2. Name of Official or Employee: _____
3. Office and Position: _____
4. Describe Personal Interest in Detail:

Signature of Official or Employee

Witness Signature

Printed Name of Witness

50



ANDERSON COUNTY GOVERNMENT

TERRY FRANK
COUNTY MAYOR

September 17, 2024

Tennessee Ethics Commission
WRS Tennessee Tower, 26th Floor
312 Rosa L. Parks Avenue
Nashville, TN 37243

To Whom It May Concern:

Per the passing of Anderson County Law Director Jay Yeager, the position of the Law Director is vacant.

The Anderson County Board of Commissioners, meeting in regular session on Monday night, September 16, 2024, and voted unanimously by members in attendance, assigned Mr. Jamie Brooks as the Ombudsman for Anderson County to serve as the point of contact for any ethics complaint filed during his contract term as special counsel. Mr. Brooks will serve in this role until December 1, unless his contract is extended.

Mr. Brooks may be contacted by mail at 101 S. Main Street, Suite 310, Clinton, TN 37716; phone: (865) 457-6290; or by e-mail at jbrooks@andersoncountytg.com

We will keep you apprised of any changes going forward.

My best regards,

Mrs. Terry Frank
Anderson County Mayor



5d.

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HURRICANE HELENE

IMPORTANT INFORMATION FOR ALL FILERS IN 2024. FOR MORE INFORMATION, CLICK HERE.

State & Local Government Ethical Standards

State Government Ethical Standards

[State House of Representatives Ethics Code](#)

[State Senate Ethics Code](#)

Executive branch - [Executive Order #2](#)

Local Government Ethical Standards

It is the intent of the general assembly that the integrity of the processes of local government be secured and protected from abuse. The general assembly recognizes that holding public office and public employment is a public trust and that citizens of Tennessee are entitled to an ethical, accountable and incorruptible government. Accordingly, under T.C.A. § 8-17-103, all counties and instrumentalities of counties, all municipalities and instrumentalities of municipalities, and other entities of local government listed in T.C.A. § 8-17-102, must adopt, no later than June 30, 2007, ethical standards for all officials and employees of such entity. To the extent that an issue covered by an ethical standard is addressed by a law of general application, public law of local application, local option law, or private act, any ethical standard adopted by a governing body shall not be less restrictive than such laws.

The local government has the option to adopt a model ethical code: [County Technical Assistance Service](#), for the counties and [Municipal Technical Advisory Service](#), for the cities. The local governmental may also adopt its own ethical standards. They are responsible for filing a copy of their ethical code with the TEC.

View from the side bar menu a list of government entities that have adopted ethical standards and filed with the Commission:

- Counties
- Government Entities
- Municipalities
- School Associations

Under T.C.A. § 8-17-106, the members of the governing body of an entity that is required to adopt ethical standards under §§ 8-17-101 through 8-17-105 are subject to removal from office for the failure to adopt the required ethical code.





County Technical Assistance Service
INSTITUTE for PUBLIC SERVICE

CTAS MODEL ETHICS POLICY - 2022

The General Assembly passed the "Comprehensive Governmental Ethics Reform Act of 2006" in February of 2006, which is codified at T.C.A. § 8-17-101 *et seq.* Among other provisions, the Ethics Reform Act requires local governments to adopt ethical standards related to the acceptance of gifts and disclosure of conflicts of interest and directs CTAS to develop a model policy.

We have updated the CTAS Model Ethics Policy due to changes in the law since the Model Policy was first drafted. Specifically, in 2021, Public Chapter 472 was enacted, which amends T.C.A. § 5-21-121, the conflict-of-interest provision of the County Financial Management System of 1981. In 2022, Public Chapter 700 was enacted, which amends T.C.A. § 5-14-114, the conflict-of-interest provision of County Purchasing Law of 1957.

Adoption of Ethics Policy

Adoption of the updated CTAS model policy is not required. The county can keep using the policy it adopted in 2007. If the county adopts the updated model policy as it is written with no changes, the county may simply notify the State Ethics Commission in writing at the address below that the county has adopted the updated model policy.

