

One Public Square, Suite 101
Shelbyville, TN 37160
Chad.Graham@BedfordCountyTN.org



931-684-7944 Phone
931-684-8697 Fax
BedfordCountyTN.org

BEDFORD COUNTY TENNESSEE

CHAD D. GRAHAM — COUNTY MAYOR

January 19, 2023

Tennessee Ethics Commission
404 James Robertson Parkway
Suite 104
Nashville, TN 37243

Re: Bedford County Government Ethics Policy

To Whom It May Concern:

Please let this letter serve as formal notification that Bedford County Government has approved the most recent 2022 model Ethics policy provided by County Technical Advisory Service (CTAS). The Bedford County Commissioners approved this model policy unanimously by voice vote at their regular business meeting of January 10, 2023. A copy of the approved policy and the minutes from the meeting at which it was approved are enclosed.

Should you have any questions, please contact my office at 931-684-7944.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Chad D. Graham", is written over a horizontal line.

Chad D. Graham

Enclosures

Cc: Donna Thomas, Bedford County Clerk
Shanna Boyette, Bedford County HR Director

CDG:sa

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CODE OF ETHICS BEDFORD COUNTY, TENNESSEE

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Section 1. Definitions.

(1) "County" means Bedford 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 election commission and the county health department.

(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 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 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.

An official or employee who accepts any gift, money, gratuity, or other consideration or favor of any kind from anyone other than the county shall disclose such acceptance on the attached disclosure form and file the disclosure form with the county clerk.

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 recuse himself or herself from all proceedings involving such complaint.

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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.

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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 order for any supplies, materials, equipment or contractual services used by or furnished to any department or agency of the county government.

Conflict of interest – T.C.A. § 5-21-121 applies in counties that have adopted the County Financial Management System of 1981. It prohibits the director, purchasing agent, members of the committee, members of the county legislative body, other officials of the county, members of the board of education, members of the highway commission, and employees of the finance department and purchasing department from having a direct interest in the purchase of supplies, materials, equipment, or contractual services for the county. In addition, it requires the disclosure of indirect financial interests by public acknowledgment.

Conflict of interest – T.C.A. § 5-5-112 governs conflict of interests of members of the county legislative body who are also employees of the county or whose spouse is an employee of the county.

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 county purchasing commission, members of the county legislative body, and other officials of the county from accepting or receiving, directly or indirectly, from a person, firm, or corporation to which a contract or purchase order may be awarded, be rebate, gift, or otherwise,

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money or anything of value whatsoever, or a promise, obligation, or contract for future award or compensation.

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.

Sheriff sales–T.C.A. §8-8-206 prohibits sheriffs and deputy sheriffs from purchasing, either directly or indirectly, any property sold through their own judicial sale no matter which court is involved.

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.

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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 which is punishable by ouster from office, including misconduct in office and neglect of duty.

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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

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GIFT DISCLOSURE STATEMENT

Instructions: This form is for reporting the acceptance of any gift, money, gratuity, or other consideration or favor of any kind from anyone other than the county required to be disclosed under Section 4 of the Code of Ethics of this county.

1. Date of disclosure: _____

2. Name of official or employee: _____

3. Office and position: _____

4. Description of gift, money, gratuity, or other consideration or favor (describe below in detail):

Signature of official or employee

Witness Signature

Printed name of witness



**Bedford County Board of Commissioners
Commissioner Board Meeting**

Date: **Tuesday, January 10, 2023**
Time: **7:00 PM**
Location: Bedford County Historic Courthouse, 2nd Floor,
Community Room

Minutes

Call to Order: Chairman, Mayor Chad D. Graham
Prayer and Pledge of Allegiance: Pastor Jimmy West led in prayer and a moment of silence for former
Commissioner Gordon Warren
Open Meeting: Sheriff Austin Swing
Roll Call: County Clerk Donna Thomas

PRESENT	ABSENT
Bill Anderson	John Boutwell
Jason Boyette	Tony Smith
Janice Brothers	
Anita Epperson	
Biff Farrar	
Drew Hooker	
Scott Johnson	
Eric Maddox	
Diane Neeley	
Sylvia Pinson	
Julie Sanders	
Adam Thomas	
Mark Thomas	
Troy Thompson	
Greg Vick	
Linda Yockey	

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Minutes Approval:

1. Approval of Commission Meeting Minutes from December 13, 2022 - *Placed on the agenda without a recommendation by Rules & Legislative Committee.*
Motion to approve by Mark Thomas. Seconded by Adam Thomas. Passed by voice vote.

Elections & Confirmations:

2. Elect Notaries for February 2023 - *Placed on the agenda by the Rules & Legislative Committee.*
Motion to approve by Mark Thomas. Seconded by Epperson. Passed by voice vote.

