

KNOX COUNTY, TENNESSEE CODE OF ETHICS

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BUREAU OF ETHICS
& CAMPAIGN FINANCE

Section 1. Definitions.

(1) "County" means Knox 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, the county health department, and utility districts in the county; however, the Knox County Board of Education and all Knox 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 Knox 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 Knox County Commission. "Personal Interest" means, for the purpose of disclosure of personal interest in accordance with this policy, 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 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 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. 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, regional, national, professional or employee association or organization of government officials or employees or by an umbrella or affiliate organization of said associations or organizations.

Solicitation or acceptance of gifts. No public officer, county employee, or candidate for nomination or election shall solicit or accept “anything of value,” including a gift, loan, reward, promise of future employment, favor, or service, based upon any understanding that the vote, official action, or judgment of the public officer, employee, or candidate would be influenced thereby. Further, no employee or public official shall solicit or accept, directly or indirectly, on behalf of himself or herself or any member of the employee’s household any gift, including but not limited to any gratuity, service, favor, food, entertainment, lodging, transportation, or any other thing of monetary value from any person or entity that:

- has or is seeking to obtain, contractual or other business or financial relations with Knox County;
- conducts operations or activities that are regulated by Knox County; or
- has interests that may be substantially affected by the performance or non- performance of the person’s official duties.

For the purposes of this section, the following do not constitute “anything of value”:

- Payment by a governmental entity of salaries, compensation, employee benefits or authorized reimbursement of actual and necessary expenses;
- Campaign or political contributions that are received and reported in accordance with state law;
- Non-cash awards of nominal or trifling value publicly presented in recognition of public service;
- Gifts or other tokens of recognition presented by representatives of governmental entities or political subdivisions acting in their official capacities;
- 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.

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 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.

Disclosure or use of certain information. No public officer or county employee shall 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.

Lobbying by former local officials – prohibition. A person who has been elected to any county office may not personally represent another person or entity for compensation before the governing body of which the person was an officer for a period of one (1) year after vacating that office.

Use of Government Property. No public official or employee shall make use of the facilities, equipment, personnel, or supplies of the county or its agencies for private use or gain except to the extent that the use is incidental or minimal or is lawfully available to the general public.

Process. All elected officials and employees of Knox County within thirty (30) days of these addendums going into effect must sign an employee acknowledgement stating they have received a copy of the policy, that they have either read the policy or have had it read to them, and that they agree to abide by the terms as a condition of their employment. In addition, prior to their employment, all new employees must sign the statement and agree to abide by its terms. Each employee will be given a copy of their signed statement. The original will be placed in the employee's official personnel file maintained by the respective department of Human Resources,

by the constitutional officer, or authorized records custodian. Further, every elected official and employee shall attend an ethics in government program within six months of his or her employment with Knox County. Current officials and employees shall complete training within ninety (90) days. The training is to be provided by CTAS or other qualified agency or by the Knox County Department of Human Resources.

Section 5. Nepotism. No elected or appointed official or employee of Knox County shall advocate, recommend, supervise, manage or cause the employment, appointment, promotion, transfer, or advancement of his or her relative to an office or position of employment within the Knox County Government.

For the purposes of this policy, "relative" means parent, step-parent, foster parent, parent-in-law, child, step-child, spouse, brother, brother-in-law, foster brother, step-brother, sister, sister-in-law, foster sister, grandparent, son-in-law, daughter-in-law, grandchild or other person that resides in the same household. A court-appointed legal guardian or an individual who is acted as a parent substitute is also included within this definition.

Section 6. Whistleblower Protection.

(a) Elected officials, employees and appointees are encouraged to report suspected ethical violations to the Ethics Committee.

(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 information relating to an ethics violation or investigation.

(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 Knox County employees have a professional, legal, ethical and fiduciary duty to protect those public monies entrusted to them specifically and to Knox County Government in general.

(b) Knox County has a "zero-tolerance" policy regarding the theft, misappropriation, and/or mismanagement of funds entrusted to its employees.

(c) Knox 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 Knox 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 Knox County.

Section 8. Ethics Committee. There shall be a Knox County Ethics Committee (the "Ethics Committee") consisting of nine (9) citizen members. The Ethics Committee constitution, qualifications of members, terms of office, organization and other requirements shall be as follows:

- a. Members shall be citizens of Knox County and also registered to vote in Knox County.
- b. Members shall not be employees or elected officials of Knox County. In the event a member of the Ethics Committee submits a Candidate Nominating Petition to the Knox County Election Commission to be a candidate for an elected office in Knox County, then that member shall immediately resign as a member of the Ethics Committee.
- c. Members shall not be directly related (i.e., spouse, sibling, parent or child) to any elected official of Knox County.
- d. One (1) citizen member shall be appointed by the Knox County Sheriff, which appointment shall be spread of record on the minutes of a Knox County Commission meeting.
- e. Three (3) citizen members shall be appointed by the Knox County Mayor, which appointments shall be spread of record on the minutes of a Knox County Commission meeting.
- f. Two (2) citizen members shall be appointed by the Ethics Committee, which appointments shall be spread of record on the minutes of a Knox County Commission meeting.
- g. Three (3) citizen members shall be appointed by the Knox County Commission.
- h. The Knox County Mayor and the Knox County Sheriff shall appoint one (1) employee of their respective offices and the Knox County Commission shall appoint one (1) commissioner to serve as non-voting liaisons to the Ethics Committee.
- i. Members of the Ethics Committee shall serve staggered four (4) year terms. Members shall be permitted to serve only one (1) full four (4) year term regardless of who appoints the member. However, if no qualified person is interested in filling a vacancy, then a member shall be permitted to serve a second four (4) year term on the Ethics Committee. If a person is appointed to serve an unexpired term, this partial service shall not be considered a term. The terms of

citizen members serving on the Ethics Committee prior to the effective date of the resolution from which this section derives shall not be counted as part of the term limitations established herein. Members of the Ethics Committee serving as of the effective date of the resolution from which this section derives shall continue to serve until their terms expire as provided by previously adopted resolutions of the Knox County Commission or spread of record on the minutes of a Knox County Commission meeting. Upon the expiration of the terms of the Knox County Commissioner and the employee of the Knox County Sheriff's Office serving on the Ethics Committee as of the effective date of the resolution from which this section derives, the seat of the Knox County Commissioner shall henceforth be filled by the Knox County Mayor's appointment of a citizen member and the seat of the employee of the Knox County Sheriff's Office shall henceforth be filled by the Knox County Sheriff's appointment of a citizen member.

