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RECEIVED
2008 DEC 17 AM 9:30
TENNESSEE
ETHICS COMMISSION

December 15, 2008

To: Tennessee Ethics Commission
312 8th Avenue 8th Floor
Nashville, TN 37243

RESOLUTION # 12-08-11

A RESOLUTION CHANGING THE ROANE COUNTY CODE OF ETHICS AND REPLACING ROANE COUNTY RESOLUTION # 02-07-92 AS AMENDED.

During the December 8, 2008 meeting of the Roane County Commission, the above captioned resolution was adopted by the Commission.

The clerk was requested to forward a copy to you for your consideration. and approval.

Barbara J. Anthony
Roane County Clerk

RESOLUTION # 12-08-11

A RESOLUTION CHANGING THE ROANE COUNTY CODE OF ETHICS AND REPLACING ROANE COUNTY RESOLUTION #01-07-03 AS AMENDED.

WHEREAS, the Roane County Commission adopted Resolution # 01-07-03, As Amended, at its February, 2007 meeting, and

WHEREAS, the Ethics Committee has met and made changes to the Roane County Code of Ethics;

NOW, THEREFORE, BE IT RESOLVED that the Roane County Commission does hereby adopt the amended Roane County Code of Ethics, attached hereto and made a part hereof.

BE IT FURTHER RESOLVED, that the attached policy replaces the present Code of Ethics (Resolution # 01-07-03, As Amended).

SECTION 1. All resolutions in conflict herewith be and the same are repealed insofar as such conflict exists.

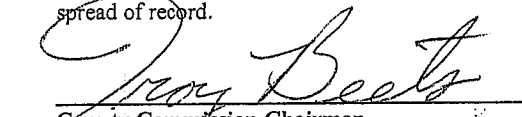
SECTION 2. This resolution shall become effective upon passage, the public welfare requiring it.

Upon motion of **Commissioner Jackson**, seconded by **Commissioner Harmon**, the following Commissioners voted Aye: **Bacon, Beets, Brummett, Cantrell, Collier, Currier, East, Goddard,, Harmon, Jackson, Johnson, Olsen, Rose, Tedder (14)**

The following Commissioners Passed: -0-

The following Commissioners voted No: -0-

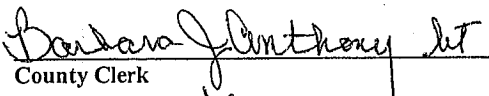
THEREUPON, the County Commission Chairman announced to the Commission that said resolution has received a constitutional majority and ordered same spread of record.



County Commission Chairman

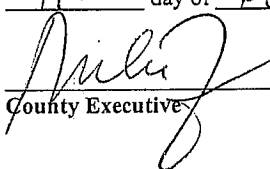
The foregoing resolution was submitted to the County Executive for his consideration the 11th day of December, 2008.

ATTESTED:



County Clerk

I hereby approve veto _____ the foregoing resolution this the 11th day of December, 2008.



County Executive

Submitted by Commissioner Beets for the Ethics Committee.

See attachment

**CODE OF ETHICS
ROANE COUNTY, TENNESSEE**

Section 1. Definitions

- A. "County" means Roane 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.
- B. "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.
- C. "Personal interest" means, for the purpose of disclosure of personal interests in accordance with this Code of Ethics, a direct 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.
- D. "Ethical standards" means Tennessee Code Annotated 8-17-102(a)(3) as follows: "Ethical standards" includes rules and regulations regarding limits on, and/or reasonable and systematic disclosure of, gifts or other things of value received by officials and employees that impact or appear to impact their discretion, and shall include rules and regulations regarding reasonable and systematic disclosure by officials and employees of their personal interests that impact or appear to impact their discretion. The term "ethical standards" does not include personnel or employment policies or policies or procedures related to operational aspects of governmental entities.

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, 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 *direct* 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.

- A. 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;
- B. 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
- C. 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 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. ***Any complaint***

found to be credible by the full County Ethics Committee against any official or employee which charges violations of this Code of Ethics shall be made a part of the record by the secretary.

Questions and complaints regarding violations of this Code of Ethics, as defined in Section 1(D) of this policy, 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 complaint shall be completed on a form available at the Roane County Clerk's Office. The person being named in the complaint(s) shall have ten (10) business days after notification to respond in writing to the Chairman of the Ethics Committee.

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 the complaint, such member shall recuse himself or herself from all proceedings involving such complaint.

The Committee may:

- A.** Refer the matter to the County Attorney for a legal opinion and/or recommendations for action;
- B.** 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;
- C.** 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;
- D.** In a case involving possible violation of state statutes, refer the matter to the district attorney for possible ouster or criminal prosecution;
- E.** Refer any complaints outside of this policy to the proper venue.

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 violations 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. This Code of Ethics Policy only encompasses ethical violations as referenced in Section 1(D) of this policy. (1) 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 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.

**ROANE 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