**BEDFORD COUNTY CLERK
DONNA THOMAS COUNTY CLERK
100 PUBLIC SQ STE 104
SHELBYVILLE TN 37160
Telephone 931-684-1921
Fax 931-685-9590**

Notaries to be elected January 10, 2023

EMILY ANDERTON	MARY JO JOHNSON
LAWRENCE ATHERTON	MOSLIM MOHAMMED
DARLA DAMRON	JERILYN MOORE
CRYSTAL FULLER	SARAH OLSON
ANTHONY W HARRIS	LORI K PIERCE
CHEYENNE L HENNIGER	

3. Appointment to Ethics Committee.
Graham put forth the following names for the Ethics Committee: Biff Farrar, Mark Thomas, Julie Sanders, Tony Smith, Tonya Davis
Yockey made a motion to approve. Seconded by Thompson. Passed by voice vote.

Presentations: None.

Resolutions: None.

Additional Items by Standing Committees:

Rules and Legislative Committee:

4. Request to name bridge spanning the Duck River on Sims Rd. in memory of Jimmy Woodson - *Placed on agenda with favorable recommendation (unanimous).*
Motion to approve by Epperson. Seconded by Pinson. Passed by voice vote.

5. Confirm standing committees and chairmanships.

Farrar made a motion to keep the members of the committees as they are. Seconded by Epperson. Passed by voice vote.

6. Ethics Policy - Adopt updated model CTAS policy.

Yockey made a motion to adopt the state ethics policy model. Seconded by Pinson. Passed by voice vote.

A copy of the Ethics Policy is on file in the Clerk's office.

7. Accept the County Highway Department Road Listing.

Mark Thomas made a motion to accept the County Road Listing as submitted by Highway Director Mark Clanton. Seconded by Vick. Passed by voice vote.

A copy of the Road List is on file in the Clerk's office.

Law Enforcement Committee:

8. Approve Sheriff's Department Tablet Bid, 3-year Contract - *Placed on agenda with favorable recommendation (4-1).*

Mark Thomas made a motion to defer until the vendor can be present to answer questions. Seconded by Thompson.

Courthouse and Property Committee:

9. Approve all committee meetings to be held in courtroom of Historic Courthouse - *Placed on the agenda by unanimous vote (3-0).*

Hooker made a motion to ask the Mayor to identify alternative options for committee meetings within the courthouse that would seat at least 50 people excluding the finance committee which would remain at Dover Street. The Chairperson of any of the committees could have the option to move a meeting to the main courtroom for anticipated large crowd agendas. He asked that the Mayor report back to the Courthouse and Property Committee at its February meeting. Seconded by Maddox.

Mark Thomas asked if the Dover Street location would be considered since it is already setup to accommodate meetings. Hooker said since we have spent a lot of money on the courthouse renovation it is appropriate to hold the Commission/Committee meetings here. Yockey added that the decision is up to the Mayor.

Passed by voice vote.

Financial Management Committee:

10. Surplus Property - BOE

Motion to approve by Mark Thomas. Seconded by Yockey. Passed by voice vote.

A copy of the surplus list is on file in the Clerk's office.

Other Business:

11. Q2 Reports

Clerk & Master - Absent

Circuit Court Clerk/Driving School Director – Absent, submitted report

County Clerk – Donna Thomas reported on YTD activity.

Director of Schools – Dr. Tammy Garrett gave a report on the progress of Community HS, the new elementary school, CTE program, and work-based learning for credit and wages.

Election Registrar – Absent, submitted report

Hwy Superintendent – Absent, submitted report

Property Assessor - Absent

Registrar of Deeds – Absent, submitted report

Trustee – Tonya Davis reported on YTD activity.

Shelbyville-Bedford Partnership – Shane Hooper reported on current projects.

Announcements

- \$4.4 million state grant for Bedford County's broadband expansion.
- Sentaor Marsha Blackburn will visit the courthouse on January 17 at 1:30.
- County offices will be close January 16 for Martin Luther King Day.
- Disclosure of Interest Statements must be filed with the state by January 31.
- Graham commended all of the agencies who were instrumental in evacuating Glen Oaks Nursing Home during their recent flooding.

- The School Board will meet on January 19 to endorse the new school building project and send it to the Commission. There will be a special-called Commission meeting to address it on January 24 at 7:00 p.m.
- Yockey and Thomas commended the employees who helped with the flooding of the Dover Street Complex.
- Vick said that according to the Governor there will be \$1 billion in federal money will be transitioning across the country. There will be an additional funding formula developed for broadband. Remote areas without coverage will be targeted. Vick said he asked the Governor and Representative Marsh and Senator Reeves to forego the county match. The county's broadband program has provided service to 5,000 people who did not have it before.

Adjourn

Meeting adjourned at 7:55 p.m.

Attestation

I certify that the minutes were completed on the 17th day of January, 2023 and delivered to the Bedford County Mayor's office.



Donna Thomas
Bedford County Clerk

I certify that I received these minutes on the 18th day of January, 2023.



Chad Graham
Bedford County Mayor