Tennessee Ethics Commission
404 James Robertson Parkway
Ste. 104
Nashville, TN 37243
615-741-7959

CODE OF ETHICS
_____ COUNTY, TENNESSEE

Section 1. Definitions

(1) "County" means _____ County, which includes all boards, committees, commissions, authorities, corporations, or other instrumentalities appointed or created by the county or an official of the county, and specifically including the county election commission and the county health department.

(2) "Officials and employees" means and includes any official, whether elected or appointed, officer, employee or servant, or any member of any board, agency, commission, authority or corporation (whether compensated or not), or any officer, employee or servant thereof, of the county.

(3) "Personal interest" means, for the purpose of disclosure of personal interests in accordance with this Code of Ethics, a financial interest of the official or employee, or a financial interest of the official's or employee's spouse or child living in the same household, in the matter to be voted upon, regulated, supervised, or otherwise acted upon in an official capacity.

Section 2. Disclosure of personal interest in voting matters. An official or employee with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and to be included 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 or employee may, to the extent allowed by law, recuse himself or herself from voting on the measure.

Section 3. 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 the attached disclosure form and file the disclosure form with the county clerk. In addition, the official or employee may, to the extent allowed by law, recuse himself or herself from the exercise of discretion in the matter.

Section 4. Acceptance of gifts and other things of value. An official or employee, or an official's or employee's spouse or child living in the same household, may not accept, directly or indirectly, any gift, money, gratuity, or other consideration or favor of any kind from anyone other than the county:

(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 a reasonable person would understand was intended to influence the vote, official action, or judgment of the official or employee in executing county business.

An official or employee who accepts any gift, money, gratuity, or other consideration or favor of any kind from anyone other than the county shall disclose such acceptance on the attached disclosure form and file the disclosure form with the county clerk.

It shall not be considered a violation of this policy for an official or employee to receive entertainment, food, refreshments, meals, health screenings, amenities, foodstuffs, or beverages that are provided in connection with a conference sponsored by an established or recognized statewide association of county government officials or by an umbrella or affiliate organization of such statewide association of county government officials.

Section 5. Ethics Complaints. A County Ethics Committee (the "Ethics Committee") consisting of five members shall be appointed to one-year terms by the county mayor with confirmation by the county legislative body, to be appointed each year at the same time as internal committees of the county legislative body. At least three members of the committee shall be members of the county legislative body; one member shall be a constitutional county officer or, should no constitutional county officer be willing to accept appointment, an additional member of the county legislative body; and the remaining member may be either a member of a board, committee, commission, authority, corporation, or other instrumentality governed by this policy, or an additional member of the county legislative body. The Ethics Committee shall convene as soon as practicable after their appointment and elect a chair and a secretary. The records of the Ethics Committee shall be maintained by the secretary and shall be filed in the office of the county clerk, where they shall be open to public inspection.

Questions and complaints regarding violations of this Code of Ethics or of any violation of state law governing ethical conduct should be directed to the chair of the Ethics Committee. Complaints shall be in writing and signed by the person making the complaint and shall set forth in reasonable detail the facts upon which the complaint is based.

The County Ethics Committee shall investigate any credible complaint against an official or employee charging any violation of this Code of Ethics or may undertake an investigation on its own initiative when it acquires information indicating a possible violation, and make recommendations for action to end or seek retribution for any activity that, in the Committee's judgment, constitutes a violation of this Code of Ethics. If a member of the Committee is the subject of a complaint, such member shall recuse himself or herself from all proceedings involving such complaint.

The Committee may:

(1) Refer the matter to the county attorney for a legal opinion and/or recommendations for action;

(2) In the case of an official, refer the matter to the county legislative body for possible public censure if the county legislative body finds such action warranted;

(3) In the case of an employee, refer the matter to the official responsible for supervision of the employee for possible disciplinary action if the official finds discipline warranted;

(4) In a case involving possible violation of state statutes, refer the matter to the district attorney for possible ouster or criminal prosecution;

The interpretation that a reasonable person in the circumstances would apply shall be used in interpreting and enforcing this Code of Ethics. When a violation of this Code of Ethics also constitutes a violation of a personnel policy or a civil service policy, 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.

