

RESOLUTION: 5
RESOLUTION TITLE: To Adopt A Code Of Ethics For Officials And Employees Of
Cheatham County Government
DATE: March 19, 2007
MOTION BY: Ms. Adair Schippers
SECONDED BY: Mr. John Paul Wood

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ETHICS REFORMATION

COMPLETED RESOLUTION:

BE IT THEREFORE RESOLVED, That the Cheatham County Legislative Body meeting in Regular Session this the 19th day of March 2007 in the General Sessions Courtroom at the Courthouse in Ashland City, Tennessee, WHEREAS, Section 49 of the Comprehensive Government Ethics Reform Act of 2006, 2006 Public Chapter 1 (1st Extraordinary session), (The "Ethics Reform Act") required 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, Cheatham County intends to adopt standards similar to the CTAS model of ethical standards as the "Code of Ethics" for Cheatham County;

NOW THEREFORE BE IT RESOLVED by the Calendar, Rules and Nominating Committee of the Cheatham County Commission, meeting on the 1st day of March, 2007, in the Cheatham County Courthouse, does hereby adopt the attached "Code of Ethics" Resolution; and

BE IT FURTHER RESOLVED that the Calendar, Rules and Nominating Committee recommend consideration and adoption of this Code of Ethics by the full County Commission before the required deadline of June 30, 2007; and

BE IT FURTHER RESOLVED that upon adoption of the "Code of Ethics" by the full County Commission, the County Clerk is directed to mail a copy of this resolution to the State Ethics Commission; and

BE IT FURTHER RESOLVED that upon adoption of the "Code of Ethics" by the full County Commission, the County Clerk is directed to mail a copy of this resolution to each County office, 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 all utility districts in the County; and

BE IT FURTHER RESOLVED that upon adoption of the "Code of Ethics" by the full County Commission, the County Clerk is directed to post a copy of the "Code of Ethics" on each public

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bulletin board in the County Courthouse and in all official buildings housing County offices, specifically including the County School Board, the County Election Commission, the County Health Department, and all utility districts in the County, and

BE IT FURTHER RESOLVED that this resolution take effect on its passage, the public welfare requiring it.

**CODE OF ETHICS CHEATHAM COUNTY
TENNESSEE**

Section 1. - Definitions

- (1) "County" means Cheatham County, and includes all boards, committees, commissions, authorities, corporations, or other instrumentalities appointed or created by the county or an official of the county, and specifically includes the county school board, the county election commission, the county health department, and all utility districts in the county.
- (2) "Officials and employees" 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 any official or employee, or a financial interest of any official's or employee's spouse or child, stepchild, sibling, half sibling, or extended family member living in the same household, in a matter to be voted on, regulated, supervised, or otherwise acted on in an official capacity.

Section 2. - Disclosure of personal interest in voting matters.

An official or employee with a 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, any such exercise of discretion shall disclose, before the exercise of the discretion when possible, that 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.

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An official or employee, or an official's or employee's spouse, child, stepchild, sibling, half sibling, extended family member 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 for refraining from performance of an act, that he/s/7e would be expected to perform, or refrain from performing, in the regular course of his/fter duties, or
- (2) which a reasonable person would understand was intended to influence a vote, official action, or judgment of the official or employee in executing county business.

It will 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 commission. to be appointed each year at the same time as internal committees of the county commission. At least three members of the committee shall be members of the county commission; one member shall be a constitutional county officer or, should no constitutional county officer be ^{ij} willing to accept appointment, an additional member of the county commission. 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 commission. The Ethics Committee shall convene as soon as practicable after their appointment and elect a chairman 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 chairman 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 on 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 may make recommendations for action to end, or to 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 recommendation(s) for action;

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- (2) in the case of an official, refer the matter to the county commission for possible public censure if the county commission 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 these circumstances would apply shall be used in interpreting and enforcing the 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 the 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.) section indicated.

Campaign finance - T.C.A. Title 2, chapter 10, part one Campaign financial disclosure requires that candidates for public office disclose contributors to their campaigns. Part three (campaign contribution limits) limits the total amount of campaign contributions a candidate may receive from an individual and also sets limits on the amount a candidate may receive-in cash.

Conflict of Interest - T.C.A. Section 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 contracts, from having a direct financial interest in that contract, purchase, or work, and it requires disclosure of indirect financial interest by public acknowledgment.

Conflict of interest - T.C.A. Section 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. Section 5-1-125 applies to 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. Section 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.

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Conflict of interest - T.C.A. Section 5-14-114 applies in counties that have adopted the County Purchasing Law of 1957. It prohibits the purchasing agent, members of the purchasing committee, 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. Section 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. Sections 5-5-102 and 12-4-101 governs disclosure and abstentions from voting due to conflicts of interest of members of county legislative bodies.

Conflict of interest disclosure statement T.C.A. Section 8-50-501 and the following sections require candidates, appointees, and elected officials 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, on an annual basis.

Gifts - T.C.A. Section 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 and employees 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. Section 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.

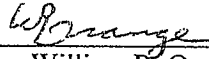
Honoraria - T.C.A. Section 2-10-116 prohibits elected officials from accepting an honorarium (including money or anything of value, but not including reimbursement for actual expenses for an appearance, speech, or article in their official capacity).

Private use of public property - T.C.A. Subsection 54-7-202 applies in counties that are governed by the County Uniform Highway Law. It prohibits the private use of equipment, rock, and *any* other highway materials.