- j. Any vacancy occurring on the Ethics Committee shall be filled in the same manner as the original appointment. However, for those Ethics Committee members serving as of the effective date of the resolution from which this section derives, if a vacancy occurs prior to the expiration of one of these terms, the vacancy shall be filled in the same manner as the original appointment to serve the remainder of that unexpired term. If a vacancy occurs prior to the expiration of the term of the Knox County Commissioner or employee of the Knox County Sheriff's Office, a citizen shall be appointed by the Knox County Mayor or Knox County Sheriff as provided hereinabove to fill the remainder of the unexpired term.
- k. Notice of all vacancies on the Ethics Committee shall be published in a newspaper of general circulation.
- l. All Ethics Committee members are strongly encouraged to participate in the "Ethics in Government" training held by the County Technical Assistance Service or other certified ethics training within 90 days of his/her appointment.
- m. The Ethics Committee shall convene as soon as practicable after November 1 of each year and elect a chair, vice-chair and secretary.
- n. The minutes and other records of the Ethics Committee shall be maintained by the county clerk and shall be filed in the office of the county clerk, where they shall be open to public inspection.

Section 9. Ethics Complaints. Questions and complaints regarding conflicts of interest or the acceptance of gifts and other things of value should be directed to the chair of the Ethics Committee. Complaints shall be in writing, sworn to under oath in the presence of a notary public 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 a conflict of interest or the improper acceptance of gifts and other things of value, or may undertake an investigation on its own initiative when it acquires 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.

Upon investigating a credible 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) take no action and dismiss the complaint.

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 and reported to the appropriate department.

Section 10. 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 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 that is punishable by ouster from office, including misconduct in office and neglect of duty.

KNOX 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.

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

RESOLUTION

A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE, AMENDING THE KNOX COUNTY CODE OF ETHICS, SECTION 4, ENTITLED "ACCEPTANCE OF GIFTS AND OTHER THINGS OF VALUE", TO INCREASE THE LIMIT FOR FOOD, REFRESHMENTS, FOODSTUFFS, ENTERTAINMENT AND BEVERAGES PROVIDED AS PART OF A MEAL OR OTHER EVENT TO NOT EXCEED \$50.00 PER OCCASION.

RESOLUTION: R-18-2-905

REQUESTED BY: COMMISSIONER DAILEY

PREPARED BY: KNOX COUNTY LAW
DIRECTOR'S OFFICE

APPROVED AS TO FORM
AND CORRECTNESS:

Richard B. Armstrong Jr.
DIRECTOR OF LAW

APPROVED: _____

Feb. 26, 2018
DATE

VETOED: _____

DATE

VETO

OVERRIDE: _____

DATE

MINUTE

BOOK _____

PAGE _____

WHEREAS, by means of Resolution R-07-1-904, as amended, the Knox County Commission adopted a Code of Ethics for Knox County, Tennessee (the "Code of Ethics"); and

WHEREAS, Section 4 of the Code of Ethics prohibits a public officer, county employee, or candidate for nomination or election from soliciting or accepting "anything of value," including a gift, loan, reward, promise of future employment, favor, or service, based upon any understanding that a vote, official action, or judgment of the public officer, employee, or candidate would be influenced thereby; and

WHEREAS, Section 4 of the Code of Ethics further provides that food, refreshments, foodstuffs, entertainment and beverages provided as part of a meal or other event if the value does not exceed thirty-five dollars (\$35) per occasion does not constitute "anything of value"; and

WHEREAS, Tenn. Code Ann. § 3-6-305 provides for a fifty dollar (\$50.00) limitation; and

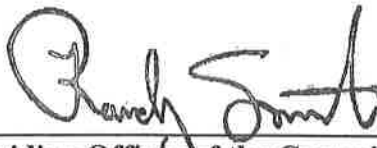
WHEREAS, the Knox County Commission desires to amend the Code of Ethics to increase the limit from thirty-five dollars (\$35.00) to fifty dollars (\$50.00) to be consistent with state law.


NOW THEREFORE BE IT RESOLVED BY THE COMMISSION OF KNOX COUNTY AS FOLLOWS:


The Knox County Commission hereby amends the Code of Ethics for Knox County, Tennessee by replacing "thirty-five dollars (\$35)" with "fifty dollars (\$50)" wherever it appears in Section 4, Acceptance of gifts and other things of value.

BE IT FURTHER RESOLVED, that if any notifications are to be made to effectuate this Resolution, then the County Clerk is hereby requested to forward a copy of this Resolution to the proper authority.

BE IT FURTHER RESOLVED, that this Resolution is to take effect from and after its passage, as provided by the Charter of Knox County, Tennessee, the public welfare requiring it.


Presiding Officer of the Commission 2/26/18 Date


County Clerk 2/27/18 Date

Approved:  3/2/18 Date

County Mayor Date

Vetoed: _____
County Mayor Date