

LOUDON COUNTY GOVERNMENT



Doyle Arp Estelle Herron
County Mayor

2010 SEP -3 PM 3:08
BUREAU OF ETHICS
CAMPAIN CHANGE

Brenda Bright
Administrative Assistant

100 River Road, #106
Loudon, TN. 37774
brightb@loudoncounty-tn.gov

Phone 865-458-4664
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FAX TRANSMITTAL

To: Becky Bradley
From: Brenda Bright
RE: Code of Ethics
Date: Sept 3, 2010

FAX: 1-615-532-8905
~~615-741-7959~~
PAGES: 5

Becky, we filed a copy of Loudon
County's Code of Ethic Policy in
March of 2007.
Loudon County HAS PASS A revision of
Section 6.7 Section. ~~Section 6.7~~
Brenda Bright
Thanks for you help?

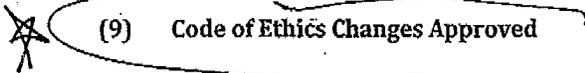
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LOUDON COUNTY COMMISSION

REGULAR MEETING

April 05, 2010

- RECEIVED
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BUREAU OF ETHICS
& CAMPAIGN FINANCE
- (1) Honorary Award Presented
 - (2) Public Hearing
 - (3) Opening of Meeting
 - (4) Roll Call
 - (5) Agenda Adopted as Amended
 - (6) Minutes for March 1, 2010 Approved as Amended
 - (7) Comments: Agenda Items
 - (8) Board Appointments Approved Resolution 040510-A
 -  (9) Code of Ethics Changes Approved Exhibit 040510-B
 - (10) Commission On-Line Forum Approved Exhibit 040510-C
 - (11) Resolution to Oppose SB2938/HB3590 Approved Resolution 040510-D
 - (12) Bicycle/Pedestrian Facilities on New Fort Loudoun Bridge Approved Resolution 040510-E
 - (13) Rezoning of 3 Acres on Hwy 72S Approved Resolution 040510-F
 - (14) Storm Water Run-Off Ordinance Violations Notification Presented To Commission
 - (15) Understanding County Budgets Document Exhibit 040510-G-1
 - (16) Tellico Village Library Grant Approved
 - (17) Contribution to Fire Rescue Grant Approved
 - (18) General Purpose School Fund 141 Approved Exhibit 040510-G-2
 - (19) Federal Projects Fund 142 Approved Exhibit 040510-H
 - (20) Public Library Fund 115 Approved Exhibit 040510-I
 - (21) Financial Statements Distributed Exhibit 040510-I
 - (22) Bonds Issue Timeline Discussed
 - (23) Notaries and Bond Approved Exhibit 040510-K
 - (24) Comments: Non-Agenda Items
 - (25) Director of Schools Report
 - (26) Mayor's Announcements
 - (27) Adjournment

(6)
Minutes for
March 1, 2010
Approved
As Amended

Chairman Bledsoe requested that the March 1, 2010 County Commission Minutes be approved and accepted.
Commissioner Miller requested two changes to the Minutes in the Mayor's Comments. Changes were acknowledged and noted.
A motion was made by **Commissioner Miller** with a second by **Commissioner Gardin** to approve and accept the March 1, 2010 County Commission Minutes as amended.
Upon voice vote the motion **Passed** unanimously.

(7)
Comments:
Agenda Items

Chairman Bledsoe asked that any visitor wishing to address the Commission regarding items on the planned Agenda come forward.
Richard Truitt voiced his opposition to giving the School Board taxing authority to fund school budget requirements which is the issue in SB2938/HB3590.

Loudon County Mayor - Doyle Arp

Board
Appointments
Approved

1. Request Consideration of Approving a Resolution for Appointments to the Following Board:

a. Equalization Board
A motion was made by **Commissioner Miller** with a second by **Commissioner Meers** to approve these Appointments.
Upon voice vote the motion **Passed** unanimously.

Resolution 040510 - A

(9)
Code of
Ethics
Changes
Approved

2. Request Consideration of Approving Changes to the Loudon County Code of Ethics adopted February 5, 2007 Regarding Ethics Policy, Complaint Procedures and the Ethics Committee, Section 6.7.

A motion was made by **Commissioner Meers** with a second by **Commissioner Maples** to approve these Changes.
Upon voice vote the motion **Passed** unanimously.

Exhibit 040510 - B

(10)
Commission
On-Line
Forum
Approved

3. Request Approval of the Implementation of the Loudon County Commission On-Line Forum Concept.

A motion was made by **Commissioner Gardin** with a second by **Commissioner Miller** to approve this Implementation.
Upon voice vote the motion **Passed** unanimously.

