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PARALEGAL:
DELORIS A. MANTOOTH

February 19, 2010

Mr. Drew Rawlins, Executive Director
Tennessee Bureau of Ethics & Campaign Finance
404 James Robertson Parkway, Suite 104
Nashville, TN 37243-1360

RE: HAMBLEN COUNTY ETHICS POLICY

RECEIVED
2010 FEB 22 AM 11:20
BUREAU OF ETHICS
& CAMPAIGN FINANCE

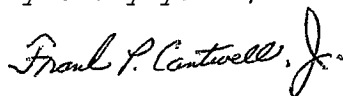
Dear Sirs:

Enclosed herewith is a certified copy of a Resolution amending the Hamblen County Ethics Policy which was adopted by the Hamblen County Board of Commissioners at its regularly scheduled monthly meeting held on February 18, 2010.

I am also enclosing a copy of the revised Ethics Policy. The only changes occur in Section 12 entitled "Ethics Complaints."

If you have any questions concerning any of the matters contained herein, please do not hesitate to contact me.

Very truly yours,



Frank P. Cantwell, Jr.

FPC, JR/dbm

Enclosures

cc: Mr. David W. Purkey, County Mayor

ETHICS COMMITTEE

Motion by Louis Jarvis, seconded by Paul Lebel to dissolve the Ethics Committee and appoint the County Attorney as the County Ethics Officer and charge him with reviewing all ethical complaints, determining the relevance of each complaint, and reporting to the appropriate elected official, department head, or governing body.

Motion by Joe Spooone, seconded by Dennis Alvis to table the above motion.

Voting for table

Dennis Alvis
Larry Baker
Ricky Bruce
Herbert Harville
Nancy Phillips
Joe Spooone
Dana Wampler

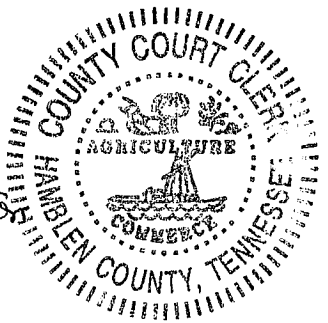
Voting against table

Guy Collins
Stancil Ford
Doyle Fullington
Louis Jarvis
Paul Lebel
Tom Massey
Reece Sexton

Motion to table fails.

Voting on original motion to appoint County Attorney as County Ethics Officer.

STATE OF TENNESSEE, COUNTY OF HAMBLEN
I, Linda Wilder, County Clerk, certify that the
foregoing is a true, and perfect copy of
original motion - 2/18/10 Commission
Filed in my office meeting
This 19 day of Feb, 2010
Linda Wilder
County Clerk



Chair S. Ford	YES	T. Massey	YES	Roll Call
V-C G. Collins	YES	D. Alvis	NO	Discussion
L. Baker	NO	N. Phillips	NO	Voting...
R. Bruce	NO	R. Sexton	YES	Results
D. Fullington	YES	J. Spooone	NO	Agenda
H. Harville	YES	D. Wampler	NO	Setup
P. LeBel	(2) YES	L. Jarvis	(M) YES	Options
3 b.3.	Passed (8 YES - 6 NO - 0 ABS - 0 Absent)		Majority Vote	>

PROPOSED AMENDED
PART 12 OF THE
HAMBLLEN COUNTY ETHICS POLICY

Part 12. Ethics Complaints.

Questions and complaints regarding violations of this Policy or of any violation of state law governing ethical conduct should be directed to the Hamblen County Attorney. Complaints shall be in writing and signed by the person making the complaint, and shall forth in reasonable detail the facts upon which the complaint is based.

The Hamblen County Attorney is designated as the Ethics Officer of Hamblen County, Tennessee. Upon the written request of an official or employee potentially affected by a provision of this Code, the Hamblen County Attorney may render an oral or written advisory ethics opinion based upon this Policy and other applicable law.

Except as otherwise provided in this Part 12, the Ethics Officer shall investigate any credible complaint filed against an official or employee charged with any violation of this Policy, or may undertake an investigation on his own initiative when he acquires information indicating a possible violation and make recommendations for action to end or seek retribution for any activity that, in the Ethics Officer's judgment, constitutes a violation of this Policy.

