



Hawkins County Board of Commissioners

150 Washington Street
Rogersville, Tennessee 37857

Telephone: (423)272-7359
Fax: (423)272-1867

Crockett Lee
County Mayor

April 15, 2007

Tennessee Ethics Commission
SunTrust Bank Building
201 4th Avenue N., 18th Floor
Nashville Tennessee 37219

RECEIVED
2007 APR 23 AM 10:49
TENNESSEE
ETHICS COMMISSION

Dear Commission:

Enclosed please find the ethics policy that was passed by the Hawkins County Board of Commissioners. The resolution reads that the county will adopt the states model policy, however the resolution was amended. Please see the amendment where in Section 5, paragraph 3, second line the words "or may" was changed to read "will". Please advise on this language.

The Board of Commissioners will meet again on May 21. I would appreciate your answer before this date if at all possible.

Sincerely,

Crockett Lee,
County Mayor

RESOLUTION

No. 2007 / 03 / 03

To the HONORABLE CROCKETT LEE, Chairman, and Members of the Hawkins County Board of Commission in Regular Session, met this 26th of March, 2007.

RESOLUTION IN REF: ADOPTION OF A CODE OF ETHICS FOR OFFICIALS AND EMPLOYEES OF HAWKINS COUNTY GOVERNMENT

WHEREAS, Section 49, of the Comprehensive Governmental Ethics Reform Act of 2006, 2006 Public Chapter 1 (1st Ex. Session), (the "Ethics Reform Act") requires 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, Hawkins County desires to adopt the CTAS model of ethical standards as the Code of Ethics for Hawkins County;

NOW THEREFORE, BE IT RESOLVED by the Hawkins County legislative body meeting in regular session at Rogersville, Tennessee, on this 26th day of March, 2007 that:

SECTION 1. The model of ethical standards developed by CTAS and attached to this resolution is hereby adopted as the code of Ethics for Hawkins County.

SECTION 2. Upon approval of this resolution, the County Clerk is directed to:

- (a) Mail a copy of this resolution, to the State Ethics Commission; and
(b) Mail a copy of this resolution and the attached Code of Ethics to each county office governed thereby, 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 utility districts in the county; and
(c) Post a copy of the Code of Ethics on each public bulletin board in the county courthouse.

SECTION 3. This resolution shall take effect upon its passage and approval, the public welfare requiring it.

SEE ATTACHED POLICY

Introduced By Esq. Virgil Mallett
Seconded By Esq. Larry Frost
Date Submitted 3/12/07
County Clerk A. Carroll Jenkins
By:
Chairman Crockett Lee

ACTION: AYE NAY PASSED
As Amended Roll Call
Voice Vote 19
Absent 2
COMMITTEE ACTION

STATE OF TENNESSEE
COUNTY OF HAWKINS

I, A. Carroll Jenkins, Clerk of Hawkins County, Tennessee, hereby certify the within to be a true and correct copy of Resolution 2007/03/03

as filed in my office, and recorded in Book 80 at page No. 14-24

WITNESS my hand and official seal of office, in Rogersville, Tennessee, this 3rd day of April yr 2007

A. Carroll Jenkins, County Clerk
By Crystal Price Deputy Clerk

RECEIVED
2007 APR 23 AM 10:49
ETHICS COMMISSION

CODE OF ETHICS
HAWKINS COUNTY, TENNESSEE

Section 1. Definitions.

- (1) "County" means Hawkins 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. 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:

MODEL ETHICS POLICY

(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.

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~~ ^{will} 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.

CTAS Model Code of Ethics, page 2

MODEL ETHICS POLICY

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.

CTAS Model Code of Ethics, page 3

MODEL ETHICS POLICY

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.

CTAS Model Code of Ethics, page 4

MODEL ETHICS POLICY

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 obtain 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.

MODEL ETHICS POLICY

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.

_____ 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

CTAS Model Code of Ethics, page 7

MOTION TO AMEND

TO THE HONORABLE CROCKETT LEE, COUNTY EXECUTIVE, AND MEMBERS OF THE
HAWKINS COUNTY BOARD OF COMMISSIONERS IN Regular SESSION
MET THIS 26th DAY OF MARCH 2007.

RESOLUTION IN RE: 2007/03/03

BE IT RESOLVED THAT CAME DANNY ALVIS AND MADE A
MOTION TO AMEND THE RESOLUTION TO STATE P.2 Section 5

PARAGRAPH 3, LINE 2 READ "WILL" IN PLACE
OF "OR MAY"

WHICH RESOLUTION # 2007/03/03 WAS DULY SECONDED BY

HANES COOPER AND ON CALL FOR QUESTION A VOTE WAS TAKEN AND

IT WAS VOTED 19 TO (2 Absent) THAT RESOLUTION # 2007/03/03

BE AMENDED ON THIS 26th DAY MARCH 2007.

A. Carroll Perkins
COUNTY CLERK

MOTION MADE BY: DANNY ALVIS

MOTION SECONDED BY: HANES COOPER

ROLL CALL VOTE

REGULAR SESSION:

RESOLUTION:

2007/03/03

AMENDMENT

Change "OR MAY" to "WILL" P.2 SECTIONS
PARAGRAPH 3, LINE 2

COMMISSIONER	ABSENT	PASSED	YES	NO
DWIGHT CARTER			✓	
LARRY FROST			✓	
CHRISTOPHER S. JONES	✓			
KENNETH H. LONG			/	
FRED MONTGOMERY			/	
TIM SIMPSON			/	
DANNY ALVIS			/	
PHILL G. BARRETT			/	
CHARLES THACKER			/	
HANES COOPER			✓	
JOHN D EIDSON			/	
VIRGIL L. MALLET			/	
BOYD GOODSON			/	
BILLY HENDERSON			✓	
GORMAN LIPE			/	
SHANE BAILEY			/	
GARY W. HICKS, JR.			/	
CLAUDE PARROTT	✓			
J. CARMEL MADDOX			/	
CHARLIE NEWTON			✓	
ROBERT A. PALMER			/	
TOTAL	2		19	

A. CARROLL JENKINS, HAWKINS COUNTY CLERK

ROLL CALL VOTE

REGULAR SESSION : MARCH 26, 2007

RESOLUTION:

2007/03/03

As Amended

ADOPTION OF A CODE OF ETHICS FOR OFFICIALS AND EMPLOYEES
OF HAWKINS COUNTY GOVERNMENT

COMMISSIONER	YES	NO	PASSED	ABSENT
DWIGHT CARTER	✓			
LARRY FROST	✓			
CHRISTOPHER S. JONES				✓
KENNETH H. LONG	✓			
FRED MONTGOMERY	✓			
TIM SIMPSON	✓			
DANNY ALVIS	✓			
PHILL G. BARRETT	✓			
CHARLES THACKER	✓			
HANES COOPER	✓			
JOHN D EIDSON	✓			
VIRGIL L. MALLET	✓			
BOYD GOODSON	✓			
BILLY HENDERSON	✓			
GORMAN LIPE	✓			
SHANE BAILEY	✓			
GARY W. HICKS, JR.	✓			
CLAUDE PARROTT				✓
J. CARMEL MADDOX	✓			
CHARLIE NEWTON	✓			
ROBERT A. PALMER	✓			
TOTAL	19			2

A. CARROLL JENKINS, HAWKINS COUNTY CLERK