

Anderson County, Tennessee

Board of Commissioners

RESOLUTION NO. 2024-12-1195

RESOLUTION TO REVISE THE CODE OF ETHICS FOR OFFICIALS AND EMPLOYEES OF ANDERSON COUNTY GOVERNMENT

WHEREAS, the Anderson County Legislative Body adopted a Code of Ethics for the officials and employees of Anderson County Government on April 16, 2007 by Resolution no. 05-07.282

WHEREAS, the Anderson County Ethics Committee has recommended certain revisions be made to the existing Code of Ethics.

WHEREAS, the Anderson County Legislative Body desires to adopt these recommended revisions, which have been incorporated into the restated Code of Ethics for Anderson County, Tennessee, attached to this Resolution.

NOW THEREFORE, BE IT RESOLVED by the Anderson County Legislative Body meeting in regular session at Clinton, Tennessee on this the 16th day of December, 2024, the following is hereby duly adopted and approved:

SECTION I. The Anderson County Code of Ethics is hereby revised by substituting the restated Code of Ethics attached to this Resolution in lieu of the Code of Ethics approved April 16, 2007.

SECTION II. Upon approval of this Resolution, the County Clerk will:

- a) Certify and mail a copy of this Resolution with the restated Code of Ethics attached, to the State Ethics Commission.
- b) Distribute this Resolution and attached restated Code of Ethics by mail, hand delivery or email to each county office governed thereby, including all boards, committees, commissions, authorities, utilities, departments, subsidiaries, corporations or other instrumentalities 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 in the county.
- c) Facilitate the posting of the Resolution and restated Code of Ethics on the official website of Anderson County Government.

SECTION III. This Resolution shall take effect upon its passage and approval, the public welfare requiring it.

RESOLVED, adopted and effective this 16th day of December 2024.

H. Tyler Mayes

H. Tyler Mayes. Chair. AC Commission



Terry Frank

Terry Frank, County Mayor

ATTEST:

Jeff Cole

Jeff Cole, County Clerk

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

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 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. Provided, however, complaints against the Law Director will be reviewed by the Ethics Committee, not the Law Director.
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 Law Director for a legal opinion and/or recommendation for action unless the complaint is against the Law Director;
 - B. In the case of an official or a case against the Law Director, 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.