The Ethics Officer may request that the Hamblen County Board of Commissioners hire another attorney, individual or entity to act as Ethics Officer when he or she has or will have a conflict of interest in a particular matter.

Upon receipt of a written complaint filed under this Policy, or upon acquiring information indicating a possible violation, the Ethics Officer may:

- (1) Render a legal opinion and recommendation 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 the discipline warranted; and
- (4) In a case involving a possible violation of state statute, refer the matter to the district attorney for possible ouster or criminal prosecution.

*Place in Feb
Commission packets.
Per R. Cantwell.*

(AS)

REVISED ETHICS POLICY FOR HAMBLLEN COUNTY, TENNESSEE

SECTION I. Declaration of Policy.

Our government is a representative democracy. Those who are elected, appointed, hired, volunteer or campaign to serve the public as representatives accept a public trust, which they share with those whom they elect, appoint, hire or otherwise enlist to help them serve the public. The public entrusts its power and resources to its servants to use only in the public interest. Public trust requires public servants to fulfill their public duties faithfully and honestly, and to subordinate any personal interest which conflicts with the public interest.

The maintenance of high standards of honesty, integrity, impartiality, and conduct by elected and appointed officials, employees and agents of Hamblen County, Tennessee is essential to ensure the proper performance of government business and the maintenance of confidence by citizens in their government. The avoidance of misconduct and conflicts of interest on the part of elected and appointed officials, employees and agents of Hamblen County is indispensable to the maintenance of these standards.

SECTION II. Purposes of Resolution.

This Resolution is adopted pursuant to the Tennessee Comprehensive Governmental Ethics Reform Act of 2006:

- (a) to state principals of ethics which are to be applied in public service; and
- (b) to identify minimum standards of ethical conduct for public officials; and
- (c) to require that public officials engage in ethical practices which always meet minimum standards; and
- (d) to encourage public officials to pursue the highest ethical ideals which they can achieve; and
- (e) to provide a process by which public officials may identify and resolve ethical issues; and
- (f) to inform public officials and the public of the minimum standards to which public servants must adhere; and
- (g) to promote public confidence in the integrity of public officials; and

(h) to encourage members of the public to seek public office or employment, to serve on public boards, to assist public officials as volunteers, and to take pride in participating in the governmental process; and

(i) to establish penalties, as appropriate, for public officials who violate the public trust; and

(j) to provide for a just and reasonable balance among the rights of all individuals who are directly affected by the operation of this Resolution.

NOW, THEREFORE, Be it resolved by the Hamblen County Board of Commissioners meeting in regular session on this 19th day of April, 2007, as follows:

SECTION III. The Resolution.

Part 1. Definitions.

(1) "County" means Hamblen 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 (collectively sometimes referred to herein as "public officials").

(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.

Part 2. Public Official Responsibilities.

Each public official of Hamblen County shall avoid any action, whether or not specifically prohibited by this Resolution or departmental codes of ethics, which might result in, or create the appearance of:

- (i) using public office for private gain;
- (ii) unfair or unequal treatment of any citizen;

(iii) impeding government efficiency or economy;

(iv) acting on behalf of the County, unless such person is the Mayor or member of the Board of Commissioners, by making any policy statement or representation, or by promising to authorize or to prevent any future action of any nature, when such public official is not authorized to make such a statement or representation.

Part 3. 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 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.

Part 4. 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 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.

Part 5. Gifts, Entertainment and Favors.

No public official or employee shall solicit or accept, directly or indirectly, on behalf of himself, herself, or any member of the public official's household, any gift, gratuity, service, favor, entertainment, lodging, transportation, loan, guarantee or any other thing of monetary value exceeding an aggregate value of \$50.00 during any twelve month period, from any person who:

(i) has, or is seeking to obtain, contractual or other business or financial relations with a department or agency of Hamblen County by which the individual is employed; or

(ii) conducts operations or activities that are regulated by a department or agency of Hamblen County by which the official or employee is employed; or

(iii) has interests that may be substantially affected by the performance or nonperformance of the official's or employee's official duties.

Part 6. Exception: Gifts, Entertainment and Favors.