Section 6. Applicable State Laws In addition to the ethical principles set out in this Code of Ethics, state laws also provide a framework for the ethical behavior of county officials and employees in the performance of their duties. Officials and employees should familiarize themselves with the state laws applicable to their office or position and the performance of their duties. To the extent that an issue is addressed by state law (law of general application, public law of local application, local option law, or private act), the provisions of that state law, to the extent they are more restrictive, shall control. Following is a brief summary of selected state laws concerning ethics in county government. For the full text of these statutes, see the Tennessee Code Annotated (T.C.A.) sections indicated.

Campaign finance – T.C.A. Title 2, Chapter 10. Part One (campaign financial disclosure) requires candidates for public office to disclose contributions and contributors to their campaigns. Part Three (campaign contribution limits) limits the total amount of campaign contributions a candidate may receive from an individual and sets limits on the amount a candidate may receive in cash.

Conflict of interest – T.C.A. § 12-4-101 is the general conflict of interest statute that applies in all counties. It prohibits anyone who votes for, lets out, or in any manner supervises any work or contract from having a direct financial interest in that contract, purchase or work, and it requires disclosure of indirect financial interests by public acknowledgment.

Conflict of interest – T.C.A. § 49-6-2003 applies to the department of education in all counties and prohibits direct and indirect conflicts of interest in the sale of supplies for use in public schools.

Conflict of interest – T.C.A. § 5-1-125 applies in all counties and prohibits county officials and employees from purchasing surplus county property except where it is sold by public bid.

Conflict of interest – T.C.A. § 54-7-203 applies in all counties that are governed by the County Uniform Highway Law. It prohibits officials and employees in the highway department and members of the county legislative body from having any personal interest in purchases of supplies, materials, machinery, and equipment for the highway department.

Conflict of interest – T.C.A. § 5-14-114 applies in counties that have adopted the County Purchasing Law of 1957. It prohibits the purchasing agent, members of the county purchasing commission, members of the county legislative body, and other officials of the county from having a direct interest in a contract or purchase order for supplies, materials, equipment, or contractual services used by or furnished to a department or agency of the county government.

Conflict of interest – T.C.A. § 5-21-121 applies in counties that have adopted the County Financial Management System of 1981. It prohibits the director, purchasing agent, members of the committee, members of the county legislative body, other officials of the county, members of the board of education, members of the highway commission, and employees of the finance department and purchasing department from having a direct interest in the purchase of supplies, materials, equipment, or contractual services for the county. In addition, it requires the disclosure of indirect financial interests by public acknowledgment.

Conflict of interest – T.C.A. § 5-5-112 governs conflict of interests of members of the county legislative body who are also employees of the county or whose spouse is an employee of the county.

Conflict of interest disclosure statements – T.C.A. § 8-50-501 and the following sections require candidates and appointees to local public offices to file a disclosure statement with the state ethics commission listing major sources of income, investments, lobbying activities, professional services provided, bankruptcies, certain loans, and other information, and to keep these statements up to date.

Gifts – T.C.A. § 5-14-114 applies in counties that have adopted the County Purchasing Law of 1957. It prohibits the purchasing agent, members of the county purchasing commission, members of the county legislative body, and other officials of the county from accepting or receiving, directly or indirectly, from a person, firm, or corporation to which a contract or purchase order may be awarded, by rebate, gift, or otherwise, money or anything of value whatsoever, or a promise, obligation, or contract for future reward or compensation.

Gifts – T.C.A. § 5-21-121 applies in counties that have adopted the County Financial Management System of 1981. It prohibits the finance director, purchasing agent, and employees in those departments from accepting anything of value, directly or indirectly, from anyone who furnishes supplies, materials or equipment to the county.

Honoraria – T.C.A. § 2-10-116 prohibits elected officials from accepting an honorarium (including money or anything of value, but not including reimbursement for actual expenses) for an appearance, speech, or article in their official capacity.

Private use of public property – T.C.A. § 54-7-202 applies in counties that are governed by the County Uniform Highway Law. It prohibits the private use of equipment, rock, and other highway materials.

