

WASHINGTON COUNTY, TENNESSEE BOARD OF COUNTY COMMISSIONERS

RESOLUTION NO. 23-09-03

RESOLUTION APPOINTING MEMBERS TO THE ETHICS COMMITTEE

WHEREAS, pursuant to the Code of Ethics of Washington County, Tennessee, Section 11, the County Ethics Committee, consisting of five members, shall be appointed to one-year terms by the County Mayor with confirmation by the County Legislative Body, each September. 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 shall be either a member of a board, committee, commission, authority, corporation, or other instrumentality governed by the Ethics Policy, or an additional member of the county legislative body; and

WHEREAS, the County Mayor recommends to the Board of County Commissioners the reappointment of Commissioners Greg Matherly, Jerome Fitzgerald, and Suzy Williams, and County Trustee Rick Storey, and Mr. Pat Wolfe to the Ethics Committee for a term ending September 30, 2024; now therefore

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF WASHINGTON COUNTY, TENNESSEE THAT:

SECTION 1. Commissioners Greg Matherly, Jerome Fitzgerald, and Suzy Williams, County Trustee Rick Storey, and Mr. Pat Wolfe are hereby reappointed to serve on the Ethics Committee for a term beginning as set forth in Section 2, and ending September 30, 2024.

SECTION 2. This Resolution shall take effect from and after the date on which it is approved by the County Mayor or as indicated by certification of the County Clerk, as hereinafter set forth.

Introduced by Commissioner: *Fitzgerald*

Seconded by Commissioner: *Huffine*

Commissioners Voting FOR: *Tucker, Johnson, Fitzgerald, England, Williams, Tomita, Jones, Wexler, Huffine, Wheeler, Carder*

Commissioners Voting AGAINST: *None*


Commissioners Abstaining: *None*

Commissioners Absent: *Edens, Davenport, Matherly, Malone*

ADOPTED BY THE COUNTY LEGISLATIVE BODY, in session duly assembled, on this the 25th day of September, 2023.



CHERYL STOREY, County Clerk




GREG MATHERLY, Chair of the Board

REFERRED to County Mayor this the 29 day of Sept. 2023.



CHERYL STOREY, County Clerk

APPROVED by County Mayor on this the 29 day of Sept 2023.



WILLIAM J. GRANDY, County Mayor

The County Mayor having declined to approve this Resolution, the same became effective on the ___ day of _____ 2023, pursuant to Tennessee Code Annotated § 5-6-107(b)(5).

CHERYL STOREY, County Clerk

Approved as to form by the County Attorney this 26th day of September 2023.



ALLYSON L. WILKINSON, County Attorney

CODE OF ETHICS WASHINGTON COUNTY, TENNESSEE

Section 1. Definitions

(1) "County" means Washington 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, recuse himself or herself from voting on the measure.

Section 3. Disclosure of personal interest in non-voting matters. An official or employee who must exercise discretion relative to any matter other than casting a vote and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on the attached disclosure form and file the disclosure form with the 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. Employee Responsibilities. Each official and employee shall avoid any action, whether or not specifically prohibited by statute, regulation, or this policy, which might result in or create the appearance of

- i. using public office for private gain;
- ii. giving preferential treatment to any person;

- iii. impeding government efficiency or economy;
- iv. losing independence or impartiality; or
- v. making a government decision outside of official channels.

Section 5. Gifts. Employees and officials must remain independent from those who contract with Washington County. Therefore, no official or employee shall accept or receive, directly or indirectly, from any person, firm or corporation to which any contract or purchase order may be awarded, by rebate, gift or otherwise, any money or anything of value whatsoever, or any promise, obligation or contract for future reward or compensation. No official or employee shall solicit or accept, directly or indirectly, on behalf of himself or herself or any member of the official or employee's household, any gift, including but not limited to any gratuity, service, favor, food, entertainment, lodging, transportation, loan, loan guarantee or any other thing of monetary value, from any person or entity that:

- i. Has, or is seeking to obtain, contractual or other business or financial relations with Washington County; or
- ii. Conducts operations or activities that are regulated by Washington County;
- iii. Has interests that may be substantially affected by the performance or nonperformance of the official or employee's official duties.