RECORD: Approved by roll call vote, 11 Yes, 0 No, 1 Absent.

Ray Crouch, Jr.	Yes	Rickey Burton	Yes
W.R. Baker	Yes	Brenda Montgomery	Yes
Ann Jarreau	Yes	David Davidson	Yes
Jack McCanless, Jr.	Absent	LuAnn Engelman	Yes
Bill Anderson	Yes	Adair Schippers	Yes
John Paul Wood	Yes	David McCullough	Yes

COUNTY EXECUTIVE'S REMARKS:

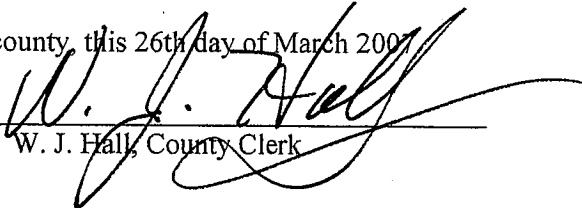


William R. Orange, County Mayor

CHEATHAM COUNTY COMMISSION CHAIRMAN ACKNOWLEDGMENT: _____

I, W.J. Hall, do hereby certify that I am the duly authorized and acting County Clerk of Cheatham County, Tennessee. And as such official, I further certify that this resolution was duly passed in open court and offered for signature to the Honorable William R. Orange, County Mayor; that this resolution was promptly and fully recorded and is open to public inspection.

Witness, My official signature and seal of said county, this 26th day of March 2007


W. J. Hall, County Clerk

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CHEATHAM COUNTY
EXECUTIVE OFFICE

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RESOLUTION: 13

RESOLUTION TITLE: To Amend The Code Of Ethics For Officials And Employees Of Cheatham County Government Approved By The Cheatham County Commission Meeting In Regular Session March 19, 2007

DATE: June 18, 2007

MOTION BY: Ms. Adair Schippers

SECONDED BY: Mr. David Davidson

COMPLETED RESOLUTION:

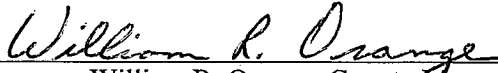
BE IT THEREFORE RESOLVED, That the Cheatham County Legislative Body meeting in Regular Session this the 18th day of June 2007 in the General Sessions Courtroom at the Courthouse in Ashland City, Tennessee, WHEREAS, Resolution 5, The Code of Ethics for Officials and Employees of Cheatham County Government, approved by the Cheatham County Commission meeting in regular session March 19, 2007 is amended to read as follows:

Section 6, Paragraph 2 Campaign finance, T.C.A. Title 2, Chapter 10, part one, Campaign financial disclosure requires that candidates for public office disclose contributors and contributions to their campaigns. Part three (campaign contribution limits) limits the total amount fo campaign contributions a candidate may receive from an individual and also sets limits on the amount a candidate may receive-in cash.

RECORD: Approved by roll call vote. 12 Yes, 0 No, 0 Absent.

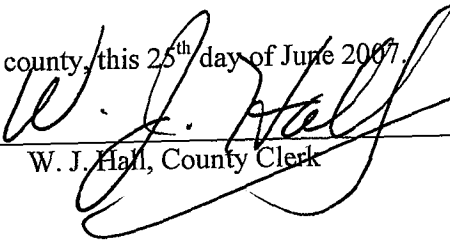
Ray Crouch, Jr.	Yes	Rickey Burton	Yes
W.R. Baker	Yes	Brenda Montgomery	Yes
Ann Jarreau	Yes	David Davidson	Yes
Jack McCanless, Jr.	Yes	LuAnn Engelman	Yes
Bill Anderson	Yes	Adair Schippers	Yes
John Paul Wood	Yes	David McCullough	Yes

COUNTY EXECUTIVE'S REMARKS:


William R. Orange, County Mayor

CHEATHAM COUNTY COMMISSION CHAIRMAN ACKNOWLEDGMENT: _____
I, W.J. Hall, do hereby certify that I am the duly authorized and acting County Clerk of Cheatham County, Tennessee. And as such official, I further certify that this resolution was duly passed in open court and offered for signature to the Honorable William R. Orange, County Mayor; that this resolution was promptly and fully recorded and is open to public inspection.

Witness, My official signature and seal of said county, this 25th day of June 2007.



W. J. Hall, County Clerk



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JUN 26 2007
CHEATHAM COUNTY
EXECUTIVE OFFICE

Law Offices
BALTHROP, PERRY & NOE
An Association of Attorneys
102 Frey St., P.O. Box 82
Ashland City, Tennessee 37015

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Telephone
(615) 792-5635
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June 26, 2007

Tennessee Ethics Commission
312 8th Avenue North
8th Floor Snodgrass Tower
Nashville, TN 37243

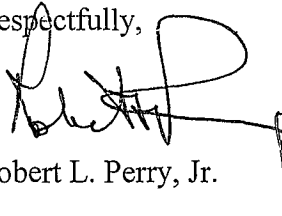
Re: Cheatham County Code of Ethics

Dear Sirs:

I represent Cheatham County. Please find enclosed is the Code of Ethics for Cheatham County, Tennessee which was adopted by the County's Board of Commissioners on March 19, 2007 and amended (to correct the omission of a word) on June 18th, 2007.

If you have any questions regarding this matter please contact me.

Respectfully,



Robert L. Perry, Jr.

cc: William McCullough, Commission Chair