

# **CODE OF ETHICS FOR WILLIAMSON COUNTY, TENNESSEE**

## **Section 1. Definitions.**

(1) "County" means Williamson 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.

(4) "Prohibited sources" means any person, business, entity or other organization that is seeking official action, decisions or performance or non-performance of an official, employee or appointee of the County. Nothing in this Code of Ethics prohibits an official, employee, or appointee from conducting such County business with, or voting or approving a matter involving, a lending institution whose lending activity is regulated by the state or federal government, solely because that official, employee, or appointee, conducts private business with the institution upon the same terms as those granted to the public generally and not otherwise in violation of this ordinance. ***Comment: This excludes mortgages.***

**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. Acceptance of Gifts.**

(1) An official, or employee, 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 for the performance of an act, or refraining from performance of an act, that he would be expected to perform or refrain from performance of an act that he would be expected to perform, or refrain from performing, in the regular course of his County duties.

(2) An elected official shall not accept any entertainment, food, refreshments, meals, health screenings, amenities, foodstuffs, beverages, or other items with a value in excess of \$100.00 in a calendar year from any prohibited source or single entity which conducts business with the County or appears before the board of County commissioners.

(3) It shall not be considered a violation of this policy for an official or employee to receive meals and entertainment offered as part of events sponsored by public or quasi-public entities, community organizations, or non-profit charitable or educational organizations.

(4) Notwithstanding anything in this code of ordinances to the contrary, an officer or employee may accept any offer of items described in paragraph two of this section regardless of value, provided that the same items are offered at the same time to the public generally or to all County commissioners or all other individuals in the same class of official or employee.

(5) It shall not be considered a violation of this policy for an official or employee to accept, either directly or indirectly, flowers, food, or donations on behalf of a non-profit in response to a family illness or death.

(6) The officer or employee who accepts any gifts as provided for under subsection (2) and (3) of this Section 4 shall disclose the gratuities to the Ethics Officer within 30 days of acceptance by filling out the gratuity form adopted by the Ethics Commission. A copy of the disclosure form will be forwarded to the County clerk for filing.

### **Section 5. Ethics Commission and procedures to file complaints.**

A County Ethics Commission consisting of 5 members, shall be appointed to a 2 year term by the mayor with confirmation by the board of County commissioners. At least 3 members of the committee shall be members of the County legislative body; 1 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 Commission shall elect a chair and a secretary. The secretary shall fill in as chairman unless another committee member is appointed during the period of the chairman's absence. The records of the Ethics Commission shall be certified as a record of the Ethics Commission actions by signature of the secretary and shall be filed and maintained in the office of the County clerk, where they shall be open to public inspection.

**Jurisdiction.** The Ethics Commission shall have jurisdiction over ethics complaints lodged against officials and employees.

**Duties of Ethics Commission.** The Ethics Commission shall investigate any credible complaint referred by the Ethics officer charging a violation under this Code of Ethics by an official, employee, or appointee in its jurisdiction. The Ethics Commission shall establish by a simple majority vote, procedural rules and regulations for the conduct of hearings, meetings, and other activities of the Commission.

**Ethics officer.** The County attorney or a designee shall serve as the Ethics officer to the Ethics Commission. The Ethics officer shall provide legal advice and direction to the Commission, and shall review all ethics complaints prior to those complaints being heard by the Commission. Upon reviewing a complaint, the Ethics officer may take no action, refer the matter to an appropriate officer or entity, or refer it to the Ethics Commission. If requested by the board, any County elected official, or any department head, the Ethics officer may issue ethics opinions, verbally or in writing.

**Filing complaints and hearing procedures.** Questions and complaints regarding the application or any violation of the Code shall be directed to the Ethics officer. Complaints against

an individual shall be in writing and signed under oath by the person making the complaint, and shall set forth in reasonable detail the facts upon which the complaint is based.

Any complaints forwarded to the chair by the Ethics officer shall contain comments to the Ethics Commission as to the validity of the complaint. Upon receiving a complaint, the Ethics Commission chair shall schedule a meeting within 45 days of receipt of the complaint.

The individual who is the subject to the complaint may be represented by counsel and put on witnesses and supporting documentation. If the panel finds that no violation has occurred, then the panel shall dismiss the complaint. If it is determined that a violation has occurred, then the panel shall submit its findings and recommendations to the appropriate elected officials.

If a member of the Ethics Commission is the subject of a complaint, such member shall recuse himself or herself from all proceedings involving such complaint.

Upon finding a violation to the Code of Ethics, the Ethics Commission may recommend one or more of the following:

1. In the case of an employee, that the employee's supervisor take disciplinary action in accordance with County policy;
2. In the case of an elected official, that a record of the findings be filed with the County clerk's office;
3. In the case of an elected official, that an ouster suit be brought by the appropriate law enforcement official; or
4. In the case of a possible criminal violation, refer the matter to the district attorney for possible ouster or criminal prosecution.

By a unanimous vote, the Commission may dismiss the complaint if it determines that there is insufficient credible evidence supporting the allegations.

If the Ethics Commission finds that an ethics violation resulted from a good faith mistake, then the Ethics Commission may by majority vote issue a warning rather than any sort of formal recommendation or disciplinary action.

**Penalties for frivolous complaints.** It shall be a violation to submit a complaint to the Ethics Commission that has no genuine basis in fact. Any person, firm, or corporation in violation of this subsection shall be fined no more than \$50.00 plus court costs and reasonable attorney fees, if determined by a unanimous vote of the Ethics Commission that the complaint is frivolous and not based on relevant facts.

Any action of the Ethics Commission resulting in a monetary fine may be appealed by certiorari to Chancery Court of Williamson County within 60 days of the action. Any appeal shall stay final action by the Ethics Commission. All fines shall be paid to the Williamson County Court Clerk's Office.

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 obtains 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.