

Jefferson County Government

Monitoring:	Code of Ethics	Policy # 6.7	Issued Date: 06/29/2020
Review:			Issued Date:

Section 1. Definitions.

(1) "County" means Jefferson County, which includes all boards, committees, commissions, authorities, corporations or other instrumentalities appointed or created by the county or an official of the county, the county election commission, and the county health department in the county; however, the Jefferson County Board of Education and all Jefferson County Schools administrators, teachers, and other employees are specifically excluded.

(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 elected official or employee of Jefferson County with responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before any discussion or vote on the measure and so it appears 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, said elected official or employee shall recuse him/herself from the discussion and/or vote on the matter. This provision shall not be applicable to voting on measures for reapportionment of districts or other measures that affect all members of the Jefferson County Commission.

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

- Anything of value, regardless of value, when the item is offered to a governmental entity is accepted on behalf of the governmental entity and is to remain the property of the governmental entity;
- A gift given by a member of the public official or employee's immediate family, or by an individual if the gift is given for a non-business purpose and is motivated by a close personal friendship and not by the position of the employee or public official. In determining whether a gift falls within this subsection, the factors contained in TCA section 3-6-114(b) (3) (A) and (B) shall apply;
- Gifts received as a bequest or inheritance; Loans made in the ordinary course of a lender's business with prevailing rates and terms and which do not discriminate directly or indirectly against or in favor of an elected official or county employee because of such individual's status;
- Fees, expenses or income including those resulting from outside employment which are permitted and reported in accordance with state law;
- Payment by an employer or business other than a government entity of salaries, compensation, employee benefits, or authorized reimbursement of actual and necessary expenses when the payment is unrelated to a member's status as a public official or employee and is not made for the purpose of influencing, directly or indirectly, the vote, official action or decision of an elected official;
- Unsolicited advertising material of nominal value;
- Food and refreshments of nominal value when they are part of the elected official or employee's participation in a charitable, civic, political or community event, which bears a relationship to the official or employee's office and the official or employee is attending in an official capacity;
- Food, refreshments, foodstuffs, entertainment and beverages provided as part of a meal or other event if the value of such items does not exceed fifty dollars (\$50) per occasion, with a limit of two (2) meals per day;
- Entrance fees, admission fees, or tickets shall be valued on the face value of the ticket or fee, or on a daily or per event basis, whichever is greater; or
- Informational materials in the form of books, articles periodicals, other written materials, audio and videotapes or other forms of communication.
- Entrance fees, food, refreshments, amenities, beverages and other gifts given to all participants in a charitable event sponsored by an established charitable organization or an event to benefit a charitable organization.

Salary and expenses. No public officer shall be prohibited from voting on a matter affecting his or her salary, expenses, or other compensation as a public officer as provided by law.

Misuse of public position. No public officer or county employee shall corruptly use or attempt to use his or her official position or any property or resource which

Section 6. Whistleblower Protection.

- (a) Elected officials, employees and appointees are encouraged to report ethical violations via sworn complaint to the Ethics Committee pursuant to the Rules of Procedure.
- (b) No Official, Employee or Appointee shall use or threaten to use any official authority or influence to discourage, restrain or interfere with any other person for the purpose of preventing such person from acting in good faith to report or otherwise bring to the attention of the Ethics Committee facts relating to an ethics violation.
- (c) No Official, Employee or Appointee shall use or threaten to use any official authority or influence to effect any action to retaliate against an Official, Employee or Appointee who reports, initiates a complaint, or otherwise brings to the attention of the Ethics Committee information relating to an Ethics Committee investigation or an ethics violation.
- (d) Violations of this section may subject the offending person(s) to any and/or all of the penalties outlined in Section 7 of this Policy.

Section 7. Theft, Misappropriation or Mismanagement of County Funds

- (a) All Jefferson County employees have a professional, legal, ethical and fiduciary duty to protect those public monies entrusted to them specifically and to Jefferson County Government in general.
- (b) Jefferson County has a "zero-tolerance" policy regarding the theft, misappropriation, and/or mismanagement of funds entrusted to its employees.
- (c) Jefferson County employees who steal, misappropriate, and/or mismanage funds or who aid and/or abet others to do so will be subject to criminal prosecution and/or dismissal from their employment with Jefferson County.
- (d) Those County employees who fail to report those employees who steal, misappropriate, and/or mismanage funds shall be subject to criminal prosecution and/or dismissal from their employment with Jefferson County.
- (e) Theft, misappropriation, and mismanagement of county funds are to be reported to the Fraud@JeffersonCountyTN.gov as provided under state law and

Initially, the Jefferson County Attorney shall determine if the complaint meets these requirements and shall submit that determination to the Chair of the Ethics Committee within 10 days of receipt of the complaint. The Jefferson County Attorney may investigate any credible complaint against an official or employee charging a conflict of interest or the improper acceptance of gifts and other things of value, in return for a vote or based upon any understanding that the vote, official action, or judgment of the public officer, employee, or candidate would be influenced thereby. The Ethics Committee may undertake an investigation on its own initiative when it acquires non hearsay information indicating a possible violation of those provisions in the Code of Ethics. If a member of the Committee is involved in the facts of a complaint, such member shall recuse himself or herself from all proceedings involving such complaint.

If the Ethics Committee convenes a hearing pursuant to the Rules of Procedure, the Ethics Committee is charged to determine as follows, and nothing more:

- (1) Did the Respondent or the Respondent's 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?
- (2) Did the Respondent 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?
- (3) Did the Respondent disclose or use information not available to members of the general public and gained by reason of his or her official position for his or her personal gain or benefit or for the personal gain or benefit of any other person or business entity?
- (4) Did the Respondent on behalf of himself or any member of his 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

Upon final deliberation, the Committee may:

- (1) refer the matter to the Jefferson County Attorney for a legal opinion and/or recommendations for action;

JEFFERSON 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.

Date of disclosure: _____

Name of official or employee: _____

Office and position: _____

Description of personal interest (describe below in detail):

Signature of official or employee

Date