Court sales – T.C.A. § 39-16-405 prohibits judges, clerks of court, court officers, and employees of court, from bidding on or purchasing any property sold through the court for which such person discharges official duties.

Sheriff sales - T.C.A. § 8-8-206 prohibits sheriffs and deputy sheriffs from purchasing, either directly or indirectly, any property sold through their own judicial sale no matter which court is involved.

Rules of the Supreme Court – Rule 10, Cannon 5 (Code of Judicial Conduct) establishes ethical rules for judges and other court personnel when exercising judicial functions.

Fee statutes – T.C.A. §§ 8-21-101, 8-21-102, and 8-21-103 set out circumstances where fees are authorized, prohibit officials from requiring payment of fees in advance of performance of services except where specifically authorized, and set penalties for charging excessive or unauthorized fees.

Consulting fee prohibition for elected county officials – T.C.A. §§ 2-10-122 and 2-10-124 prohibit officials from receiving compensation for advising or assisting a person or entity in influencing county legislative or administrative action.

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

Official misconduct – T.C.A. § 39-16-402 applies to public servants and candidates for office and prohibits unauthorized exercise of official power, acting in an official capacity exceeding the servant's power, refusal to perform a duty imposed by law, violating a law relating to the servant's office or employment, and receiving a benefit not provided by law.

Official oppression – T.C.A. § 39-16-403 prohibits abuse of power by a public servant.

Bribery for votes – T.C.A. §§ 2-19-121, 2-19-126, and 2-19-127 prohibit bribery of voters in elections.

Misuse of official information – T.C.A. § 39-16-404 prohibits a public servant from attaining a benefit or aiding another person in attaining a benefit from information which was obtained in an official capacity and is not available to the public.

Ouster law – T.C.A. § 8-47-101 sets out conduct which is punishable by ouster from office, including misconduct in office and neglect of duty.

_____ COUNTY CODE OF ETHICS

CONFLICT OF INTEREST DISCLOSURE STATEMENT

Instructions: This form is for reporting personal interests required to be disclosed under Section 3 of the Code of Ethics of this county. Officials and employees are required to disclose personal interests in matters that affect or would lead a reasonable person to infer that it would affect the exercise of discretion of an official or employee.

1. Date of disclosure: _____

2. Name of official or employee: _____

3. Office and position: _____

4. Description of personal interest (describe below in detail):

Signature of official or employee

Witness Signature

Printed name of witness

_____ COUNTY CODE OF ETHICS

GIFT DISCLOSURE STATEMENT

Instructions: This form is for reporting the acceptance of any gift, money, gratuity, or other consideration or favor of any kind from anyone other than the county required to be disclosed under Section 4 of the Code of Ethics of this county

1. Date of disclosure: _____

2. Name of official or employee: _____

3. Office and position: _____

4. Description of gift, money, gratuity, or other consideration or favor (describe below in detail):

Signature of official or employee

Witness Signature

Printed name of witness



Latest Publication: August 2024

TENNESSEE **Town & City**

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Cities must submit updated ethics standards, contact info to BECF by end of year



By **KATE COIL**

TML Communications Specialist

A new law is requiring municipal and other government boards to submit to the state and keep updated both their code of ethics and contact information for their ethics officer by the end of the year.

A newly revised subsection of Tennessee Code §8-17-104 related to ethical standards for publicly elected officers and employees requires entities such as municipal, county, utility district, and school boards to have and keep up-to-date contact information regarding the board's ethical codes and ethics officer with the Tennessee Bureau of Ethics and Campaign



Bill Young, executive director

finance by no later than Jan. 1, 2024.

of the Tennessee Bureau of Ethics and Campaign Finance Ethics Commission (BECF)

The law also impacts any "board, commission, authority, corporation or other instrumentality that is created by two or more local

government entities." The revision comes from Senate Bill 158/House Bill 182 and was signed into law by Gov. Bill Lee on Feb. 27, 2023. A list of entities that are not in compliance with the law by Jan. 31, 2024, will be submitted to the lieutenant governor and speaker of the house.