Exceptions. The prohibition on accepting gifts (paragraph 5 Gifts) does not apply to:

- i. A gift given by a member of the 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;
- ii. Informational materials in the form of books, articles, periodicals, other written materials, audio tapes, videotapes, or other forms of communication;
- iii. Sample merchandise, promotional items, and appreciation tokens, if they are routinely given to customers, suppliers or potential customers or suppliers in the ordinary course of business;
- iv. Unsolicited tokens or awards of appreciation, honorary degrees, or bona fide awards in recognition of public service in the form of a plaque, trophy, desk item, wall memento and similar items; provided, that any such item shall not be in a form which can be readily converted to cash;
- v. Food, refreshments, foodstuffs, entertainment, or beverages provided as part of a meal or other event, if the value of such items does not exceed thirty dollars (\$30.00) per occasion; provided further, that the value of a

gift made pursuant to this subsection may not be reduced below the monetary limit by dividing the cost of the gift among two or more persons;

When it is in the best interest of the County, a county official or department head may at any time restrict an employee(s) from accepting additional gifts under this provision;

- vi. Food, refreshments, meals, foodstuffs, entertainment, beverages or intrastate travel expenses that are provided in connection with a county services event or an event where the official or employee is a speaker or part of a panel discussion at a scheduled meeting of an established or recognized membership organization which has regular meetings; and
- vii. Loans from established financial institutions made in the ordinary course of business on usual and customary terms, so long as there are no guarantees or collateral provided by any person described in paragraph 5 Gifts.

Section 6. Use of information. No official or employee 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 government 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 employee; or
- ii. Engage in a financial transaction as a result of, or primarily relying upon, information obtained through his or her government employment.

Section 7. Use of Government Property. No employee shall make use of the facilities, equipment, personnel, or supplies of the State 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.

Section 8. Holiday and Event Gifts. County officials and employees are public servants to the citizens of Washington County. As a result, it is not uncommon for citizens to offer small gifts, foodstuffs, and other gratuities. Officials and employees may not accept gratuities and gifts that exceed a value of \$10.00. Acceptance of monetary gifts by officials and employees is strictly prohibited. This rule does not prevent employees and officials from accepting gifts from their employer, supervisor, or co-workers, or employees. Employees may also receive prizes given at holiday event celebrations sponsored by Washington County or one of the county's departments, so long as the gift was received as part of a random drawing where other employees present also had an equal opportunity to win the prize.

Section 9. Holiday-Event Celebrations. Gifts to support Christmas and New Year holiday parties for county employees may be accepted in accordance with the

provisions of this rule. The acceptance of money or other items of value in excess of \$100.00 is prohibited. Gifts may be accepted if the value is \$100.00 or less, and the gifts are intended to support a function that benefits a Washington County, department or office celebration function. All gifts received pursuant to this rule must be documented and filed within 10 days of receipt of the gift with the County Ethics Committee, which filing will be accomplished by filing the disclosure statement with the County Clerk. The filing shall be made utilizing a disclosure statement provided by the County Ethics Committee.

Section 10. Conflicts of Interest Prohibited. Neither county employees, members of the county legislative body, nor other officials of the county, shall be financially interested, or have any personal beneficial interest, either directly or indirectly, in any contract or purchase order for any supplies, materials, equipment or contractual services used by or furnished to any department or agency of Washington County government.

Section 11. 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 September. 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 shall 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 shall 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 recuse 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 public 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.

**COMPLAINT
WASHINGTON COUNTY ETHICS COMMITTEE**

This form must be used to report alleged violations of the Washington County Ethics Policy.

Part I		IDENTIFYING INFORMATION	
1. Complainant			
a. Name (first name, initial, and last name)			
b. Mailing or street address (room, apt., suite no. and street, or P.O. box)			
c. City, state, zip code			
d. Telephone		e. E-mail (if available)	
2. Alleged Violator(s)			
a. First and last name of each alleged violator		b. List the Position or Title of each alleged violator	
c. Mailing or street address of each alleged violator			

[illegible]

State all facts that constitute each alleged violation. State the dates upon which (or the time period within which) each violation allegedly occurred. Attach additional sheets as needed, signing and numbering each page...

Part IV**SUPPORTING DOCUMENTATION**

1. List all documents and other materials in your possession that are relevant to this complaint.

Initial Here If the Documents Are Attached to this Sworn Complaint form: _____

2. List all documents and other materials relevant to this complaint that are available to you, but are not currently in your possession. State the last known location of the document or material.

Document/Material	Location

3. List all documents and other materials that are relevant to this complaint but are not available to you. State the last known location of the document or material.

Document/Material	Location

Part V**AFFIDAVIT**

Signature of Complainant

Date

Sworn to and subscribed before me this _____ day of _____ in _____
County, Tennessee:

Signature of Notary

My Commission Expires: _____

**WASHINGTON CODE OF ETHICS
CONFLICT OF INTEREST DISCLOSURE STATEMENT**

Instructions: This form is for reporting personal interests required to be disclosed under Sections 2 and 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