

RESOLUTION TO ADOPT A LOCAL CODE OF ETHICS POLICY

This Resolution amends and supersedes in its entirety all Resolutions concerning the adoption of previous Resolutions as it relates to the Greene County's Code of Ethics Policy.

WHEREAS, Section 49 of the Comprehensive Governmental Ethics Reform Act of 2006, 2006 Public Chapter 1 (1st Ex. Sess.), (the "Ethics Reform Act") required county legislative bodies to adopt certain ethical standards by resolution on or before June 30, 2007; and

WHEREAS, the duly appointed Ethics Committee for the Greene County Legislative Body with the assistance of the County Attorney reviewed the model Ethics Policy adopted by the Greene County Legislative Body on May 21, 2007; and

WHEREAS, the Greene County Ethics Committee after making certain revisions to the previous adopted Ethics Policy, formulated and prepared an Ethics Policy for Greene County, Tennessee as required by Section 49 of the Comprehensive Governmental Ethics Reform Act of 2006, 2006 Public Chapter 1; and

WHEREAS, the Ethics Committee for Greene County formally recommends adoption by the Greene County Legislative Body the Revised Ethics Policy (Code of Ethics) heretofore attached to this resolution as Exhibit A.

NOW, THEREFORE BE IT RESOLVED by the Greene County Legislative Body, meeting in regular session on the 19th day of January, 2016, a quorum being present and a majority voting in the affirmative, that

SECTION 1. The Ethics Policy (code of ethics) attached to this resolution as Exhibit A is adopted as the Code of Ethics for Greene County.

SECTION 2. Upon approval of this resolution, the County Clerk is directed to:

- (a) Mail a copy of this resolution to the State Ethics Commission for filing; and
- (b) Mail a copy of this resolution and the attached Code of Ethics to each county office governed thereby, including 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 school board, the county election commission, the county health department, and utility districts in the county; and
- (c) Post a copy of the Code of Ethics on each public bulletin board in the county courthouse.

G.

Roger A. Woolsey
County Attorney
204 N. Cutler St.
Suite 120
Greeneville, TN 37745
Phone: 423/798-1779
Fax: 423/798-1781

SECTION 3. This resolution shall take effect upon its passage and approval, the public welfare requiring it.

Ethics Committee _____
Sponsor

David Lee Curran
County Mayor

Leri Bryant
County Clerk

Roger A. Woolsey
County Attorney

Roger A. Woolsey
County Attorney
204 N. Cutler St.
Suite 120
Greeneville, TN 37745
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CODE OF ETHICS
GREENE COUNTY, TENNESSEE

Section 1. Definitions.

(1) "County" means Greene 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 school board, the county election commission, the county health department, and utility districts in 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, 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, 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 that interest, before the exercise of the discretion when possible. 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.

It shall not be considered a violation of this policy for an official or employee to receive entertainment, food, refreshments, meals, favors, health screenings, amenities, foodstuffs, or beverages valued at \$100 or less per occasion or occurrence from any individual, partnership, corporation, business or entity provided same is not intended to adversely affect the judgment or decision making of such employee or official as it relates to the conduct of county business. However, the acceptance of any entertainment, food, etc. above described shall be limited to two occasions or occurrences from any individual or any related concern in any one calendar year.

Section 5. Ethics Complaints.

A County Ethics Committee (the "Ethics Committee") consisting of **eight** 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, Seven members of the committee shall be members of the county legislative body; and 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 shall be selected. 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 any member of the Ethics Committee or County Attorney**. 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;
- (5) find the ethical complaint is without merit and take no further action;

Any action or decision by the Ethics Committee is subject to review by the full Greene County Legislative Body if said Body desires, Said review must occur at a regularly scheduled meeting of the Greene County Commission and said review must occur within ninety (90) days of any formal action of the Ethics Committee. The Greene County Commission may affirm, modify, or reverse any action of the Ethics Committee by roll call vote of the Greene County Commission and such action of the Commission shall be recorded in the minutes of such Commission meeting.

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. Liability and Workers' Compensation Issues.

Generally, all issues concerning county government and functions of county government are open to the public. However, as part of its governing function, Greene County is called upon to defend liability, workers' compensation and other cases filed against Greene County or filed on behalf on Greene County. In those instances, when the general public is not necessarily privy to the particular facts and circumstances of each case, county commissioners and department heads, (to the degree that their individual department is involved) generally are entitled to knowledge and information about pending litigation and actual filed litigation involving their department. That department heads, commissioners nor employees shall not disclose to the public any information concerning actual cases involving pending or actual litigation involving county government or any of its various departments, boards, or agencies without the expressed consent of the duly appointed Greene County Insurance Committee and/or County Attorney.

Section 7. 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 purchasing commission, and all county officials from having any financial or other personal beneficial interest in any contract or purchase of goods or services for any department or agency of the county.

Conflict of interest - T.C.A. § 5-21-121 applies in counties that have adopted the County Financial Management System of 1981. It prohibits all county officials and employees from having any financial or other personal beneficial interest in the purchase of any supplies, materials or equipment for the county.

Conflict of interest - T.C.A. §§ 5-5-102 and 12-4-101 govern disclosures and abstentions voting due to conflicts of interest of members of county legislative bodies.

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 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 purchasing commission, and all county officials from receiving anything of value, directly or indirectly, from anyone who may have or obtain a contract or purchase order with the county,

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.

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

GREENE COUNTY GOVERNMENT



DAVID CRUM, MAYOR

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BUREAU OF ETHICS
& CAMPAIGN FINANCE

January 27, 2016

Mr. Drew Rawlins
Executive Director
Bureau of Ethics and Campaign Finance
404 James Robertson Pkwy, Suite 104
Nashville, TN 37243

Dear Mr. Rawlins:

The attached resolution and Greene County Code of Ethics was approved by the Greene County Legislative Body on Tuesday, January 19, 2016 and became effective upon its passage. This change was made to become more in line with Greene County having only seven districts now instead of 8. It also allows complaints to be made to any Ethics Committee member or to the County Attorney. As you can see in the resolution, the Greene County Clerk is directed to see that a copy of the resolution and Code of Ethics is put in the hands of the Tennessee Ethics Commission.

In fulfilling that directive, a copy of the resolution and the Code of Ethics is being sent to you from the County Clerk and myself. Any questions you have concerning the Code of Ethics may be directed to either the County Attorney, Roger Woolsey, at 423-798-1779, myself at 423-798-1766, or the County Clerk, Lori Bryant, at 723-798-1708.

Sincerely,

David Crum,
Greene County Mayor

Lori Bryant,
Greene County Clerk

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