Bill Young, executive director of the Tennessee Bureau of Ethics and Campaign Finance Ethics Commission (BECF), said his office promoted the passage of the bill as a way to help build up public confidence that government entities throughout the state are operating ethically and that citizens have recourse on the local level. The new law is a more updated version of one previously on the books.

"Under the past law that was in statute, each local governmental entity as defined by the statute has been required for years to submit their local code of ethics with us," Young said. "The Legislature passed that as part of the Ethics Reform Act of 2003. They are required to not only file that code with us but to also file any updated amendments with us. We then put all that information on the website so everyone has access to it. As to how updated our website is, we don't know. We suspect with certain entities it may be a little outdated."

Young said BECF supported the revision of the law because they are increasingly being contacted with local concerns that are not within the bureau's purview.

"We don't handle a local advocate complaint," he said. "We refer them back to the local jurisdiction for their ethics officer or whoever is responsible to do an investigation and figure out whether or not there is a problem with a local code of ethics. We only do state ethics here. The problem we run into is that we do not have a list of the folks at those entities who handle ethics complaints. We always assume it's probably the general counsel, but it's not always."

He hopes the new legislation will not only notify the entities named in statute of their responsibility but to also provide better resources for the public. While there is a submission deadline, Young said there is no penalty for entities not in compliance save their names being submitted to legislative leadership. The goal, he said, is to get up-to-date information and all entities into compliance.



In addition to an updated code of ethics, BECF is also seeking updated contact

Outdated codes of ethics and contact information for ethics officers

are due to the BECF by Jan. 1, 2024.

information for the ethics officer appointed by the board. Young said usually this is legal counsel for the board or commission. The name, business address, phone number, and email address of the ethics officer must also be submitted to the

BECF. If a new ethics officer is appointed, this information must be updated with the BECF within 30 days.

"Generally, if someone is accused of violating the ethics code, that officer is the one who handles the complaint and investigates if there has been a violation," Young said. "If we get a complaint, we usually refer it to the local attorney. We get more complaints than you would think. We have a very limited jurisdiction on ethics to a certain set of state officials. We even have a limited jurisdiction over the General Assembly and Executive Branch. We have no jurisdiction over the locals, which is intentional. You would want that handled by the locals and not us."

Overall, Young said having this information will help build trust between the public and government entities in a time when that trust seems to be eroding.

"Particularly in smaller places, they have no idea that they are responsible for the code of ethics," he said. "It gets to be a big issue when someone makes a complaint under it. We want that handled on the local level. We are all held to ethical standards. We all have ethical codes we follow to ensure we are doing the job we are required to do, and that there is nothing unethical going on. It also gives our citizens the opportunity to make those complaints. The Tennessee Supreme Court has a very sophisticated review system. The governor does too. The House and Senate have their own ethics officers. The message to our citizens is that we are all doing appropriately the job we are required to do, and if someone is doing something inappropriately there is a mechanism for that to hit the light of day and be dealt with."

Young said this also allows local entities to better move any complaints through the local level, so they don't reach the Comptroller's Office or state attention.

"We want everyone in compliance; we don't want this to be a 'gotcha,'" he said. "We want to show the citizens of this state that we take ethics seriously. We take people doing the right things seriously. When people are in compliance, it shows people we are serious about what we do and hopefully have confidence in our government. This is an attempt to make sure we are all in compliance with our ethical and legal responsibility, providing full transparency to our citizens, and that we take our ethical obligations seriously. We want people to understand if they have a complaint there is somewhere they can go to have their complaint heard."

BCEF will be sending out a mailer with information on the new requirements and Any questions about the deadlines, ethics codes, or ethics officers can contact Lauren Topping, general counsel with the BCEF, at lauren.topping@tn.gov or (615)-741-7959.

Document: Tenn. Code Ann. § 8-17-104



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Tenn. Code Ann. § 8-17-104

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[TN - Tennessee Code Annotated](#) [Title 8 Public Officers And Employees](#) [Chapter 17 Ethical Standards for Officials and Employees](#)

8-17-104. Standards open to public inspection — Filing standards and amendments with ethics commission — Notifications.

