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Ethics Counsel - Ethics Policy

From: "Fentress County 911" <fentress911@twlakes.net>
To: <ethics.counsel@state.tn.us>
Date: 3/27/2008 1:21 PM
Subject: Ethics Policy
Attachments: Fentress 911 Ethics Policy.doc

Attached, please find a copy of the Ethics Policy for the Fentress County Emergency Communications District. If you have any questions, please call 931-879-1368.

Thank you,
Teresa Norris

**CODE OF ETHICS
FENTRESS COUNTY EMERGENCY COMMUNICATIONS DISTRICT**

Section 1. Definitions.

(1) "District or ECD" means Fentress County Emergency Communications District, which includes all committees or instrumentalities appointed or created by the ECD.

(2) "Officials and employees" means and includes all board members and employees of the ECD (whether compensated or not)

(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. A board member 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 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, the interest on the attached disclosure form and file the disclosure form with the Secretary of the Board. 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 ECD:

(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 ECD 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 statewide association of 911 officials or by an umbrella or affiliate organization of such statewide association of 911 officials.

Exceptions. The prohibition on accepting gifts in section 4 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 non-business 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. Food, refreshments, meals, foodstuffs, entertainment, beverages or intrastate travel expenses that are provided in connection with an event where the employee is a speaker or part of a panel discussion at a scheduled meeting of an established or recognized membership organization which has regular meetings.

Section 5. Ethics Complaints. An ECD Ethics Committee consisting of three members shall be appointed by the Chairman of the Board. 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 in the minutes of the ECD, 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 the chair of the Ethics Committee. 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 Ethics Committee shall investigate any credible complaint against a board member 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 and the ECD Chairman shall appoint another member.

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 a board member, 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 full board for possible disciplinary action if the board 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 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. 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 board members and employees in the performance of their duties. Board members and employees should familiarize themselves with the state laws applicable to 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.

Fentress County Emergency Communications District

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 ECD. 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.

1. Date of disclosure:

2. Name of official or employee:

3. Office and position:

4. Description of personal interest (describe below in detail):

Signature of official or employee

Witness Signature

Printed name of witness