Exhibit 040510 - C

(11)
Resolution
To Oppose
SB2938/HB3590
Approved

4. Request Consideration of Approving a Resolution to Urge the General Assembly to Oppose SB2938/HB3590.

A motion was made by **Commissioner Shaver** with a second by **Commissioner Franke** to approve this Resolution.
Upon roll call vote the following Commissioners voted **Aye: Meers, Maples, Shaver, Franke, Bledsoe, Duff, Gardin, Miller, and Marcus: (9)**
The following Commissioners voted **Nay: (0)**
The following Commissioner was **Absent: Park: (1)**
Thereupon the Chairman announced the motion **Passed: (9,0,1)**

Resolution 040510 - D

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 BUREAU OF ETHICS & COMPLAINTS

Exhibit 040510 - B

Ethics Policy, Complaint Procedure and Ethics Committee

Formatted

Section 6.7

In accordance with Section 49 of the Comprehensive Governmental Ethics Reform Act of 2006, Loudoun County adopted a Code of Ethics on February 5, 2007. It applies to all County boards, committees, commissions, authorities, corporations or other instrumentalities appointed or created by the county or an official of the County, specifically including the school board, election commission, health department, and utility district of the County.

"Officials and employees" means 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.

For the purposes of the Code of Ethics policy, "personal interest" means 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.

Officials or employees with the responsibility to vote upon matters shall disclose, during the meeting at which the vote takes place, before the vote and to be included in the minutes, any personal interest affecting or which would lead a reasonable person to infer that it is affecting that individual's vote on the measure. To the extent allowed by law, the official or employee may excuse himself or herself from voting on the measure.

Officials or employees who must exercise discretion relating to any matter other than casting a vote and who have a personal interest in the matter that affects or would lead a reasonable person to infer that it does affect the exercise of discretion shall disclose, before the exercise of the discretion when possible, the interest on the "Conflict of Interest Disclosure Statement" and file the disclosure form with the county clerk. Copies of the "Conflict of Interest" form are available from Employee Benefits. In addition, the official or employee may, to the extent allowed by law, excuse himself or herself from exercising discretion in that matter.

Officials, employees, or their spouse or child living in the same household, shall not accept, directly or indirectly, any gift, money, gratuity, or other consideration or favor of any kind from anyone other than the County: (1) For performing an act, or refraining from performing an act that he or she be expected to perform or refrain from performing in the regular course of duties; or (2) That a reasonable person would understand to be intended to influence the vote, official action, or judgment of the official or employee in executing county business.

It is not a violation of this policy to receive entertainment, food, refreshments, meals, health screenings, amenities, foodstuffs, or beverages 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 an association.

BUREAU OF ETHICS
& CAMPAIGN FINANCE

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An official or employee may not disclose any information obtained in his official capacity or position of employment that is made confidential under state or federal law except as authorized by law. An official or employee may not use or disclose information obtained in his official capacity or position of employment with the intent to result in financial gain for himself or any other person or entity.

An official or employee may not use or authorize the use of county time, facilities, equipment, or supplies for private gain or advantage to himself, a family member, or any group with which the official or employee is affiliated. County time, facilities, equipment, and supplies are to be used only for the benefit of the County.

An official or employee may not make or attempt to make private purchases for cash or otherwise in the name of the County. An official or employee may not use or attempt to use his position to secure any privileges or exemption for himself or others that is not authorized by the general law or other policy of the County.

If you have questions or complaints regarding violations of the Code of Ethics, or of any state law governing ethical conduct, report them immediately to the chair of the Ethics Committee. Make your complaint in writing, sign it, and include a reasonable description of the factual circumstances upon which the complaint or question is based.

The Ethics Committee will investigate any credible complaint against an official or employee which charges a violation of the Code of Ethics. The Committee may also investigate on its own when it acquires information indicating a possible violation, and make recommendations for action to end or seek retribution for any activity that, in its judgment, constitutes a violation of the Code of Ethics. If a member of the Committee is the subject of a complaint, he or she will recuse himself or herself from all proceedings involving the 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 Commission for possible public censure; (3) In the case of an employee, refer the matter to the supervising official for possible disciplinary action; or (4) In a case involving possible violation of state statutes, refer the matter to the district attorney for possible ouster or criminal prosecution.

Generally, where a violation of the Code of Ethics is also a violation of personnel policy or merit board provisions, it will be handled as a violation of that policy or provision rather than as a violation of the Code of Ethics. A "reasonable person" standard applies in the interpretation of the County's Code of Ethics.

See the "Pecuniary Interest Prohibited" policy for additional conflict of interest information, and the complete Code of Ethics, available at the County Clerk's office, for a summary description of major Tennessee conflict of interest and ethics statutes.

