

**CODE OF ETHICS
CLAIBORNE COUNTY, TENNESSEE
Revised November 2020**

Section 1. Definitions

- (1) "County" means Claiborne 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 and to be included in the minutes, any personal interest that affects or that would lead to a reasonable person to infer that it affects the official's or employee's vote on a measure. In addition, the official or employee may, to the extent allowed by law, to 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 a 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, in 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 the county.

- (1) For the performance of an act, or refraining from performance of an act, that would be expected to perform, or refrain from performing, in the regular course of his or her 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 screenings, amenities, foodstuffs, or beverages that are provided in connection with a conference sponsored by an established or recognized state wide association of county government officials.

Section 5. Ethics Committee members. The County Ethics Committee (Ethics Committee) shall consist of 4 members of the County Legislative body, one of which will serve as the Chair of the committee, 2 members shall be constitutional county officers and 1 member from a county board or commission for a total of 7 Ethics Committee members. Members are to be appointed by the County Mayor and confirmed by the Legislative body for the term of 2 years, members will be eligible for re-appointment at the discretion of the County Mayor. The Ethics Committee will not be compensated for serving. The County Mayor will serve as Ex-officio non-voting member.

The Ethics Committee will meet at a minimum of 2 times annually with scheduled meetings being subject to the open meeting requirements of the State of Tennessee. The meeting schedule will be decided by the committee and posted on the county website and/or posted in the county courthouse in a public area.

Special called meetings by the Chair to review complaints or allegations of violations of the Ethics Policies will be considered Executive sessions and will not be subjected to the requirements of the Open meeting requirements.

Section 6. Ethics Complaints or Allegations of Violations of Ethics Policies. All complaints of allegations of ethics violations shall be in writing and signed by the individual making the complaint with contact information provided for follow-up with the complainant. The written complaint or allegation should set forth in reasonable detail the facts upon which the complaint is based.

Complaints or Allegations of violation of Ethics policies shall be forwarded to the Chair of the Ethics Committee at:

Claiborne County Ethics Committee
Attention: Chair
P.O. Box 2038
New Tazewell, TN 37824

The County Ethics Committee will review every complaint or allegation of violation of Ethics policies in Executive session. If a member of the Ethics Committee is the subject of a complaint, such member shall recuse himself or herself from all proceedings of committee action.

The Committee may:

- (1) Refer the matter to the County attorney for a legal opinion and/or recommendation for action.
- (2) In the case of an official, refer the matter to the county Legislative body for possible public censure if the body finds such action is 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 the violation shall be dealt with as a violation of the personnel provisions rather than as a violation of this Code of Ethics.

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 or 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 a full text of these statutes, see Tennessee Code Annotated (T.C.A.) sections indicated.

Campaign finance—T.C.A. Title 2, chapter 10. Part One (Campaign finance 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 can 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 acknowledgement.

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

Conflict of Interest--- T.C.A 5-1-125 applies to 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 Legislative body from having personal interest in purchase of supplies, materials, machinery, and equipment for the highway department.

Conflict of Interest--- T.C.A 5-21-121 applies to 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 supplies materials or equipment for the county.

Conflict of Interest---T.C.A. 5-5-102 and 12-4-101 govern disclosures and abstentions from 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 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 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 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 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 service 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 actions.

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 prohibits bribery for 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 that is punishable by ouster from Office, including misconduct in office and neglect of duty.

- Revised 11-2020 JH
- Original Code of Ethics was provided by CTAS