POLICY NO. 18

TECB ETHICS POLICY

1. Persons covered. This Policy applies to all members of the Tennessee Emergency Communications Board.
2. Board member responsibilities. Each board member shall avoid any action, whether or not specifically prohibited by statute, regulation, or this Policy, which might result in or create the appearance of:
   - i. Using public office for private gain;
   - ii. Giving preferential treatment to any person;
   - iii. Impeding government efficiency or economy;
   - iv. Losing complete independence or impartiality;
   - v. Making a government decision outside of official channels; or
   - vi. Affecting adversely the confidence of the public in the integrity of the Emergency Communications Board.
3. Gifts. No board member shall solicit or accept, directly or indirectly, on behalf of himself or herself or any member of the board member's household, any gift, including but not limited to any gratuity, service, favor, food, entertainment, lodging, transportation, loan, loan guarantee or any other thing of monetary value, from any person or entity that:
   - i. Has, or is seeking to obtain, contractual or other business or financial relations with the Emergency Communications Board or any other entity in which the board member is employed; or
   - ii. Conducts operations or activities that are regulated by the Emergency Communications Board or any other entity in which the board member is employed; or
   - iii. Has interests that may be substantially affected by the performance or nonperformance of the board member's official duties.
4. Exceptions. The prohibition on accepting gifts in paragraph 3 does not apply to:
   - i. A gift given by a member of the board member's immediate family, or by an individual if the gift is given for a nonbusiness purpose and is motivated by a close personal friendship and not by the position of the board member. In determining whether a gift falls within this subsection, the factors contained in Tenn. Code Ann. Section 3-6-114(b) (3) (A) and (B) shall apply.
   - ii. Informational materials in the form of books, articles periodicals, other written materials, audiotapes, videotapes, or other forms of communication;
   - iii. Sample merchandise, promotional items, and appreciation tokens; provided they are routinely given to customers, suppliers or potential customers in the ordinary course of business;
   - iv. Unsolicited tokens or awards of appreciation, honorary degrees, or bona fide awards in recognition of public service in the form of a plaque, trophy, desk

item, wall memento and similar items; provided that any such item shall not be in a form which can be readily converted to cash;

v. Food, refreshments, foodstuffs, entertainment, or beverages provided as part of a meal or other event, if the value of such items does not exceed fifty dollars ($50.00) per occasion; provided that the value of a gift made pursuant to this subsection may not be reduced below the monetary limit by dividing the cost of the gift among two or more persons or entities identified in paragraph 3;

vi. There may be circumstances where refusal or reimbursement of a gift (such as a lunch or dinner) may be awkward and contrary to the larger interests of the State. In such circumstances, the board member is to use his or her best judgment, and provide to the other board members a written disclosure of the gift, including a description, estimated value, the identity of the person or entity providing the gift, and any explanation necessary within fourteen (14) days;

vii. Food, refreshments, meals, foodstuffs, entertainment, beverages or intrastate travel expenses that are provided in connection with an event where the board member is a speaker or part of a panel discussion at a scheduled meeting of an established or recognized membership organization which has regular meetings; and

viii. Loans from established financial institutions made in the ordinary course of business on usual and customary terms, so long as there are no guarantees or collateral provided by any person described in paragraph 3.

5. Financial Interests.

i. With the exception of the salary of the board member appointed pursuant to Tenn. Code Ann. § 7-86-302(b)(2), if such board member is a state employee, no board member shall enter into or derive any benefit, directly or indirectly, from any contractual arrangement with the State or any of its agencies with regard to matters related to E911 or emergency communications. In recognition of the fact that many husbands and wives have separate careers, the normal employment compensation of a spouse whose regular, ongoing employer or business has a “benefit” to the board member, provided the contract with the State was procured without any participation, assistance or influence by the board member.

ii. No board member shall have a direct or indirect financial interest that conflicts substantially, or appears to conflict substantially, with his or her board-related duties or responsibilities. “Indirect financial interest” in this case includes a substantial interest on the part of a parent, spouse, or minor child of the board member. This subsection shall not apply to interests that have been placed into a “blind trust” arrangement pursuant to which the board member does not have knowledge of the retention or disposition of such interests. This subsection also shall not apply to ownership of publicly traded stocks or bonds where such ownership constitutes less than two percent (2%) of the total outstanding amount of the stocks or bonds of the issuing entity. If, at the time the board member begins his or her term on the board or at any subsequent time while serving on the Board, the board member possesses such direct or indirect financial interests prohibited by subsections (i) or (ii), the board member shall divest such interest within a reasonable time.

6. Use of information. No board member shall, directly or indirectly:

i. Use, disclose, or allow the use of official information which was obtained through or in connection with his or her membership on the Emergency Communications Board and which has not been made available to the general public for the purpose of furthering the private interest or personal profit of any person, including the board member; or

ii. Engage in a financial transaction as a result of, or primarily relying upon, information obtained through his or her membership on the Emergency Communications Board.

7. Use of government property. No board member shall make use of the facilities, equipment, personnel or supplies of the State or its agencies for private use or gain, except to the extent that the use is incidental or *de minimus* or is lawfully available to the general public.

8. *Ex Parte* Communications in pending proceedings pursuant to Tenn. Code Ann. § 7-86-312.

   i. Upon receipt by the Board of a resolution from a city or county governing body requesting the Board to review a decision of the board of directors of the emergency communications district serving such city or county pursuant to Tenn. Code Ann. § 7-86-312, Board members may not communicate, directly or indirectly, regarding any issue related to the decision under review, while the request for review is pending, with any person without providing notice and an opportunity to participate in the communication.

   ii. Notwithstanding subsection (i) Board members may communicate with Board staff on pending requests for review, members of the staff of the attorney general and reporter or a licensed attorney who has no interest in the decision being reviewed and agrees that the communication is privileged.

Adopted 1-15-04