The prohibitions on accepting gifts, entertainment or favors in Part 5 do not apply to:

(i) family members or friends of long standing when the circumstances make it clear that it is the relationship, rather than the business of the persons concerned, which is the motivating factor, and where the value of the gift, entertainment or favor is appropriate to the circumstances and consistent with the parties' historical relationship. If such gift, entertainment or favor exceeds \$50.00 in value, the employee shall disclose the nature and value of the gift, entertainment or favor in a disclosure form and file the disclosure form with the County Clerk.

(ii) loans from established financial institutions made in the ordinary course of business on usual and customary terms, so long as there are no guarantees provided by any person described in Part 5;

(iii) unsolicited advertising material of nominal value;

(iv) food and refreshments of nominal value when they are part of the employee's participation in a charitable, civic, political or community event which bears a relationship to the public official's office and the public official is attending in an official capacity.

A business lunch or dinner is not an "event" for the purposes of this exception. On those occasions, the public official must buy his or her own meal or refreshment. If the meal is held at a private club where the public official may not pay the establishment directly, the public official must reimburse the member of the establishment for the equivalent cost of the meal or refreshment.

(v) lawful campaign contributions made on behalf of elected officials.

(vi) 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 county government officials or by an umbrella or affiliate organization of such statewide association of county government officials.

Part 7. Use of Information.

No official or employee of the County 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 county office or employment, 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 public official; or

(ii) engage in a financial transaction as a result of, or primarily relying upon, information obtained through his or her government office or employment.

Part 8. Use of Government Property.

No official or employee shall use the facilities, equipment, personnel, or supplies of the County or its agencies for other than officially approved activities, except to the extent that they are lawfully available to the general public.

Part 9. Questions on Interpretation of this Resolution.

When a public official is in doubt as to the proper interpretation of this Resolution, he or she is expected to seek the advice of the County Attorney, if time permits, or to use good judgment and to report the gift, entertainment or favor to the County Clerk within 7 days on the Disclosure Statement.

Part 10. Departmental Ethics Standards.

This Resolution does not supersede or revoke those portions of any existing departmental or agency policies regarding ethical standards which are stricter than, or cover areas additional to, the standards set out herein.

Part 11. 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 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 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. § 5-14-114 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 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 prohibit bribery of 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 which is punishable by ouster from office, including misconduct in office and neglect of duty.

Part 12. Ethics Complaints.

Questions and complaints regarding violations of this Policy or of any violation of state law governing ethical conduct should be directed to the Hamblen County Attorney. Complaints shall be in writing and signed by the person making the complaint, and shall forth in reasonable detail the facts upon which the complaint is based.

The Hamblen County Attorney is designated as the Ethics Officer of Hamblen County, Tennessee. Upon the written request of an official or employee potentially affected by a provision of this Code, the Hamblen County Attorney may render an oral or written advisory ethics opinion based upon this Policy and other applicable law.

Except as otherwise provided in this Part 12, the Ethics Officer shall investigate any credible complaint filed against an official or employee charged with any violation of this Policy, or may undertake an investigation on his own initiative when he acquires information indicating a possible violation and make recommendations for action to end or seek retribution for any activity that, in the Ethics Officer's judgment, constitutes a violation of this Policy.

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Upon receipt of a written complaint filed under this Policy, or upon acquiring information indicating a possible violation, the Ethics Officer may:

- (1) Render a legal opinion and recommendation 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 the discipline warranted; and
- (4) In a case involving a possible violation of state statute, 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 Policy. When a violation of this Policy 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 the Ethics Policy.

The Ethics Officer shall annually report to the county legislative body concerning the complaints filed during the preceding calendar year and the action taken to address each complaint. (Revised February 18, 2010.)

Part 13. Less Restrictive.

Any provision herein which is less restrictive than that provided for in the Tennessee Comprehensive Governmental Ethics Reform Act of 2006 shall be deemed invalid and in that event, the provisions of the Act shall apply. Any provision in the Act which applies to local government ethics requirements which is omitted herein shall be incorporated herein.

Part 14. Severability.

If any provision of this Resolution is held by any court or by any federal or state agency of competent jurisdiction to be invalid as conflicting with any federal, state or local provision now or hereafter in effect, or is held by such court or agency to be modified in any way in order to conform to the requirements of any such provision, the conflicting provision of this Resolution shall be considered a separate, distinct and independent part of this Resolution and such holding shall not affect the validity and enforceability of this Resolution as a whole, or any part other than the part declared to be invalid.