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& CAMPAIN FINANCE

RESOLUTION NO. 020507-C

**TO ADOPT A CODE OF ETHICS
FOR OFFICIALS AND EMPLOYEES
OF LOUDON COUNTY GOVERNMENT**

WHEREAS, Section 49 of the Comprehensive Governmental Ethics Reform Act of 2006, 2006 Public Chapter 1 (1st Ex. Sess.), (the "Ethics Reform Act") requires county legislative bodies to adopt certain ethical standards by resolution on or before June 30, 2007; and

WHEREAS, the County Technical Assistance Service (CTAS) is directed to prepare and disseminate a model of ethical standards which may be adopted by counties in compliance with the Ethics Reform Act; and

WHEREAS, Loudon County desires to adopt the CTAS model of ethical standards as the Code of Ethics for Loudon County;

NOW THEREFORE, BE IT RESOLVED by the Loudon County Commission, in regular session at assembled this 5TH day of February, 2007, that:

SECTION 1. The model of ethical standards developed by CTAS and attached to this resolution is hereby adopted as the Code of Ethics for Loudon County.

SECTION 2. Upon approval of this resolution, the County Clerk is directed to:

(a) Mail a copy of this resolution to the State Ethics Commission; and

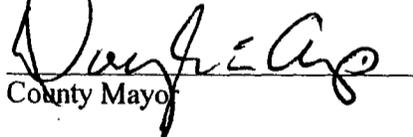
(b) Mail a copy of this resolution and the attached Code of Ethics to each county office governed thereby, including all boards, committees, commissions, authorities, corporations or other instrumentalities appointed or created by the county or an official of the county, and specifically including the county school board, the county election commission, the county health department, and utility districts in the county; and

(c) Post a copy of the Code of Ethics on each public bulletin board in the county courthouse.

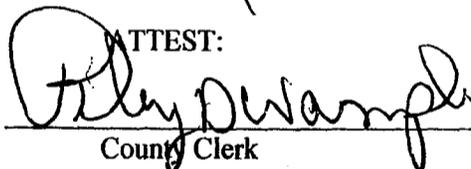
SECTION 3. This resolution shall take effect upon its passage and approval, the public welfare requiring it.

ADOPTED this 5th day of February, 2007.

APPROVED:


County Mayor

ATTEST:


County Clerk

STATE ETHICS
COMMISSION

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2007 POLICY
CODE OF ETHICS
LOUDON COUNTY, TENNESSEE

Section 1. Definitions.

(1) "County" means Loudon 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 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, excuse 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 county clerk. In addition, the official or employee may, to the extent allowed by law, excuse 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 county:

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

Section 5. Ethics Complaints. A County Ethics Committee (the "Ethics Committee") consisting of five members shall be appointed to one-year terms by the County Mayor with confirmation by the county legislative body, to be appointed each year at the same time as internal committees of the county legislative body. At least three members of the committee shall be members of the county legislative body; one member shall be a constitutional county officer or, should no constitutional county officer be willing to accept appointment, an additional member of the county legislative body; and the remaining member may be either a member of a board, committee, commission, authority, corporation, or other instrumentality governed by this policy, or an additional member of the county legislative body. 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 office of the county clerk, 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 County Ethics Committee shall investigate any credible complaint against an official 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 reclude himself or herself from all proceedings involving such 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;

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 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.

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

March 14, 2007

Loudon County 2007 Ethics Committee
Commissioner David Meers – 1st District
Commissioner Earlena Maples – 2nd District
Commissioner Chris Park – 5th District
Trustee – Estelle Herron
Commissioner for Election Board - Betty Brown

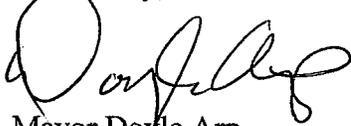
Dear Members,

Loudon County Commission met in regular session, February 5th 2007 and adopted a code of ethics for officials and employees of Loudon County Government. As newly appointed members of the 2007 Ethic's Committee, you should be electing a chair and secretary. I am asking you as a team to coordinate this policy. I personally think that the County Mayor does not need to be involved.

Per the newly adopted code of ethics resolution, the County Clerk is directed to mail a copy of the resolution to the State Ethics Commission.

Also a copy of the resolution and the attached code of ethics should be mailed to each county office, including all boards, committees, commissions, authorities, corporations appointed or created by the county. This specifically includes the county school board, the county election commission, the county health department, and utility districts. Also requires a copy of the code of ethics to be posted on each public bulletin board in the county courthouse.

Yours truly,



Mayor Doyle Arp

2007 MAR 15
11:26 AM
STATE ETHICS COMMISSION

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