(a) Each entity covered by this chapter shall maintain, for public inspection, the ethical standards of such entity and shall cause a copy of the adopted standards to be filed with the ethics commission. Any amendments or other modifications to the ethical standards shall also be filed with the commission as soon as practical after adoption by the governing body.

(b) By no later than January 1, 2024, each entity covered by this chapter shall notify the ethics commission, either in writing or electronically by email, of the primary person responsible for administering and enforcing the entity's ethical standards. The entity also shall provide the commission with the person's contact information, including the person's business address, phone number, and email address. The entity shall notify the commission of any change in such responsibility within thirty (30) calendar days of such change and shall provide the name and contact information for an interim official serving in this capacity until such time as a permanent successor can be identified.

(c) By no later than January 31, 2024, and on each January 31 thereafter, the commission shall notify the speaker of the house of representatives and the speaker of the senate, as well as the comptroller of the treasury, of each entity that is not in compliance with this part.

History

Acts 2006 (1st Ex. Sess.), ch. 1, § 49; 2023, ch. 37, § 5.

Tenn. Code Ann. § 8-17-105**Copy Citation**

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TR - Tennessee Code Annotated Title 8 Public Officers And Employees Chapter 17 Ethical Standards for Officials and Employees

8-17-105. Adoption of models of ethical standards.

(a) The municipal technical advisory service (MTAS) for municipalities, the county technical assistance service (CTAS) for counties, and the Tennessee School Boards Association (TSBA) for school districts, in order to provide guidance and direction, shall disseminate models of ethical standards for officials and employees of those entities. The models shall be filed with the commission. Any municipality, county or school district that adopts the ethical standards for officials and employees of local government or school districts promulgated by MTAS, CTAS or TSBA is not required to file the policy with the commission but shall notify the commission in writing that the policy promulgated by MTAS, CTAS or TSBA was adopted and the date the action was taken.

(b)

(1) In order to provide guidance and direction to water, wastewater, and gas authorities created by a private act or under the general law and to utility districts, the Tennessee Association of Utility Districts (TAUD) shall prepare a model of ethical standards for officials and employees of water, wastewater, and gas authorities created by private act or under the general law and of utility districts. The model must be submitted to the Tennessee board of utility regulation for its review and approval pursuant to § 7-82-702(a)(6). The board shall approve by order the TAUD model of ethical standards before the model is adopted by a water, wastewater, or gas authority created by a private act or under the general law or by a utility district. After the board approves

the TAUD model, the TAUD model must be filed with the commission.

(2) The governing body of a water, wastewater, or gas authority created by a private act or under the general law, or of a utility district, that adopts ethical standards for its officials and employees shall either adopt the TAUD model of ethical standards approved by the board or adopt ethical standards that are more stringent than the TAUD model. If a water, wastewater, or gas authority created by a private act or under the general law, or a utility district, adopts ethical standards that are different from and more stringent than the TAUD model, then the more stringent ethical standards must be submitted to the board, which shall make a finding by order that the ethical standards adopted are more stringent than the TAUD model.

(3) [Deleted by 2023 amendment.]

(4) [Deleted by 2023 amendment.]

History

Document: Tenn. Code Ann. § 8-17-106



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Tenn. Code Ann. § 8-17-106

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TN - Tennessee Code Annotated Title 8 Public Officers And Employees Chapter 17 Ethical Standards for Officials and Employees

8-17-106. Removal from office for failure to adopt ethical standards — Violations of standards.

- (a) Members of a governing body of an entity covered by this chapter who fail to adopt ethical standards as provided in this chapter shall be subject to removal from office as provided in chapter 47 of this title.
- (b) Violations of ethical standards by officials or employees of entities covered by this chapter shall be enforced in accordance with provisions of existing law; provided, that no civil penalties for a violation of title 3, chapter 6, part 3 shall be imposed by the ethics commission on an employee of entities covered by this chapter. The ethics commission shall instead refer the commission's findings and recommendations for appropriate action to the appropriate official with supervisory authority over the person.

History

Acts 2006 (1st Ex. Sess.), ch. 1, § 49; 2007, ch. 322, § 2.

TENNESSEE CODE ANNOTATED
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